

# SWITZERLAND

Last updated: 30 November 2016

## RULES/GENERAL LAWS

<b>General</b>	<a href="https://www.admin.ch/gov/de/start/bundesrecht/systematische-sammlung.html">https://www.admin.ch/gov/de/start/bundesrecht/systematische-sammlung.html</a>
	<ol style="list-style-type: none"><li>1. <b>Swiss Military Criminal Law Code (SR 321.0);</b></li><li>2. <b>Swiss Military Procedural Law Code (SR 322.1);</b></li><li>3. <b>Swiss Military Law Code (SR 510.10);</b></li><li>4. <b>Service Reglement (SR 510.107.0)</b></li></ol>
	Swiss Military personnel are considered always on duty when deployed to a mission area.
	<b>See Art. 3, Para 2 Swiss Military Criminal Law Code (SR 321.0).</b>
	The UN rules and regulations on Sexual Exploitation and Abuse are implemented through the respective training and education for each PAX deployed. The rules are also implemented through orders and directives.
<b>SEA: military offence?</b>	Sexual Exploitation and Abuse are not purely military offences since they exist both in the civil criminal code and the military criminal code.
<b>Powers of the Commanding Officer (CO)</b>	The Commanding Officer has authority to promulgate rules and policies through orders or directives.
	The Commanding Officer has disciplinary power and can order confinement of up to 10 days. He also has power to investigate cases within the limit of his disciplinary power.

## INVESTIGATION

<b>Who can investigate?</b>	The Investigating Judge (Officer) of the Swiss military Justice.
<b>National Investigation Officer (NIO)</b>	Switzerland has no units deployed in UN operations. Switzerland has NIO's available for deployment to investigate cases involving Staff officers. The Investigating Judge (Officer) of Military Justice needs to be called. They are on stand by in Switzerland.

## PROSECUTION

<b>Referral</b>	National Investigation Officers refer completed investigations to the Swiss military prosecutor.
<b>Who can charge?</b>	It depends on the status of the offender, not on the victim. If the offender is a military person, charges will be brought by the military prosecutor to a Swiss military Court Martial.

## JUSTICE

<b>Military justice</b>	Switzerland has a fully operational Military Justice System (including a National Supreme Court).
<b>Deployable Court Martial?</b>	Yes, Switzerland has a peacetime deployable Court Martial system.

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