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TAGS: PREL, PHUM, UN, IFRC, UNGA, ICRC, AF, SZ

SUBJECT: SWISS PARLIAMENT URGES NATIONS TO RESPECT GENEVA CONVENTIONS

REF: STATE 03184

1. SUMMARY: THE SWISS NATIONAL COUNCIL (LOWER HOUSE OF PARLIAMENT) ADOPTED MARCH 6 A DECLARATION CALLING ON ALL STATES TO RESPECT THE GENEVA CONVENTIONS, PARTICULARLY IN TODAY'S FIGHT AGAINST TERRORISM. ALTHOUGH PROMPTED BY THE  
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RECENT CONTROVERSY OVER THE TREATMENT OF TALIBAN AND AL QAIDA DETAINEES, THE DECLARATION STOPPED SHORT OF CRITICIZING THE UNITED STATES FOR ITS TREATMENT OF DETAINEES IN GUANTANAMO BAY. FOMIN JOSEPH DEISS WELCOMED THE DECLARATION, ASSERTING THAT INTERNATIONAL HUMANITARIAN LAW MAY NOT BE QUALIFIED IN THE NAME OF FIGHTING TERRORISM. THE NATIONAL COUNCIL'S FOREIGN POLICY COMMITTEE IS PREPARING A GENERAL DECLARATION ON THE GENEVA CONVENTIONS ON JUNE 8 ON THE OCCASION OF THE 25TH ANNIVERSARY OF THE ADOPTION OF THE CONVENTIONS' TWO ADDITIONAL PROTOCOLS.  
END SUMMARY.

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UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: SHARON E AHMAD  
DATE/CASE ID: 04 NOV 2004 200303827

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2. THE DECLARATION ADOPTED BY THE NATIONAL COUNCIL MARCH 6 CALLED ON ALL STATES TO RESPECT THE GENEVA CONVENTIONS AND ASSERTED THAT THE CONVENTIONS SET INDISPUTABLE MINIMUM STANDARDS THAT MAY NOT BE QUALIFIED UNDER ANY CIRCUMSTANCES, INCLUDING IN THE FIGHT AGAINST TERRORISM. THE DECLARATION STATES THAT TERRORISM CONSTITUTES A CRASS VIOLATION OF UNIVERSAL HUMANITARIAN VALUES, BUT ALSO EMPHASIZES THAT TERRORISM MUST BE FOUGHT ON THE BASIS OF THESE UNIVERSAL PRINCIPLES SET FORTH IN THE CONVENTIONS AND WITHOUT VIOLATING INTERNATIONAL HUMANITARIAN LAW. THE NATIONAL COUNCIL SILENTLY ADOPTED THE DECLARATION BY TACIT APPROVAL OF ITS MEMBERS.

3. THE SPONSOR OF THE DECLARATION, THE SOCIALIST (SP) PARLIAMENTARIAN REMO GYSIN, ORIGINALLY WANTED TO CENSURE THE UNITED STATES FOR ITS TREATMENT OF TALIBAN AND AL QAIDA PRISONERS HELD AT GUANTANAMO. HOWEVER, THE NATIONAL COUNCIL'S FOREIGN AFFAIRS COMMITTEE DECIDED AGAINST EXPLICITLY MENTIONING THE UNITED STATES ON THE GROUNDS THAT  
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SUCH A DECLARATION WOULD HAVE HAD TO CENSURE OTHER COUNTRIES, TOO. THUS, THE DRAFT DECLARATION WAS MODIFIED TO CALL ON THE AUTHORITIES OF ALL COUNTRIES TO HONOR THE GENEVA CONVENTIONS. GYSIN DECLARED HIMSELF DISAPPOINTED THAT THE DECLARATION FALLS SHORT OF TARGETING THE UNITED STATES. "THE PROMOTION OF HUMAN RIGHTS IS A TENET OF SWITZERLAND'S FOREIGN POLICY AND WE HAVE TO INSIST ON THE RESPECT OF THESE RIGHTS EVEN IF THE COUNTRY IN QUESTION IS THE UNITED STATES," HE TOLD SWISS RADIO INTERNATIONAL.

4. FOREIGN MINISTER JOSEPH DEISS WELCOMED THE DECLARATION SAYING THAT UNDER PRESENT CIRCUMSTANCES IT WAS APPROPRIATE FOR SWITZERLAND, WITH ITS HUMANITARIAN TRADITION AND AS THE DEPOSITARY STATE OF THE GENEVA CONVENTIONS, TO RAISE ITS VOICE IN FAVOR OF COMPLETE AND UNCONDITIONAL RESPECT FOR INTERNATIONAL HUMANITARIAN LAW. DEISS SAID THAT HIS DEPARTMENT HAD EXAMINED THE DECLARATION AND FULLY ENDORSES BOTH ITS FORM AND CONTENT. BY ADDRESSING THE ENTIRE INTERNATIONAL COMMUNITY RATHER THAN EXPLICITLY MENTIONING A SPECIFIC COUNTRY, OPINED DEISS, THE DECLARATION SENDS A CLEAR BUT BALANCED HUMANITARIAN MESSAGE THAT REMINDS EACH COUNTRY OF ITS OBLIGATIONS NOT ONLY TO RESPECT THE GENEVA CONVENTIONS IN ALL CIRCUMSTANCES BUT ALSO, AS SWITZERLAND DOES, TO CALL ON OTHERS TO DO LIKEWISE.

5. THE NATIONAL COUNCIL'S FOREIGN POLICY COMMITTEE IS CURRENTLY PREPARING A GENERAL DECLARATION ON THE GENEVA

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CONVENTIONS FOR PUBLICATION ON JUNE 8, 2002, WHICH IS THE 25TH ANNIVERSARY OF THE ADOPTION OF THE CONVENTIONS' TWO ADDITIONAL PROTOCOLS. AN EMBASSY PARLIAMENTARY CONTACT ADVISES THAT THE DRAFT FOR THIS DECLARATION CALLS ON ALL  
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STATES TO RATIFY AND HONOR THE FOUR GENEVA CONVENTIONS AS WELL AS ITS TWO ADDITIONAL PROTOCOLS. THE DRAFT TEXT SPECIFICALLY INCLUDES A REFERENCE TO AN INTERNATIONAL FACT-FINDING COMMISSION AS SPECIFIED IN ARTICLE 90 OF THE FIRST ADDITIONAL PROTOCOL. THE FOREIGN POLICY COMMITTEE IS SCHEDULED TO DEBATE THE DRAFT DECLARATION AT ITS NEXT MEETING AT THE END OF APRIL. IT REMAINS TO BE SEEN WHETHER THE COUNCIL OF STATES (UPPER HOUSE) WILL ISSUE A SIMILAR DECLARATION. DECLARATIONS BY THE SWISS PARLIAMENT AS SUCH ARE RATHER UNUSUAL. THE LAST TIME THE SWISS PARLIAMENT RESORTED TO THIS MECHANISM WAS DURING THE GULF WAR.  
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