

The Working Group of Experts on People of African Descent
OHCHR-UNOG 8-14
Avenue de la Paix 1211
Geneva 10, Switzerland

Switzerland, 21. December 2021

Esteem members of the working group of Experts on People of African Descent

We would like to draw your attention to the issue of police violence and racism against Black people in Switzerland using the campaign *#Justice4WilsonNow* as an example.

Swiss society and politicians are criticizing the American justice system while refusing to criticize racist police violence and cover-up of the judiciary system. Racist police violence and racism within the legal and justice system also exists in Switzerland.

The racist police violence claimed another victim on August 30, 2021, at the train station of Morges. A Black man named Roger Nzoy was killed by three shots from a police officer. The mainstream media remained silent. As is so often the case here, it was left to the relatives, friends and civil society to draw public attention to the incident. Black people in Switzerland are targeted by many different challenges concerning different institutions when it comes to racist police violence. On one side, the police department is causing physical and emotional harm and insecurities. On the other side, the media repeats the versions of the police department by portraying Black people as dangerous, psychologically unwell and “illegal”. And worse, the legal system believes the police and hence refuse to hold police officers accountable in the courts for any racist, violent attack.

We do not only mourn Roger Nzoy. We also mourn Mike Ben Peter, Hervé Mandundu, Lamin Fatty and many others who were killed in Switzerland by racist police violence. And these killings are not just isolated cases. They are an expression of the structural racism and the prevailing politics of deportation that characterize Swiss society and state institutions. Racist police violence is a deadly reality in Switzerland too! In the last 20 years, the following people have been killed in Switzerland because of racist policing.¹

¹ Wa Baile, Mohamed (2019). Helvetid. In: Mohamed Wa Baile/Serena O. Dankwa/Tarek Naguib/Patricia

Khaled Abuzarifa suffocated during deportation on March 3 1999, shackled and with his mouth taped shut.

Samson Chukwu suffocated on May 1 2001, with his hands tied behind his back during deportation in Granges prison in Valais.

Cemal G. died on July 3 2001, as a result of a violent police operation in Bern-Bethlehem.

Hamid Bakiri hanged himself in a cell of the Chur police station on September 20 2001, the day of his planned deportation.

Claudio M. died on April 29 2004, during a police arrest in Brüttisellen in the canton of Zurich.

Yaya Bakayoko died on June 3 2004, after falling from a window during a police operation in Basel.

Anthony took his own life on September 1, 2004, in Bellinzona while in pre-trial custody.

Ousman Sow died of thirst in the night from January 2 to 3, 2007, during his hunger strike in the St. Gallen regional prison Altstätten.

Alhusein Douto Kora died with breathing difficulties on March 5 2007, during deportation from Switzerland to the Gambia.

Mariame Souaré died on August 25 2007, falling from the fifth floor while fleeing from the police in Geneva.

Abdi Daud died on March 23 2008, in Zurich University Hospital, after several months of imprisonment in Zurich airport prison.

Andy Bestman drowned in the Basel Rhine on May 30 2008, during a police chase.

Joseph Ndukaku Chiakwa died on March 17 2010, in Zurich Airport during his deportation, in full shackling and with a spit shield and helmet over his head.

Purtschert/Sarah Schilliger (Eds.), Racial Profiling (229-238). Bielefeld: transcript Verlag. The documentation of the cases comes from own research and the book augenauf (2015), «Dem einfach etwas entgegensetzen», Zürich: edition 8, Kollaborative Forschungsgruppe Racial Profiling (2019) Racial Profiling: Erfahrungen, Wirkungen, Widerstand, Berlin: RLS.

An unknown woman whose asylum application was rejected died in Zurich police prison on June 3 2011.

Ilhan O. died on January 4 2013, in Zurich police prison.

Hervé Mandundu was killed in Bex on November 6 2016, by several shots fired by a police officer.

Subramaniam H. died on October 6 2017, during a police operation at the asylum centre in Brissago in the canton of Ticino.

Lamin Fatty died in police custody in Mont-sur-Lausanne on the night of 23 to October 24 2017.

Mike Ben Peter died in the night from February 28 to March 1 2018, during a police check in Lausanne.

Salah Tebbouche died on December 30 2019.

Roger Nzoy died on August 30, 2021, at the train station of Morges after being shot three times by police officers.

This list is incomplete, and many cases are unknown, and most cases have never been researched or investigated in detail.

Most incidents of racist violence are never made public. In addition to Black men and Black women, people of color, people with precarious residence status (i.e. rejected asylum seekers and sans-papiers), trans people, queer and non-binary people and sex workers of all genders are also particularly affected by racist police violence. For people who have had to suffer these violent experiences, however, there is little chance that their experiences are heard and that those responsible are sanctioned.

Racial profiling and police violence are human rights violations. Those who begin to demand justice and accountability are confronted not only with the silence of the majority of the media and politicians but also with a perfidious system that protects those responsible and, at all costs, continues the structural racism of the executive power of the state and the legal system.

An example of this is the case of Wilson A., who was a victim of racially motivated police

violence 12 years ago, on October 19, 2009, that nearly cost him his life. But that is not all. **For more than ten years**, Wilson A. has been fighting to prosecute the officers who caused him harm. The case has already been to the federal court twice. It would take pages to tell the complete course of the proceedings here - it is hard to overstate the legal racism and humiliations Wilson A. has experienced. What actually happened and is still happening here in brief:

- On October 19, 2009, Wilson A. and his friend were on their way home on tram number 9 and were racially profiled – stopped - by three police officers at the Bahnhof Wiedikon tram stop. They were the only ones stopped and controlled, **but the white people in the tram were not.**
- When Wilson A. and his friend asked the police why they were being controlled, the officers asked the two men to exit the tram.
- As they left the tram, Wilson A. was grabbed roughly by one of the officers. Wilson A. informed the officer that he had undergone heart surgery and asked him to be gentler. Instead of releasing his grip, two officers pepper-sprayed him directly in the eyes and hit him with canes and knees to the chest and abdomen. **They also put him in a chokehold** for minutes, and Wilson could barely breathe.
- One of the police officers hurled a racial slur, saying: **“Shit African, go back to Africa”**, proving the clear racial motivation of the attack.
- Wilson A. was rushed in handcuffs to the university hospital. **The doctors reported: a broken lumbar vertebra, bruises and contusions on the neck and jaw, a pulled groin, inflammation of the eyes, bleeding in the eyes, a pulled thigh and laser surgery for the meniscus injury.** But the police report and the consulted doctor stated that Wilson had no injuries.
- To prove, Wilson A’s injuries and experiences of police violence have been a 12-year legal battle. **The case was dropped twice by the prosecutor.** The first trial did not take place until six years later. On April 18, 2021, the district court acquitted the three police officers.
- Now 12 years later, the case is stuck at the so-called high court. After 15 years, the case cannot go forward. **The police officers have still not been held accountable.** The racist judiciary system safeguards institutional and structural racism in the police.

Indeed, the public prosecutor’s office is letting time pass purposely to not have to handle the case within the statute of limitations. Our experience is that the different courts (district to federal courts) did not address the issue of racism and approach violence as a proportionate police action.

The trial before the Zurich high court, dated November 22 2021, was cancelled on short notice. Wilson A's lawyers are filing an appeal to the Federal Court because another attempt was made to deny Wilson A. the right to effective legal representation. Thus, the judiciary protects the police and does not address racism.

It is clear from the start that the chances of success are vanishingly. In such proceedings against the police, it is often difficult to find lawyers, financial resources and a network to take on such cases.

Wilson A's case is very important shows that those affected by racist police violence are deterred from claiming their rights.

We therefore demand:

1. that all previous deaths as a result of police operations at the police station, in police custody and in asylum centers be investigated by an independent commission of experts specially appointed for this purpose. This commission must have the power to hold all individuals and institutions involved and to enforce reparations;
2. that an independent and publicly funded civil society institution against police violence and racism be funded by the state to systematically record racial profiling and cases of police violence and racism systematically;
3. the explicit prohibition of racial profiling in Swiss legislation, thus to explicitly and legally ban racial profiling.

Such a long and tedious struggle of Wilson A. cannot be waged alone. The Alliance Against Racial Profiling seeks to provide legal assistance, support the process, and create public awareness. In the course of this work, it becomes apparent again and again how many cases of racist police violence there are in Switzerland. It is frustrating how limited the capacity is to provide the legal, emotional and financial support that is needed to Black people and people of color. Support networks are doing all they can to give legal assistance and financial support to fight for racial justice, mobilize people from the street to put pressure on the media to report injustice and on politicians to ban racial profiling. But little has changed so far.

Racist police violence highlights the violent nature of all forms of racism in Switzerland. It takes combined forces to stand up to this system of racist police violence which receives legal cover-up.

The UN Working Group of Experts on People of African Descent (WGEPAD) can play an important role and show concern for anti-Black racism by holding a media conference, issuing a

press release, as well as reporting its findings and providing recommendations for action to the Swiss Federal Council.

Wilson Adebayo, Armelle Ako, Malana Rogers-Bursen, Mohamed Wa Baile, Claudia Wilopo



Allianz gegen Racial Profiling
<https://www.stop-racial-profiling.ch/>
Account Nr.: 15-272391-5
IBAN: CH17 0900 0000 1527 2391 5
BIC: POFICHBEXXX
Address: Klusstrasse 28, 8032 Zürich, Schweiz
racial.profiling.switzerland@gmail.com

