

Dear Madame or Sir,

Projet Innocence Suisse (hereinafter also referred to as "the association") aims to assist victims of miscarriages of justice to prove their innocence and obtain a review of their criminal convictions. To this end, the existence of new facts or new evidence, which were unknown to the authorities who rendered the judgement and are likely to lead to an acquittal, is in general necessary (see art. 410 par. 1 let. a of the Swiss criminal procedural Code).

Projet Innocence Suisse aims to provide assistance solely in connection with criminal convictions handed down by Swiss legal authorities, mainly legal authorities in French-speaking Switzerland (*suisses-romandes*). The convictions in question must be final and enforceable meaning that they can no longer be subject to an appeal, whether cantonal or federal. *Projet Innocence Suisse* therefore intervenes exclusively in cases where a review is the only available option to prove the innocence of a person who was wrongfully convicted. The association does not provide assistance with any other legal proceedings.

Projet Innocence Suisse does not intervene in areas of the law other than criminal law. Furthermore, the association does not provide any assistance when it comes to requesting a review of a judgment in disfavour of a person who has been acquitted. Requests made by people that are imprisoned are treated as a priority.

If you wish to request our assistance, please complete the attached questionnaire giving as much information as possible. Please provide a copy of the following documents, together with the questionnaire, duly completed and signed:

- Expert(s) report(s);
- Indictment;
- Judgment rendered by the Court of First Instance;
- Statement of appeal;
- Judgment rendered by the Court of Appeal;
- Appeal to the Federal Supreme Court;
- Judgment rendered by the Federal Supreme Court;
- Appeal to the European Court of Human Rights;
- Judgment rendered by the European Court of Human Rights;
- Application(s) for review duly filed;
- Decision(s) and other procedural acts subsequent to the filed application(s) for review.

At this stage, please do not send any documents other than those listed above. Upon receipt of the questionnaire and documents, your file will be reviewed internally. *Projet Innocence Suisse* reserves the right to decide whether or not to provide assistance and does not supply justification in the case of refusal to proceed. The association is under no obligation to accept the requests it receives.

All applications are studied. However, the examination of a request for assistance can take a lot of time. A delay in our contacting you do not infer that your file is not under consideration. We reply to all requests received. Thank you for your understanding.

You may face judicial deadlines and/or have to comply with certain legal deadlines or deadlines set by the authorities. Please note that **Projet Innocence Suisse does not provide legal representation. The association is not responsible for the compliance of any legal deadline and/or any deadline set by administrative or legal authorities.** We cannot provide any legal advice and/or assistance until we have agreed to assist you with an application for review.

If the association decides to take action, you will receive a letter with a power of attorney in favor of the association, which you should complete and sign and return to us. The association will then contact a lawyer member of the association who is registered at the Swiss bar, so that he can intervene pro bono to represent your interests and, in particular, to represent you in the context of a possible review procedure within the meaning of art. 410 and following of the Swiss Criminal Procedure Code. The lawyer is mandated directly by the convicted person; the professional secrecy of the lawyer (art. 321 of the Swiss Criminal Code) applies.

We draw your attention to the fact that *Projet Innocence Suisse* is under no obligation concerning its working practice or results obtained, given that the association aims to help, free of charge and on a voluntary basis, within the limits of its possibilities and resources, the people it assists. Any person requesting the assistance of *Projet Innocence Suisse* undertakes not to take legal action against the association as well as against any lawyer, academic, law student, intern and/or member of its personnel.

In conclusion, the submission of a request for assistance is not a mandate given to a lawyer. *Projet Innocence Suisse* seeks, as far as possible, to maintain the confidentiality of the information it receives. However, *Projet Innocence Suisse* is not a law firm. The activities carried out by the association are not covered by the lawyer-client privilege or any other secret protected by law. However, the *Projet Innocence Suisse* preserves the confidentiality of the information it receives and carries out its activities in full compliance with the rules governing the protection of personal data.

Yours faithfully,

Projet Innocence Suisse

Enclosed : questionnaire

Questionnaire to be returned by mail to:

Projet Innocence Suisse
c/o HABEAS Avocats Sàrl
20, rue du Général-Dufour
Case postale – 1211 Genève 4

A. PERSONAL INFORMATION

Name and surname: _____

Gender: _____

Age: _____

Address: _____

Are you currently detained ? Yes : _____ No: _____

Detention facility: _____

Cell number: _____

Postal Code: _____

City: _____

Phone number: _____

Email address: _____

Spoken languages (in order of preference): _____

Criminal procedure number: _____

Prosecuting authority: _____

First instance authority: _____

Second instance authority: _____

Number of procedure before the Federal Supreme Court: _____

Number of procedure before the European Court of Human Rights: _____

B. OTHER PERSONS OF CONTACT

<p><i>Lawyer(s) having intervened in your defence during the criminal proceedings:</i></p> <p>Name and surname: _____ Phone number: _____ Fax: _____ Address: _____ Email address: _____</p> <p>Further information:</p>
<p>Name and surname: _____ Phone number: _____ Fax: _____ Address: _____ Email address: _____</p> <p>Further information:</p>
<p><i>Member(s) of your family or other people (not witnesses) who have information and/or documents regarding your file and whom we may contact:</i></p> <p>Name and surname: _____ Phone number: _____ Fax: _____ Address: _____ Email address: _____ Relationship: _____</p> <p>Further information:</p>
<p>Name and surname: _____ Phone number: _____ Fax: _____ Address: _____ Email address: _____ Relationship: _____</p> <p>Further information:</p>

C. INFORMATION ABOUT THE CRIMINAL CONVICTION

1. Do you consider yourself innocent of all offences of which you have been convicted?
If not, which offences do you consider yourself innocent of?

2. What sentence have you been given?

3. Are you currently serving a sentence in connection with this conviction?

If so, please indicate the date of completion of the sentence:

If not, please indicate when the sentence ended:

4. Date and place of your arrest?

5. Date and place of your conviction by the Court of First Instance?
6. Were you also sentenced to execute a criminal measure (*mesure pénale/misura/Massnahme*)? If so, which one? If you are currently executing this criminal measure, please indicate it.
7. Have you appealed against your conviction rendered by the Court of First instance?
- If so, please answer the following questions:
- a. Date of the statement of appeal:
- b. Date and place of the judgment of the Court of Appeal:
8. Have you appealed to the Federal Supreme Court against the judgment rendered by the Court of Appeal?
- a. Date of the appeal to the Federal Supreme Court:
- b. Date of the judgment rendered by the Federal Supreme Court:
- c. Procedure number:

CAUTION: If you have appealed to the Federal Supreme Court against the judgment rendered by the Court of Appeal, you should be aware that if you possess “new” facts or evidence, which were unknown to the lower authority and could justify your acquittal, you have 90 days from the date of their discovery to apply for a review of your conviction, provided that the following two conditions are met:

***1) the Federal Supreme Court has amended the judgment rendered by the lower authority;
2) the Federal Supreme Court has changed the factual situation established by the lower authority according to article 105 (2) LTF.***

In this event, we suggest you contact a lawyer immediately.

9. Have you appealed to the European Court of Human Rights (hereinafter: ECHR) against the judgment of the Federal Supreme Court?
- a. Date of the appeal to the ECHR:
 - b. Date of the judgment rendered by the ECHR:
 - c. Date of receipt of the judgment rendered by the ECHR:
 - d. Procedure number:

CAUTION: If you have received a favourable judgment by the ECHR, you are obliged to apply for a review within 90 days of the date of receipt of the judgment. In this event, we suggest you contact a lawyer immediately.

10. Have you been detained? If so, for how long and in which detention facility(ies)?
11. Please list any documents that you (may) have filed with the authority or the court after your conviction became final. If you have already filed an application for review, please indicate this and attach the application.
12. Were other people other than you charged and/or convicted of the offences for which you were convicted? Please give the name(s) of any other persons accused and the outcome of the proceedings against them.

13. Please give a brief description of your version of events:

14. Were you present at the scene of the crime before, during or after the events? Please provide any relevant explanation for your conduct.
15. Please provide a physical description of yourself at the time of the events, only if it seems relevant to you:
16. Is your conviction based on scientific evidence? If so, what kind of evidence (for example DNA, fingerprints, blood traces, footprints, comparison of firearms and projectiles, toxicology, document analysis, drug analysis, autopsy)?

17. What new facts or evidence do you think would prove your innocence? Please explain why such evidence has not been brought to the attention of the authorities that rendered the judgments. Please also indicate the date on which you were informed of the existence of such facts or evidence.
18. Please indicate the name, address and phone number of any person who may testify. Please indicate whether the testimony of these people was heard during the criminal proceedings.
19. Are you aware of any judicial decision subsequent to your conviction that is in blatant contradiction to your conviction? (for example, a person other than yourself has been convicted of acts identical to those relating to your conviction) If so, please forward the decision in question to us.

CAUTION: In the event that you become aware of such a decision, you are required to file your application for review within 90 days from the date you became aware of the decision in question. Should this be the case, we suggest you contact a lawyer immediately.

20. Do you consider that your conviction was influenced by a criminal offence? If so, please indicate the circumstances to which you refer. If criminal proceedings have been initiated for such acts, please provide us with any relevant information in this regard.

If so, on what date were you informed of the circumstances described above?

CAUTION: If the Federal Supreme Court has reached a decision on your case, you may have to file an application for review with the Federal Supreme Court within 90 days of the discovery of the offence that influenced your conviction. In this case, we suggest you contact a lawyer immediately.

21. Do you consider that the authority responsible for your conviction was in any way irregular (breach of the rules on recusal)? If so, please explain the circumstances to which you refer.

CAUTION: If you consider that the authority that handed down your conviction was in any way irregular (grounds for recusal), you should apply for review without delay from the time the ground for recusal has been discovered. In this event, we suggest you contact a lawyer immediately.

22. Please list any previous convictions you may have, specifying for each conviction the date of the judgement and the sentence imposed on you:

23. Remarks and other information:

Thank you for completing this questionnaire. As mentioned above (see page 2), the association Projet Innocence Suisse does not provide legal representation. Please contact a lawyer in order to ensure that any deadlines for filing an application for review are met.

Place and date: _____ Signature: _____