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Federal Department of Justice and Police

Banning private military companies in Switzerland

Press Release, The Federal Council, 23.01.2013

Berne. The Federal Council intends to ban private military companies in Switzerland and to introduce mandatory registration for the provision of security services abroad. On Wednesday it issued its Message on the draft Federal Act on Private Security Services Provided Abroad.

The Act is intended by the Federal Council to help uphold Swiss neutrality and to guarantee compliance with international law. It applies to companies which provide security services abroad from a base in Switzerland, or which conduct activities in Switzerland which are connected with the provision of such services. It also covers Swiss-based holding companies which control firms operating abroad.

No participation in hostilities

The new Act bans security firms which are based in Switzerland from participating directly in hostilities in an armed conflict abroad. This ban on the provision of private military services also explicitly covers the recruitment, training and supply of personnel in Switzerland and abroad. Security firms are also banned from conducting any activities which encourage the commission of serious violations of human rights. For example, they are prohibited from operating prison facilities in a state which is known to employ torture.

Review in cases of doubt

Any company intending to provide security services abroad must file for registration with the competent authority in advance. The authority will notify the company within 14 days of whether or not it will initiate a review procedure on the grounds that the planned activities may conflict with the purposes of the Act. Any review will look particularly closely at services in a crisis or conflict area, as well as at services intended to provide operational or logistical support to foreign combat or security forces. The authority will prohibit the company pursuing any activity which is found to be unlawful under the Act. A number of control mechanisms ensure that the Act can be enforced effectively. Under certain circumstances, the authority may make an unannounced on-site inspections of company premises, may examine relevant business documents and may seize material. Infringements of the Act are punishable by imprisonment of up to three years, or a fine.

Permit system rejected

As an alternative to the Act, the Federal Council examined a system in which security firms would have to obtain permits for certain activities. Such a permit system would be highly bureaucratic and financially costly. Furthermore, the issue of a permit might be misconstrued as a guarantee on the part of the Swiss authorities. By contrast, the Federal Council's proposed prohibition regime with mandatory registration makes it possible to record potentially problematic activities at no great cost, to check the facts of the case swiftly, and to enforce any bans or limitations effectively.

Federal authorities also covered

The new Act also applies to federal authorities which contract security companies to perform certain protection tasks abroad. Such contracts must be limited to the protection of persons and

the guarding of goods and properties. Specifically, federal authorities must ascertain that the security company meets certain requirements, such as a good reputation, irreproachable business conduct, and an internal control system. The company's carefully selected personnel must also have received adequate training. As a rule, personnel should be unarmed, although they may, exceptionally, carry a weapon so that they can react in self-defence or emergency situations. The Federal Council may approve the use of force and other police measures only in exceptional situations in which the task of protection cannot be accomplished in any other way.

Contact / questions

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