



**Optional Protocol to the
Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**Subcommittee on Prevention of Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

**Visit to Switzerland undertaken from 27 January to 7
February 2019: recommendations and observations
addressed to the State party**

Report of the Subcommittee*[,] **

* In accordance with article 16 (1) of the Optional Protocol, the present report was transmitted confidentially to the State party on 26 May 2020. On 5 March 2021, the State party requested the Subcommittee to publish the report, in accordance with article 16 (2) of the Optional Protocol.

** The annexes to the present report and the footnotes are being circulated in the language of submission only.



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I. Introduction

1. In accordance with its mandate under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Subcommittee on Prevention of Torture carried out a visit to Switzerland from 27 January to 7 February 2019.
2. Switzerland ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 2 December 1986, and the Optional Protocol on 24 September 2009. In the same year, the National Commission for the Prevention of Torture was established to be the national preventive mechanism.
3. The Subcommittee members conducting the visit were: Catherine Paulet (head of delegation), Satyabhooshun Gupt Domah, Gnambi Garba Kodjo, Petros Michaelides, Abdallah Ounnir and Haimoud Ramdan. The Subcommittee was assisted by three Human Rights Officers from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and by interpreters.
4. The principal objectives of the visit were:
 - (a) To visit a range of places of deprivation of liberty in order to assist the State party in fully implementing its obligations under the Optional Protocol, particularly the obligation to strengthen the protection of persons deprived of their liberty from the risk of torture and ill-treatment;
 - (b) To provide advice and technical assistance to the national preventive mechanism and to consider the extent to which the national and cantonal authorities are supporting its work and responding to its recommendations, taking account of the Subcommittee's guidelines on national preventive mechanisms (CAT/OP/12/5).
5. The delegation held meetings with those persons listed in annex I and visited the places of deprivation of liberty listed in annex II. It conducted interviews with persons deprived of their liberty, law enforcement and detention officers, medical personnel and others. Meetings were held with members of the national preventive mechanism and a visit was conducted, together with members of the mechanism, to a place of deprivation of liberty chosen by it, with the delegation as observers.
6. At the end of the visit, the delegation presented its confidential preliminary observations orally to the authorities, with a representative of the national preventive mechanism present.
7. The Subcommittee refers to the agreement it concluded with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in June 2018, which is aimed at reinforcing the complementarity of the two mechanisms, and to the visits carried out to Switzerland by CPT.¹
8. The Subcommittee recommends that the present report be distributed to all relevant authorities, departments and institutions, including those to which it specifically refers.
9. The present report will remain confidential until such time as Switzerland decides to make it public in accordance with article 16 (2) of the Optional Protocol, which the Subcommittee recommends, as it firmly believes that the publication of reports contributes to the prevention of torture and ill-treatment in States parties.
10. The Subcommittee draws the attention of Switzerland to the fact that applications for financing from the Special Fund established under the Optional Protocol to the Convention (art. 26), in accordance with its published criteria, can be made when visit reports have been made public.²

¹ Visites menées en 1991, 1996, 2001, 2003, 2007, 2011 et 2015. Voir <http://www.coe.int/fr/web/cpt/switzerland>.

² Voir www.ohchr.org/EN/HRBodies/OPCAT/Fund/Pages/SpecialFund.aspx.

II. Cooperation

11. The Subcommittee wishes to express its gratitude to the authorities and to the liaison officers for their help and assistance relating to the planning and undertaking of the delegation's visit.

12. Throughout the visit, the delegation enjoyed excellent cooperation from the federal and cantonal authorities and the staff of the institutions it visited. It was able to gain access without delay to all the institutions it wished to visit and to conduct private interviews with persons deprived of their liberty.

13. During the mission, the delegation noted with regret the lack of national statistics giving an overview of certain issues, including the processing of and follow-up to complaints, the implementation and extension of therapeutic measures under article 59 of the Criminal Code and of indefinite detention under article 64 of the Code, and the overall trends in respect of such measures. The Subcommittee is of the view that establishing official statistics systematically at the national level would enable the authorities to analyse the impact of the legislative reforms and the policies being pursued; more specifically, such statistics would improve follow-up to complaints and allow problems that come to light to be addressed as needed.

14. **The Subcommittee recommends that official statistics be collected systematically by canton, then centralized and published by the Federal Statistical Office. These statistics should be analysed and made available to all stakeholders.**

III. National preventive mechanism

15. Federal Act No. 150.1 of 20 March 2009 on the Commission for the Prevention of Torture, which entered into force on 1 January 2010, established the National Commission for the Prevention of Torture, designated it the national preventive mechanism for Switzerland and gave it jurisdiction over the entire territory of the State party.

16. Under articles 17 and 18 of the Optional Protocol, States parties must guarantee the functional independence of national preventive mechanisms and the independence of their personnel, ensure that the experts of the mechanisms have the required capabilities and professional knowledge, and undertake to make available the necessary resources for the functioning of the mechanisms.

A. Structure and independence

17. The Federal Council appoints the members of the National Commission for the Prevention of Torture, who are nominated by the Federal Department of Justice and Police and the Federal Department of Foreign Affairs. Non-governmental organizations can propose candidates to the federal departments in question, in accordance with Federal Act No. 150.1. The Commission was established as a body with administrative links to the Federal Department of Justice and Police.

18. While the State party is free to determine the format of its national preventive mechanism, it must ensure that the mechanism is fully compliant with the Optional Protocol, taking account also of the Subcommittee's guidelines on national preventive mechanisms (CAT/OP/12/5). In addition to its institutional independence, the functional and operational independence of the mechanism must also be guaranteed, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

19. The administrative status of the National Commission for the Prevention of Torture was assessed in the legal opinion drafted by Walter Kälin and Manfred Nowak, who found

that it was not a legally independent administrative unit and that it had no legal personality.³ They were also of the view that, because the General Secretariat of the Federal Department of Justice and Police exercised administrative oversight over the Commission, the criteria for the independence of national preventive mechanisms set out in article 18 (1) of the Optional Protocol were not met.

20. The legal opinion is based on a legal interpretation of the operational independence of mechanisms within the meaning of article 18 (1) of the Optional Protocol and in the light of international law, the practice of the Subcommittee and the Paris Principles, referred to in article 18 (4) of the Optional Protocol.

21. The Subcommittee notes, in line with the conclusions drawn in the analysis by Kälin and Nowak, that the mechanism does not have an institutional identity distinct from that of the Federal Department of Justice and Police and that it cannot therefore be considered an independent mechanism within the meaning of article 18 (1) of the Optional Protocol.

22. The Subcommittee further notes that the lack of clarity as to the structure of the mechanism and its place within the Federal Department of Justice and Police is helping to create the impression that it is not independent, technically or structurally, which is detrimental not only to the proper functioning of a national preventive mechanism but also to its perception by other actors, in particular persons deprived of their liberty.

23. The Subcommittee's experience shows that a national preventive mechanism fulfils its mandate much more effectively if it is independent and recognized as such.

24. **The Subcommittee recommends that the State party sever the links between the National Commission for the Prevention of Torture and the Federal Department of Justice and Police so that the Commission can function with complete independence, both institutional and operational, and carry out all its activities and tasks separately from those of the Federal Department of Justice and Police, by having its own structure.**

B. Budget

25. The budget of the General Secretariat of the Federal Department of Justice and Police provides for the expenditures of the Federal Arbitration Commission for the Exploitation of Copyrights and Related Rights and the National Commission for the Prevention of Torture, both of which are linked administratively to the General Secretariat.⁴ The National Commission for the Prevention of Torture thus does not have its own budget guaranteeing it the independence envisaged in the Optional Protocol.

26. The Commission and its staff cannot become structurally and operationally independent without budgetary autonomy and a guarantee that the State party will allocate the necessary resources for the Commission's functioning, in accordance with article 18 (3) of the Optional Protocol.

27. **The Subcommittee therefore recommends that the State party provide the National Commission for the Prevention of Torture with a budget separate from that of the Federal Department of Justice and Police so that it can be financially autonomous and, as a result, operationally independent.**

C. Financial resources

28. The Federal Council dispatch regarding Federal Act No. 150.1, pursuant to which the National Commission for the Prevention of Torture was established, states that the

³ W. Kälin et M. Nowak, « Rechtliche Aspekte der Unabhängigkeit der Nationalen Kommission zur Verhütung der Folter (NKVF) », avis juridique à l'intention de la CNPT, 2017, p. 10.

⁴ Suisse, Administration fédérale des finances, *Budget 2020 avec plan intégré des tâches et des finances 2021-2023 des unités administratives*, tome 2A, p. 193.

Commission is expected to carry out between 20 and 30 visits to places of deprivation of liberty a year.⁵

29. According to the list provided to the Subcommittee by the Government of Switzerland prior to the visit, there are more than 400 places of deprivation of liberty throughout the country, including police stations, prisons, psychiatric hospitals, centres for asylum seekers and secure social-care centres. The Commission believes that the total number of places of deprivation of liberty meeting the criteria set out in article 4 of the Optional Protocol could be close to 700.

30. Since the Commission can only carry out around 15 visits a year on average, it will clearly not be possible for it to visit the hundreds of places of deprivation of liberty in the State party with the necessary regularity, as required under article 1 of the Optional Protocol. The national preventive mechanism is thus hindered de facto from fulfilling its mission, as set out in the mandate under the Optional Protocol, to regularly examine, for the purposes of prevention, the treatment of the persons deprived of their liberty in places of detention as defined in article 4 of the Protocol; this is true irrespective of the fact that there are no particularly serious problems in places of deprivation of liberty in the State party, as the delegation observed during its visit.

31. The Subcommittee is concerned about the Commission's lack of financial resources, which constitutes a major obstacle to its effective and efficient operation, as demonstrated by the low number of visits conducted in relation to the number of places of deprivation of liberty. The Subcommittee finds it regrettable that the Swiss authorities have not allocated the necessary funds to the Commission for the full discharge of its mandate, including funds for the provision of interpretation services to facilitate communication with persons being questioned, as needed, and funds for the conduct of expert medical examinations, including during visits to medical or hospital facilities, among others.

32. The Subcommittee recommends that the State party provide the National Commission for the Prevention of Torture with a budget sufficient to guarantee its operational independence and the proper exercise of its functions, in accordance with articles 17 to 20 of the Optional Protocol. In this regard, it encourages the State party to review the budget allocated to the national preventive mechanism, giving due consideration to the needs expressed by the members of the mechanism itself, so that it can: (a) carry out, in a satisfactory manner, its annual programme of visits throughout the country; (b) enlist, as needed, the services of external experts and interpreters working into various languages; (c) conduct its follow-up activities; (d) work in partnership with actors involved in torture prevention; and (e) satisfy all the logistical requirements for its proper functioning.

D. Members

33. The Subcommittee is concerned that the 12 members of the National Commission for the Prevention of Torture perform their duties on a part-time basis and without remuneration, in keeping with the State party's tradition of part-time public service (*milice*), even though that tradition is an integral part of the country's custom of participation, which is practised in a range of fields, including the political and social spheres.

34. The Subcommittee noted that, despite the commendable efforts of the members of the Commission and their strong commitment to preventing torture, there is a de facto limit on their availability, which hampers their ability to carry out their mandate properly, particularly with regard to the number, duration and regularity of visits and the conduct of unannounced or urgent visits with the requisite speed. In the Subcommittee's view, the fact that members discharge their mandate on a part-time basis and in parallel with another profession makes them less available to carry out tasks related to the national preventive mechanism, including

⁵ Suisse, Conseil fédéral, « Message relatif à un projet d'arrêté fédéral portant approbation et mise en œuvre du Protocole facultatif se rapportant à la Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants », document FF 2007 261, sect. 1.4.2, p. 267.

visits, which may pose problems of compatibility with the mandate conferred by the Optional Protocol.

35. The Subcommittee recommends that the State party review the working conditions of the Commission's members to enable them to devote themselves fully to the activities of the national preventive mechanism, including by making it possible for some of them to work full-time and by allocating the financial resources necessary for their remuneration.

E. Secretariat

36. The human resources of the permanent secretariat of the National Commission for the Prevention of Torture equate to just 3.7 full-time posts,⁶ with the only full-time position being that of the Secretary. The Subcommittee is of the view that this limits de facto the time spent on activities such as the preparation of and follow-up to visits, the drafting of visit and thematic reports, training and prevention activities, and dialogue and awareness-raising with stakeholders.

37. In addition, the staff of the Commission secretariat are part of the Federal Department of Justice and Police and, as such, are appointed by the Civil Service Commission. The Subcommittee is of the view that, in order to guarantee its operational independence, the national preventive mechanism must have full control over the management of its staff.

38. The Commission should be provided with a permanent secretariat that comprises staff working exclusively on tasks related to the Commission, rather than devoting some of their time to other tasks for the Federal Department of Justice and Police. Besides the lack of availability, this division of staff time may create conflicts of interest and undermine the institutional and operational independence of the national preventive mechanism. Furthermore, it makes it more difficult for the Commission to adopt an annual operational strategy, as it cannot count on having staff permanently available when it plans its activities.

39. The Subcommittee recommends that the State party guarantee the independence of its national preventive mechanism, in accordance with article 18 of the Optional Protocol, and its effectiveness, by significantly increasing the staff of the Commission secretariat and ensuring that all members of the Commission's staff work exclusively for it, under its direct oversight.

40. More generally, the Subcommittee is of the view that an expanded permanent secretariat entirely devoted to carrying out the mandate of the national preventive mechanism, with staff working full-time, would be better able to define and implement an effective operational strategy.

IV. Legal and institutional framework

41. Article 123 of the Federal Constitution recognizes the jurisdiction of the Confederation over criminal law and criminal procedure, and that of the cantons in respect of the organization of the courts, the administration of justice and the enforcement of sentences and other measures.

Federal jurisdiction over criminal procedure and legal safeguards

Definition and criminalization of torture

42. Article 4 of the Convention against Torture states that each State party should ensure that all acts of torture are offences under its criminal law. Article 10 of the Federal Constitution prohibits torture and other cruel, inhuman or degrading treatment or punishment. However, the only acts of torture punishable under article 264 of the Criminal Code and article 109 of the Military Criminal Code are those committed as part of a widespread or

⁶ Voir www.nkvf.admin.ch/nkvf/fr/home/die-nkvf/geschaeftsstelle.html.

systematic attack directed against a civilian population, that is, acts of torture committed in the context of a crime against humanity. It follows therefrom that acts of torture committed during arrest, police custody or enforcement of a penalty, or during any other kind of deprivation of liberty, including in psychiatric hospitals, administrative detention facilities or social-care homes, would not be punished owing to the lack of elements constituting the offence of torture under ordinary law. Consequently, article 4 of the Convention has not been incorporated into the State party's national law.

43. **Recalling the recommendations of the Committee against Torture and the Human Rights Committee,⁷ and in order to give effect to article 4 of the Convention against Torture, the Subcommittee recommends that the State party introduce in its Criminal Code a specific offence of torture, defined in accordance with article 1 of the Convention.**

Fundamental safeguards

44. It was explained to the delegation that detained persons had access to legal safeguards from the start of their interrogation. Thus, during the preceding three hours, they had no official information about their rights or any access to family members, legal counsel or a doctor. The same is true of access to a lawyer "within the first hour"; while the principle is enshrined in the Code of Criminal Procedure, in general access effectively begins not when a person is stopped and detained by the police, but from the time of his or her custodial arrest.

45. **The Subcommittee invites the State party to ensure that all persons who are deprived of their liberty have the benefit from the very outset of the deprivation of liberty that is, from the time that they are deprived of freedom of movement by the police of all the fundamental legal safeguards, namely, the right of access to a lawyer, the right to contact family members and the right to an independent medical examination by a doctor of their choice.⁸**

Internal and external complaints mechanisms

46. The Subcommittee is concerned about the lack of information on mechanisms for filing complaints in the event of ill-treatment or other breaches or omissions. It notes that an effective, independent and accessible complaints mechanism is an important safeguard against ill-treatment of persons deprived of their liberty, who must be able to report any abuse committed by a public official or other person acting in an official capacity and to bring complaints against such persons.

47. **The Subcommittee recommends that the State party guarantee that mechanisms are in place for the filing by persons deprived of their liberty of complaints concerning acts or omissions by the authorities responsible for their treatment. Such mechanisms should be available within all places of deprivation of liberty, and information about them should be transparent and disseminated widely in several languages.**

48. **The State party should also ensure that all allegations or complaints concerning acts of torture or ill-treatment are transmitted without delay and in an impartial manner to the competent authorities, that they are investigated and, if necessary, that dissuasive penalties are imposed.**

V. Visits to places of deprivation of liberty

A. Overview of the situation

49. According to data from the Federal Statistical Office, on 14 March 2019 there were 7,394 detention places with an occupancy rate of 93.9 per cent. In facilities coming under the

⁷ CAT/C/CHE/CO/7, par. 7 ; et CCPR/C/CHE/CO/4, par. 31.

⁸ Le Sous-Comité fait ici écho aux recommandations du Comité contre la torture (CAT/C/CHE/CO/7, par. 8) ainsi qu'au rapport au Conseil fédéral suisse relatif à la visite effectuée en Suisse par le CPT du 13 au 24 avril 2015 [document CPT/Inf(2016)18, par. 19 et suiv.].

Agreement (Concordat) on the enforcement of sentences of deprivation of liberty and other measures in respect of adults and young adults in the French- and Italian-speaking (“Latin”) cantons, in 2019 there were 2,788 prisoners as against 2,582 detention places, making for an occupancy rate of 108 per cent. Out of a total of 6,943 prisoners in Switzerland, 3,549 were serving sentences, 295 were subject to coercive measures pursuant to Federal Act No. 142.20 on Foreign Nationals and Integration, and 1,867 were in pretrial detention (27 per cent). The Cantons of Geneva, Zurich, Vaud and Bern alone accounted for more than half of all pretrial detentions.

50. **The Subcommittee reiterates that deprivation of liberty pending trial should be a last resort,⁹ used only in exceptional circumstances and for limited periods, taking account of the principles of necessity and proportionality.**

B. Police facilities

1. Allegations of ill-treatment

51. No allegations of ill-treatment during police custody were received by the Subcommittee. However, some of the persons it met complained of excessive use of force at the time of arrest and of harsh conditions during transport, including handcuffs that were too tight.

52. In certain police stations, some tasks related to supervision were delegated to private security guards. Some detainees claimed that those guards had verbally abused them.

53. **The Subcommittee recommends that police officers and, first and foremost, private guards carrying out, under contract, supervision-related tasks delegated by the authorities, be firmly reminded to respect at all times the rights and dignity of the persons deprived of liberty in their custody (see also section VII).**

2. Fundamental safeguards

54. Although criminal procedure has been under federal jurisdiction since 2011, the Subcommittee noted disparities in its application at the level of the cantons, and even from one police station to another, particularly where information on rights and contact with family members was concerned.

55. Certain persons complained that they had been unable to contact their families or speak to a lawyer while in police custody.

56. The police station in Zurich¹⁰ had 135 detention places, mainly for persons in police custody but also for persons in pretrial detention, persons held temporarily pending a hearing, persons serving day-fine sentences, sentenced prisoners held pending transfer and foreign nationals awaiting removal.¹¹

57. Foreign detainees complained of a lack of information about their situation and rights in a language they understood.

58. **The Subcommittee recommends that all detained persons be duly informed of their rights in a language they understand, be provided with interpretation services, as needed, and be assigned a lawyer with whom they can communicate.**

59. At the police station on Boulevard Carl-Vogt in Geneva, information on rights was provided from the start of the interrogation, along with access to legal safeguards. Thus,

⁹ Voir CAT/C/54/2, par. 83 et suiv. ; et Règles minima des Nations Unies pour l’élaboration de mesures non privatives de liberté (Règles de Tokyo).

¹⁰ Kantonal Polizeigefängnis.

¹¹ Un étage était réservé à la détention administrative, mais le personnel a reconnu que, ne connaissant pas toujours immédiatement la raison de l’incarcération, les détenus pouvaient être provisoirement placés hors de la zone réservée. La durée moyenne de séjour était de trois jours, mais pouvait aller jusqu’à sept jours.

during the preceding three hours, detained persons had no official information about their rights or any access to family members, legal counsel or a doctor.

60. **The Subcommittee reiterates its recommendation that all persons deprived of their liberty should be granted access to fundamental safeguards from the moment of deprivation of liberty. The State party should, moreover, ensure that information on the rights of persons deprived of their liberty is displayed at police stations in a position where it can be read easily and in the appropriate languages.**

61. At the cantonal police facility in Bern railway station, the digital registers were meticulously kept, and the delegation observed that persons in police custody spent no more than three hours at the facility. At the Bern cantonal police station,¹² the same procedure was applied; after 24 hours, individuals taken into police custody were released or transferred to the Bern regional prison, at the decision of the prosecutor. A document informing detainees of their rights was available in several languages.

62. At the municipal police station in Lausanne and the Vaud cantonal police station in La Blécherette, there were various categories of detainee: persons in police custody but also pretrial detainees and sentenced prisoners awaiting a place in prison. Indeed, owing to a lack of space in prisons, pretrial detainees and convicted prisoners were being held in police lock-ups, at the decision of the prosecutor.

63. The delegation was dismayed to learn that some detainees had spent more than one month in police custody cells. Most of the persons that the delegation met did not know how long they would remain there. The delegation found it inconceivable that convicted prisoners were serving their sentences in police stations, notwithstanding the efforts made by staff to apply, artificially, a regime akin to that in prisons.

64. The sentence reductions and, on occasion, financial compensation granted by way of reparation cannot justify such a situation, which has persisted despite having been condemned several times by the Federal Supreme Court¹³ and notwithstanding the recommendations of CPT¹⁴ and the committee of official visitors of the Vaud Cantonal Parliament.¹⁵

65. **The Subcommittee recommends that the State party transfer without delay pretrial detainees and prisoners serving sentences to institutions suitable for longer-term incarceration; it is imperative that police stations revert to their role as custody facilities for periods not exceeding 48 hours,¹⁶ as envisaged in the Code of Criminal Procedure.**

3. Physical conditions

66. The delegation observed major disparities in the physical conditions of the police stations and cells visited.

¹² Polizeiwache Konolfingen.

¹³ Voir, notamment, Suisse, Tribunal fédéral, A. contre Ministère public de l'arrondissement de Lausanne, ATF 139 IV 41, arrêt 1B_788/2012 du 5 février 2013, première Cour de droit public ; et Suisse, Tribunal fédéral, X. c. Ministère public central du canton de Vaud, arrêt 6B_17/2014 du 1er juillet 2014, Cour de droit pénal.

¹⁴ En 2015, la CNPT a appelé à prendre des « mesures urgentes » pour remédier à une situation qualifiée de traitement inhumain au sens de l'article 3 de la Convention de sauvegarde des droits de l'homme et des libertés fondamentales (Convention européenne des droits de l'homme).

¹⁵ Suisse, canton de Vaud, « Rapport de la Commission des visiteurs du Grand Conseil et déterminations du Conseil d'État audit rapport : du 1er juillet 2017 au 30 juin 2018 », document GC 067, juillet 2018.

¹⁶ L'article 27 de la loi d'introduction du Code de procédure pénale suisse (loi no 312.01 du 19 mai 2009) du canton de Vaud dispose que toute personne peut demeurer dans les locaux de la police pendant quarante-huit heures au plus.

67. During the visit to the Bern cantonal police facility, the delegation noted that the physical conditions were very good.¹⁷

68. These conditions were radically different from those seen at the Lausanne municipal police station and the Vaud cantonal police station in La Blécherette.

69. At the Lausanne municipal police station, the 25 cells in the basement, measuring about 7 square metres, lacked ventilation, natural light and running water. In addition, a camera placed inside showed the whole of each cell, including the toilet area, although the image of that specific part of the cell was blurred out.

70. Conditions were comparable at the police station in La Blécherette: the dark, cramped basement cells lacked natural light, were poorly ventilated and had no showers, while the inmates had one hour's access per day to the exercise yard, which consisted of a covered area behind the car park. Several detainees also complained that there was not enough food.

71. As previously stated, the Subcommittee recommends that the State party transfer without delay persons currently detained pending trial or serving sentences in police stations in Lausanne to suitable penitentiary institutions.¹⁸

72. The cells visited by the delegation at the police station in Zurich were dark, cold and poorly ventilated, and the only source of running water was a sink with a cold tap.

73. The Subcommittee recommends that appropriate measures be taken to improve the physical conditions at the Zurich police station, particularly the introduction of natural lighting systems, heating, hot water and adequate ventilation.

4. Medical examinations

74. The delegation observed that a doctor was called when persons in police custody so requested or when they appeared to need treatment. However, there was no provision for routine medical examinations.

75. The Subcommittee recommends that all persons who are stopped and detained or subjected to custodial arrest have the right in practice, from the outset of the deprivation of liberty, to be examined by an independent doctor, of their own choosing if they so request.¹⁹ **The findings of such medical examinations should be recorded and made available to the detainee and his or her lawyer, in accordance with the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).**

76. The Lausanne municipal police station and the Vaud cantonal police station in La Blécherette, where detainees might remain for several weeks, had made agreements with the Vaud university hospital to provide medical care and emergency treatment.²⁰ The Zurich police station had likewise made an agreement with the university hospital and psychiatric clinic in Zurich.²¹

77. The Subcommittee wishes to emphasize the detrimental psychological effect of prolonged detention in the conditions seen at the Lausanne municipal police station²² and the

¹⁷ Les cellules individuelles étaient de superficie suffisante, suffisamment éclairées, bien aérées, et équipées d'un interphone, d'un matelas, d'une couverture, d'une douche et de toilettes à l'hygiène irréprochable.

¹⁸ Voir la note de bas de page 16.

¹⁹ Cet examen doit avoir pour buts à la fois de vérifier l'état de santé de la personne et, le cas échéant, d'établir un compte rendu médical par suite d'allégations de mauvais traitements ou de constats lésionnels.

²⁰ Présence quotidienne d'une infirmière, consultation d'un médecin généraliste et d'un psychiatre une fois par semaine, appel au service des urgences en cas de nécessité ainsi que la nuit, les week-ends et les jours fériés.

²¹ Consultation d'un médecin généraliste tous les jours du lundi au vendredi, et intervention d'un psychiatre au besoin ; appel au service des urgences en cas de nécessité ainsi que la nuit, les week-ends et les jours fériés.

²² Au total, 70 % des détenus avaient un traitement psychotrope en raison de symptomatologie anxieuse marquée et d'insomnie.

Vaud cantonal police station in La Blécherette, and reiterates, in this regard, the recommendation made in paragraph 71 of the present report.

78. Medication was always prepared by medical personnel, but it was occasionally distributed by police officers or security staff in line with the delegation of tasks.

79. **The Subcommittee is of the view that medication should, as far as possible, be prepared and distributed by qualified medical personnel.**

80. An inmate from a neighbouring prison was held temporarily at the Zurich police station while waiting to be transferred to the Zurich university hospital for a course of treatment. The holding cell was dark, unheated and had no bed.

81. **The State party should ensure that the holding cell set aside for sick inmates at the Zurich police station, particularly those passing through on a regular and thus a predictable basis, is equipped with an armchair and a bed and has sufficient lighting and an adequate ambient temperature.**

C. Prisons

1. Institutions for the enforcement of sentences

82. The delegation visited the regional prison in Bern, the prison at Zurich airport, Pöschwies Prison in Zurich and Bochuz Prison, which forms an integral part of the prison complex located in the Plaine de l'Orbe region in the Canton of Vaud.

(a) Allegations of ill-treatment

83. The Subcommittee notes with satisfaction that no allegations of ill-treatment were received.

(b) Physical conditions and staffing

84. There was no prison overcrowding²³ and the ratio of staff to inmates was satisfactory. The physical conditions (equipment, upkeep of cells and buildings, food and so forth) were good overall.

(c) Living arrangements

85. At Pöschwies, the delegation appreciated the open-door regime²⁴ and the division of the facility into small living units, as well as the calm atmosphere that prevailed both among the inmates and between inmates and staff. The atmosphere was less serene at Bochuz, a high-security facility coming under the Concordat, which has an interim governor and where there were reports of tension and violence among the inmates.

86. Inmates were not permitted to wear their own clothes at either Pöschwies or Bochuz, but the clothing provided by the prison administration was of good quality and was suited to the climate. A variety of paid work was available and included training leading to qualifications. Even though most inmates stated that they were satisfied with the work on offer, the Subcommittee questions the fact that those who refuse to work are disciplined, at these facilities by being confined to their cells. Only older inmates and those who were medically unfit were absolved from the obligation to work.

87. **Recalling the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),²⁵ the Subcommittee invites the State party to reconsider its position that refusal to work should lead to disciplinary measures.**

²³ La prison de Pöschwies compte 397 places pour hommes (pas de femmes ni de mineurs). Au 31 décembre 2018, elle abritait 366 détenus, dont 255 étrangers (57 nationalités).

²⁴ Hormis dans le quartier de haute sécurité (6 places en haute sécurité maximale et 13 en haute sécurité moyenne), qui avait un régime de portes fermées et d'isolement.

²⁵ Règles 96 et 97 relatives au travail.

(d) Contact with the outside world

88. At Pöschwies, some inmates complained that they did not have sufficient access to the telephone, a system of 10-minute turns being in place during periods of high demand. However, the prison governor informed the delegation that extra telephones were being installed.

89. **The Subcommittee would like to be informed of the measures taken to improve access to the telephone.**

(e) High-security wings

90. Under article 78 of the Criminal Code, solitary confinement may be ordered, if necessary, to protect the inmate or others. Owing to the distribution of powers, decisions regarding placement in solitary confinement are the responsibility of the cantons and there is no harmonization. The decisions are generally taken by the governor, in accordance with the prison rules (in Geneva, for example, article 47 (3) of the Rules on the internal regulation of prisons and the status of inmates). They may be appealed before the administrative division of the cantonal supreme court.

91. The main criteria for placing an inmate in solitary confinement are behavioural problems and the risk posed by the inmate to himself or herself or to others. The inmates that the delegation met were alone in their cells and during exercise; they were able to work in their cells. In some cases, solitary confinement was strict and contact with inmates, including the administration of medical treatment, took place through a grille.

92. **The Subcommittee recommends that the State party consider harmonizing the procedure for placement in solitary confinement, if possible through legislation. It further recommends that the State party ensure that any decision on placement in solitary confinement is legal, necessary, proportionate and non-discriminatory. There should also be legal safeguards, including the possibility to appeal and periodic review.**²⁶

(f) Discipline

93. In both establishments, disciplinary measures ranged from loss of television privileges or leisure activities, through forfeiture of visiting rights, to isolation in a punishment cell,²⁷ which could last for up to 20 days but was generally limited to 7 days.

94. **The Subcommittee recalls that disciplinary isolation should not exceed 14 days and should be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to authorization by a competent authority.**²⁸ **Furthermore, disciplinary measures should not include restrictions on family contact, except in case of breaches involving such persons.**

95. The Committee finds it regrettable that no comprehensive records are kept of disciplinary measures and appeals against such measures. It had to review individual files in order to have access to such data.

96. Another issue is the use of isolation for different reasons: as a disciplinary measure or to ensure security or protection.

97. **The Subcommittee recommends the establishment, in every prison, of a register of disciplinary measures, a register of the use of protective solitary confinement and a register of inmate complaints indicating the follow-up given thereto.**

²⁶ À cet égard, voir CPT, « L'isolement de détenus – Extrait du 21e rapport général du CPT, publié en 2011 », document CPT/Inf(2011)28-part2. Voir également le rapport au Conseil fédéral suisse relatif à la visite effectuée en Suisse par le CPT du 10 au 20 octobre 2011 [document CPT/Inf(2012)26].

²⁷ La prison de Pöschwies compte neuf cellules d'isolement disciplinaire (infraction au règlement intérieur) et de sécurité (danger pour soi ou autrui), avec une durée maximale de vingt jours (six ou sept jours en moyenne). Le pénitencier de Bochuz compte trois cellules d'arrêt, quatre cellules d'isolement à titre de sûreté et une cellule de protection pour le risque suicidaire, soit huit cellules au total.

²⁸ Règles Nelson Mandela 44 et 45. Voir également les Règles pénitentiaires européennes 56 et suiv.

98. **The Subcommittee further recommends the setting up of a system of statistical analysis based on the existing digital registers, to allow for monitoring and systematic analysis of the measures taken.**

(g) *Inmates subject to therapeutic measures (see also section VI)*

99. At Pöschwies and Bochuz, some persons who had been ordered to undergo inpatient treatment under article 59 of the Criminal Code were held in ordinary detention or in solitary confinement in the high-security wing because no places were available in an appropriate therapeutic environment.

100. **The Subcommittee is of the view that a person with a psychiatric disorder who has been ordered to undergo inpatient treatment should be placed and cared for in a suitable medical facility staffed by qualified personnel.**

2. Combined facilities for the enforcement of sentences and pretrial detention

101. The delegation visited the regional prison in Bern,²⁹ accompanying the National Commission for the Prevention of Torture,³⁰ and the prison at Zurich airport.³¹

(a) *Allegations of ill-treatment*

102. The delegation noted with satisfaction that it received no allegations of ill-treatment.

(b) *Physical conditions*

103. Physical conditions were good in the two establishments. However, in the administrative detention area of the Bern regional prison, a three-bed cell, though well equipped,³² lacked ventilation, as the two windows did not open; in the disciplinary and secure area, the cells had no running water and the toilet areas were within range of the surveillance cameras.

104. **The Subcommittee recommends that the State party ensure that:**

(a) **There is adequate ventilation in all cells;**

(b) **All disciplinary cells are provided with running water, and inmates' privacy is protected by training the security cameras away from the toilet areas.**

²⁹ La prison régionale de Berne, construite en 1974, compte 135 places. Au moment de la visite de la délégation, elle comptait 125 détenus (dont 50 prévenus, 31 condamnés et 29 détenus administratifs) parmi lesquels se trouvaient deux mineurs de 15 et 17 ans en détention administrative. La prison avait déjà hébergé des détenus transgenres par le passé, placés dans le quartier hommes ou femmes au cas par cas, sans difficulté particulière. Conformément au Concordat de la Suisse du Nord-Ouest et de la Suisse centrale sur l'exécution des peines et mesures, cet établissement comprend les types de détention suivants : détention provisoire et détention pour des motifs de sûreté, peines privatives de liberté de courte durée (inférieures à trente jours), peines privatives de liberté exécutées en semi-détention, mesures de contrainte en matière de droit des étrangers, rétention, peines de détention pour jeunes, peines et mesures ne pouvant temporairement pas être exécutées ailleurs pour des raisons de sécurité, de manque de place ou pour des raisons disciplinaires, transport de personnes détenues, garde à vue. Avec ses 12 000 entrées et sorties par an, cet établissement est une sorte de « centre de tri » avant affectation définitive.

³⁰ Les observations ci-après sont celles faites par le Sous-Comité uniquement, sans préjudice des observations, des remarques et des recommandations de suivi (par suite de sa visite initiale de l'établissement en 2015) que fera la CNPT au Gouvernement suisse dans son rapport.

³¹ La prison de l'aéroport de Zurich comprend deux sections distinctes : l'une réservée à la détention administrative (106 places), l'autre à la détention pénale (94 places). Il s'agit d'une institution vouée à abriter des détentions de courte durée, de manière transitoire avant le transfert vers un autre établissement. La durée moyenne de détention en exécution de peine était de quatre-vingt-un jours. Le taux d'occupation y était de 60 % au moment de la visite de la délégation.

³² Trois chaises, une table, une télévision, un coin toilettes et lavabo, et une platine de communication permettant de contacter les surveillants, de moduler la lumière et d'écouter de la musique.

(c) *Living arrangements*

(i) Persons detained under criminal law

105. The Subcommittee delegation noted that conditions varied from one canton and one establishment to another. Pretrial detainees were generally subjected to maximum restrictions: for example, they did not have the right to telephone their families, except with the prosecutor's permission, or were separated from visitors, including their children, by a glass screen.

106. The Subcommittee recommends that pretrial detainees be able to receive visitors and be authorized to communicate with their families and other persons under the same conditions as convicted prisoners, unless a judicial authority has imposed, in an individual case and in keeping with the principles of necessity and proportionality, a specific prohibition for a given period. The Subcommittee is of the view that respect for the right to family contact is particularly important for pretrial detainees, in the light of the principle of presumption of innocence and the rights to privacy and family life.³³

(ii) Persons detained under administrative law (law on foreign nationals)

107. The Subcommittee is deeply concerned about the detention in prisons for relatively long periods of foreign nationals subject to coercive measures.³⁴

108. In the Bern regional prison, administrative detainees were in principle to be accommodated solely on the floor set aside for them, but some had been placed on the floors intended for persons detained under criminal law.

109. The administrative detainees had an open-door regime, which, however, was applied only from 7.30 a.m. to 11 a.m. and from 6.30 p.m. to 8 p.m., and they had just one hour's exercise per day. Those held in the area intended for criminal detention were subjected to a closed-door regime. They were offered work (packing, helping in the kitchen and carrying out various tasks within the prison).

110. In the prison at Zurich airport, administrative detainees, mainly foreign nationals awaiting removal, enjoyed an open-door regime from 8 a.m. to 5 p.m. on Mondays, Tuesdays, Thursdays and Fridays, but only from 9.30 a.m. to 11.30 a.m. and from 1.30 p.m. to 3.30 p.m. at weekends and on public holidays. On Wednesdays, the doors remained closed. Only 60 workplaces were available, in the laundry, and were filled in rotation. Inmates had access to a sports hall twice per week for one hour. No visitors could be received at weekends or on public holidays.

111. The Subcommittee reminds the State party that:

(a) **Detention pending removal is a last resort and should be proportionate;**³⁵

(b) **Persons subject to coercive measures under the law on foreign nationals should be accommodated not in prisons but in centres designed specifically for that purpose;**³⁶

³³ Pacte international relatif aux droits civils et politiques, art. 14, par. 2, art. 17 et art. 23. Voir aussi le rapport du CPT sur sa visite de 2015 (note de bas de page 8).

³⁴ Certains détenus rencontrés ont passé six mois soumis à un régime pénitentiaire.

³⁵ Le respect du principe de proportionnalité suggère qu'une telle détention n'est licite que si aucune autre mesure suffisante, moins coercitive, ne peut être appliquée dans le cas d'espèce.

³⁶ Voir le rapport du CPT sur sa visite de 2011 (note de bas de page 26) ainsi que les différents rapports de la CNPT. Dans les cas où il a été estimé nécessaire de priver les détenus administratifs, qui n'ont commis aucune infraction pénale, de leur liberté en vertu de la législation relative à l'entrée et au séjour des étrangers, après un examen rigoureux de la proportionnalité de la mesure, ceux-ci devraient être placés dans des centres ayant vocation à accueillir cette catégorie de population. De tels centres devraient être caractérisés par un régime ouvert, et conçus de telle sorte qu'ils ne donnent aucune impression de milieu carcéral. Les personnes y séjournant devraient avoir un accès important à de l'exercice en plein air, à des activités, et à des moyens de communication et de divertissement (radio, télévision, téléphone, jeux de société). Une telle offre devrait être d'autant plus diversifiée que la

(c) **Persons placed in administrative detention should not be subjected to restrictions that are more encompassing than those warranted by their status;**

(d) **Article 81 (2) of Federal Act No. 142.20 states that persons placed in administrative detention must not, as far as possible, be grouped with persons in pretrial detention or persons incarcerated because they have committed a crime.**

3. Health care in prisons³⁷

112. Medical units³⁸ were well maintained and well equipped. At Bochuz, only the psychiatric unit, which had eight places, was visited.

113. Medical care was provided competently and diligently. Newly admitted inmates received a medical examination. Emergencies were handled and continuing care was provided out of hours through a telephone service (at the Bern regional prison and at Pöschwies) or by the emergency care service.

114. Medical records were well maintained; confidentiality was respected. However, no register of bodily injuries or allegations of violence was kept.

115. The delegation was concerned that, while medication was prepared by medical personnel, it was generally distributed by prison staff, which is not their function.

116. The delegation noted with concern that some inmates, both pretrial detainees and convicted prisoners, who suffered from mental disorders and were considered dangerous to others were kept in solitary confinement in the high-security wing for prolonged periods without any real prospect of progress.

117. **The Subcommittee recommends that the State party ensure that:**

(a) **A register of bodily injuries and allegations of violence is kept to facilitate systematic analysis of the phenomenon;**

(b) **Medication is distributed by medical personnel, as far as possible;**

(c) **Individualized treatment and psychosocial rehabilitation plans are drawn up for inmates suffering from mental disorders, particularly those placed in solitary confinement.**

4. Administrative detention facilities (migrant detention centres)

118. The delegation visited the facility at Frambois, which comes under the Concordat, and the secure facility at Favra,³⁹ in the Canton of Geneva.

119. The secure facility at Favra is used for administrative detention pending removal under the law on foreign nationals, specifically articles 76 and 76a of Federal Act No. 142.20.

période de détention se prolonge. Les vulnérabilités spécifiques des mineurs et des femmes en détention devraient également faire l'objet d'une attention particulière.

³⁷ La prise en charge sanitaire des personnes détenues soumises à un traitement institutionnel ou internées est traitée séparément.

³⁸ À la prison régionale de Berne, l'unité sanitaire était ouverte sept jours sur sept (de 7 h 30 à 18 h 30 du lundi au vendredi et de 8 heures à 17 heures les week-ends et jours fériés) avec deux ou trois infirmiers présents quotidiennement ; un médecin généraliste consultait deux fois par semaine et un psychiatre, trois fois par semaine. À la prison de l'aéroport de Zurich, l'unité sanitaire de chaque section était ouverte du lundi au vendredi (de 8 heures à 17 heures) avec un infirmier présent ; un médecin généraliste de ville consultait à la demande. À Pöschwies, l'unité sanitaire était ouverte sept jours sur sept (de 6 h 30 à 18 heures du lundi au vendredi et de 7 heures à 15 heures les week-ends et jours fériés) avec un personnel en nombre : quatre médecins dont un à temps plein, cinq assistantes médicales dont deux à temps plein, deux kinésithérapeutes et deux dentistes à temps partiel. À Bochuz, l'unité psychiatrique bénéficiait en permanence de la présence de deux infirmiers et de deux agents pénitentiaires, mais un seul psychiatre consultait.

³⁹ L'établissement fermé de Favra, desservant les cantons de Genève, de Vaud et de Neuchâtel, a vu 319 entrées en 2018. La durée maximale de séjour y est de soixante jours, pour une durée moyenne de trente à quarante jours.

It has 20 places. In the case of level 4 repatriations by air, the persons concerned are transferred to the facility at Frambois.

120. The Frambois facility is a secure establishment for administrative detainees, managed by the Fondation romande de détention LMC, with a capacity of 20.⁴⁰

121. In both facilities, 90 per cent of the detainees admitted had been transferred there on the basis of an order of administrative detention pending removal to their country of origin (including so-called “Dublin” returns⁴¹), after serving a prison sentence at Champ-Dollon Prison or a neighbouring establishment.

(a) *Safeguards*

122. The Subcommittee notes that the Federal Supreme Court found detention to be illegal if no steps had been taken for more than two months to carry out a removal.⁴² In all cases, the maximum permitted length of detention for the purposes of organizing or carrying out a removal or deportation was 18 months (Federal Act No. 142.20, arts. 75 and 76).

123. Article 115 of Federal Act No. 142.20 provides for criminal penalties for illegal immigration, including fines and imprisonment. Migrants and failed asylum seekers who are arrested for the first time for the offence of illegal stay are required to leave the territory within a given time. If they fail to do so and are arrested again, they are sentenced to prison and ordered to leave the territory, and they are generally held in an administrative detention centre pending removal. The Subcommittee was informed, however, of situations in which, because administrative detention cannot exceed 18 months, detainees were released after that period, then stopped and detained during identity checks and again sentenced to prison, with the result that they risked cumulative detention under administrative and criminal law.

124. The Subcommittee wishes to receive clarification from the State party as to whether previous periods of detention under administrative or criminal law are taken into account when prison sentences are imposed. It also wishes to receive clarification from the State party concerning any measures taken to avoid cumulative detention.

125. The Subcommittee recalls that detention of migrants in an irregular situation should be a last resort.

(b) *Ill-treatment*

126. The delegation did not receive any allegations of ill-treatment.

(c) *Physical conditions*

127. While the secure facility at Favra was less modern than the Frambois facility, the physical conditions in the two establishments were satisfactory, with premises well maintained and properly cleaned.

(d) *Living arrangements*

128. The delegation noted with satisfaction the open-door regime, the opportunities to receive visitors and make telephone calls, the existence of clear internal regulations translated into various languages, the varied activities available (including paid work) and the good relations between guards and detainees.⁴³

129. At Favra, however, only one hour’s physical exercise per day was permitted, under the supervision of the guards, because the outside space was not sufficiently secure.

⁴⁰ Lors de la visite du Sous-Comité, l’établissement accueillait 19 personnes.

⁴¹ Ce cas se présente lorsqu’un requérant d’asile a déjà déposé une demande d’asile dans un autre pays européen, ou est entré illégalement dans cet État, donc dans l’espace Schengen. Ce premier pays d’arrivée est donc l’État responsable au titre de la Convention de Dublin.

⁴² Voir Suisse, Tribunal fédéral, ATF 124 II 49.

⁴³ À Favra, trois détenus avaient fait l’objet d’une procédure pénale pour menaces de mort et agression. Aucune plainte à l’encontre du personnel n’avait été enregistrée.

130. **The Subcommittee recommends that detainees be given more access to outside space and that a wider range of activities be offered.**

(e) *Discipline*

131. The disciplinary measures imposed⁴⁴ for breaches of the internal regulations were clearly set out.⁴⁵

(f) *Health care*

132. A peripatetic team from the Geneva university hospitals provided care at Favra, under an agreement. A nurse was present twice a week, the general practitioner offered consultations once a week and the psychiatrist, on request. The medical service was informed whenever a detainee was placed in a disciplinary cell.

133. At Frambois, a general practitioner and a psychiatrist were present once a week.

134. Acts of self-harm were quite numerous in the two establishments.⁴⁶

135. **The Subcommittee is of the view that the regular presence of a psychologist in each establishment would provide valuable psychological support.**

(g) *Staffing*

136. The guards assigned to Favra were prison officers.⁴⁷ At Frambois, the staff were security guards working for the Fondation romande de détention LMC under a private-law contract. The Subcommittee observed that staff at the centre were committed and had the skills necessary for work in a multicultural environment.

137. **The Subcommittee reminds the State party that the process for the selection of custodial staff in administrative detention centres must be particularly rigorous and that they must have appropriate training, given the sensitive nature of the tasks they are called on to perform.**⁴⁸

138. **The Subcommittee is also of the view that having a social worker present at Favra, as there is at Frambois, would be helpful in keeping detainees informed about their legal and administrative situation.**

5. Forcible returns⁴⁹

139. Level 4 returns (charter flights) are monitored by the National Commission for the Prevention of Torture. In the Subcommittee's view, this is a good practice that should be maintained.

⁴⁴ Au maximum, un jour d'isolement en cellule disciplinaire à Frambois et cinq jours à Favra.

⁴⁵ À Favra, il y avait eu 15 sanctions en 2017 et 26 en 2018, dont 13 placements en cellule forte.

⁴⁶ À Frambois, un détenu avait fait quatre tentatives de suicide ; à Favra, un détenu était en grève de la faim.

⁴⁷ Agents polyvalents pouvant travailler en établissement pénitentiaire ou en centre de détention administrative.

⁴⁸ Gestion de crise, préparation à des renvois forcés impliquant un niveau de stress important, ou situations psychiatriques aiguës comme les tentatives de suicide et les actes d'automutilation, courants dans les deux établissements.

⁴⁹ Le droit suisse règle minutieusement le processus de renvoi selon l'intensité de l'usage de la contrainte. En vertu de l'article 28 de l'ordonnance no 364.3 relative à l'usage de la contrainte et de mesures policières dans les domaines relevant de la compétence de la Confédération, il existe quatre niveaux d'exécution des rapatriements. Le choix de l'un de ces quatre niveaux doit être effectué en fonction du comportement probable de la personne à expulser et des circonstances concrètes, selon le guide du Département fédéral de justice et police. Dans le cadre de son mandat légal, la CNPT accompagne depuis 2012 tous les renvois de niveau 4 effectués par voie aérienne en application du droit des étrangers. Elle observe, en particulier, la prise en charge et la condition de la personne concernée à l'aéroport, l'organisation au sol à l'aéroport, le vol, l'arrivée à l'aéroport de destination et la remise des personnes concernées aux autorités de destination. La CNPT rapporte ses observations

140. With regard to level 3 returns (forcible returns on scheduled flights), which are not monitored by the Commission, the delegation received several allegations of disproportionate use of force and restraint, particularly involving chains that were too tight, attached at the back, and a technique whereby strong pressure is applied to the Adam's apple of the person being returned to prevent him or her from crying out. It was claimed that individuals were more likely to be subjected to the technique if there had been previous failed attempts to remove them.

141. The Subcommittee considers that the practices reported in connection with level 3 returns, if confirmed, are unacceptable and could amount to ill-treatment.

142. The Subcommittee recommends that the State party consider the monitoring of level 3 returns by observers such as the National Commission for the Prevention of Torture.

6. Federal asylum centres

143. The Subcommittee takes note of the recent changes ushered in by the new Asylum Act, No. 142.31, which entered into force on 1 March 2019 and provides for the establishment of federal asylum centres in six regions, along with new standards of accommodation.

144. The Subcommittee visited only one federal asylum centre, known as "Aile nord aéroport" and situated in the transit centre at the airport in Geneva, where just one asylum seeker was being accommodated. No comment is called for regarding the physical conditions, which were of high quality. Asylum seekers could not, however, move freely around the transit areas in the airport.

145. The Subcommittee does not deem it appropriate to give an opinion here as to whether stays in such centres constitute a restriction of freedom of movement, or deprivation of liberty, within the meaning of article 4 (2) of the Optional Protocol.⁵⁰ It emphasizes, however, that asylum seekers cannot be accommodated in conditions akin to detention and recommends that the asylum centres be visited periodically by independent mechanisms, including the National Commission for the Prevention of Torture.

VI. Therapeutic measures and indefinite detention

A. Legal framework

146. Under article 59 (1) of the Criminal Code, a judge may order a person who has committed a serious or ordinary offence to undergo inpatient mental health treatment if he or she is suffering from a severe mental disorder, the offence is linked to this disorder and the treatment can be expected to prevent the commission of further such offences.

147. Therapeutic measures are ordered by a judge on the basis of a psychiatric evaluation determining the need for treatment, the chances of success and the likelihood of reoffending, as set out in article 56 (3) of the Criminal Code.

148. In accordance with article 59 of the Criminal Code, treatment must be provided in an appropriate psychiatric facility or a therapeutic institution for convicted prisoners, or in a prison provided that the necessary treatment is administered by qualified personnel.

et recommandations dans un rapport de synthèse annuel adressé aux autorités responsables de l'exécution des renvois. L'établissement concordataire de Rambois accueille des détenus sujets à des renvois de niveau 4, et l'établissement fermé de Favra, à des renvois de niveau 3.

⁵⁰ Voir Suisse, Commission fédérale contre le racisme, « Requérrants d'asile dans l'espace public – Avis de droit établi sur mandat de la Commission fédérale contre le racisme », février 2017.

Deprivation of liberty as a result of therapeutic measures may last for a maximum period of five years, which is renewable.⁵¹

149. In accordance with article 64 of the Criminal Code, a judge may order the preventive incarceration of persons who have committed certain offences specified in law, including premeditated murder, murder, rape and hostage-taking, if it is feared that they may commit further such offences on account of their personality traits or because of a chronic or recurrent severe mental disorder to which their offence is linked, and if the measures provided for in article 59 of the Criminal Code seem doomed to fail.

150. Such incarceration is ordered for an indefinite period.

151. The measures enumerated in articles 59 and 64 of the Criminal Code may be imposed on offenders who are deemed not criminally responsible, as well as those deemed to have full responsibility.

152. Persons who have committed certain serious offences listed in article 64 (1) bis of the Criminal Code may be placed in lifelong detention if it is highly likely that they will commit another such offence and they are assessed as permanently untreatable.

153. The likelihood of reoffending is assessed on the basis of a psychiatric evaluation to predict future dangerousness.

154. Provision is made for a periodic review of the grounds for indefinite detention, during which a psychiatric evaluation is conducted to determine whether there has been any change in the detainee's personality traits or the danger he or she poses since the previous review and if it remains necessary to protect the public from him or her. While indefinite detention is reviewed every two years,⁵² then every year, no re-evaluation of lifelong detention is provided for, the lifting of that measure being envisaged only in the event of new scientific knowledge becoming available, as set out in article 123a (2) of the Federal Constitution.

155. With regard to article 64 (1) bis of the Criminal Code specifically, the Subcommittee:

(a) Recalls that, for a life sentence to remain compatible with article 3 of the European Convention on Human Rights and article 9 of the International Covenant on Civil and Political Rights, there must be both a real prospect of release and a possibility of thorough review;⁵³

(b) Expresses serious doubts as to the feasibility of establishing a medical prognosis of lifelong untreatability and permanent psychiatric, criminal and social dangerousness. Predictions about a convicted person's future behaviour are, by their very nature, uncertain, with a significant risk of error. Deprivation of liberty for life on such flimsy grounds could raise serious issues of lawfulness.⁵⁴

⁵¹ Le Sous-Comité a été frappé de l'absence de statistiques exhaustives et désagrégées, indicatives du nombre de mesures thérapeutiques prononcées au niveau national, de sorte à pouvoir en apprécier l'évolution et la tendance en amont, ainsi qu'à rectifier et à prévenir les dysfonctionnements au besoin. Il a toutefois été rapporté par de nombreux observateurs, ce que confirme la littérature scientifique, que le nombre de mesures thérapeutiques institutionnelles prononcées est en augmentation constante, et que le nombre de places de traitement en institution spécialisée ne permet pas de répondre à une telle augmentation. Le nombre de personnes placées dans un établissement pénitentiaire après avoir été condamnées à une mesure thérapeutique institutionnelle serait ainsi passé de 186 en 2007 à 449 en 2014.

⁵² La décision est potentiellement convertie en mesure thérapeutique au titre de l'article 59 du Code pénal.

⁵³ Voir Cour européenne des droits de l'homme, *Vinter et autres c. Royaume-Uni* [GC], nos 66069/09 et 2 autres, CEDH 2013 (extraits).

⁵⁴ Il convient de relever que l'internement à vie n'a été prononcé que quatre fois, et annulé trois fois par décision du Tribunal fédéral ; l'annulation tenant à l'absence d'indication explicite de l'incurabilité dans les expertises pénales. Le quatrième cas n'a pas été examiné par la juridiction de recours, le condamné n'ayant pas fait appel.

156. Consequently, the Subcommittee recommends that the State party review article 64 (1) bis of the Criminal Code in the light of these comments and consider the advisability of repealing it.

B. Field visits

157. The Subcommittee visited the following establishments housing persons sentenced to therapeutic measures or indefinite detention: Pöschwies Prison, which had a section reserved for convicted prisoners subject to measures under article 59 of the Criminal Code; Bochuz Prison; and the Rheinau psychiatric clinic in the Canton of Zurich.

1. Pöschwies Prison

158. At Pöschwies, 28 inmates were undergoing inpatient treatment under article 59 of the Criminal Code, including 18 in the section reserved for therapeutic measures; the 10 remaining inmates were in ordinary detention.⁵⁵

159. The average length of treatment was around five years, after which inmates were switched to an open regime.

160. The section reserved for therapeutic measures had a well-staffed, qualified treatment team and offered tailored care encompassing a wide range of therapeutic and psychosocial rehabilitation measures, including compulsory work.⁵⁶ The psychologists and social workers from that section also monitored inmates subject to measures under article 59 of the Criminal Code who were being held in ordinary detention.

161. There were also 28 inmates in indefinite detention under article 64 of the Criminal Code and 1 in lifelong detention under article 64 (1) bis. Many of those inmates were older persons; some had no mental illness, while others had severe psychiatric disorders and had been declared untreatable or had been subject to measures under article 59 of the Criminal Code, which had failed.

162. They were monitored by the prison's general medical team and received no special care.

163. It emerged from interviews with the inmates that the most difficult aspect of their situation was the uncertainty as to the period for which they would be subject to the measures and what was expected of them.⁵⁷

2. Bochuz Prison

164. At Bochuz, 22 inmates were undergoing treatment under article 59 of the Criminal Code, of whom 8 were housed in the psychiatric unit, 13 were in ordinary detention and 1 was in strict solitary confinement for safety reasons.

⁵⁵ Ces 10 personnes étaient en attente d'intégrer le secteur réservé, mises à l'écart pour avoir enfreint le règlement intérieur, en fin de traitement et en attente de transfert, ou dépourvues d'indication de prise en charge.

⁵⁶ Les 25 professionnels se répartissaient ainsi : 13 relevant du service de psychiatrie et de psychologie de l'office cantonal (section des traitements au titre de l'article 59 du Code pénal), soit un psychologue chef de service, 4 psychologues, 2 infirmiers psychiatriques et 6 collaborateurs ; et 12 relevant de l'administration pénitentiaire, soit 2 assistants sociaux, 2 membres du personnel pénitentiaire formés au travail social et 8 collaborateurs. Les consultations psychiatriques (une fois par semaine) et de médecine générale étaient assurées par le dispositif de l'unité sanitaire de la prison.

⁵⁷ Ainsi, un homme condamné initialement à une peine d'emprisonnement de onze ans était incarcéré depuis vingt-quatre ans, soumis à un internement au titre de l'article 64 du Code pénal décidé en fin de peine sur la base d'expertises psychiatriques. Lors des réexamens périodiques, « on lui reprochait de ne pas se soigner assez » mais, selon lui, dans les prisons où il était incarcéré, « il n'y avait pas de prise en charge thérapeutique, seulement des tranquillisants ». Néanmoins, depuis cinq ans, il faisait l'objet des mesures relevant de l'article 59 du Code pénal et espérait pouvoir aller dans une structure ouverte. Il estimait avoir eu la chance qu'une psychiatre experte, au lieu de renouveler son statut sans se poser de questions, ait étudié son dossier et soit parvenue à d'autres conclusions.

165. Six persons were in indefinite detention under article 64 of the Criminal Code. One, initially sentenced to 3 years' imprisonment, had been incarcerated for 18 years. According to the psychiatric evaluations conducted, the inmate had no mental illness; indefinite detention was being extended from one year to the next because of the risk of reoffending.

166. The psychiatric unit was pleasant and well maintained,⁵⁸ staff were present 24 hours a day⁵⁹ and there was an open-door regime.⁶⁰ The care available was varied, with a focus on group activities. At the same time, it was compulsory to take medication.

167. Psychiatric consultations, provided by a team from the Vaud university hospital, were limited to one per month and psychological consultations to two per month.

3. Rheinau psychiatric clinic⁶¹

168. The clinic had 105 beds⁶² and accommodated men, women and minors, mostly patients undergoing therapeutic measures under article 59 of the Criminal Code,⁶³ but also inmates, both pretrial detainees and convicted prisoners, experiencing mental health crises. On the day of the visit, there were 88 patients, including a minor aged 17 years and a dozen women;⁶⁴ 81 were subject to measures⁶⁵ under article 59 of the Criminal Code (32 under paragraph 3, and 49 under paragraph 1) and 7 were inmates who had been hospitalized in a state of crisis⁶⁶ (including 1 admitted from prison as an emergency the previous evening⁶⁷).

169. Patients undergoing therapeutic measures were admitted on the basis of a placement order issued by the cantonal office for the enforcement of sentences, in agreement with the chief doctor. Placements were reviewed under the ad hoc procedure.

170. Pretrial detainees and convicted prisoners in a state of crisis were admitted without recourse to the provisions of the Civil Code concerning institutionalization for purposes of care. Following agreement between the prison doctor and the chief doctor of the clinic, the competent judicial authority (the court or the cantonal office for the enforcement of sentences) would issue an administrative order for the person's transfer.

171. The clinic's premises⁶⁸ and equipment were in an excellent state, the many staff were highly qualified, and a wide range of therapeutic and psychosocial rehabilitation measures was available. Medical files were properly kept, and administrative and forensic procedures were strictly followed.⁶⁹

172. The Subcommittee wishes to emphasize that prisoners⁷⁰ suffering from psychiatric disorders should, in all circumstances, be treated by staff who are qualified

⁵⁸ Huit cellules individuelles avec interphone et une cellule médicalisée, une salle d'ergothérapie bien équipée, un réfectoire et une salle de loisirs.

⁵⁹ Deux infirmiers et deux agents pénitentiaires.

⁶⁰ De 7 h 30 à 11 heures et de 13 h 30 à 17 heures.

⁶¹ La visite était centrée sur les patients médico-légaux sous mesure.

⁶² Soit 27 lits de haute sécurité (la délégation ayant visité l'une des trois unités de la section de haute sécurité), 65 lits en secteur partiellement ouvert et 13 lits en secteur ouvert.

⁶³ Il s'agissait principalement de patients souffrant de psychoses schizophréniques ; les patients souffrant de troubles de la personnalité et les délinquants sexuels étaient plutôt orientés vers les institutions pénitentiaires.

⁶⁴ Le mineur était un prévenu, placé au titre de l'article 5 de la loi fédérale no 311.1 régissant la condition pénale des mineurs, hospitalisé depuis neuf mois, en rémission et en attente de transfert vers la clinique psychiatrique de Bâle.

⁶⁵ La durée moyenne de séjour était de neuf mois dans le secteur de haute sécurité, et de quatre ans dans le secteur semi-ouvert.

⁶⁶ La durée moyenne de séjour variait de dix jours à quatre mois pour les épisodes aigus.

⁶⁷ Déjà hospitalisé dans le service, celui-ci était considéré comme très dangereux (hétéroagressivité). Il était en chambre d'isolement (sans contention) et l'ouverture de la porte requérait la présence de policiers ; ses traitements et repas lui étaient délivrés par un passe-plat.

⁶⁸ Locaux sécurisés en périphérie avec une garde pénitentiaire et vidéosurveillés (espaces communs, cinq chambres sur huit et chambre d'isolement) avec compte rendu au poste infirmier.

⁶⁹ Y compris pour le recours à l'isolement ou à la contention.

⁷⁰ Toutes catégories : prévenus ou condamnés, personnes sous mesure relevant de l'article 59 du Code pénal ou internées, pathologies aiguës ou chroniques.

and sufficiently numerous to provide the requisite assistance and care, in an appropriate setting, be that a specialized hospital unit or a specialized prison unit.

173. The Subcommittee noted with satisfaction the work undertaken in specialized units with convicted prisoners subject to therapeutic measures under article 59 of the Criminal Code, in both prisons and hospitals. However, it finds it regrettable that, too often, convicted prisoners under therapeutic measures are held in ordinary detention without access to the treatment facilities and the level of care they would be entitled to expect in order to expedite their recovery, thus affording them the prospect of release.

174. The Subcommittee encourages the State party to increase the number of places in appropriate facilities for persons sentenced to therapeutic measures and wishes to be informed of the decisions taken in this regard.

175. The Subcommittee wishes to draw the attention of the State party to the situation of persons in indefinite detention under article 64 of the Criminal Code. Many of them are suffering from severe psychiatric disorders, and some have been declared not criminally responsible. They are in ordinary detention, sometimes in high-security wings, where they are held in solitary confinement for long periods. They receive no treatment other than that provided by the prison medical unit. That being the case, it is inevitable that their condition will not improve and that their release will remain unattainable.

176. The Subcommittee, bearing in mind rule 109 (1) of the Nelson Mandela Rules, considers that the State party should conduct an in-depth review of the situation of persons in indefinite detention and amend its legislation and institutional responses accordingly.

177. The Subcommittee is particularly concerned about one of the findings of the scientific study ordered by the National Commission for the Prevention of Torture,⁷¹ which emphasizes that decisions to extend therapeutic measures are scantily reasoned, often simply summarizing the treatment reports without examining the proportionality of extending the measures while nevertheless approving the request by the enforcement authority to that effect.

178. The Subcommittee recommends that extension of therapeutic measures be based on a detailed examination of the necessity and proportionality of such a step, with due regard for the therapeutic progress made by the person subject to the measures. It further recommends that, for the purposes of the procedure, inmates automatically be heard by the relevant cantonal authorities before the measures are extended and that they have the assistance of counsel.

179. The Subcommittee makes the same recommendation in respect of the review of indefinite detention.

180. Persons sentenced to therapeutic measures could be forced to take medication.

181. The Subcommittee considers, as a matter of principle, that, as provided in the Civil Code, medication should be administered only with explicit free consent, duly documented, other than in the exceptional circumstances envisaged in article 434 of the Code.

182. The Subcommittee is of the view that, in application of the principle of equivalence of care, there is no reason to waive all these conditions in the case of prisoners, including those sentenced to therapeutic measures.

183. Pretrial detainees and convicted prisoners subjected to psychiatric hospitalization were admitted to mental health services not under the mechanism for institutionalization for purposes of care provided for in articles 426 et seq. of the Civil Code, but on the basis of a transfer order issued by the competent authority (the public prosecutor's office or the cantonal office for the enforcement of sentences) with no consideration of the issue of consent.

⁷¹ J. Weber et al., « Anordnung und Vollzug stationärer therapeutischer Massnahmen gemäss Art. 59 StGB mit Fokus auf geschlossene Strafanstalten bzw. geschlossene Massnahmeneinrichtungen », étude réalisée pour la CNPT, 2015.

184. **The Subcommittee is of the view that the rules in the Civil Code governing treatment without consent could also apply, by analogy, to prisoners subject to therapeutic measures.⁷² The Subcommittee would be very interested in the State party's comments in this regard.**

VII. Other issues

A. Tasks delegated to private companies

185. The Subcommittee delegation observed, during its visit, that certain tasks normally carried out by police or prison officers were delegated to private security companies.⁷³ Likewise, in many federal asylum centres, supervision of asylum seekers was delegated to a private company.⁷⁴

186. The Subcommittee is concerned about whether guards working under contract for such private companies have sufficient training to carry out key functions that may entail the use of force. It is also concerned about the related issue of lines of accountability.

187. The Subcommittee recalls that, when the supervision or transportation of prisoners under escort is contracted out or otherwise delegated to private actors, the State party remains bound by its obligations under the Optional Protocol and is responsible for any breach of the Protocol committed, at its instigation or with its consent or acquiescence, against persons deprived of their liberty.

B. Health-care costs of prisoners

188. The Subcommittee was concerned to learn that some cantons⁷⁵ were considering requiring a substantial contribution from prisoners to their health-care costs.⁷⁶

189. The prison doctors that the delegation met emphasized the counterproductive nature of such a measure, which could harm prevention and treatment efforts in custodial settings, as inmates would then refuse care.

190. The Subcommittee was also informed of a case in which the provision of necessary care had been compromised by the refusal of the cantonal office for the enforcement of sentences to authorize an advance on the costs.

191. Access to health care for prisoners is a major individual and public health issue, notably because of the excess morbidity seen in insecure and/or migrant populations.⁷⁷ Such access can be ensured more readily when care is provided free of charge.

⁷² Voir CPT, « Moyens de contention dans les établissements psychiatriques pour adultes (Normes révisées du CPT) », document CPT/Inf(2017)6.

⁷³ L'entreprise Securitas s'occupait notamment du convoyage des détenus et de la gestion quotidienne des détenus dans les postes de police de Lausanne (surveillance, promenades, distribution des traitements médicamenteux, etc.).

⁷⁴ En juin 1991, l'ancien Office fédéral des réfugiés (aujourd'hui Secrétariat d'État aux migrations) a publié un appel d'offres portant sur l'encadrement des requérants d'asile dans l'ancien centre d'enregistrement de Kreuzlingen. En août 1991, le mandat d'encadrement a été attribué à l'entreprise ORS. Les années suivantes, l'encadrement des requérants d'asile a aussi été confié à cette entreprise sur de nombreux autres sites d'hébergement du pays. Voir www.ors.ch/fr-CH/Qui-sommes-nous/Nos-sites-en-Suisse/Confederation.

⁷⁵ Suisse, Conférence latine des autorités cantonales compétentes en matière d'exécution des peines et des mesures, « Décision du 8 novembre 2018 fixant les règles de la participation des personnes détenues aux frais médicaux ».

⁷⁶ En raison de l'augmentation du coût de la santé pénitentiaire et au nom de l'équivalence des soins en population générale (citoyens et résidents), qui est obligatoirement affiliée à une caisse d'assurance maladie.

⁷⁷ Pathologies infectieuses (hépatites, VIH, infections sexuellement transmissibles, tuberculose, etc.), addictives et psychiatriques.

192. The Subcommittee recalls the importance of health as a fundamental right and a factor promoting social reintegration.

193. **The Subcommittee wishes to receive additional information on this issue from the State party and calls on it to guarantee to the prison population throughout the territory access to the necessary health care and services free of charge, in accordance with rule 24 (1) of the Nelson Mandela Rules.**

VIII. Next steps

194. **The Subcommittee requests that a reply to the present report be provided within six months from the date of its transmission to the Permanent Mission of Switzerland to the United Nations Office and other international organizations in Geneva. In the reply, the State party is invited to respond directly to all the recommendations and requests for further information made in the present report, and to give an account of action that has already been taken or is planned (including timescales) in order to implement the recommendations.**

195. **Article 15 of the Optional Protocol prohibits any form of sanction or reprisal, from any source, against anyone who has been, or who has sought to be, in contact with the Subcommittee. The Subcommittee reminds the State party of its obligation to ensure that no such sanctions or reprisals take place and requests that, in its replies, it provide detailed information concerning the steps it has taken to ensure that this obligation has been fulfilled.**

196. **The Subcommittee recalls that prevention of torture and ill-treatment is a continuing and wide-ranging obligation. It therefore requests that Switzerland inform it of any legislative, regulatory, policy or other relevant developments relating to the treatment of persons deprived of their liberty and regarding the national preventive mechanism.**

197. **The Subcommittee considers both its visit and the present report to form part of an ongoing process of dialogue. The Subcommittee looks forward to assisting Switzerland in fulfilling its obligations under the Optional Protocol by providing further advice and technical assistance, in order to achieve the common goal of prevention of torture and ill-treatment in places of deprivation of liberty. The Subcommittee believes that the most efficient and effective way of developing the dialogue would be for it to meet with the national authorities responsible for the implementation of the Subcommittee's recommendations within six months of receiving the reply to the present report, in accordance with article 12 (d) of the Optional Protocol.**

Annexe I

Liste des membres du Gouvernement, ainsi que des autres interlocuteurs rencontrés par le Sous-Comité

1. Autorités

Office fédéral de la justice (Département fédéral de justice et police) :

- Bernardo Stadelmann, sous-directeur de l'OFJ et chef du domaine de direction Droit pénal
- Ronald Gramigna, chef de l'unité Exécution des peines et des mesures
- Béatrice Kalbermatter, cheffe suppléante de l'unité Exécution des peines et des mesures, responsable pour le domaine des mineurs
- Aimée Zermatten, unité Exécution des peines et des mesures
- Alain Chablais, chef de l'unité Protection internationale des droits de l'homme et Agent du Gouvernement suisse (Représentation de la Suisse devant la Cour européenne des droits de l'homme et le Comité contre la torture)
- Folco Galli, Chef de l'information

Secrétariat d'Etat aux migrations (Département fédéral de justice et police) :

- Beat Perler, Chef unité Bases du retour et aide au retour

Direction politique (Département fédéral des affaires étrangères) :

- Sandra Lendenmann, cheffe de la section Politique des droits de l'homme, Division Sécurité humaine DSH

Association suisse des Magistrats de l'ordre judiciaire :

- Marie-Pierre de Montmollin, Juge, Canton de Neuchâtel

Conférence des directrices et directeurs des départements cantonaux de justice et police (CCDJP) :

- Alain Hofer, secrétaire général adjoint de la CCDJP

Centre suisse de compétence en matière d'exécution des sanctions pénales (CSCSP) :

- Patrick Cotti, directeur du CSCSP
- Blaise Péquignot, membre du conseil de fondation du Centre suisse de compétences en matière d'exécution des sanctions pénales (CSCSP) et secrétaire général de la Conférence latine des chefs des départements de justice et police (CLDJP)

Ministère public de la Confédération :

- Michael Lauber, Procureur général de la Confédération
- Julie Noto, responsable section terrorisme.

2. Commission nationale de prévention de la torture (CNPT)

- Alberto Achermann, président
- Sandra Imhof, cheffe du Secrétariat
- Daniel Bolomey
- Alexandra Kossin
- Philippe Gutmann

- Giorgio Battaglioni
- Leo Naf
- Deliad Cinno
- Ursula Klopfiger
- Nadja Kunzle
- David Wagen-Magnon

3. Organisations non gouvernementales

- Roger Staub, Fondation Pro Mente Sana
- Kathi Hermann, Fondation Pro Mente Sana
- Valentina Darbellay, Terre des Hommes (section Lausanne)
- Sarah Frehner, Organisation Suisse d'aide aux réfugiés (OSAR)
- Muriel Trummer, Amnesty International
- Dominique Joris, Association des Chrétiens pour l'abolition de la torture (ACAT – Suisse)
- Manuela Ernst, Croix Rouge Suisse, Section Berne
- Réseau « Support for Torture Victims »

Annexe II

Lieux de privation de liberté visités par le Sous-Comité

Canton de Berne

- Regionalgefängnis Bern (prison régionale de Berne)
- Polizeiwache Waisenhaus (commissariat de police)
- Polizeiwache Bahnhof Bern (poste de police de la gare)

Canton de Zürich

- Flughafengefängnis Zurich (prison d'aéroport de Zurich)
- Flughafengefängnis Zurich (centre de rétention)
- Justizvollzugsanstalt Pöschwies (prison de Pöschwies)
- Gefängnis Zürich (prison à Zurich)
- Psychiatrische Universitätsklinik Zürich (clinique à Rheinau)
- Kantonal Polizeigefängnis (police cantonale)

Canton de Genève

- Etablissement fermé de Favra
- Etablissement concordataire de Frambois
- Police de la sécurité internationale (PSI)
- PSI-SARA
- Centre de transit aéroportuaire Genève « aile nord »
- Poste de Police Cornavin
- Poste de police Pâquis
- Poste de police Carl Vogt (VHP)

Canton de Vaud

- Hôtel de Police, Lausanne (VHP)
 - Centre de la Blécherette, Police cantonale (zone carcérale)
 - Etablissements de la Plaine de l'Orbe (E.P.O.), Bochuz
-