



CSU Fresno  
Dept. of Criminology  
Newsletter LX

March 2012



**Active or Retired Government Employees**

Are you interested in a degree from the California State University?

Start now before fees increase!

If you have already completed or are close to completing two years of college, you can obtain your B.S. degree in Criminology issued by **California State University-Fresno** in the downtown (off campus) degree program. There you will attend classes with other professionals at the Fresno County Sheriff's Office HQ. Class meeting times/dates are flexible, and some of the instruction is on line. Additional optional meeting dates are scheduled for students

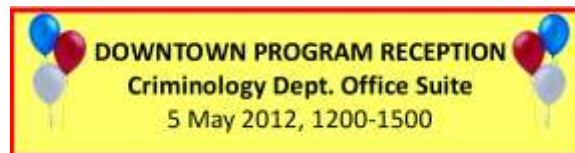
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unable to attend specific on specific dates due to their duty assignment.

New classes begin in April. Contact Dr. Schweizer [haralds@csufresno.edu](mailto:haralds@csufresno.edu) via email for additional details and review the information at:

<http://zimmer.csufresno.edu/~haralds/downtowndegreeoverview.htm>



All prior, current and future downtown program faculty, management/staff of Continuing and Global Education, faculty/staff of the criminology department, and all past, current, and interested future downtown program students are invited.

General information on the program will be provided in Science II Room 108 at 1100. Food and beverages will be provided. Attendees may bring family members. Additional information will be posted in the April 2012 Criminology Newsletter.

**This newsletter is not an official publication of CSU Fresno or the Department of Criminology. Dr. H.O. Schweizer is the sole author and responsible for its content. You can email him at: [haralds@csufresno.edu](mailto:haralds@csufresno.edu)**

*The justice process begins with police!*



## MOTORISTS MUST HAVE UNUSED ALCOHOL TEST IN VEHICLE

Effective 1 July 2012, all motorists in France must have an unused (single use) alcohol test kit in their vehicle when stopped by police. Motorists have to prove they have NOT been drinking. Failure to produce an unused test kit will result in a €11 (\$15) fine.

Foreign motorists are not exempt and must also purchase such kits when in France. There are two types of tests, one is a chemical based “balloon” test and the other is electronic. The balloon version is usable from 18-24 months and a pharmaceutical company has them for about \$1.70 each when purchasing a lot of five. Their website also has a nice photo of what it looks like.

<http://www.bqmedical.fr/test-alcoolemie-ethylotest-chiniques.htm>

Tests generally cost anywhere from \$1.70 (€1.10) to more than five dollars. The tests are already widely available and can even be found on Ebay (no surprise) with Paypal accepted for payment.

<http://cgi.ebay.fr/Test-dalcoolemie-rapide-Alcootest-ethylotest-Obligatoire-le-01-07-2012-/260972283486>

The new law has attracted lots of attention and the general debate is about how having a test in the vehicle would keep someone from drinking in the first place. Perhaps the law is driving by other reasons. The two most common tests are manufactured by

Contralco, in the French state (department) of l'Hérault, and the South African firm “Red Line.” Contralco in France expects to make 62 million units of single use alcohol tests this year.

[http://www.daylife.com/photo/0at0faieKW7Jk?\\_site=daylife](http://www.daylife.com/photo/0at0faieKW7Jk?_site=daylife)

Red line chemical tests have been approved/certified to meet the standards mandated by the French government. The tests have also been approved for use in Germany, Australia, South Africa, and by the FDA in the USA.

[http://www.redlinetest.com/redline\\_presentation.pdf](http://www.redlinetest.com/redline_presentation.pdf)

There is a video of an alcohol test at:

[http://www.youtube.com/watch?feature=player\\_detailpage&v=O8vtYLhJCGo](http://www.youtube.com/watch?feature=player_detailpage&v=O8vtYLhJCGo)

The French Forum Activ website has a hilarious cartoon about the alcohol test:



AN ALCOHOL TEST IN EVERY VEHICLE

**Stop! You are blowing into the air bag.**

The electronic test kit is considered 100% reliable, while the chemical version has a 5% error rate. Info and cartoon from:

<http://secma-f16passion.forumactif.org/t1478-ethylotest-obligatoire-dans-le-vehicule>

## GLOBAL NEWS...



### GERMANY

First the “No Fly” list and now the  
“No Room” List for hotels?

In the civil law suit [V ZR 115/11](#) decided on 9 March 2012, the German Supreme Court ruled that a hotel may deny rooms to persons with political beliefs on the extreme right, particularly if they involve negative attitudes/perceptions about foreigners or certain foreign immigrants.

The wife of the plaintiff, a former official of the far right NPD political party (the party is legal), had booked a room for her husband in a “wellness” hotel for rest and relaxation, but the plaintiff was denied the room when the hotel staff realized the identity of the former official. While the entire decision is not yet accessible on the web site of the German “Bundesgerichtshof” the court’s published statement to the media summarized the major points and decision in the case.

In discussing the discrimination claim by the plaintiff, the court elaborated that the law makers intentionally did not include “political beliefs” in the section of the German law which prohibits discrimination. The court also mentioned the difficulty of checking the backgrounds of persons when booking rooms on line. The hotel’s actions, so ruled the court, were permissible within the law.

From a personal perspective, it is therefore conceivable that hotel chains in Germany, and even elsewhere in Europe, would begin to establish and maintain “No Room” lists,

similar to the “No Fly” list in order to ensure that their clientele does not subscribe to right wing political beliefs which run counter to the European Standards on Human Rights.

<http://juris.bundesgerichtshof.de/cgi-bin/rechtsprechung/document.py?Gericht=bgh&Art=en&Datum=Aktuell&Sort=3&nr=59510&linked=pm&Blank=1>

Equally interesting is that California and U.S. anti-discrimination laws also do not protect persons against discrimination simply based on their “political beliefs.”



Joseph KONY, the founder and leader of the “Lord’s Resistance Army” that has plagued the central African region of Southern Sudan, Uganda, the Democratic Republic of Congo and the Central African Republic for many decades, and who is notorious for forcing children to be killing machines in the LRA, has suddenly received world wide media attention through efforts of the non-profit group Invisible Children. (<http://www.invisiblechildren.com/>)

This group is funding a media/publicity campaign to pressure governments to actively seek out and arrest Joseph KONY. Though his army was at one time estimated to have about 30,000 mostly child soldiers, the numbers of the LRA have dwindled substantially. Invisible Children has a video on its website which can also be seen on YouTube, and it has already been viewed millions of times around the world.

## JOSEPH KONY...

On 27 September, 2005, the International Criminal Court, an independent body established in 2002 under the Rome statute, with the support and signatures of 120 countries around the world, issued an arrest warrant for Joseph KONY for crimes against humanity further outlined in the charging document and warrant, and with the request that governments/countries seek out and arrest KONY so that he could be brought to justice in International Court of Justice (ICC) in The Hague, Netherlands. <http://www.icc-cpi.int/Menus/ICC/Home>

The arrest warrant can be viewed at: <http://www.icc-cpi.int/iccdocs/doc/doc97185.PDF>

While the Obama administration recently sent 100 military advisors to the Ugandan military to train and assist them in the hunt for Joseph KONY, government officials in Uganda and other areas of Central Africa are calling the media campaign misplaced since the problem is more complex and also point out that the LRA has been driven out of Uganda and is no longer a significant threat to the region. They estimated the current strength of the LRA to be around 300.

In spite of criticism concerning the media campaign of "Invisible Children", the chief prosecutor of the International Criminal Court defended the Media campaign, particularly since it finally "mobilised the world."

**Joseph Kony 2012: International Criminal Court chief prosecutor supports campaign.**

<http://www.telegraph.co.uk/news/worldnews/africaandindianocean/uganda/9137982/Joseph-Kony-2012-International-Criminal-Court-chief-prosecutor-supports-campaign.html>

Though the current threat of the LRA is downplayed by Uganda, John Holmes, a United Nations official, stated last year:

"For anyone saying that the L.R.A. is finished, I would be careful not to count them out," Mr. Holmes said. "They have an amazing capacity to regenerate themselves, especially by kidnapping children."

**U.N. Says Congo Rebels Killed Scores In Attack on Village in Northeast**

[http://www.huffingtonpost.com/larry-maqid/kony-video\\_b\\_1337907.html](http://www.huffingtonpost.com/larry-maqid/kony-video_b_1337907.html)

While a search of the ICC webpages for photos of persons wanted by the ICC met with negative results, his photo can be found on the Interpol webpages of wanted persons.



[http://www.interpol.int/Wanted-Persons/%28wanted\\_id%29/2006-26320](http://www.interpol.int/Wanted-Persons/%28wanted_id%29/2006-26320)

Given that this is common in many parts of Africa and that many of its armies have engaged in significant human rights violations, it is understandable that some African governments are not particularly enthusiastic about the Western, primarily American, effort to bring Joseph KONY to justice, and also criticize those efforts as meddling in African affairs.

Since KONY is a native Ugandan and personally responsible for the killing of thousands of Ugandans, it is difficult to

## KONY 2012...

understand why KONY is not mentioned on the website of the Ugandan **Ministry of Justice and Constitutional Affairs** (<http://www.justice.go.ug/>).

A search for his name on the central website of the Ugandan government resulted only in a single article that contained a brief mention of KONY, without a photo or any indication that he is wanted by the ICC.

[http://www.government.ug/index.php?search\\_word=kony&option=com\\_search&Itemid=](http://www.government.ug/index.php?search_word=kony&option=com_search&Itemid=)

A visit to the Uganda Police Force was equally fruitless. The website does not have a list of “wanted persons” and the name Joseph KONY was nowhere to be found.



<http://www.upf.go.ug/>

**Search**

Search Keyword kony Total: 0 results found.

Search Again

Search Keyword:

All words  Any words  Exact Phrase

Ordering:

Search Only:  Articles  Web Links  Contacts  Categories  Sections  News Feeds

Search Keyword: kony

Total: 0 results found

## The ICC and Thomas Lubanga

The recent publicity surrounding KONY dovetails with the first conviction ever handed down by the International Criminal Court in The Hague on 14 March 12. Thomas Lubanga, a commander of a militia in the Democratic Republic of Congo and

current political figure in that country, was convicted of recruiting and also forcing children under 15 years of age into his army during the period of 2002-2004, when the ICC first received jurisdiction in such cases.

You can watch a video on his conviction by the ICC at:

### ICC Finds Congolese warlord Thomas Lubanga guilty

[http://www.youtube.com/watch?feature=player\\_embedded&v=pwFuRYHmXV0](http://www.youtube.com/watch?feature=player_embedded&v=pwFuRYHmXV0)

The Democratic Republic of Congo ironically is a state party to the Rome statute but itself continues to recruit and use child soldiers in its national army (Forces armées de la République démocratique du Congo - FARDC). Of the nearly 300,000 child soldiers world-wide, most of them are in Africa. In Depth: Fighting for the rights of child soldiers

<http://www.irinnews.org/In-depth/94664/94/Child-Soldiers>

According to Article 4 of the Rome statute, the ICC only has jurisdiction in the territories of states that are party to the Rome Statute or agree to abide by it, and is partially funded by those states and through donations from other organizations and persons. The Rome Statute can be accessed at:

<http://www.icc-cpi.int/NR/rdonlyres/ADD16852-AEE9-4757-ABE7-9CDC7CF02886/283503/RomeStatutEng1.pdf>

Crimes that come under its jurisdiction are:

- (a) The crime of genocide;
- (b) Crimes against humanity;
- (c) War crimes;
- (d) The crime of aggression.  
(including numerous offenses subsumed under the listed categories)

## SIGNATORIES TO THE ROME STATUTE...

Looking at the list of 120 countries which are a party to the Rome statute, it is interesting to note that of the more than 50 Islamic countries, only Tunisia, Bangladesh and Afghanistan are "States Parties" to the Rome Statute of the International Criminal Court. Also among those who are not a signatory to the statute are countries like Belarus, China, India, Iran, Mozambique, Russia, Turkey, the United States and Zimbabwe.

<http://www.icc-cpi.int/Menus/ASP/states+parties/>

For additional information about child soldiers world-wide, read:

**Promotion and protection of the rights of children General Assembly, Sixty-fifth session; Agenda item 64 (a)**

<http://www.un.org/children/conflict/documents/S2011250.pdf>

**Comment by author:** While some African governments believe the focus on Kony to be misplaced, this criticism may be driven by the fear that the focus could soon be on their own militias or national armies.



### **SWEDEN BRACES FOR FAMILY IMMIGRATION BOOM**

Immigrants and asylum seekers in Sweden have previously encountered difficulties when attempting to prove they were related to other individuals who also desired to emigrate to or stay in Sweden. Siblings,

spouses, parents, etc., often were unable to prove their kinship to their relative/s who applied for or received legal residency in Sweden. This was particularly difficult for Somalis who typically do not have or possess any form of official government identification attesting to their identity.

Faced with this problem, Swedish authorities have embarked on DNA testing of asylum and residence seeker to be able to determine if they are related to other immigrants already there. This new process is considered to be fairer and likely to result in a large increase of immigrants from Somalia.

<http://www.thelocal.se/39288/20120223/>

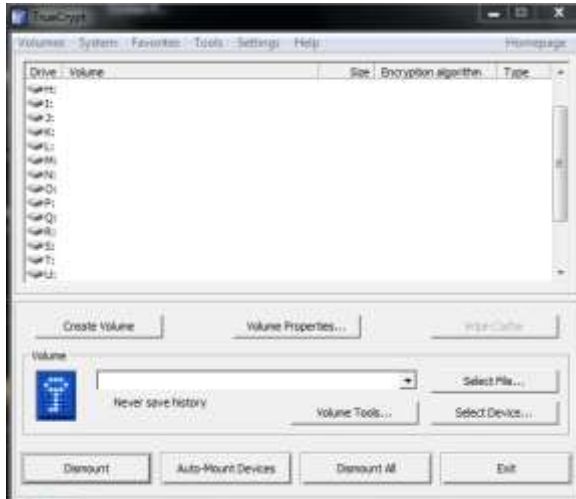


### **SECURE YOUR DATA WITH TrueCrypt**

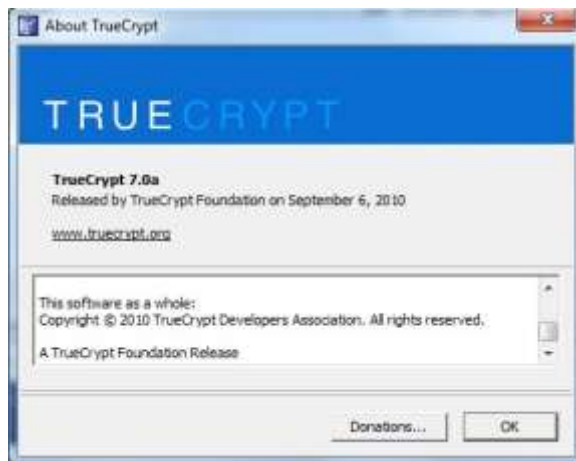


A software solution that is FREE and allows you to encrypt any data file, whether on a hard drive or external USB drive.

## OPEN SOURCE ENCRYPTION SOFTWARE...



*Photo: Homeless Mickey collecting donations in Las Vegas, NV.*



*Above: The cost of "justice" American style*



*What does this sign say about the police officer or judge who spend their time in court?*

The software can be downloaded at:

[www.truecrypt.org](http://www.truecrypt.org)

I have been using TRUECRYPT for about a year and it works with virtually any data storage device. If you download the software I would also highly recommend that you make a small donation to the folks who work so hard to assist the world of computer users who cannot afford expensive data security solutions.