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## EDITORIAL

As we saw in the previous issue, crime flourishes because our stupid law has brought it down to a low-risk occupation by protecting the criminals far more than it does the victims. Here is a typical situation which could very well happen to you one day.

It is night and you are in bed when suddenly you wake up with the distinct impression that you heard someone moving around in your house. You get up to investigate and, for protection, you take along a baseball bat which you keep hidden underneath your bed just in case. And sure enough, in the lounge you stumble upon your burglar who is just in the process of unplugging your video recorder.

Now, provided your burglar has been astute enough to cut your telephone cable and to ascertain that your nearest neighbours are either on holidays or too far away to hear your screams, he can be quite relaxed because he knows that the law does not allow you to attack him. In fact, he could load half of your portable household items into his van, but if you lay as much as a hand on him, he can take you to court for assault and sue you for every dollar you ever had. The law is quite specific: you are only allowed to hit the burglar in self-defence which means of course that he has the right to hit you first before you are allowed to touch him.

Now picture this: Your burglar is most likely young, athletic and muscular, fully alert with adrenaline pumping through his veins whilst you are middle-

aged, quite out of top physical condition, sleep drunk, weak-kneed and frightened to death because you have never been in a position like this in all your life. And yet the law expects you to be in full control of the situation whilst, at the same time, it gives the burglar the protection to enable him to punch you first. It is the height of absurdity.

But let us assume that your burglar's first punch has only broken your nose and given you a black eye but has not laid you out cold on the floor and that by a miracle you can see a chance to hit him over the head with your baseball bat. Stop right there, because the law is still on the side of your burglar because you are not allowed to hit out recklessly. The law insists that you must not use "undue force" to defend yourself. The burglar can come hammer and tongs at you but you must not use undue force in return.

What would you think of a boxing match where a huge heavyweight boxer is allowed to have a go at a puny featherweight opponent who, on top of this, has one hand strapped behind his back. Of course you would cry foul play. But this is exactly the advantage the law gives the burglar over you, the victim. You are allowed to hit him but only enough to subdue him.

Now hands up all of you who know exactly how hard you have to hit a guy's head with a baseball bat to render him unconscious without breaking his scull. In the middle of the night, in a situation you have never been in before, the law expects you to suddenly become an expert in the art of subduing burglars.

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You can either just tap him on his head and his counter-punch will most likely finish you off for good or you can break his scull and be charged by law for manslaughter or of inflicting grievous bodily harm. The choice is yours: you can either be dead, maimed for life or finish up in prison.

But again, let us assume that you hit it right, so to speak. Your burglar lies unconscious on your lounge floor. What to do next? Run to the nearest phone box to call the police? But what if the burglar wakes up and runs off or has a go at your wife and children in revenge while you are away? So you tie him up first. But once again, watch the law. If you tie him up too loose, he will slip out of it but if you tie his hands up too tight, he will claim later on that due to lack of blood circulation, the feeling in his hands has been impaired for the rest of his life, that he can no longer work (as a burglar of course) and he will sue you for half a million dollars or more and he will WIN. Remember: you were originally the victim of an attempted burglary, but you may very well finish up by having to sell your house, car and all your worldly goods to pay damages to a criminal. Such is the law of the land today!!

Once more, let us assume that everything went right and the police eventually apprehended your burglar. Do not expect any congratulations from the police. On the contrary, they will not like what you have just done. You see, the police like simple, straight forward cases: on one side an aggressor, on the other a victim. Simple, an open and shut case. The fact that the victim might be dead or maimed for life does not unduly concern the police. If you are still alive, in some form or another, the police is only interested in you as their main witness, but after the trial, you are



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simply another statistic in their files. After all, you have a good family who can look after you for the rest of your life, haven't you?

But in the case of your burglar, by hitting back and protecting yourself, you have upset the apple cart. The case is now much more complicated. For the police it would have been much simpler if you had finished up flat on your lounge floor instead of the burglar who will now claim that he was drunk, had lost his keys and believed he had re-entered his own house by forcing a window when you viciously attacked him. (Do not laugh, this excuse has got more than one burglar off the hook allowing him subsequently to sue the victim for grievous bodily harm on top of it). Furthermore, by preventing the burglary, you have also eliminated the proof that a crime was being committed thus giving even more weight to the burglar's argument that he was doing nothing illegal when you attacked him.

Police do not like cases where the victim fights back and they like it even less if the victim gets the better of the criminal. Therefore, do not expect a pat on your back or a medal for bravery from the police. But one thing is certain: from now on your life will never be the same again, as we will see in a future article, when you have to appear in court as a witness. Your ordeal has only just started.

#### EPILOGUE.

Burglaries exist because the law has allowed them to become a low-risk occupation. Every five minutes, a house in New Zealand is being broken in and in 90% of the cases the burglars get away with their crime even when caught, particularly if they are teenagers. It is obvious the police cannot protect every

house or car 24 hours a day against possible burglaries. So the law should give the people the right to defend their families and their properties by every means at their disposal, not with one arm tied behind their backs and the menace of being prosecuted should some physical harm come to the burglar while he is in the process of committing a crime.

There is something drastically wrong with modern civilisation when honest, law-abiding people, particularly the elderly, have to live barricaded in their houses with burglar alarms and safety locks on all windows and doors, as virtual prisoners in their own homes whilst the criminals are free to roam the streets. Over the years, the wheel has turned because even a generation ago, it was exactly the other way round. When will our governments and law makers at long last make the wheel turn back in our favour?

#### GOOD HEAVENS, WE FORGOT OUR 22 TRAMS

Here is an unbelievable story from Geneva. When the Geneva authorities undertook to re-establish some new tram lines through the city, after having ripped them up some years ago, they decided, without consultation with the tramway company, to purchase 46 brand new trams to run over the new lines.

But unknown to the Geneva authorities, the tramway company had renovated over the years in its own workshops some old, disused trams bringing them up to the required modern specifications. In total, 22 trams as good as new and ready for use had been sitting in the tramway company's workshops for the past 10 years and not one City Councillor remembered that or bothered to check when they ordered their 46 new tram-cars. And so, among many red faces, Geneva boasts now a tramway park well in excess of its requirements and the taxpayers have paid almost 100 Million SFR for this blunder.

#### WOMEN IN SWISS GOVERNMENT

Like in New Zealand, Swiss women are not going into politics in the numbers expected. Out of 210 delegates at the "Nationalrat", only 42 are women, in other words, only one in every five. A total of 12 cantons are not represented by any women at all.

#### NOTE FROM THE EDITOR.

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#### 100 YEARS TCS

The "Touring Club Suisse" (equivalent to the Automobile Association) celebrates this year its 100th anniversary. Created in Geneva in 1896 by 38 enthusiastic cyclists, it has grown over the years to an organisation with a membership of over 1.3 million and a staff of 1200.

Although the TCS was in the past often in direct opposition to the SBB-CFF, their relationship has become more amenable over the years to a point where their mutual co-operation has become so close that the SBB carries now the TCS emblem on its locomotives as the picture shows.



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