

National Jurisprudence summary

Swiss case numbers: BB.2017.9, BB.2017.10, BB.2017.11

In January 2017, the Public Prosecutor of the Confederation issued an order to abandon the proceedings in which it held that the attacks which took place in Algeria between 1991 and 1994 lacked the intensity required by the case law for establishing the existence of a non-international armed conflict. Consequently, the Swiss authorities have no jurisdiction to prosecute. Three plaintiffs appealed against this decision at the Appellate Division of the Federal Criminal Court and they concluded that the accused in his capacity as Minister, is alleged to have played a critical role in the commission of the offences perpetrated in Algeria during this period between 1992 and early 1994 by ordering, participating in and instigating the widespread use of torture, murder and forced disappearances of alleged opponents, whether members or not of the Islamist guerrillas. The Appellate Division referred the case back to the Public Prosecutor of the Confederation to complete the investigation as set out in the recitals.