

# Corrective penal system

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# Corrective Penal System

Switzerland has only had a single criminal code for the past 31 years. It was in 1942 that the Federal State took over from the Cantons in establishing guilt on the basis of a single Federal Criminal Code. Cantons are left with minor responsibilities in this matter, but the implementation of sentences remains within their competence. The Constitution still gives the Confederation a right of supervision and holds the Cantons responsible for abiding by certain guidelines. In the main, there are as many ways of implementing sentences and custody procedures as there are cantons.

The Confederation moreover helps the individual cantons to finance and run various kinds of prisons. Owing to the cost of maintaining the many types of such institutions, cantons pool their resources. They are presently grouped in three regions – East, Central and Western Switzerland. Within each of these regions are a complete range of borstal institutions, labour penitentiaries, high-security prisons and mental care asylums – which are jointly run by the cantons party to a regional agreement.

The Swiss Criminal Code provides for three kinds of sentences depriving of freedom those guilty of crimes and misdemeanors. They are known as reclusion, imprisonment and arrest and are meted out according to the gravity of the offense. Reclusion, which involves a certain degree of solitary confinement, is the most severe punishment and applies to serious crimes only. But the application of these sentences is not rigid and can naturally be adapted to circumstances. Drug addiction, for example, is a crime but will under circumstances involve a cure in a specialised institution. Depending on the gravity of the case and on whether the offender has committed similar acts previously, he or she can be placed in a clinic, de-intoxication centre, borstal institution, correction house and other varieties of detention centres. This diversity clearly shows that no single canton could handle a prison system by itself.

The object of prison and reclusion sentences is threefold: expiation and reparation; defense and preservation of society; positive and corrective influence. An Article of the Criminal Code which has tended to be forgotten is winning increasingly more attention. This article stipulates that “reclusion and prison sentences have to be executed in such a way as to wield an educational effect on those that are sentenced and help them to return to normal life”. Despite increasing

emphasis on the educational role of the prison, it has been found that many cantons haven't basically changed their methods and that their punitive approach is liable to lead inmates into a repetition of their illdoing.

Prison sentences are carried out in three stages. Depending on the gravity of the case, a prisoner will spend from one to three months in his cell. He will then be able to work in a group but have to spend his meals alone in his cell. He will then be set free conditionally. Short prison sentences are carried out in district prisons as it is undesirable to mingle petty offenders with criminals.

The Criminal Code states that when a man leaves prison, he is to be given a “patron”, which is defined as a helping-hand with some of the attributions of a British probation officer. Patronage has the purpose of giving those who leave prison “counsel and support, particularly in finding work and accommodation and helping former prisoners to live honestly by supervising their activities with discretion so as not to put their new situation at risk”.

Given the fact that imprisonment should aim at the re-insertion of a criminal individual in society, particular emphasis will be laid in borstal institutions, on the re-education of young people interned for a first offence. Some lapse again despite all the effort expended to direct them towards the right path. These people are sent to prisons for recurrent criminals such as those of Thorberg, Lenzburg and Regensdorf. But only very serious offences lead to imprisonment in places like Thorberg on a first conviction. This is decided when an individual is considered as dangerous or when there are strong grounds for expecting him to attempt an escape.

Sentences and methods will therefore differ from one penitentiary to the other. But a prisoner is considered in all cases as a human being with his qualities and shortcomings. This is the starting point. The Swiss prison population contains all the varieties of human character. Weak persons cohabit with brutal men; understanding persons of good will live with others that are rebellious, hardened and withdrawn; polite individuals mix with the arrogant. Some seek comport in their own despair, others blame society for their plight. Many prisoners rebel against prison regulations and are a cause of terror to their fellow inmates.

Prisoners can broadly be separated into the “redeemable” and the “rebellious” categories. The first will acknowledge the efforts undertaken by

prison management to make their lot easier. Many will profit by their spell in prison to learn a trade, to study and win the right to an occasional return home for weekends. The other category considers prison and its officials as the representatives of the Society and the Justice that have condemned them. They curse their own fate and the world. They usually find blame in others for their woes. This category either unwillingly submit to prison rules or make their lot worse by openly rebelling against all authority and influence.

Faced with such characters, prison managers have a hard task. It is obviously the prisoners that never miss an opportunity for provocation that cause them the most worry. Modern corrective methods and incentives can only be successfully applied to individuals that have expressed their wish to re-integrate society. One of the most delicate jobs of a prison director is to decide which prisoner shall be entitled to humane measures like outside employment, visits home, wages, and other advantages designed to pave the way for his return to freedom.

A prison manager must rely on a good staff and cope with the good and bad points of its individual members. As a rule, the more the implementation of prison sentences is liberal, the greater the responsibility of warders. Prison managers must also have some business ability as many penitentiaries run farms and workshops. All of them actually make a deficit because the income of the activities of prisoners only partly covers the expense. Each inmate costs between 5000 and 10000 francs a year, to the taxpayer. An efficient organisation making the best of prison manufacturing and farming facilities can help save that burden considerably.

Two thirds of Switzerland's prison population come from troubled and divided families. Moreover, 65 per cent of this population is aged between 18 and 65 whereas there were only a handful of youths in prison fifteen years ago. According to a prison chaplain from Canton Berne, the general reduction of sentences or their suspension has lessened the moral and spiritual benefit of detention. For those that could be a “fertile soil”, the tendency towards a reconsideration of life and acceptance of personal responsibility usually comes after at least a year in prison. Spells of six months jail are not of sufficient consequence to urge a prisoner to change his ways. Usually, he will mark a cross in his diary on the day he will be set free, acknowledge that he has made a bad calculation and vow to be “smarter” next time. Short sentences have a less likely corrective effect than longer periods of detention.

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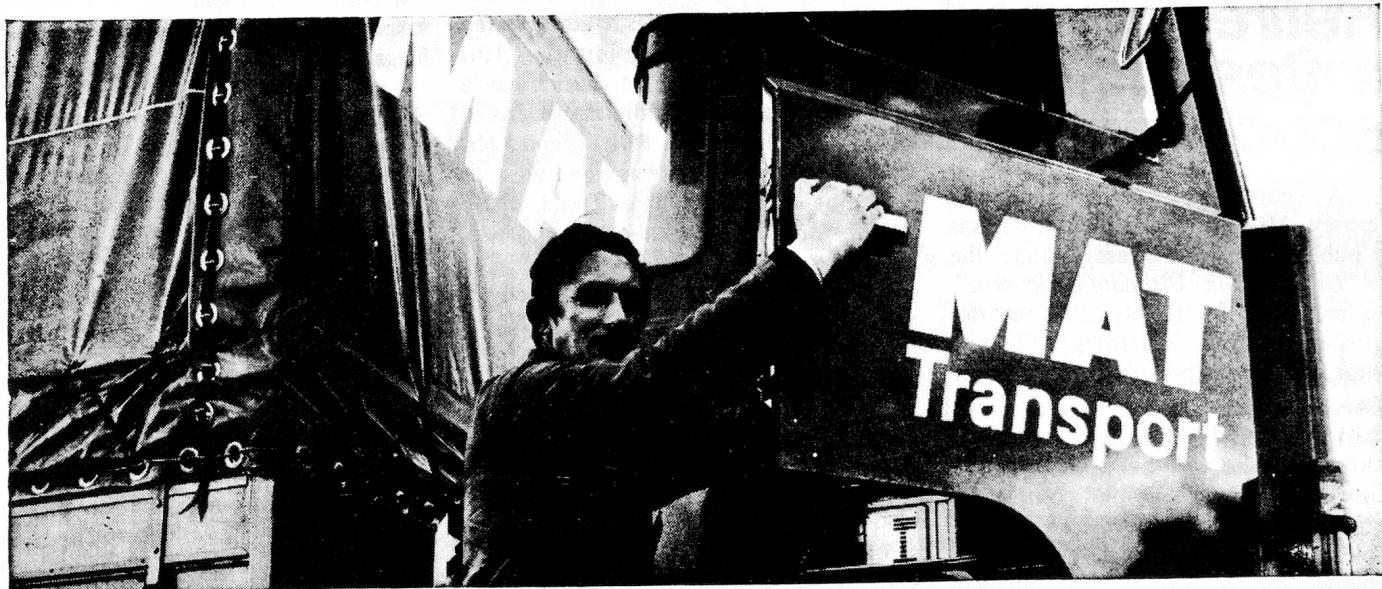
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When a man leaves prison, the social worker steps in not only to help him to adapt psychologically to his new condition, but also to settle the innumerable personal and family problems which will beset him. While Switzerland's favourable economic set-up will provide a prisoner with a ready job, this is not as simple in the case of accommodation. Few are the landlords willing to have an ex-convict as a tenant. Ex-convicts are moreover likely to mix with the people they have met in prison and never free themselves entirely from the fringe situation which led them to break the law.

An ex-prisoner needs special social attention because the majority of those that are sentenced to jail come from strife-ridden homes. They were unstable from the outset and find it difficult to live within the prescriptions of organised society. However efficient and devoted, the "patronage" system in force in Switzerland and developed over the years will not prevent a relapse, but has proved vital in bringing many people at odds with the law back to a normal and useful life. Far from being an ancillary aspect of the prison system, the probation and patronage apparatus remains essential if the prison establishment is to fulfill its role of improving the individuals in custody and protecting society.

## **Retired Swiss writes book on education**

A compatriot and reader in Guernsey, Mr. C.A. Aeschmann, 81, has just published a series of essays under the title "*Oriana Book: Ultimate Education*". It is published by Hazely Ltd. rue des Fontelles, Forest, Guernsey, Channel Islands, and can be obtained for £1 including postage.

We should like to put our admiration on record that an eighty-year old Swiss, with a background completely unconnected with the writing game, should have endeavoured to enter his thoughts on a variety of subjects centering on education in a readable 103-page book. The endeavour was a remarkable one, considering that Mr. Aeschmann had to overcome the hurdle of the English language. Writing a short story, let alone a book, can hardly be improvised, even for an English-speaking person. That this should have been undertaken by a Swiss is all the more creditable. But Mr. Aeschmann's book also contains very true, simple and universal facts on life, behaviour, standards, faith, society, and mainly

education — the central theme of the work.

The author's main concern is that education today is completely deprived of a spiritual and moral component. The spiritual values of life, the reality of the invisible world, the teachings of the Gospels are not taught or not conferred with the importance which they deserve. As a result, youth are not only disorientated and brazenly reject the old beliefs in order to chase their own dreams, but they have lost all sense of discipline. Mr. Aeschmann illustrates his thesis with various examples taken from current affairs, such as Zurich's "Bunker Republic", violence at the LSE, and daily acts of vandalism at British summer resorts.

Mr. Aeschmann expresses his dismay at this state of things and offers solutions. They are basically a return to the values revealed to mankind in the Gospels and in the world's spiritual traditions. Mr. Aeschmann touches on such topical subjects as sex, industrial relations, family planning, law and order.

## **EAST GERMAN SPIES ARRESTED IN ZURICH**

An important espionage affair has broken out in Zurich. It is believed that a Sulzer engineer naming himself Hans Kaelin and established in Zurich since 1967 was the head of the East-German Espionage Services in Switzerland. Mr. Kaelin and his wife were arrested on 12th September in their home in Zurich where several sophisticated radio transmitters, secret documents, cameras and coding devices were also found. The Federal authorities have not yet disclosed how the two spies, whose real name was Wolf, had been arrested.

In a Press conference, Mr. Kurt Furgler, Head of the Justice and Police Department and the retiring Federal Attorney, Mr. Hans Walder, said that Mr. Wolf had come to Switzerland in 1967 as an officer for the East-German WFK Services. He settled in Zurich with the help of perfectly forged documents attesting to his origins in the village of Einsiedeln. In Zurich he met a "journalist", Ursula Meissner, who also turned out to be an East-German having illegally entered the country.

"Hans Kaelin" then 45, found a job as a machines engineer in the vast factories of Sulzer Brothers in Winterthur. Later he switched to the computer and production department. As far as one knows at this stage, his activities covered the whole of

Switzerland and a wide variety of political, economic and military matters the content of which was revealed among the documents found at his Zurich home. Among other devices, police found a modern transmitter hidden inside a wooden chest. It could transmit long coded messages in a matter of seconds making detection and localisation particularly difficult. "Kaelin" was in regular contact with Headquarters situated 30 miles from Berlin.

The Federal Council met in special session to discuss the case and sent a note of protest to the East German mission in Berne.

Ironically, one of the most important post-war espionage cases in Switzerland also involved Sulzer Brothers. Three years ago, an engineer working in the firm's Turbine Department sold plans of the Swiss-built "Mirage" fighter to Israel for over 800,000 francs. But Sulzer's Press chief announced that the "Kaelin Affair" wasn't as serious as the "Frauenknecht Affair". He said that "Kaelin" had not had access to any secret material which was not the case of Alfred Frauenknecht, who had been an executive of the company. The Press officer added that it was not practical to step up security at Sulzer's as a company of this size could not operate without a minimum of trust.

It is not known how the East-German couple came to be arrested, but Sulzer's have said that they had never suspected their engineer of delving in illegal activities.

## **Three Englishmen rob 2 million francs from Uganda**

Three Englishmen were arrested in Geneva at the beginning of the month on charges of attempting to rob 2 million Swiss francs from Uganda. The three adventurers, who were not named, learnt that a state-run textiles company called *Nianza* had ordered for about 2 million francs worth of linen and textiles in Britain. The money was to be transferred to a London bank and paid to the suppliers on delivery. The three men learnt of this deal and immediately asked the Ugandan officials concerned to have it postponed. By various devious means, they obtained the help of high-level officials who agreed to have the money deposited in a special fund in Kampala. The three men left for London, presented themselves as *Nianza* directors to a bank in the City, opened an account for the Ugandan company and had the money transferred to Britain. With the intention of swindling their Ugandan accomplices, they then had the money transferred again to a Geneva bank. They were on