



**Kimberley Process Certification Scheme  
(KPCS)**

**ANNUAL REPORT 2011**

**in accordance with Section VI, paragraph 11 of the KPCS document**

# **Switzerland**

**31 March 2012**

## **Introductory Remarks**

This report has been prepared in accordance with section VI, paragraph 11 of the KPCS document and the Guidelines for the preparation of annual reports contained in Annex I of the Administrative Decision (AD) on the Implementation of Peer Review in the KPCS. It also takes into account the requirements for the preparation of annual reports for submission in 2005 and subsequent years, which were elaborated by the KP Working Group on Monitoring (WGM) as well as the recommendation contained in the Brussels Declaration on Internal controls of Participants with rough diamond trading and manufacturing.

## **A. Institutional Framework**

The institutional framework for the implementation of the KPCS in Switzerland has not changed in the year under review. For detailed information, please refer to the annual report submitted on 31<sup>st</sup> March 2004.

### *Point of contact and official coordinator*

The person of contact for matters related to the KPCS and the official coordinator dealing with its implementation in Switzerland remains

Mrs. Fabienne Juillard Metzger  
State Secretariat for Economic Affairs (SECO)  
Sanctions Unit  
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[swissdiamonds@seco.admin.ch](mailto:swissdiamonds@seco.admin.ch)

These contact details are to be used also for the purpose of import confirmation according to the AD on import confirmation adopted in Kinshasa in November 2011.

## **B. Legal Framework**

The legal framework for the implementation of the KPCS in Switzerland has not changed in the year under review. For detailed information, please refer to the annual report submitted on 31<sup>st</sup> March 2004.

The annex of the Ordinance on the International Trade in Rough Diamonds (Diamond Ordinance) lists the participants meeting the minimum requirements of the KPCS. It has been updated in accordance with the decision of the KPCS regarding the admission of Swaziland.

## **C. Import and Export Regime**

The import and export regime has not changed in the year under review. For detailed information, please refer to the annual report submitted on 31<sup>st</sup> March 2004.

## **D. System of internal controls and Industry Self-Regulation**

The information provided in previous reports remains valid in substance.

## **E. Statistics**

The Swiss statistical data has been submitted in accordance with annex III of the KPCS document via the statistics website (quarterly data on imports and exports, as well as certificate count per participant). On an ongoing basis Switzerland is furthermore reconciling its data bilaterally with its trading partners.

Following the AD on the use of Kimberley Process Certificates based data, adopted at the Jerusalem Plenary in November 2010, Switzerland has started in 2011 to report its data based on the date of certificate issuance.

## **E. Miscellaneous**

### *Special vigilance measures*

Special vigilance measures remain in place given the circumstances in Côte d'Ivoire and Zimbabwe. Switzerland continues to exert special vigilance with regards to diamonds possibly originating from these areas. Suspicious shipments are specially scrutinized. They are detained and digital photographs sent for appraisal to the Chair of the Working Group of Diamond Experts (WGDE).

### *Pre-Kimberley Diamonds*

One company wanted to export diamonds declared to have arrived in Switzerland before the implementation of the KPCS. The company was not able to submit the necessary evidence proving the arrival in Switzerland before 2003. No Kimberley certificate could thus be granted. The diamonds were seized and an administrative procedure aiming at their definitive confiscation is to be launched.

### *Participation in Working Groups and other Committees*

As in previous years, Switzerland actively participated in the work of the WGS, the Committee on Rules and Procedures and the Selection Committee. In addition, Switzerland has expressed its intent to join the Ad-hoc Committee on KPCS Review.

### *Forthcoming Review Visit to Switzerland*

Switzerland extended an invitation to the Working Group on Monitoring (WGM) to welcome a second Review Visit to Switzerland in 2012.

### *Technical Assistance*

Switzerland continued to support the Kimberley Process Civil Society Trust Fund established to facilitate Southern Civil Society's involvement in the Kimberley Process with an annual contribution of CHF 30'000. The contribution of CHF 30'000 to specific projects of *Partnership Africa Canada* was also continued. As in previous years, the projects supported are directed towards the following three areas identified as requiring priority action: Monitor and response to diamond smuggling; identification, monitoring and prevention of violence in the diamond sector; community benefits of diamond mining.

## **G. Cases of Infringement of the KPCS**

### *Request for judicial assistance*

Switzerland continued its cooperation with another Participant in the context of a request for judicial assistance launched in 2010. Foreign investigators were again welcomed in Switzerland in order to interrogate witnesses.

### *Cases of diamond smuggling*

In 2010, customs authorities had arrested a belgo-congolese individual trying to smuggle 311 carats of rough diamonds with an approximate value of 38'000 USD into Switzerland. Consultation with the Chair of the WGDE helped to exclude a Marange origin. The prosecution subsequently launched is now closed. In addition to the definite confiscation of the diamonds, a fine of CHF 6'500 (approximately 7000 USD) was imposed. In view of a possible prosecution in Belgium, contact has been established with the Belgian authorities.

A second case of diamond smuggling was uncovered in 2011 in the context of a routine identity check carried out by the police on a Ghanaian national. The person carried 14 rough diamonds estimated at approximately 4'000 USD and was not in a position to present evidence of legal import into Switzerland. The diamonds were seized. The administrative procedure aiming at their definitive confiscation is still on-going.

So far, nothing has been set in Switzerland with regard to the further use of confiscated diamonds. In order to evaluate possible options, Switzerland would welcome the conduction of a survey on other Participants' practices in this area.