

## FOREWORD

In this Final Report, the Independent Expert Commission (IEC) on Administrative Detention illustrates the results of its research work and presents its recommendations for the authorities. The Federal Council appointed the IEC on 5 November 2014, electing Markus Notter president and Jacques Gasser, Beat Gnädinger, Lukas Gschwend, Gisela Hauss, Thomas Huonker, Martin Lengwiler, Anne-Françoise Praz and Loretta Seglias members. The IEC was charged with the task of examining administrative detention up to 1981 with a measure-oriented approach and of drawing up conclusions for the authorities. The research was to focus on the history of administrative detention, on the point of view of the people involved and of the victims as well as on the analysis of state intervention and official action. The IEC also had to take into account the correlations with all the other kinds of compulsory welfare measures and custody arrangements before 1981. The appointment of an IEC was set forth in the Federal Act of 21 March 2014 on the Rehabilitation of Administrative Detainees.

In line with the appointment order, the IEC was assigned to the Federal Department of Justice and Police and had its headquarters in Bern. It had its own secretariat and was authorised to employ academic and administrative personnel independently as well as assign mandates to external experts. As far as the financial means were concerned, 9.9 million Swiss francs were allocated for the planned four-year period of activity. The IEC defined its organisation and workflows in an internal set of rules, as prescribed. Setting up an academic project with over 30 researchers within the Federal Administration, where the regulations in force are moulded on the requirements of a governmental administrative apparatus, was in itself a challenging task. A temporary academic unit is essentially an alien body. Nonetheless, together with the offices involved, the IEC was able to find pragmatic solutions and create a productive working environment.

Even though the project was not actually structured as a participative research, it was our wish from the outset that the victims be involved in the research process on equal terms. We maintained regular contact with the victims and their organisations, discussed the research design together with them, and informed them at public workshops and exchange events

about the interim results and the progress of the research. In so doing, we received valuable feedback and benefited from the victims' knowledge and experiences, which made them experts in the matter. We are, however, also aware that we were unable to fulfil all the expectations regarding the scientific reassessment of administrative detention. Our encounters with the victims were the most impressive aspect of our work. We discovered the myriad of ways of coping with the past and can today better understand how years of damage caused by state action cannot simply be undone with official declarations and one-off payments. That is why many victims cannot reconcile themselves with this state. And they have every right not to.

The Final Report is divided into three parts.

The scientific synthesis develops an independent point of view, sets the main focus and creates cross references between the individual research volumes. It pursues three objectives: first, it gives concise and differentiated answers to the most pressing questions regarding the forms and causes of the wrongdoings of the state. Here the report accomplishes a balancing act between analytical generalisations and detailed analyses of case examples. Second, the results of the IEC's research are embedded in the national and, where possible, international research environment. At the same time, the IEC creates specific references to current discussions on measures involving deprivation and limitation of liberty. Third, the Synthesis Report points out open issues and indicates possible future areas of research. The report was drawn up on behalf of the Commission by Urs Germann and Lorraine Odier with the collaboration of Noemi Dissler and Laura Schneider and in close cooperation with the IEC President and his two deputies.

In the 14 texts that form the second part of the Final Report, the victims express their expectations concerning the work of the IEC, but also describe their life situation and the circumstances of their rehabilitation. It was important for us that the Final Report reproduce the victims' voices in their original form.

The IEC's mandate also included drawing up conclusions for the authorities. With the recommendations in the third part of the Final Report we fulfil this task. On the one hand, we illustrate measures which aim to reduce the damage caused and, on the other hand, we wish to disseminate knowledge and considerations regarding current issues in the fields of adult and child protection, but also of poverty, exclusion and marginalisation in general. The recommendations were discussed with the victims

and were developed and drawn up by Christel Gummy in close collaboration with the Commission.

The IEC was supported in its work by many people. Without the cooperation of the various archives, especially the cantonal archives, our research would not have been possible. A number of Federal Administration offices helped us with issues concerning infrastructure and organisation. We were also grateful for the interest and the responses of the researchers we contacted both in Switzerland and abroad. The particular expert knowledge of the victims and our personal contact with them defined and enhanced our work. We wish to thank each and every one of them. A special word of thanks goes to our collaborators, particularly to the two General Secretaries Sara Zimmermann and Elie Burgos. They all made the work of the IEC possible in the first place and helped bring it to a successful conclusion.

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*Independent Expert Commission on Administrative Detention*