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Core Group on Security
TETRA

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Measures by Switzerland to Combat Jihad-motivated Terrorism

3rd TETRA Report

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FOREWORD

The man was barely 24 years old when he ploughed an articulated lorry into the crowd at a Christmas market in the heart of Berlin, killing 12 people and injuring many more. A petty criminal who had appeared under various identities, he had left his country of birth – Tunisia – a few years earlier and finally ended up in Milan, where he was shot during a police check. This was not the first case of its kind. We are reminded of Istanbul, Nice, Saint-Etienne-en-Rouveray, Ansbach, Brussels, Paris. Jihadist terrorism is here, in the heart of Europe.

This low-cost terrorism, which is carried out using moderate means and requires little planning, can strike anywhere and anytime. The profile of those who commit such acts is diverse: they may be converts, or people from stable families, often they are uneducated petty criminals who are adrift. One element is common to all, however: their radicalisation has been triggered or accentuated by a breach in their life.

How can we identify young people who veer off the track and turn, gradually or rapidly, towards the propaganda of so-called Islamic State? Where is the line between radical ideology – every person is free to think what they want – and criminal behaviour? When does someone become a danger? What can be done about it? How can we identify radicalisation in the early stages and prevent its progression? How should we deal with those who are already radicalised and possibly dangerous? Is deradicalisation possible? Can a person cast off their fascination for killing?

There is no straightforward response to this complex problem, no miracle cure. There is a strong temptation to resort to security measures alone, to adopt measures that are spectacularly one-off or merely symbolic. The response is as complex as the problem. To find solutions we need to go far beyond the scope of action of the security services.

Here lies the strength of TETRA. Federal and cantonal security services have come together and are now collaborating with other agencies that are not principally engaged in security matters. The National Action Plan, which is currently under preparation, follows the same principle. Our approach is to seek interdisciplinary solutions at all levels. As this report shows, numerous services and agencies are involved, and we already have a wide range of instruments at our disposal. However, there are still some shortcomings that need to be addressed.

We are on the right track with TETRA. I am witness on a daily basis to the unrelenting and resolute commitment of numerous men and women who seek solutions to the challenges before us. The fight against terrorism is not over yet. The work continues.

On behalf of TETRA

Nicoletta della Valle, Director fedpol

1 INTRODUCTION

Jihad-motivated terrorism has lost none of its relevance since the first TETRA report was published in February 2015. Recognising the crucial importance of effective counter terrorism, the Swiss authorities have strengthened police cooperation at national and international level. And the work of Operational Coordination TETRA is beginning to bear fruit.

Combating terrorism is a complex task: radicalisation often begins subtly; terrorists' profiles are diverse; attacks are carried out using moderate means and with little planning; the step to carrying out the actual act is swift; the choice of victim is vague. This type of low-cost terrorism can strike anyone, anytime, anywhere. Countering this threat requires a multifaceted, interdisciplinary approach that goes beyond the scope of action of the security services.

The 3rd TETRA Report outlines the entire chain of intervention on the path of a terrorist, starting with the first signs of radicalisation, through a conviction by the courts for a terrorist act, and finishing with the person's release from prison. Each stage lists the services or agencies responsible for intervention and indicates what counter-terrorist instruments currently exist or are in planning.

The threat from terrorism continues. TETRA, established originally as a task force, has since become a permanent institution whose task is operational coordination. The renaming of the group takes account of the fact that, due to the geopolitical situation, terrorism will not be eradicated anytime soon. Indeed, we must be prepared for a long-term commitment.

Composition and mandate of Operational Coordination TETRA (TErrorist TRAcking)

The aim of Operational Coordination TETRA is to assist the authorities involved in fighting terrorism in coordinating and optimising their work. TETRA is headed by fedpol and comprises the Federal Intelligence Service (FIS), the Office of the Attorney General (OAG), the Crisis Management Centre of the Federal Department of Foreign Affairs (FDFA), the Swiss Border Guard (SBG), the State Secretariat for Migration (SEM), the Federal Office of Justice (FOJ), the National Police Command (FST P) and the Conference of Cantonal Police Commanders of Switzerland (CCPCS). TETRA can also include other authorities, such as law enforcement services, in its considerations on combating terrorism.

In accordance with Switzerland's strategy to combat terrorism, which has been approved by the Federal Council, TETRA's objectives are:

- to prevent terrorism in Switzerland;
- to prevent the export of terrorism abroad and support for terrorism in Switzerland;
- to provide support to its international partners in preventing terrorism;
- to prevent the risk of blackmail from terrorism;
- to prepare Switzerland to respond to a terrorist attack;
- to ensure that Switzerland is a reliable and diligent partner at international level, committed to international law.

TETRA:

- assesses the situation on an ongoing basis;
- coordinates specific cases;
- evaluates existing measures;
- proposes new measures and puts forward recommendations for action.

2 CURRENT SITUATION

In view of the attacks in Europe since 2015 and the ongoing terrorist activities of various Jihadist groups and organisations, the threat of a terrorist attack remains heightened or even high in many European countries. Further attacks in Europe are likely; these may range from simple attacks by individuals or small cells, to complex missions by groups such as so-called Islamic State.

Switzerland, as a member of the Western world, considered by Jihadists to be anti-Islamic, could also become the target of a terrorist attack. As a result, the threat level in our country remains 'heightened'.

The most likely threat to our country comes from attacks by individuals or small cells using few logistical resources. The perpetrators may be people who have been radicalised in our country or jihadist fighters returning from conflict zones. They may be inspired only by jihadist propaganda, or they may be in contact with so-called Islamic State or other jihadist groups.

The accumulation of attacks in Europe and their wide media coverage could inspire radicalised people in Switzerland to carry out acts of violence: the risk of an attack in our country is assumed to rise temporarily following an attack in Europe (copy-cat effect). On the other hand, Switzerland could be used by jihadists as a transit country or as a logistical base for preparing attacks in other countries. There are several examples of terrorist-related connections to Switzerland; the Paris attacker who travelled through Switzerland or the infiltration of migration flows by jihadists are just two such examples.

The terrorist threat to Switzerland is a long-term challenge for national security policy. The current threat will not dwindle or disappear by recapturing territory lost to so-called Islamic State, whose propaganda continues to exert a powerful effect on its target groups. There is evidence that IS middlemen and potential attackers as well as IS-controlled cells are in Europe. And the core Al-Qaeda and its regional groups continue to pose a threat to Western interests.

The rising threat by international terrorism in the last few years goes hand-in-hand with a general deterioration of the security situation in Europe and hence in Switzerland. This deterioration stems not least from the cross-border threat posed by an increasing number of non-state actors. And there is no turnaround in sight in the coming years.

3 SIX STAGES OF INTERVENTION

Fighting terrorism is a complex undertaking. Counter terrorism measures are only effective if they are based on a multifaceted, interdisciplinary and coherent response. This chapter illustrates the whole chain of intervention possibilities using the fictitious example of a young man who undergoes radicalisation. Each stage indicates the services responsible for intervention and what instruments

are currently available or in the planning. The 'Zoom in on...' sections focus on a particular issue or a specific case.



3.1 Stage 1: The beginning of radicalisation



The beginning of radicalisation

Radicalisation often begins subtly or casually, as in the fictitious case of our young man who is feeling a little disorientated. Perhaps he has given up his apprenticeship or studies, his girlfriend has left him, and he is feeling alone and misunderstood. He goes through a period of aimlessness, feels excluded from society and searches for answers. He begins to change. At this point he is not yet on the radar of the police or the Federal Intelligence Service. He is simply going through a hard time, questioning the meaning of life. It is up to local structures and services to detect the young man's budding radicalisation and intervene.

Services responsible

Cantonal and communal authorities and services (education department, social welfare services and migration offices), public institutions (victim assistance and violence prevention services), civil society organisations (counselling services, street-level social workers, youth workers)

Existing instruments

Prevention programmes in the cantons, cities and communes (e.g. violence prevention programmes)

Instruments in planning

National Action Plan to Prevent Radicalisation and Violent Extremism

Work to date

The initial stage of radicalisation is extremely important. It is at this point early detection is possible and potential radicalisation can be nipped in the bud. The 2nd TETRA Report (October 2015) highlighted the important role of services outside the field of law enforcement for preventing radicalisation from the very beginning. As part of the work by TETRA and in cooperation with the cantonal conferences, the Delegate of the Swiss Security Network (SVS) was mandated to carry out a survey of existing measures to counter jihadist radicalisation outside the field of security. The SVS report was published in July 2016¹ and focuses on extra-security related instruments to facilitate the early recognition of radicalisation. Its conclusions correspond to those reached by other countries:

- People who tend to radicalisation do not have a typical profile.
- Prevention must be based on cooperation between the services responsible for education, integration and social welfare.
- The exchange of information and cooperation between the various stakeholders in the field of prevention on the one hand, and the security services and judicial authorities on the other, must be strengthened.
- Prevention instruments must be built upon existing structures.
- Solutions should be developed, incorporated and adapted at local level.
- Procedures involving the exchange of information and the early identification of radicalisation should be clearly defined.



¹ *Measures to prevent radicalisation*, July 2016, Swiss Security Network SVS
http://www.svs.admin.ch/content/svs-internet/en/dokumentation/jcr_content/contentPar/downloadlist/downloadItems/41_1467367990307.download/SSN%20Report_prevention%20radicalisation_july%202016.pdf

Zoom in on...: *Gardez le lien* (a website of the canton of Geneva for the prevention of violent religious and political radicalisation) www.gardezlelien.ch

As part of its strategy to prevent violent religious and political radicalisation, the canton of Geneva has set up the website *Gardez le lien*. The canton focuses its efforts on preventing violence and promoting resocialisation, a strategy based on the Danish Aarhus programme. Resocialisation, i.e. reintegration of the radicalised person into society, is the focal point of the work by the canton. To attain this goal, it offers help and support through various channels. The website provides information on what kind of help is available to whom and under what conditions. Anyone interested in making use of what is on offer can get in touch with the competence centre using the online contact form. Another channel is the helpline, which has been in operation since December 2016. Further elements of the canton's strategy include training events and symposiums, as well as the development and financial support of projects to counter radicalisation and violence.

Zoom in on...: *Fachstelle Extremismus und Gewaltprävention (FSEG)*

In October 2016, the town of Winterthur set up a specialised unit (Fachstelle Extremismus und Gewaltprävention FSEG)² aimed at preventing violent extremism and radicalisation in the early stages. The unit offers confidential counselling in various languages, and anyone making use of its services may remain anonymous. Various instruments, such as situation analyses, the identification of early warning signals and risk assessments, enable those involved to intervene at an early stage in cases where a person is in potential danger of becoming radicalised. The FSEG offers counselling, coaching and mediation by specialists in the fields of psychology, psychiatry and child and adult protection. The unit maintains a close exchange of information with the police. Its work is directed at the public and at specialists from the field of violence prevention, providing training for stakeholders from schools, social welfare services, the field of youth work and religious communities. It is part of the Winterthur Prevention Network, which also includes the Special Unit for Promoting Integration and the Municipal Police of Winterthur. This approach fosters networking at various levels, which facilitates the early detection of those at risk from becoming radicalised and the transfer of knowledge, the latter being a key element in fighting extremism.

² <https://stadt.winterthur.ch/gemeinde/verwaltung/soziales/soziale-dienste/praevention-und-suchthilfe/fachstelle-extremismus> (available in German only)

Still to come

The Delegate for the Swiss Security Network (SVS) was tasked on 8 September 2016 with compiling in cooperation with the competent federal, cantonal, municipal and communal services and agencies a National Action Plan to Prevent Radicalisation and Violent Extremism. The NAP will be based on a July 2016 survey by the SVS of existing measures to counter radicalisation, as well as on the 1st TETRA Report³ of February 2015 and the 2nd TETRA Report⁴ of October 2015. It will propose measures to prevent and combat all forms of radicalisation that lead to terrorism. As mentioned in the 2nd TETRA Report, there is also a need for action regarding the deradicalisation and rehabilitation of jihad returnees and convicted jihadists before, during and after the enforcement of their judicial sentence. The NAP will therefore particularly address these two issues. It will also outline numerous areas in which action is required, such as in the fields of early detection, security, awareness-raising and deradicalisation. The aim is to draw up a comprehensive plan of action containing specific and practicable measures that are workable on a daily basis. The NAP is scheduled for approval by political bodies (the political platform of the SVS, the executive body of the Conference of Cantonal Justice and Police Directors, the executive body of the Swiss Conference of Cantonal Directors of Education, the Conference of Cantonal Directors of Social Affairs, Swiss Towns Association, Swiss Communes Association) in the third quarter of 2017. The NAP is intended as an instrument to help the cantons and communes establish strong and effective structures to prevent radicalisation, and to support and further develop existing services or projects. Moreover, the federal authorities are to examine how they can support these institutions financially. According to the priorities of the Federal Department of Justice and Police's crime prevention strategy for the 2016-2019 legislative period⁵, federal-level crime prevention should be defined in a so-called framework ordinance⁶, which would allow the Confederation to provide financial support to projects or programmes aimed at preventing and combating radicalisation and terrorism. This would enable the support of existing schemes and help to foster new ones.

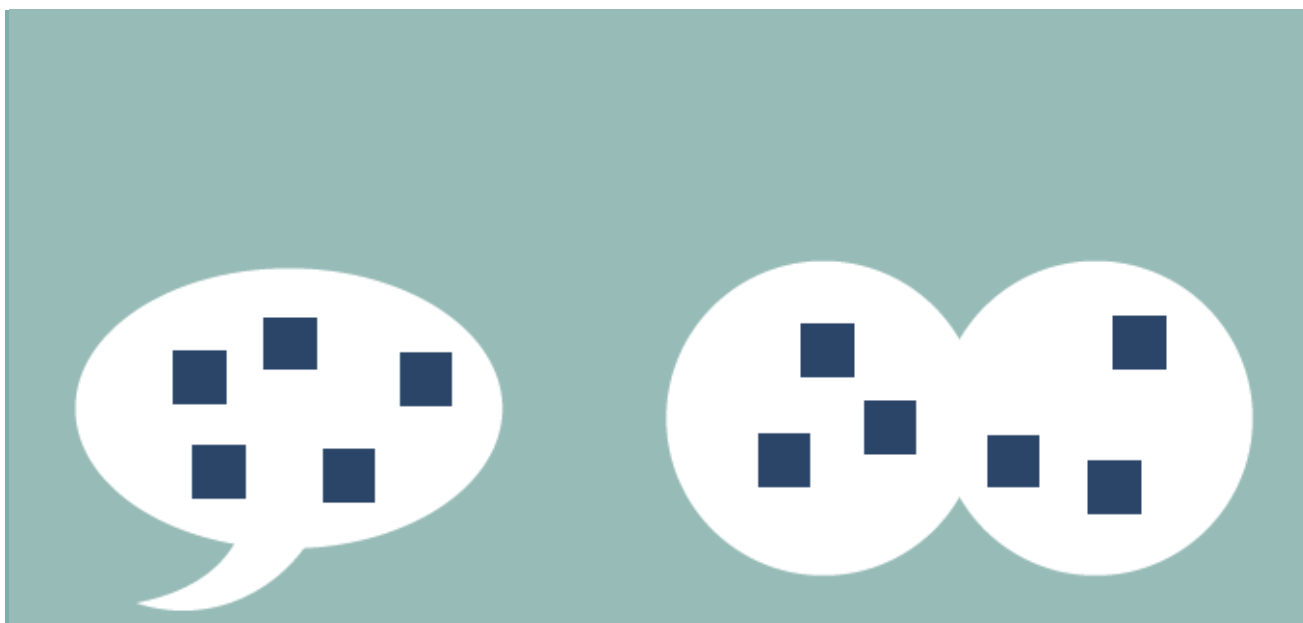
³ 1st TETRA Report: Combating Terrorism in Switzerland, February 2015, <https://www.ejpd.admin.ch/dam/data/fedpol/aktuell/news/2015/2015-02-26/ber-d.pdf> (not available in English)

⁴ 2nd TETRA Report: Measures by Switzerland to Combat Jihadist Terrorism, October 2015, <https://www.fedpol.admin.ch/dam/data/fedpol/aktuell/news/2015/2015-11-02/ber-tetra-d.pdf> (not available in English)

⁵ <https://www.admin.ch/gov/de/start/dokumentation/medienmitteilungen.msg-id-59808.html>

⁶ The framework ordinance is based on Art. 386 Swiss Criminal Code SCC (Preventive Measures), SR 311.0.

3.2 Stage 2: Coming to the attention of the Federal Intelligence Service FIS



Detection

The young man in our story becomes increasingly radicalised. He is active on social networking websites, posts favourable comments on so-called Islamic State and reads jihadist propaganda. By doing so, he expresses admiration for those fighting in Syria or carrying out attacks. At this point he comes to the attention of the FIS.

If the young man is an asylum seeker, the cantonal migration authorities and the State Secretariat for Migration (SEM) can provide helpful information on his radicalisation.

Services responsible

FIS and cantonal intelligence services, SEM

Existing instruments

Internet monitoring for jihadist activities, preventive dialogue

Refusal/revocation of asylum and residence permits

Refusal of visa

Close cooperation between security services (TETRA)

Instruments in planning

Entry into force of the Intelligence Service Act

Work to date

In the course of monitoring the internet for jihadist activities, the FIS had identified 497 suspicious users up to the end of 2016 who were either disseminating jihadist propaganda within Switzerland or from Switzerland abroad, or who were in contact with people in Switzerland or abroad who were advocating such ideas. These internet users are not necessarily a threat to internal and external security, however.

The FIS monitors public websites, social media and chat forums known to be used by jihadists. If there is evidence that a radicalised person is prepared to use violence or shows interest in travelling to a conflict region, the FIS summons the person for an interview. This is known as 'preventive dialogue' (see the 'Zoom in on...: Preventive dialogue' section below). If the person is a foreign national, the FIS can request partner services to impose measures under legislation pertaining to foreign nationals, such as entry bans, deportation, revocation of residence permits or a police database entry to determine the person's whereabouts. If there is a growing suspicion that the person has committed or may commit a criminal offence, the FIS forwards the case to the prosecution authorities.

Early detection by local authorities

The cantonal authorities play an important role in the early detection of people who start to become radicalised. This is because these authorities are close to and know their communities. Information relevant to the early detection of potential radicalisation is relayed quickly to the pertinent federal services, particularly the FIS. This exchange of information works well.

Examining asylum requests

At present, the asylum requests of people from certain high-risk countries are subject to a two-step examination. The first step involves a database inquiry of national and international police information systems, and the interviewing of asylum seekers by SEM. The second step involves an analysis of the applicant's asylum file by the FIS to determine if the asylum seeker potentially poses a security threat. Asylum seekers from certain high-risk countries are subject to blanket screening by the FIS.

For all cases received from SEM, the FIS conducts an initial inquiry in its own and other federal databases, such as the National Police Index. If the FIS establishes a security risk, it conducts further, more in-depth inquiries, including requests for information from partner agencies both within Switzerland and abroad. If the person in question is an asylum seeker the FIS does not conduct inquiries in the country of origin to avoid putting the person in danger. After examining the case, the file is returned to SEM for further processing. Depending on the findings, the FIS attaches a commentary; it may recommend the asylum request be rejected or note that the asylum seeker could pose a threat. The definite decision on asylum rests with SEM, however.

The number of asylum cases examined by the FIS has risen markedly in the last three years. In 2014, when 24,000 people requested asylum, the FIS examined 2,488 files. This number rose to 4,910 cases from a total of 39,500 asylum requests in 2015.

In 2016, 27,200 people sought asylum in Switzerland. In the same period the FIS examined 5,202 cases in connection with a potential threat to national security. Of these, it recommended that 14 asylum requests be rejected on the grounds that the applicants posed or could pose a threat to

security. In one instance the FIS recommended that the person's asylum and refugee status be revoked.

Zoom in on...: The object of preventive dialogue

Preventive dialogue is when the FIS makes direct contact with a person who it believes may commit a criminal act. During this (voluntary) dialogue, the FIS informs the person of the criminal consequences of such an act. The aim of the dialogue is to prevent the person from committing a crime. It also sends out a signal that the person is on the security services' radar. In a few cases the FIS has succeeded in preventing a person from travelling to a conflict region to fight or from spreading propaganda inciting violence. If minors are involved, preventive dialogue with the parents and other people close to the minor can be helpful in raising awareness about a child's activities, especially online.

Zoom in on...: A case study of jihadist monitoring by the FIS

In autumn 2016, the FIS's attention was drawn to an internet user who had uploaded a profile picture of IS fighters. On searching the user's photo collection, the FIS found that in the previous few weeks he had been disseminating IS propaganda and maintaining contacts to numerous other users with a jihadist profile. The user's activities suggested he lived in Switzerland and his Facebook profile indicated that he was an IS sympathiser. The FIS therefore began monitoring his activities and found that he was disseminating IS propaganda – including videos of IS executions – nearly every day. The dissemination of jihadist material including the depiction of excessive violence suggested his radicalisation was well advanced. It was the FIS's opinion that the user's online activities were a violation of the Federal Act on the Prohibition of Al Qaeda, Islamic State and Associated Organisations and of Article 135 of the Swiss Criminal Code. As a consequence, it forwarded the case to the Office of the Attorney General (OAG).

Still to come

Federal Act on the Intelligence Service (Intelligence Service Act)

On 25 September 2016, the Swiss electorate approved the new Intelligence Service Act. It is scheduled to come into force on 1 September 2017 and will grant the FIS new surveillance powers. However, even with the new act in force, the FIS will not be permitted to monitor all jihad returnees to Switzerland or put every terrorist suspect under surveillance. The legislation stipulates clearly under what conditions a person may be monitored, thus ensuring that surveillance is restricted to the most serious cases. Each case must be authorised by the Federal Administrative Court, which decides on a case-by-case basis according to the principles of legality, proportionality and practicality, and after considering whether less severe measures could be applied. The final say rests with the head of the Federal Department of Defence, Civil Protection and Sport, in consultation with the heads of the Federal Department of Justice and Police and the Federal Department of Foreign Affairs.

Mandatory reporting by private service providers in the field of asylum

A further area requiring scrutiny is the care of asylum seekers, which is performed mostly by private service providers. At present, any private individual or institution that suspects an asylum seeker of becoming radicalised is under no obligation to report it to the authorities. This could have

implications for security. The Federal Office of Justice is currently examining whether it is necessary to introduce mandatory reporting for private service providers or individuals. In its response to the interpellation by Claude Janiak (16.3905), the Federal Council spoke out in favour of looking into the question of mandatory reporting.

3.3 Stage 3: First police intervention and inquiries



First police intervention and inquiries

In our case study, the young man becomes increasingly radicalised. The FIS suspects him of committing a criminal offence and officially hands over the case to fedpol. Criminal proceedings have not yet been opened, but fedpol begins initial inquiries.

Services responsible

fedpol

Existing instruments

Police inquiries

Refusal/withdrawal of asylum and residence permits

Entry ban and refusal of visa

Removal and deportation (endangering security)

Close cooperation between TETRA security services

Instruments in planning

New extra-procedural police measures: travel document restriction and mandatory reporting, discreet surveillance

Access by fedpol to API passenger database (revision of the Foreign Nationals Act)

Work to date

At this stage, outside the framework of criminal proceedings, fedpol can follow up on the suspicion of the FIS with first police inquiries. The security services also have various instruments at their disposal under the legislation on foreign nationals, such as entry bans or removal from Switzerland. Fedpol makes consistent use of available legislative mechanisms: for example, in 2016 it imposed 122 entry bans, the majority (107) of which were imposed against people suspected of having committed terrorist or violent extremist acts, or having supported illegal groups and organisations⁷. The latter encompasses support in terms of manpower or material, as well as organising propaganda campaigns or recruiting members. Of the 107 aforementioned entry bans, 39 were imposed against people who had travelled to conflict areas, i.e. jihad-motivated travellers. This compares to the previous year, when fedpol imposed only 17 terrorist-related entry bans.

The three main reasons for this difference are:

1. The threat has risen;
2. The threat in Europe has led to closer international cooperation among security services. Today, these services exchange a greater volume of information on people who could pose a risk to a country's internal or external security;
3. The Swiss security services are working more closely together. Cross-service cooperation has become more efficient thanks to the work of TETRA. Enhanced data exchange serves to identify potential terrorists sooner, so that entry bans can be imposed.

Entry bans are usually imposed on request by the FIS.

If the suspect is a Swiss national, the instruments available to the security services are limited outside the scope of criminal proceedings (see 'Still to come' section).

⁷ Under the Federal Act of 12 December 2014 on the Prohibition of Al-Qaeda, Islamic State and Associated Organisations (SR 122), the groups mentioned in the title as well as their front and successor groups, and organisations and groups that correspond to Al Qaeda or so-called IS in terms of leadership, objectives and methods, or act on their behalf, are prohibited (Art. 1).

Zoom in on....: Departure of two young men living in the French-speaking region of Switzerland

Two young men living in the French-speaking part of Switzerland conveyed the impression of becoming radicalised and wanting to travel to Syria. However, the evidence was not sufficient for the OAG to open criminal proceedings. Even though the cantonal security services had held a preventive dialogue with the two men (see Stage 2, Early detection), they left Switzerland. Since criminal proceedings had not been initiated, the authorities had limited means of dealing with the case. New police measures (see 'Still to come' section) will provide the authorities in such a situation with more options in future. Once the men's jihadist background was sufficiently documented, the OAG opened criminal proceedings, and the two suspects were taken into remand custody on their return to Switzerland (see Stage 4a, The continuing story).

Zoom in on....: Removal

As part of the Dublin Procedure, the German authorities, in close collaboration with their Swiss counterparts, sent a suspected IS supporter back to Switzerland, where he had submitted his first asylum request. On his arrival in Switzerland the suspect was taken into administrative detention pending removal. At the same time, fedpol issued the man with an entry ban for the Schengen area. Once his passport had been issued, a special flight was organised to repatriate him to his country of origin. The exchange of information between Germany and Switzerland, and between various federal and cantonal services, facilitated the smooth and successful deportation of the man to his home country.

Report on the current situation after a series of terrorist attacks

Analysing terrorist incidents in Europe is one of the classic areas of police work. Fedpol gathers, records and continually analyses all police information and makes it available to the cantonal police services and the National Police Command. Information is mainly sourced from ongoing judicial proceedings or obtained from fedpol's contacts with cantonal police and foreign partner services, whereby international contacts are of prime importance. Analysts are in regular contact with Europol's European Counter Terrorist Center (ECTC) and with their foreign colleagues.

Ongoing analyses mean that situation reports can be issued swiftly following a terrorist attack. For example, a few hours after the Brussels attacks the security services already had a picture of the suspects' network, showing possible links between the suspects, listing wanted persons and revealing possible connections to Switzerland.

Zoom in on....: the Schengen Information System (SIS) – an indispensable instrument for combating terrorism

The Schengen Information System (SIS) is an indispensable instrument for fighting terrorism. This is particularly the case for Switzerland, which is one of the countries that uses the SIS the most frequently. For example, the SIS can be used to identify and arrest jihad fighters returning to the Schengen area if the database contains an SIS alert on them. Also, discreet surveillance helps the security services to detect suspects' travel routes throughout the Schengen area and uncover their personal environment, and provides valuable investigative leads. The EU, with Switzerland's support, is currently working on further improvements to the SIS aimed at further simplifying and speeding up the exchange of information between Schengen member states and the implementation of measures against terrorist suspects. The fast diffusion of a police alert throughout Europe means there is a better chance of locating a wanted person.

Fictitious example: Shortly after a terrorist attack, the security services find identity documents at the scene of the crime, indicating that X was directly involved in the incident. The authorities concerned enter an alert in the SIS database for X's arrest. Within minutes, the alert reaches police services throughout the whole of the Schengen area, and the international search for X is on. Right after the attack, X gets on a train and flees to a neighbouring country, where he is stopped by a police patrol who checks his personal data in the SIS database. As a result of the SIS alert, the database returns a hit and X is arrested.

Still to come

The Federal Council recognises that the preventive measures currently available to the police are inadequate. It has therefore tasked the Federal Department of Justice and Police with presenting a proposal for improving these measures.

At present, fedpol is compiling a package of extra-procedural measures that include: the obligation to report in person to the police station; the confiscation of identity or travel documents; discreet surveillance of a person by means of an SIS entry (see Chapter 4). In addition, fedpol is examining the groundwork and legal aspects of the following measures:

- amendment of the provisions on deleting websites inciting to violence against people or property;
- restriction of movement, at a local level, for the purpose of preventing terrorism;
- police detention or preventive custody to prevent people travelling abroad for terrorist-motivated reasons, and extending the list of reasons for detention pending deportation;
- extending access rights to the Border Guard and State Secretariat for Migration for fedpol databases;
- enhancement of legal instruments for combating terrorist financing.

3.4 Stage 4a: Criminal proceedings and charges



Criminal proceedings and charges

In our case study, fedpol has gathered sufficient evidence against our young man for the Office of the Attorney General to open criminal proceedings. The prosecution authorities have a range of instruments under the criminal procedure code at their disposal. The Federal Intelligence Service can also provide the Attorney General's Office with an official report of its findings.

Services responsible

OAG with investigations by fedpol

Compulsory Measures Court

Federal Office of Justice

Existing instruments

Swiss Criminal Code: Art. 260^{ter} (Participating in or supporting a criminal organisation)

Federal Act of 12 December 2014 on the Prohibition of Al-Qaeda, Islamic State and Associated Organisations

Criminal procedure law: compulsory measures (monitoring of communications, surveillance, preventive dialogue, remand or alternative measures such as travel document restriction, mandatory reporting with the police, etc.)

Police cooperation and mutual assistance

Close cooperation between the TETRA security services

Instruments in planning

Revision of the Federal Act of 6 October 2000 on the Surveillance of Postal and Telecommunications Traffic (SPTA)

Modification of the legal provisions on criminal organisations and extension of the IS ban, carried over into perpetual law

Implementation of the Council of Europe Convention on the Prevention of Terrorism and additional protocol

Work to date

At this stage, the law enforcement services have a whole range of instruments at their disposal. Of the more than 70 cases dealt with by fedpol, around 60 are the subject of criminal proceedings by the OAG. The remaining 10 cases are still at the stage of police inquiries (see Stage 3).

The new Federal Act on the Surveillance of Postal and Telecommunications Traffic (SPTA) will come into force on 1 January 2018. It is adapted to the latest technological developments so that in future crime suspects will not be able to evade surveillance by law enforcement services by using new communications technologies. The total revision of this piece of legislation aims to improve surveillance, nothing more.

Zoom in on...: The continuing story of a returnee living in the French-speaking region of Switzerland OR Responding to the threat posed by a radicalised person after their release.

If there is sufficient evidence a person is supporting so-called Islamic State, the law enforcement services can take the suspect into remand custody. However, the person must be released again if there is no reason for extending the duration of detention. Under the provisions on criminal procedures in Switzerland (Art. 237 of the Criminal Procedure Code CrimPC), alternative measures can be ordered instead of, or on release from remand custody if such measures achieve the same result. Alternative measures are only permitted if there is

no risk of abscondence, no danger of suppressing or tampering with evidence, and no risk of repeating the offence that led to remand custody (see Art. 221 CrimPC).

In our case study, the young man from the French-speaking region of Switzerland returns from Turkey in June 2016 and is arrested at Zurich airport on an OAG warrant. On an application by the OAG, the compulsory measures court lifts the detention order after a certain period and orders alternative measures. Implementing these measures requires close cooperation between the cantonal authorities, fedpol and the OAG. A whole range of police and social welfare measures are necessary to support the young man until his case goes to trial.

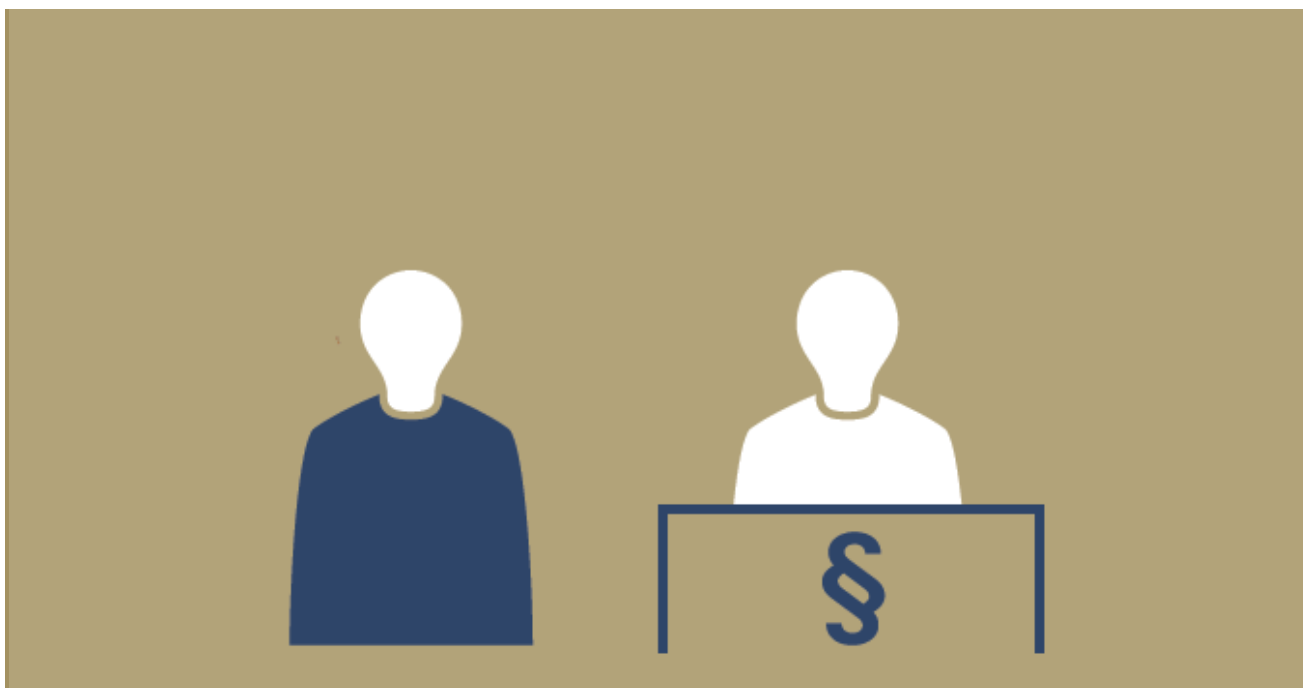
A whole range of alternative measures are available, for example: bail; confiscation of identity documents or other official documents; the obligation to remain at home or not to go to a certain place; the obligation to report at regular intervals to an official body, such as the police; the obligation to hold down a regular job; the obligation to undergo a medical examination or treatment; a ban on contact to certain people. In addition, the authorities may order electronic tagging of the accused to ensure compliance with the alternative measures. These measures can be ordered until proceedings are concluded or until the investigation is declared over. If the accused violates one or more of these measures, he may be placed immediately under remand custody again.

Still to come

The Federal Office of Justice (FOJ) is currently compiling draft legislation on implementing the Council of Europe Convention on the Prevention of Terrorism and its additional protocol. The aim of both instruments is to place member states under the obligation to counter certain acts that may lead to the commission of terrorist offences, namely: public provocation, recruitment and training. At the same time, the FOJ will review Art. 260^{ter} SCC (criminal organisation), since many have called for a tightening of the provision, as illustrated by a number of parliamentary procedural requests. Moreover, the Cantonal Conference of Justice and Police Directors (CCJPD) has tasked a working group with presenting the FOJ with a proposal, from a practitioner's point of view, for a revised Art. 260^{ter} SCC. Criminal and terrorist organisations pose one of the biggest security threats of our time, and sanctions should reflect this fact. However, at present, the maximum penalty for participating in, or supporting a criminal organisation is five years, making Switzerland no longer credible in international comparison.

The draft legislation by the FOJ should also ensure that the criminal provisions under the Federal Act on the Prohibition of Al-Qaeda, Islamic State and Associated Organisations, which is only in force until the end of 2018, are carried over into perpetual legislation. Federal jurisdiction in prosecuting terrorism has proven positive and must be continued.

3.5 Stage 4b: Conviction



Conviction

The criminal charges brought against the accused by the OAG lead to a conviction by the Federal Criminal Court. Our young man may appeal. The Federal Supreme Court can either uphold the judgement or return it to the Federal Criminal Court for reconsideration.

Services responsible

Federal Criminal Court

Federal Supreme Court

Existing instruments

Custodial sentence, unconditional or conditional (maximum of 5 years) or with measures (e.g. therapy and indefinite detention, contact ban and exclusion order, activity prohibition order)

Expulsion of foreign nationals who endanger internal or external security (Art. 68 Foreign Nationals Act).

Expulsion of foreign nationals who commit offences after 1 October 2016 (Art. 66a et seq. SCC)

Work to date

In 2015 and 2016, the OAG presented two indictments to the Federal Criminal Court. Both cases were tried by the FCC in 2016 and led to convictions. Two further convictions in the form of summary penalty orders were secured in the same year.

Zoom in on...: Conviction for attempting to join so-called Islamic State

A young man with dual citizenship was arrested at Zurich airport one afternoon while about to board a flight to Istanbul. He was suspected of wanting to join the IS to die as a martyr. By being on the point of boarding the aircraft, he had already started to put his plan into action. The OAG opened criminal proceedings against him that same day. There was sufficient evidence to show that the accused was intending to travel to the conflict region in Syria, and he was therefore charged with supporting a terrorist organisation. The Federal Criminal

Court found him guilty of violating Art. 2 para. 1 of the Federal Act on the Prohibition of Al-Qaeda, Islamic State and Associated Organisations, and sentenced him to an 18-month suspended sentence with a probationary period of two years. The judge also ordered the young man to undergo probationary service that entailed a series of behavioural rules. Moreover, he was monitored for the duration of the probation period.

Zoom in on...: Conviction for representations of acts of violence

A person residing in Switzerland was accused of moderating a very active jihadist online forum in French for nearly two years. The evidence showed that the website was being used as a propaganda and communication platform for Al-Qaeda and its offshoots. The website contained representations of violence, and calls to kill infidels and to join jihad. As website moderator, the accused had called on users on a number of occasions to carry out acts of violence and put threats about using intimidation. The accused's actions were classified as cyber terrorism and propaganda: he had published various links, including one containing a video depicting torture and one with links to other videos showing scenes of violence. This made him guilty of violating Art. 135 SCC (representations of acts of violence) and Art. 260ter SCC (supporting a criminal organisation). The Federal Criminal Court convicted the accused in April 2016 to 180 daily penalty units and a probationary period of three years.

In addition, the prosecution service initiated proceedings to deport the man and impose an entry ban on him entering Switzerland in future.

3.6 Stage 5: Enforcement of sentence



Enforcement of sentence

The young man in our case study has been convicted and serves his (remaining) sentence in a Swiss prison.

Services responsible

Authorities charged with enforcing sentences and measures

Existing instruments

Enforcement of custodial sentence in a penal institution, accompanying measures (e.g. therapy) on a case-by-case basis

Instruments in planning

Optimise the exchange of information between the security services and judicial authorities before and during imprisonment, on release from prison and when determining probation conditions. Intensify knowledge transfer and exchange of experience between the security services and judicial authorities. Examine the prison regime and the objectives of imprisonment (deradicalisation).

Work to date

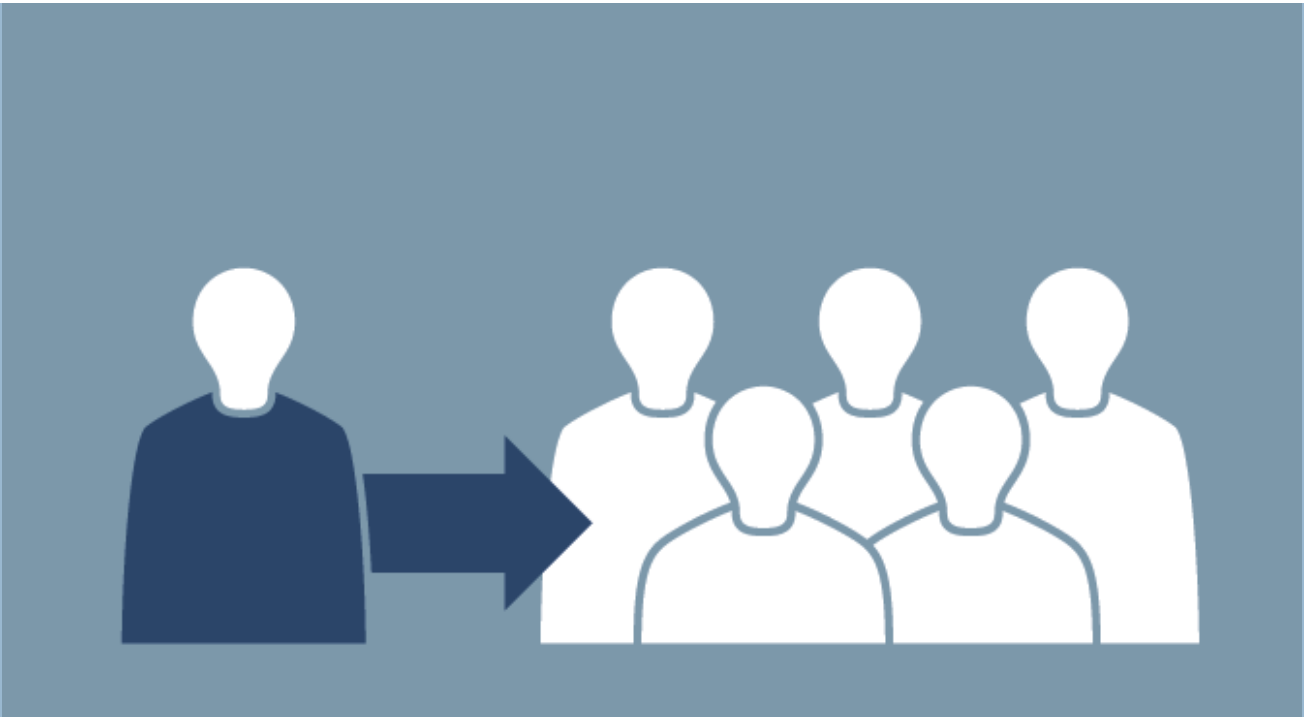
Last year several cases showed that the mutual exchange of information between security and migration services, and the judicial authorities was inadequate.

The justice enforcement services rely on information from the security services about the past life of their inmates. A clearly regulated exchange of information would make it easier for the appropriate authorities to assess the danger posed by radicalised prisoners. In the event that the person continues to pose a threat to security after release from prison, the authorities concerned should be able to take the necessary police and intelligence-related measures in good time.

Still to come

The issue of optimising information exchange between the justice enforcement services and law enforcement is being looked into. Steps should be taken to raise awareness among the various stakeholders, if necessary specific measures should be implemented.

3.7 Stage 6: After completion of sentence



After completion of sentence

Our young man has completed his sentence. He has come full circle. The judicial authorities consider him a free man. But is he still radicalised and violent? Is he still dedicated to jihadist propaganda and does he wish to continue killing? Or has he renounced his former convictions and does he want to reintegrate into society?

Services responsible

Authorities charged with enforcing sentences and measures, migration authorities, social services, cantonal and municipal police

FIS, SEM, fedpol

Existing instruments

Revocation of dual citizenship

Deportation and entry ban if a threat to internal security

Mandatory deportation by court order for offences committed after 1 October 2016

Revocation of residence status

Police measures based on cantonal law

Individual support by social services

Measures under stages 1 and 2

Instruments in planning

New extra-procedural police measures: travel document restriction and mandatory reporting, discreet surveillance

National Action Plan to Prevent Radicalisation and Violent Extremism

Work to date

The first offenders have been convicted of supporting so-called Islamic State and are serving their sentence. Questions now arise as to their resocialisation on completion of their sentence. How can the authorities manage people who possibly are still radicalised? How can we assess the potential threat they pose? Did the time in prison strengthen their radical convictions? How can they be reintegrated into society? Do they want to be resocialised? Despite any hope at the start of radicalisation (Stage 1) that a person may turn away from their jihad-motivated convictions, the question of resocialisation at the end of the cycle is a difficult and complex issue. Round-the-clock surveillance is simply not feasible.

The challenges of deradicalisation and reintegration do not solely concern Swiss jihadists. There are also a number of foreign nationals who pose a threat to the internal or external security of Switzerland, but who cannot be simply deported to their home country or country of origin. If, by expelling them from Switzerland, they are at risk of torture, or cruel, inhuman or degrading treatment or punishment, they can not be deported under the provisions of the Swiss Constitution, the European Convention on Human Rights and international law. Therefore, they remain in Switzerland.

Zoom in on...: Removal order

In spring 2016, a court convicted a person of supporting a criminal organisation and sentenced them to a custodial sentence of several years. After completing two-thirds of the sentence, they were released from prison ahead of time for good conduct. The security services, however, concluded that the person still posed a threat to the security of Switzerland and ordered their removal from the country.

The person appealed against this decision and the case is still pending. Until a definite decision is reached, the person can move around freely, although the cantonal authorities have ordered supporting measures. Fedpol was in favour of placing the person in custody pending removal, but the court responsible did not order their detention because being a threat to internal security is not a reason, under current law, for placing a person in detention to ensure removal from Switzerland.

Zoom in on...: Deradicalisation in judicial enforcement institutions – DERAD and RAN

DERAD is an initiative for social coherence, prevention and dialogue. It has been providing specially-tailored intervention dialogue for prison inmates susceptible to radicalisation since 1 February 2016 in cooperation with the Austrian Ministry for Justice. DERAD is composed of political scientists, scholars of Islamic studies, educationalists and theologians with practical experience in the field of violent extremism, deradicalisation and prevention. DERAD's efforts in the field of deradicalisation go hand in hand with the efforts by the judiciary, special services and probation services in Austria.

These efforts are listed as best practices in the European Commission's Radicalisation Awareness Network (RAN), a network of practitioners in the field of preventing radicalisation and violent extremism. RAN is composed of various working groups in which experience, knowledge and lessons learned are exchanged. Participation in the network is open to any person or service from the field of radicalisation prevention, including from Switzerland. Anyone interested in participating in the network should contact the head of the individual working groups via the website⁸.

Still to come

To enable the federal security services to take specific action against such persons, the Federal Council tasked the Federal Department of Justice and Police on 22 June 2016 with presenting a draft consultation paper on new preventive police measures to combat terrorism (see Chapter 3.3) at the end of 2017. At cantonal level, proposals and measures are being developed as part of the National Action Plan (see 'Stage 1' section, chapter 3.1).

4 FIGHTING TERRORISM THROUGH CLOSE INTERNATIONAL COOPERATION

Combating terrorism effectively requires a global effort. International cooperation is therefore an essential aspect. In Switzerland's strategy for fighting terrorism, approved in autumn 2015, the Federal Council takes the national and international aspect of terrorism into account in its domestic and foreign policy. Switzerland is actively engaged through its foreign policy in combating terrorism and its

⁸ https://ec.europa.eu/home-affairs/what-we-do/networks/radicalisation_awareness_network_en

causes. Besides promoting the compliance with international law, it also attaches great importance to preventing violent extremism, with emphasis on the situation of children and young people.

Since the 2nd TETRA Report, considerable progress has been made which is worthy of mention here. With regard to the prevention of violent extremism – an aspect that the Federal Council identified as a foreign police priority in fighting terrorism – Switzerland launched its Foreign Policy Action Plan on Preventing Violent Extremism in April 2016, aimed at providing the states and communities concerned with support in creating a social environment where people are not drawn to politically or ideologically motivated violence. This means depriving violent extremism of its breeding ground by addressing its direct and structural causes, a response that requires a long-term commitment to issues regarding conflict and transition, among other things. As a result of the current situation, work is focussed at present on the south European region.

Switzerland also supports the **United Nations'** Global Counter-Terrorism Strategy, adopted in 2006, and the UN Plan of Action to Prevent Violent Extremism, developed in the same year. A further example of international cooperation was the visit by the UN Security Council's Analytical Support and Sanctions Monitoring Team to Switzerland in September 2016: this body is responsible for analysing and monitoring sanctions against the Islamic State in Iraq and the Levant (ISIL-Daesch), Al-Qaeda, the Taliban and people and organisations that support these groups. It was the second visit by the monitoring team to Switzerland since its first visit in 2006. During its stay, the team met with representatives from federal services and the customs-free warehouse in Geneva, and exchanged information on terrorist-related threat analyses and the implementation of the sanctions and recommendations concerning ISIL, Al-Qaeda and the Taliban. Switzerland had the opportunity of informing the monitoring team about its counter-terrorism efforts and the challenges it is expecting to face, in particular concerning the illegal trafficking of cultural artefacts. The information gathered by the team during its visit to Switzerland will be incorporated, in anonymous form, into other, more comprehensive reports on the threat situation and the implementation of ISIL/Al-Qaeda/Taliban-related sanctions and recommendations.

Switzerland was also actively involved in various initiatives by the **Global Counterterrorism Forum**. As a result of the increasing number of foreign fighters returning to Europe from Syria and Iraq, the GCTF gathers and evaluates best practices for a more effective response to the problem of 'returnees'. The aim is to help governments in dealing with returnees and the potential threat they pose to security. The Addendum to The Hague-Marrakech Memorandum on Good Practices for a More Effective Response to the FTF Phenomenon, with a focus on returning FTFs⁹, was endorsed at the Ministerial Plenary Meeting of the GCTF in September 2016. The Neuchâtel Memorandum on

⁹ <https://www.thegctf.org/Portals/1/Documents/Toolkit-documents/English-Addendum-to-The-Hague-Marrakech-Memorandum.pdf>

Good Practices for Juvenile Justice in a Counterterrorism Context¹⁰, an initiative launched by Switzerland to address issues concerning prevention, compliance with the rule of law and the specific situation of children and young people, was endorsed at the same meeting.

With the aim of developing standards to remove illegal content from the internet and of addressing the strategic communications' dimension to preventing violent extremism, Switzerland and the United Kingdom launched a joint initiative in the GCTF in autumn 2016 to gather and evaluate good practices. It is expected that recommendations will be endorsed at the GCTF Ministerial Meeting in September 2017.

The Lisbon Treaty attaches great importance in Article 2 to the area of freedom, security and justice in the chapters on:

- policies on border checks, asylum and immigration;
- judicial cooperation in civil matters;
- judicial cooperation in criminal matters;
- police cooperation.

According to the treaty, national security remains the sole responsibility of individual member states. However, they are at liberty to continue cooperation between national security systems. With regard to the intelligence services, this means it is legitimate for Switzerland and Norway, together with the services of the EU member states responsible for security, to participate in the **Counter Terrorism Group CTG**, whose aim is the exchange of intelligence to combat terrorism in Europe. The group was established following the 9/11 attacks in 2001. Intelligence is exchanged at expert meetings and via a secure platform. In view of the heightened terrorist threat and the number of terrorist attacks that have been carried out successfully or thwarted in the last three years, the exchange of information has been intensified both in terms of quantity and quality. The new Intelligence Service Act will strengthen international communications further, since the FIS will be in a position to access online databases, leading to a further improvement in the exchange of information concerning prevention.

The attacks in Paris, Brussels, Copenhagen, Nice, Berlin and Istanbul illustrate that combating terrorism concerns all European countries. Switzerland therefore endeavours to further strengthen the exchange of information with the EU member states. In this regard, **Europol** plays a fundamental role: its European Counter Terrorism Centre ECTC has been operational since the beginning of 2016. The ECTC aims to facilitate better coordination between national security services in combating terrorism. Since September 2016, a Swiss anti-terrorism liaison officer has

¹⁰ <https://www.thegctf.org/Portals/1/Documents/Toolkit-documents/English-Neuch%C3%A2tel-Memorandum-on-Juvenile-Justice.pdf>

been stationed at Europe and is involved in the work at the ECTC. The liaison officer ensures that the information transmitted by Switzerland to Europol is systematically and consistently incorporated into the appropriate databases and information platforms. He also guarantees that requests by Switzerland for information from the European Information System EIS are replied to without delay. Although Switzerland, as a third country, does not have direct access to the EIS, it campaigns at political level to gain access to the database. Switzerland also exchanges information at regular intervals with Europol's Focal Points and collaborates closely with the EU Internet Referral Unit to get extremist content removed from the internet. The EU Internet Referral Unit at Europol roots out terrorist material on the web and forwards it to the appropriate internet provider for removal. Around 90 percent of the content requested for removal is taken down by social media and websites providers.

The **network of police attachés** has been adapted to the operational requirements of fighting terrorism. Besides dispatching a liaison officer to The Hague, a Swiss police attaché has been stationed in Turkey since October 2016. A further attaché will begin work in Tunisia in April 2017.

Switzerland is proactive at a political level to be included in the measures by the EU member states. Hence, since 2016, it is a **member of the G15 group**, an informal group of interior ministers from the EU member states particularly affected by terrorism and foreign fighters. And since December 2016 it has been involved in the work by the European Internet Forum, a platform of EU interior ministers, high-ranking representatives from major IT companies, Europol and the European Parliament and the EU Counter-Terrorism Coordinator. The forum aims to develop a joint strategy for detecting and combating harmful content online. Through its participation, Switzerland hopes to be better placed in talking to providers such as Facebook, Google and Twitter about removing or seizing extremist material on the internet.

Terrorist financing

On 7 December 2016, the Financial Action Task Force (FATF) published its latest report. The report highlighted several positive aspects of Switzerland's fight against money laundering and terrorist financing at national level, but also criticised a lack of international cooperation. Fedpol takes this critique seriously, since international cooperation is an essential element of its strategy in fighting terrorism.

Switzerland can only respond to a request by a foreign service for information relating to money laundering or terrorist financing if a Suspicious Activity Report (SAR) has been filed in Switzerland. Of the 3,621 requests submitted by foreign FIUs in 2015, 60 per cent had to be turned down because no SAR had been submitted. Fighting terrorism is one of Switzerland's priorities and international cooperation is indispensable; this applies also to combating terrorist financing. For this reason the critique voiced on the occasion of the FATF assessment will be thoroughly examined.

5 THE FIGURES

Around 500 people are currently on the FIS radar. In 80 cases, police inquiries are underway, 70 cases have been investigated by fedpol, 60 of which are under investigation by the OAG. The FIS currently registers 81 jihad travellers.

The details:

81: Every month the FIS publishes the number of jihad-motivated travellers from Switzerland who have either returned from conflict regions or are still there. To date, 81 cases have been registered (up from 78 in January 2017).

Of the 81 jihad travellers registered since 2001 (60 confirmed, 21 unconfirmed), 67 travelled to Syria and Iraq (7 confirmed, 7 unconfirmed) and 14 to Somalia, Afghanistan and Pakistan (7 confirmed, 7 unconfirmed). These figures are cumulative, which means that some people are still in the conflict regions. Twenty-two people have died (15 confirmed), others are travelling around the conflict areas or have returned to Switzerland.

Since January 2017, the FIS has registered 3 new cases, bringing the total to 81 registered jihad travellers. The number of returnees currently stands at 14. Of these, 11 have been confirmed. The remaining three cases have been classified as unconfirmed, either because the (jihad) motivation for their travel could not be proven and/or their whereabouts could not be established with certainty. The FIS is still following up these unconfirmed cases.

Among the 81 registered cases, 30 are Swiss citizens (18 of which have dual nationality). The FIS does not disclose any details on their identity, age, gender, nationality or residence. The intelligence service collaborates closely with other federal agencies (OAG, FOJ, SEM, fedpol, SBG, FDFA, etc.) and with the cantonal authorities (justice and police departments, cantonal police services, etc.).

In May 2013, the FIS disclosed that since 2001 approximately 20 jihad travellers from Switzerland had travelled to the conflict zones. This figure rose to 40 in May 2014, and to 78 in January 2017.

497: This is the number of suspicious internet users registered at the end of 2016 by the FIS as part of their jihadist monitoring. These people had come to the attention of the FIS because they were disseminating propaganda either in Switzerland or from Switzerland abroad, glorifying jihadist ideology, or were in contact with people in Switzerland or abroad who were exhorting these ideas. It does not mean that 497 people were under surveillance by the police, nor does it mean that they all pose a threat to the internal and external security of Switzerland.

If there is evidence that a radicalised person is prepared to use violence, the FIS invites the person for a preventive dialogue. If the person is a foreign national, the FIS requests its Swiss partners (e.g. fedpol, SEM) to impose measures under the law on foreign nationals, such as entry bans, deportation, revocation of the person's residence status or a database entry to determine the person's whereabouts. If the FIS suspects the person may have committed a criminal offence, it forwards the case to the law enforcement services.

70: This is the approximate number of cases handled by fedpol. Around 60 of these cases are under criminal investigation by the OAG.