



# WORLD LAW BULLETIN

## January 2007

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Terrorist Link

Two New Members Join EU  
 EU Intends to Create Secret Terrorist Target List  
 Removal of a “Mujahidin” Group from the EU  
 Terrorist List  
 New Rules on Dual-Use Goods  
 Stalemate on Turkey’s Negotiations on Future EU  
 Accession  
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 Migrants  
 Establishment of a Fundamental Rights Agency

**WESTERN HEMISPHERE**

Argentina ..... Budget Approved and Law on  
 Economic Emergency Extended  
 Brazil ..... Bill Makes Sexual Discrimination a Crime  
 Brazil ..... Consensual Divorce Will Not Require  
 Court Intervention  
 Brazil ..... Judicial Reform Regulated  
 Brazil ..... Protected Area Created in Amazon Region  
 Canada ..... Belarus Added to Area Control List  
 Canada ..... New Quarantine Rules Proposed  
 Canada ..... Senate Reform Proposed  
 Honduras ..... Law on Transparency Approved  
 Mexico ..... Chamber of Deputies Approves  
 Amendments to Law on Foreign Trade  
 Mexico ..... New Maquiladora Decree Promulgated  
 Venezuela ..... Presidential Election, Constitutional  
 Reform Plans

**INTERNATIONAL LAW & ORGANIZATIONS**

CANADA/U.S. .... NEXUS Integration  
 CIS ..... Collective Security Treaty Organization  
 Growing  
 EU ..... International Agreement on ITER Signed  
 in Paris  
 ECHR ..... Damages Awarded to Greek Cypriot  
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 ECHR .... Forcible Administration of Emetics Barred  
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 Disappearances  
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 Certification Scheme

**SPECIAL ATTACHMENT:  
 Recent Developments in the European Union**

## AFRICA

### ANGOLA – New Customs Code

A new Customs Code has been approved by the Angolan Cabinet Council and will come into effect in January 2007, replacing the previous customs legislation enacted in 1975. The new Code follows the guidelines set out in the relevant international conventions of the World Customs Organization (WCO), the World Trade Organization (WTO), and the South African Development Community (SADC).

According to government officials, Angola's adherence to the WTO, WCO, and SADC and the economic changes that Angola has undergone were the determinant factors in the decision to implement a complete review of customs activity in the country. According to the officials, the new Code will have a better fiscal justice system and clear norms, providing the parties involved in a customs dispute with the possibility of defending themselves, which will also guarantee the protection of state interests. (*New Customs Code for Angola*, CROWN AGENTS, Nov. 15, 2006, available at <http://www.crownagents.com/news.asp?step=2&contentID=779&regionID=0&countryID=0&sectorID=0&serviceID=0&themeID=0>; *Cabinet Approves Country's Customs Code*, ALLAFRICA.COM, Nov. 20, 2006, available at <http://allafrica.com/stories/200611201253.html>.)

(Eduardo Soares, 7-3525, esoa@loc.gov)

### CONGO (DRC) – First Democratically Elected President

On December 6, 2006, Joseph Kabila was sworn in as the first democratically elected president of the Democratic Republic of Congo (DRC). In 2001, Kabila, a former army chief, had been appointed to the presidency after the assassination of his father Laurent, who had assumed the presidency after ousting Mobutu Sese Seko from power in 1997, in what was then Zaire. Joseph Kabila ran a United Nations-supervised interim government that included his former enemies, which was established to stage elections with U.N. assistance, from 2003 until U.N.-sponsored general elections were held on July 30, 2006. (*DRC: Kabila Sworn In as First Democratically Elected President*, AFP, Dec. 6, 2006, Open Source Center No. AFP20061206637013; *Q&A: DR Congo Elections*, BBC NEWS, July 11, 2006, <http://news.bbc.co.uk/1/hi/world/africa/5168274.stm>.)

The lengthy election process has been described as “the largest and most complex the UN has ever been involved in,” with U.N. agencies reportedly helping to deliver tens of millions of ballots and other supplies to about 50,000 polling stations, among other tasks. (*Early Election Results Released to Dispel Rumours in Strife-Torn DR Congo – UN*, UN NEWS CENTRE, Nov. 6, 2006, <http://www.un.org/apps/news/story.asp?NewsID=20509&Cr=democratic&Cr1=congo>.)

The country's Independent Electoral Commission announced on November 15, 2006, after a run-off election held on October 29, that Kabila had been elected president with 58.05 percent of the vote, versus 41.95 percent for Vice President Jean-Pierre Bemba, but that candidates were entitled to contest the outcome before the Supreme Court. The Supreme Court rejected the legal challenge to the election outcome brought by Bemba. Kabila was sworn in before nine other African heads of state and thousands of guests. His political machine, the Alliance of the Presidential Majority, reportedly won more than 200 of the 500 seats in the DRC's new parliament as a result of the general elections. (AFP, *supra*; *Bemba to 'Legally' Contest DRC Election*, BUSINESSINAFRICA, Nov. 17, 2006, [http://www.businessinafrica.net/news/central\\_africa/215851.htm](http://www.businessinafrica.net/news/central_africa/215851.htm).)

(Wendy Zeldin, 7-9832, wzeld@loc.gov)



### **GHANA – Committee to Check Entry of Conflict Diamonds**

Ghana's Minister of Lands, Forestry and Mines, Professor Dominic Fobih, has inaugurated a nine-member Kimberly Process Certification Oversight Committee responsible for ensuring that no conflict diamonds pass through Ghana to other countries. The Chairperson is the deputy minister in charge of mines, Rita Tani Iddi. Impetus for the measure came from the plenary meeting of the Kimberly Process Certification Scheme (KPCS) held in November 2006, at which Ghana was urged to strengthen internal controls of the export process of raw diamonds, from mining to local purchases to exportation, within three months. In mid-2006, it was alleged that Ghana had become a conduit for conflict diamonds from Cote d'Ivoire, despite its membership in KPCS.

Fobih was quoted as stating that the importance of the diamond industry in Ghana has made it necessary to institute measures to ensure that all agencies with a stake in the mining and marketing of rough diamonds be involved in implementation of the KPCS. He also noted that Ghana has been promised technical assistance by some countries and international organizations to enable KPCS implementation. (*Ghana Sets Up Committee to Check Entry of Conflict Diamonds*, GHANA BROADCASTING CORPORATION RADIO 1, Dec. 7, 2006, Open Source Center No. AFP20061207950023.) (Wendy Zeldin, 7-9832, wzeld@loc.gov)

### **MALAWI – Proposal to Legalize Homosexuality Rejected**

The Legal Affairs Committee of Malawi's Parliament has voted to reject a proposal that homosexuality be legalized in the country. The proposal had come on December 14, 2006, from the Malawi Human Rights Consultative Committee (MHRCC) and the Students Law Society of Malawi, at a meeting to collect public views on the laws that Malawi should adopt. The proposal, based on section 20, subsection 1, of the Malawi Constitution, would have given legal protection to all Malawi citizens, regardless of sexual orientation. That section states:

Discrimination of persons in any form is prohibited and all persons are, under any law, guaranteed equal and effective protection against discrimination on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth or other status. (Text of the Constitution of the Republic of Malawi, Malawi SDNP, <http://www.sdn.org.mw/constitut/intro.html> (last visited Dec. 18, 2006).)

In discussing the decision to turn down the proposal, Benjamin Banda, a Member of Parliament, argued that there was no homosexuality in the country and said, "[w]e cannot rush into making provisions for things that we do not have in Malawi. If we do not see homosexuality in Malawi, then it does not happen and should not be created." In response, the chairperson of the MHRCC said that perhaps homosexuality was not visible because it is an offense, forcing people to hide their orientation. (*Parliamentary Committee Rejects Homosexuality*, THE SUNDAY TIMES (Malawi), Dec. 17, 2006, available at *Malawi Parliament Rejects Homosexuality Proposals*, OSC TRANSLATION ON SUB-SAHARAN AFRICA, Dec. 17, 2006, Open Source Center AFP20061217950029.) (Constance A. Johnson, 7-9829, cojo@loc.gov)

### **NIGERIA – Supreme Court Reinstates Governor**

On December 7, 2006, Nigeria's Supreme Court reinstated Governor Rashidi Ladoja of Oyo State. In what is considered a landmark decision, six of the seven justices of the Court upheld an earlier appeals court decision that had invalidated Ladoja's impeachment. The Supreme Court Justices dismissed the appeal against the lower court decision filed by the eighteen state legislators who had



impeached the governor. Ladoja himself said that the Court had vindicated him, showing that the rule of law was being upheld in Nigeria; that he was ready to resume his duties as governor; and that “[t]he case has shown the crucial role that the judiciary can play in a democracy.” (*Supreme Court Reinstates Ladoja as Governor*, THE GUARDIAN, Dec. 7, 2006, [http://www.ngrguardiannews.com/breaking\\_news/article01](http://www.ngrguardiannews.com/breaking_news/article01).)

The grounds for the original appeals court decision were procedural. The court had ruled that in numerous ways the impeachment by the state legislature had not been properly carried out. Among the specifics cited were the fact that the legislators met in a hotel, rather than the State House of Assembly, to deliberate on the impeachment; that they sent the notice of impeachment through the newspapers; that the impeachment was carried out by eighteen rather than twenty-two legislators; and that the affidavit of suspension was not made available. (Sunny Ofili, *Court Nullifies Ladoja’s Impeachment!*, TIMES OF NIGERIA, Nov. 1, 2006, [http://www.thetimesofnigeria.com/index.php?option=com\\_content&task=view&id=1328&Itemid=94&PHPSESSID=e1f16924491a5c766bfef4e017](http://www.thetimesofnigeria.com/index.php?option=com_content&task=view&id=1328&Itemid=94&PHPSESSID=e1f16924491a5c766bfef4e017).) (Constance A. Johnson, 7-9829, [cojo@loc.gov](mailto:cojo@loc.gov))

### **RWANDA – Former Priest Sentenced by Tribunal**

Athanase Serombe, who had been a priest in Rwanda’s western region, was found guilty of crimes against humanity by the International Criminal Tribunal for Rwanda, which meets in Arusha, Tanzania. He was sentenced to fifteen years of imprisonment for ordering the demolition of a church in which about 2,000 Tutsis had taken refuge during the April 1994 killings. Other charges, including complicity in genocide and conspiracy to commit genocide, were dismissed.

Serombe, who had pleaded not guilty to all charges, surrendered to the Tribunal and was arrested in February 2002. The judges in the case stated that it had been proven that a large number of people had taken shelter at his church on or about April 12, 1994, that the building was surrounded and attacked by militiamen with grenades, and that Serombe spoke to the driver of a bulldozer, telling him when to demolish the structure. All those inside perished when the roof fell in, after the church was knocked down by the bulldozer. (*Rwandan Former Priest Sentenced to 15 Years’ Jail by UN War Crimes Tribunal*, UN NEWS, Dec. 12, 2006, [unnews@un.org](mailto:unnews@un.org).) (Constance A. Johnson, 7-9829, [cojo@loc.gov](mailto:cojo@loc.gov))

### **SIERRA LEONE – U.S. Lawyer Appointed Chief Prosecutor**

On December 7, 2006, the Special Court for Sierra Leone, a body jointly established by the country and the United Nations, announced the appointment of a new Chief Prosecutor, Stephen Rapp, to begin work on January 1, 2007. He will continue the work of Desmond de Silva, who ended his service at the Special Court in June 2006. The Deputy Prosecutor has been Acting Prosecutor in the interim. Rapp, who has served as a U.S. Attorney in Iowa and as counsel to the U.S. Senate Judiciary Committee, has been Chief of Prosecutions at the International Criminal Tribunal for Rwanda since May 2005, dealing with those accused of carrying out the 1994 Rwandan genocide. Rapp’s term will last three years, unless the Court finishes its work of trying those suspected of committing atrocities after November 30, 1996, during Sierra Leone’s civil war. To date eleven people have been indicted on charges such as war crimes and crimes against humanity, including former Liberian President Charles Taylor. Taylor will be tried in The Hague. (*US Lawyer Appointed Chief Prosecutor for UN-Backed Court in Sierra Leone*, UN NEWS, Dec. 7, 2006, via [UNNews@UN.org](mailto:UNNews@UN.org).) (Constance A. Johnson, 7-9829, [cojo@loc.gov](mailto:cojo@loc.gov))



**SOUTH AFRICA – Same-Sex Marriage Law Approved**

The Civil Union Act, 2006 (Act No. 17 of 2006) was signed into law, effective from November 30, 2006. The law was approved by members of parliament in mid-November, following last year's Constitutional Court ruling that the existing laws discriminated against gay people. The Court's decision was based on the Constitution, which specifically outlaws discrimination on the basis of sexual preference.

According to the Act, anyone eighteen years or older may enter into a civil union. Any religious denomination or organization wishing to solemnize civil unions has to apply in writing to the Minister of Home Affairs to be designated as a religious institution that may solemnize marriages. In addition, any minister of any religion or any person holding a responsible position in any designated religious institution must apply in writing to be designated as a marriage officer for the purpose of solemnizing marriages in accordance with the Act. State officials who have already been designated as marriage officers in terms of the Marriage Act of 1961 are also authorized to solemnize civil unions. According to the Act, the parties may register their civil union as either a marriage or a civil partnership. The registration will be entered into the population registry. (Press Release, South African Department of Home Affairs, Civil Union Act Comes into Effect (Dec. 20, 2006), [http://home-affairs.pwv.gov.za/media\\_releases.asp?id=370](http://home-affairs.pwv.gov.za/media_releases.asp?id=370); SA Same-Sex Marriage Law Signed, BBC NEWS, <http://news.bbc.co.uk/2/hi/africa/6159991.stm> (last visited Dec. 19, 2006).) (Ruth Levush, 7-9847, rlev@loc.gov)

**TANZANIA – New Judicial Appointees Include Five Women**

It was announced on December 8, 2006, that President Jakaya Kikwete had appointed five women among twenty new judges to the High Court of Tanzania, a historic step for the country. Of the new appointees, eleven are from the judiciary, four from the attorney general's chambers, two from the office of the Human Rights Commission, one from the President's Office, and one from the office of the National Electoral Commission. The other appointee is a private advocate. (*Tanzanian President Appoints 20 New High Court Judges*, THE DAILY NEWS, Dec. 9, 2006, Open Source Center No. AFP20061209950004.) (Wendy Zeldin, 7-9832, wzeld@loc.gov)

**ZAMBIA – Roadmap for New Constitution**

It was reported on December 21, 2006, that the Government of Zambia had released a roadmap for the enactment of a new constitution by a constituent assembly. The process is to begin after the approval of the 2007 budget, according to the ZAMBIA DAILY MAIL, a government-owned newspaper. The Government has stated that the process would require two censuses and two referendums. In a joint statement issued on December 20, Justice Minister George Kunda and acting Information Minister and Government Spokesperson Brian Chituwo reaffirmed the Government's commitment to adopting the new constitution by means of the constituent assembly. (*Government Releases 'Roadmap' for Enactment of New Constitution*, ZAMBIA DAILY MAIL, <http://www.daily-mail.co.zm>, reported in *Highlights: Daily News Digest for Botswana, Swaziland and Zambia*, Dec. 21, 2006, Open Source Center No. AFP20061221516009.) (Wendy Zeldin, 7-9832, wzeld@loc.gov)



## ZIMBABWE – Amendments to Domestic Violence Bill

On December 20, 2006, Zimbabwe's House of Assembly passed amendments to the domestic violence bill that had been made by the Senate two weeks earlier. The aim of the legislation is to provide relief and protection to victims of domestic violence. The revised bill has since sailed through the Senate and awaits presidential assent in order to become law.

The amendments incorporate abuse of disabled persons in the definition of domestic violence and give jurisdiction to primary courts to deal with cases that result from the crime. Thus, the expanded definition includes the wording "abuse perpetrated on the complainant's physical, mental or sensory disability, including a visual, hearing or speech functional disability of the mind." (*House Passes Amendments to Bill*, THE HERALD, Dec. 21, 2006, <http://www.herald.co.zw/inside.aspx?sectid=12961&cat=1>.)

(Wendy Zeldin, 7-9832, wzel@loc.gov)

## ZIMBABWE – Petroleum Regulatory Authority

It was reported on December 7, 2006, that the Government of Zimbabwe will soon establish a Petroleum Regulatory Authority to govern petroleum industry operations and correct pricing distortions. The agency's founding comes in the wake of the recent passage of a petroleum bill by both houses of the parliament; the bill was awaiting presidential consent to become law. According to the pro-government newspaper THE HERALD, the hope is that the new Authority will provide a lasting solution to the current fuel pricing war between government and independent fuel dealers while assuring a constant flow of petroleum into the market.

The Authority's tasks will include ensuring the provision of sufficient petroleum products for domestic use, granting licenses to operators for retailing or production, and arranging for procurement of petroleum products in Zimbabwe. It will also strive to attain pricing parity in the industry, which is reportedly marred at present by a dual pricing policy that has helped fuel inflation. The Authority will fix fuel prices after consultation with concerned stakeholders. It is also to actively promote competition, as well as protect consumers against unfair pricing. A price stabilization levy is also to be created to cushion suppliers from regular fuel price fluctuations. (*Govt to Establish Petroleum Body*, THE HERALD, Dec. 7, 2006, <http://www.herald.co.zw/inside.aspx?sectid=12326&livedate=12/7/2006%2012:00:00%20AM&cat=8>.)

(Wendy Zeldin, 7-9832, wzel@loc.gov)

## EAST ASIA & PACIFIC

### CHINA – Judicial Interpretation re Computer Network Copyright Disputes

On November 22, 2006, China's Supreme People's Court (SPC) issued Decision (II) on Amendment of the "Interpretation of the SPC on Several Issues Concerning Application of Laws in Hearing Cases Involving Computer Networks' Copyright Disputes." The original Interpretation was issued on December 23, 2003. The new amendment became effective on December 8, 2006.

The amendment deletes in its entirety the Interpretation's article 3, which had been revised by Decision (I) on amending the document. The deleted part reads as follows:

As to works which have already been published in newspapers or transmitted through the network,



unless the copyright holder declares, or the network service provider uploading these works is entrusted by copyright holder to declare, that these works shall not be trans-loaded, extracted or edited, the Internet websites that trans-load, extract, or edit these works and that pay remuneration and give a clear indication of their provenance shall not be committing an infringement. Websites that trans-load, extract, or edit these works beyond the specified range shall be regarded as committing infringement.

With the deletion of the exception to the circumstances of infringement cited above, network copyright is deemed to be further protected. (*The New Judicial Interpretation to Further Restrain Network Infringement to Protect Interest of the Network Copyright Owners*, 45 ISINOLAW WEEKLY (Dec. 4-10, 2006), [webmaster@isinolaw.com](mailto:webmaster@isinolaw.com); Decision in Chinese: [http://www.law-lib.com/law/law\\_view.asp?id=181817](http://www.law-lib.com/law/law_view.asp?id=181817) (last visited Dec. 22, 2006); Text of Amendment I, with article 3, [http://www.law-lib.com/law/law\\_view.asp?id=82073](http://www.law-lib.com/law/law_view.asp?id=82073) (last visited Dec. 22, 2006).)

(Wendy Zeldin, 7-9832, [wzel@loc.gov](mailto:wzel@loc.gov))

### CHINA – Rules on Foreign Reporting During Beijing Olympics

On December 1, 2006, China's Ministry of Foreign Affairs (MFA) issued new regulations that suspend, before and during the 2008 Olympic Games to be held in Beijing, decades-old restrictions on foreign reporters. The nine-article regulations permit foreign journalists with accreditation for the Olympic and Paralympic Games to travel throughout China and to interview people without prior official permission, beginning on January 1, 2007, and lasting until October 17, 2008. MFA spokesman Liu Jianchao promised that the new freedoms would not be limited to the Olympic Games and their preparation, despite a provision indicating that the regulations apply to "reporting activities carried out by foreign journalists covering the Beijing Olympic Games and related matters."

The regulations stipulate that the journalists may bring into China a "reasonable quantity" of reporting equipment, duty free for their own use, to be shipped out of the country at the end of their reporting activities. They may also bring in, install, and use radio communications equipment on a temporary basis for their reporting needs. To assist them in their reporting activities, the foreign reporters may, through organizations providing services to foreign nationals, hire Chinese citizens. The regulations further stipulate that a media guide for foreign journalists covering the Beijing Olympic Games will be formulated by the Organizing Committee of the Twenty-Ninth Olympic Games in conformity with the regulations' provisions.

While foreign correspondents in China reportedly welcomed the new regulations, as the President of the Foreign Correspondents Club of China and Beijing Bureau Chief for Newsweek, Melinda Liu, pointed out, "[t]he proof of how valuable the new regulations will be will depend on their implementation, however.... The biggest concern is still the [authorities'] culture of non-transparency and the habit of not being open to foreign or any other media." In the past, the reporters have had to obtain permission from the local government to travel beyond their home base, interview officials, or report on social unrest. (Peter Ford, *Ahead of Olympics, China Lifts Foreign Media Restrictions*, THE CHRISTIAN SCIENCE MONITOR, Dec. 1, 2006, available at <http://www.csmonitor.com/2006/1202/p00s01-woap.htm>; MFA, Regulations on Reporting Activities in China by Foreign Journalists During the Beijing Olympic Games and the Preparatory Period, Dec. 1, 2001, <http://www.fmprc.gov.cn/eng/zxxx/t282169.htm>; Roger Wilkison, *China Relaxes Restrictions on Foreign Reporters for Olympics*, VOANEWS.COM, Dec. 1, 2006, <http://www.voanews.com/english/2006-12-01-voa22.cfm>; *Adoption of New Rules for Foreign Journalists Welcomed, but Appeal Court Confirms 3-Year Sentence for New York Times Researcher*, REPORTERS WITHOUT BORDERS, Dec. 1, 2006, [http://www.rsf.org/article.php3?id\\_article=19968](http://www.rsf.org/article.php3?id_article=19968).)

(Wendy Zeldin, 7-9832, [wzel@loc.gov](mailto:wzel@loc.gov))



## CHINA – Well-Known-Trademark Case Documentation

The Supreme People's Court (SPC) of the People's Republic of China (PRC) issued a notice on November 12, 2006, on the establishment of a system of filing for the record of court determinations of well-known trademarks. The notice was directed to Higher People's Courts of provinces, autonomous regions, and municipalities under the direct control of the central government; People's Liberation Army military courts; and the Xinjiang Uighur Autonomous Region Higher People's Court.

The notice states that in recent years, people's courts everywhere, in examining civil disputes involving trademark infringement, on the basis of the PRC Trademark Law and relevant provisions of related judicial interpretations, have recognized a fixed number of well-known trademarks. In accordance with the needs of adjudication work and in order to timely handle problems associated with judicial recognition of well-known trademarks, the notice indicates, the SPC decided to establish a system of filing such recognitions for the record. The SPC therefore notified the Higher People's Courts as follows:

1) For cases involving recognition of a well-known trademark already in effect before the issuance of the notice, within two months of the notice's date of issuance [November 12], every Higher People's Court is to report on and send the first- and second-instance legal documents along with the statistics on those well-known trademark cases to the SPC's third division for filing.

2) As of the date of issuance of the notice, every Higher People's Court will report to the SPC's third division for filing, within twenty days of the date on which the documents take effect, the first- and second-instance legal instruments and statistics for cases within their jurisdiction involving recognized trademarks for which the legal instruments have already taken effect. A model statistical form is appended to the notice as an attachment. (Notice of the Supreme People's Court on Establishment of a System of Entering for the Record Well-Known Trademark Judicial Determinations, Nov. 12, 2006 (in Chinese), [http://www.lawbook.com.cn/law/law\\_view.asp?id=180036](http://www.lawbook.com.cn/law/law_view.asp?id=180036).)  
(Wendy Zeldin, 7-9832, wzel@loc.gov)

## JAPAN – Political Fund Law Amended

The Political Fund Control Law was recently amended. The affected provision, which prohibited listed firms, which were established in Japan and whose shares were more than fifty percent foreign-owned, from donating money to political parties, will be repealed at the time when the change becomes effective. (Seiji shikin kiseihō tō no ichibu o kaisei suru hōritsu an yōkō [Outline of a Bill to Amend the Political Fund Control Law], Bill No. Shu 20 of 164th Diet, *available at* [http://www.shugiin.go.jp/index.nsf/html/index\\_gian.htm](http://www.shugiin.go.jp/index.nsf/html/index_gian.htm).)  
(Sayuri Umeda, 7-0075, sume@loc.gov)

## JAPAN – Tourism Promotion Law

Japan has recently enacted a law designed to enhance the country's competitiveness in international tourism. The government will implement various policies based on the Tourism Promotion Law. These policies include government support for tourism education for personnel in the tourism industry. (Kankō rikkoku suishin kihon hōan [Tourism Nation Basic Law Bill], Bill No. Shu 4 of 165th Diet Session, *available at* [http://www.shugiin.go.jp/index.nsf/html/index\\_gian.htm](http://www.shugiin.go.jp/index.nsf/html/index_gian.htm).)  
(Sayuri Umeda, 7-0075, sume@loc.gov)



**KOREA, SOUTH – Digital Recordings in the Courtroom**

Korea will soon introduce a digital system to record courtroom proceedings. Under the new system, court hearings will be recorded as MP3 files and the recordings will be kept permanently in a central computer server. The Supreme Court is scheduled to test the new system at five criminal courts in Seoul early next year. (*Courtroom Recordings to Go Digital Next Year*, JOONGANG DAILY, Dec. 13, 2006, [http://joongangdaily.joins.com/200612/12/200612122352184\\_809900090409041.html](http://joongangdaily.joins.com/200612/12/200612122352184_809900090409041.html) (last visited Dec. 15, 2006).)

(Sayuri Umeda, 7-0075, sume@loc.gov)

**KOREA, SOUTH – Female Clan Members Receive Less Money**

A Seoul district court ruled against female plaintiffs who filed suit against their clan, demanding equal allocation of the assets to female members following a large sale of the family's real estate. The term “clan” refers to the direct descendants of a patriarchal family line. The court said it is permissible to apply different rules to female clan members because female members can marry other male clan members and give birth to descendants that continue to be members of the clan of the husband. The court also based its decision on the fact that a clan typically is centered on the father. (*Court Ruling Is a Setback for Females in Family Clan*, JOONGANG DAILY, Dec. 7, 2006, <http://joongangdaily.joins.com/200612/06/200612060112491639900090409041.html> (last visited Dec. 15, 2007).)

(Sayuri Umeda, 7-0075, sume@loc.gov)

**PHILIPPINES – Court of Appeals Freezes Islamic Group’s Bank Accounts**

On December 11, 2006, a Philippines appellate court issued a freeze order on the bank accounts of the International Islamic Relief Organization (IIRO), which military and police agencies suspect to be a funding conduit for groups linked to al-Qaeda. The resolution of the Court of Appeals Third Division, written by Associate Justice Arcangelita Romilla-Lontok, granted the petition of the Philippine Anti-Money Laundering Council (AMLC) to freeze IIRO’s bank account with the Bank of Philippine Islands for twenty days. The Court of Appeals said it found probable cause that the account is being used to bankroll terrorist activities in the Philippines. Court of Appeals Third Division Chairman, Associate Justice Portia Alino-Hormachuelos, and Justice Amelita Tolentino concurred with the ruling.

The IIRO, a charitable institution based in Saudi Arabia, has been accused by the United States of funding terrorist attacks in different countries. The Philippines Office of the Solicitor General and the AMLC made the freeze request against IIRO’s bank account after the U.S. Department of the Treasury issued a press release citing the involvement of IIRO branches in the Philippines and Indonesia in fundraising for al-Qaeda. (Jomar Canlas, *Court of Appeals Freezes Islamic Group’s Bank Accounts*, MANILA TIMES, Dec. 12, 2006, [http://www.manilatimes.net/national/2006/dec/12/yehey/top\\_stories/20061212top5.html](http://www.manilatimes.net/national/2006/dec/12/yehey/top_stories/20061212top5.html); Press Release hp45, U.S. Department of the Treasury, Treasury Designates Director, Branches of Charity Bankrolling Al Qaida (Aug. 3, 2006), <http://www.treas.gov/press/releases/hp45.htm>.) (Gustavo Guerra, 7-7104, ggue@loc.gov)

**TAIWAN – Proposed Amendment to Allow Large Carry-Ons**

Taiwan’s Civil Aeronautics Administration announced on December 18, 2006, that it had completed a proposed amendment to the Aircraft Flight Operation Regulations that would allow airline passengers to carry on board large-sized objects, such as statues of gods, musical instruments, or urns, provided the passengers purchased an additional ticket for the items. The amendment was drafted in



response to passenger complaints about being forced to stow statues of gods under their seats, an action some passengers viewed as blasphemous. The airlines did not allow the passengers to purchase seats for the statues.

The amendment would affect article 44 of the Regulations, which provides that carry-on luggage must be stored in overhead baggage compartments or placed under passenger seats. The article authorizes airline companies to determine the number of carry-on bags per passenger and to set limits on luggage size and weight. At present domestic airlines allow each passenger only one piece of carry-on luggage, which can be no more than fifty-six centimeters long, thirty-six centimeters wide, and twenty-three centimeters high. (Shelley Shan, *Taipei Times: Amendment Would Allow Large Carry-On Items on Flights*, *TAIPEI TIMES*, Dec. 19, 2006, at 2, Open Source Center No. CPP20061219392002; Civil Aeronautics Administration, Laws and Regulations 07-02A (Aircraft Flight Operation Regulations), <http://www.caa.gov.tw/en/content/index.asp?sno=325> (last visited Dec. 21, 2006).) (Wendy Zeldin, 7-9832, wzeld@loc.gov)

### **TAIWAN – Tightened Control of Hi-Tech Exports to Iran, DPRK**

The Government of the Republic of China (on Taiwan) announced on December 20, 2006, that it will tighten control over strategic high-technology exports to Iran and North Korea. At the same time, it removed Libya from the list of countries that are off limits for the export of such goods.

The tightening entails the addition of 109 new items on the control list, bringing to 542 the total number of controlled exports from Taiwan to the two countries. Among the newly controlled items are sodium hydride, aluminum products, laser printers, optical disk drives, magnetic disk drives, and infrared light binoculars. Officials stated that the decision to impose the additional restrictions was in conformity with the United Nations Security Council resolution to impose economic sanctions on North Korea because of its recent testing of nuclear warheads.

Under Taiwan's 2002 Foreign Trade Law, companies that intend to export sensitive goods or strategic high technology products to countries on the control list must apply in advance for government approval. Such permits are also necessary for transshipment of these items. (Sofia Wu, *Taiwan Tightens Control of High-Tech Exports to Iran, DPRK*, *CENTRAL NEWS AGENCY*, Dec. 20, 2006, Open Source Center No. CPP20061221054029; *Foreign Trade Act (2002.06.12 Amended)*, *LAWBANK*, <http://db.lawbank.com.tw/FLAW/FLAWDAT0201.asp> (Chinese) & <http://db.lawbank.com.tw/Eng/FLAW/FLAWDAT0201.asp> (English) (both last visited Dec. 22, 2006).) (Wendy Zeldin, 7-9832, wzeld@loc.gov)

### **VIETNAM – Draft Law on Product Quality**

A draft of the Law on Product and Goods Quality was submitted to Vietnam's National Assembly in November 2006 and is expected to be adopted in 2007. It contains sixty-five articles, divided into eight chapters. The first, covering general provisions, outlines the scope of the law, discusses the application of international law, and provides quality management principles. It establishes the rights and obligations of production businesses and of consumer organizations involved in product quality management in Vietnam. Products and goods are to be grouped into three types under the Law: those incapable of being unsafe (producers and dealers are given a great deal of autonomy so long as the goods conform with announced standards), those that may be unsafe (producers and dealers are required to ensure conformity with technical regulations issued by the State), and those capable of being seriously unsafe (quality management must comply with particular procedures, processes, and strict safety conditions).



Additional chapters contain policies designed to raise the quality and competitiveness of products and goods and quality management measures during production, import or export, and circulation of goods. Other provisions cover settlement of disputes and compensation for damages, plus how complaints and violations of standards are to be handled. In comparison with the 1999 Ordinance on Goods Quality, the new law has more specific language on safety management and the sections on the rights and obligations of involved organizations and individuals, on dispute settlement, and on compensation for damage are new. (*Draft Law on Quality of Products and Goods*, VIETNAM LAW AND LEGAL FORUM, Nov. 24, 2006, [http://news.vnanet.vn/vietnamlaw/Reports.asp?CATEGORY\\_ID=1&SUBCATEGORY\\_ID=2&NEWS\\_ID=1657](http://news.vnanet.vn/vietnamlaw/Reports.asp?CATEGORY_ID=1&SUBCATEGORY_ID=2&NEWS_ID=1657).) (Constance A. Johnson, 7-9829, cojo@loc.gov)

## EUROPE

### AUSTRIA – Working Hours of Bus and Truck Drivers

On August 3, 2006, Austria enacted the Act Amending the Act on Working Hours and the Act on Minimum Rest Periods (Bundesgesetz, BUNDESGESETZBLATT No. 138/2006) and thereby introduced additional restrictions on the working hours of bus and truck drivers. The Act transposes into Austrian law the European Directive on the Working Time of Persons Performing Mobile Road Transport Activities (Directive 2002/15/EC of the European Parliament and of the Council, Mar. 11, 2002, OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES L 80). The Directive aims at enhancing traffic safety and the occupational health and safety of the targeted drivers.

In the Austrian version, these rules require the drivers to have a thirty-minute break during each period of work time in excess of six hours, and a forty-five-minute break for each period of work time in excess of nine hours. Moreover, on days when the driver works at night, between midnight and 4:00 a.m., he may not work longer than ten hours, and within two weeks of working core night hours, he must be given paid time off in the amount of the night hours worked. (Edith Palmer, 7-9860, epal@loc.gov)

### BELARUS – Removal of Children from Irresponsible Parents

On November 16, 2006, the President of Belarus issued a decree under which children of persons who have an “immoral style of life” or who decline to care and educate them will be taken into government care. The decree creates a mechanism for speedy removal of children from such parents and establishes measures to compensate the state for providing this form of childcare. Children will be removed from the parents if the parents have an “immoral style of life,” exert a “bad influence” on the children, are drug addicts or substance abusers, or refuse to fulfill their parental duties.

The decision to remove a child will be made by a local Commission on Affairs of Minors within a three-day period after it receives information about a neglected or abused child. The physical removal of a child and his transfer to a state childcare institution also will be conducted by the Commission. Local prosecutors will be informed of the decision. Afterwards, the local education department and the institution where a child is placed are to submit a request for termination of parental rights of the parents in question. As of the third day after removing the child, the parents must start to submit payment to compensate the government for childcare expenditures. If their salaries cannot cover all the expenditures, their property can be confiscated. They may be forcefully relocated from their apartments into smaller places and their former places of residence may be leased in order to generate funds to cover the cost of



childcare. (Item 1/8082, NATIONAL REGISTRY OF LEGAL ACTS OF THE REPUBLIC OF BELARUS (the Belarus official gazette), No. 189, Nov. 23, 2006.)  
(Peter Roudik, 7-9861, prou@loc.gov)

### **ESTONIA – Ban on Soviet Symbols**

On December 4, 2006, the Parliament of Estonia approved a government resolution aimed at amending the national Punishment Statute and ruled on criminalizing the use of Soviet state symbols. Flags, historic banners, coats of arms, and other signs or their parts, if they are recognizable or easily understandable and associated with the former Soviet Union, one of its constituent republics, or a Soviet political organization, are defined as Soviet symbols. Public display of such symbols by an individual is now punishable by imprisonment for a term of up to three years. The use of Soviet symbols by a legal entity is punishable by a fine in the amount of up to 50,000 Estonian Kronas (equal to US\$3,500). This amendment establishes the same legal treatment of Soviet symbols as is given to those of Nazi Germany, the use of which was similarly criminalized before making glorification of either occupying regime a crime. (WEEKLY REPORT ON PARLIAMENTARY ACTIVITIES (official parliamentary website), Dec. 20, 2006, [http://www.riigikogu.ee/?id=41731&parent\\_id=39883](http://www.riigikogu.ee/?id=41731&parent_id=39883).)  
(Peter Roudik, 7-9861, prou@loc.gov)

### **ESTONIA – National DNA Registry Established**

On December 14, 2006, the Estonian Government approved a resolution aimed at establishing a national DNA and fingerprint registry, to facilitate the identification of persons. The national database is to be set up to process DNA analyses and fingerprints, as a substitute for numerous internal police databases and as a tool for conducting speedier and more efficient crime solving. Combined with information possessed by all investigative agencies, the new database will include personalized data submitted by all citizens when they reach age sixteen and receive national passports, together with unidentified DNA samples and fingerprints collected at crime scenes. The collected information will be available to the Border Guard Board, the Citizenship and Migration Board, prisons, courts, prosecutors' offices, and other law enforcement authorities. Information can be forwarded to other countries if necessary to fulfill international commitments. The data included in the registers will not be available to the public. The Data Protection Inspectorate will exercise supervision to assure that the register is kept in a lawful manner and that data security is maintained. (*Estonian Ministry to Set Up DNA, Fingerprints Registers*, BNS (Baltic News Service), Dec. 14, 2006, <http://www.site.securities.com>.)  
(Peter Roudik, 7-9861, prou@loc.gov)

### **FRANCE – Adoption of New Law on Fresh Water**

On December 20, 2006, the French Parliament adopted the final version of a law outlining ambitious targets for achieving “a good ecological state” of fresh water by 2015. The law transposes the European Union’s Water Framework Directive, which aims at achieving the most comprehensive protection possible of inland surface waters, transitional waters, coastal waters, and underground water.

The first article provides for a right to water for all people. It states: “the use of water belongs to all people and each individual has a right to drinkable water for his consumption and hygiene within economic conditions acceptable to all.” The law provides tax incentives for private individuals who wish to install rainwater collection systems at their domicile.

The quality of the river waters and their biodiversity is one of the government’s priorities. The law imposes a minimum level of flow for hydraulic works and the modification of their management by



2013. It also reinforces and simplifies water policing. Certain agricultural practices will be prohibited in humid, diffuse erosion, and capture zones. Mayors are given more powers to manage and safeguard local waters. Decrees implementing the law are expected to be published at the beginning of January 2007. (Press Release, Premier Ministre, Adoption du projet de loi sur l'eau (Dec. 21, 2006), [http://www.premier-ministre.gouv.fr/information/actualites\\_20/adoption\\_projet\\_loi\\_sur\\_57463.html](http://www.premier-ministre.gouv.fr/information/actualites_20/adoption_projet_loi_sur_57463.html).) (Nicole Atwill, 7-2832, natw@loc.gov)

### FRANCE – New Law on Energy

Law 2006-1537 of December 7, 2006, on the Energy Sector, was published in the official gazette of France on December 8, 2006. It transposes European Union directives aimed at liberalizing gas and electricity markets. The deadline for EU Member States to open up household markets is set at July 1, 2007.

The Law was originally passed by Parliament in November 2006, but the constitutionality of certain provisions was challenged, in particular that of provisions leading to the privatization of *Gaz de France* (a public company engaged in the transport and distribution of natural gas), a move which is very unpopular among labor unions and with the Socialist and Communist parties. The Constitutional Council found that the privatization of *Gaz de France* was compatible with the Constitution, but could not become effective before July 1, 2007, when energy markets are liberalized. The Law reduces the state stake to just over one-third, from eighty percent. (Law 2006-1537, Dec. 7, 2006, on the Energy Sector, LEGIFRANCE, Dec. 8, 2006, <http://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=ECO X0600090L>.) (Nicole Atwill, 7-2832, natw@loc.gov)

### GERMANY – Ban on Reverend Moon Held to Violate Freedom of Religion

On October 24, 2006, the Federal Constitutional Court (FCC) ruled that German courts were in error when they upheld an administrative decision that banned the Reverend Sun Myung Moon, the Korean founder and head of the world-wide Unification Church, from visiting Germany in 1995 and thereby denied him entry to all the countries party to the European Schengen agreement. (Docket no. 2 BvR 1908/03, [http://www.bverfg.de/entscheidungen/rk20061024\\_2bvr190803.html](http://www.bverfg.de/entscheidungen/rk20061024_2bvr190803.html).)

The FCC held that the ban and the court decisions upholding it violated the right of free exercise of religion that is guaranteed by article 4 of the German Constitution. The Federal Ministry of the Interior that had ordered the ban and the German courts that upheld the order had argued that the German Government was justified in denying entry to Moon because the beliefs and practices of his church violated basic tenets of the German Constitution, in particular the guarantees of the family, the equality of women, and a non-coercive religious environment. The German authorities also argued that the visit of Moon was not essential to the practice of his religion by his followers in Germany.

In response to these arguments, the FCC held that the decision on the religious importance of Moon's visit for the religious life of his followers was to be made by those followers and not by the court. It further held that the German constitutional guarantee of freedom of religion tipped the balance of the authorities' discretion in immigration matters in favor of the religious leader. (Edith Palmer, 7-9860, epal@loc.gov)



**IRELAND – Government Seeks to Delete Parts of EU Rendition Flights Report**

The Irish Government is seeking to have deleted key parts of a European Parliament report that criticizes Ireland for allowing its airports to be used by United States Central Intelligence Agency (CIA) aircraft linked to rendition. On December 18, 2006, in a series of seven amendments to be submitted to the parliamentary committee established to investigate the illegal transfer of terrorist suspects, Fianna Fail Party member Eoin Ryan tried to delete references to 147 CIA stopover flights through Irish airports. Ryan also planned to table an amendment that praises the Irish Government for a “proactive policy in relation to extraordinary rendition, in particular its early engagement with the US authorities on the subject.” (Jamie Smyth, *FF Seeks to Delete Parts of Rendition Report*, THE IRISH TIMES, Dec. 18, 2006, Open Source Center No. EUP20061218030001.)

One of the seven amendments cites the observation by the Chairman of the Irish Human Rights Commission (IHRC) that the Government has one of the finest records on human rights. This may prove controversial, because the IHRC has accused the Government of failing to meet its human rights obligations by not inspecting aircraft at Irish airports. All of the amendments, moreover, are likely to face stiff opposition in the parliament. One opponent of the Fianna Fail proposals, Pronsias De Rossa, a Labour Party member of the parliamentary investigation committee, was also to table amendments to the report on December 18. One of these endorsed the IHRC view that Ireland’s lack of a proper random inspection regime at airports for suspect flights constitutes a failure to meet its obligations under human rights law. (*Id.*)

(Wendy Zeldin, 7-9832, wzel@loc.gov)

**IRELAND – Recognition of Same-Sex Marriages Denied**

Two women who were married in Canada in 2003 have lost an attempt to have Ireland recognize their relationship. The High Court denied their request on December 14, 2006. The women argued that failure to recognize their marriage violated their constitutional rights, as well as the European Convention on Human Rights. Justice Elizabeth Dunne of the High Court disagreed, ruling both that marriage in the Irish Constitution does not include same-sex marriage and that this position of the Constitution was compatible with the European Convention on Human Rights. The Labour Party has proposed the recognition of civil unions as a way to create a legal relationship parallel to marriage for same-sex couples. (*Zappone and Gilligan v Revenue Commissioners*, High Court, Dunne J., Dec. 14, 2006, available at <http://www.ireland.com/newspaper/special/2006/lesbianmarriageruling/index.pdf>; *Lesbian Couple Lose Marriage Recognition Case*, RTE NEWS, Dec. 14, 2006, <http://www.rte.ie/news/2006/1214/gay.html>.)

(Constance A. Johnson, 7-9829, cojo@loc.gov)

**LATVIA – Proposal for Direct Presidential Elections Rejected**

On December 14, 2006, by a vote of forty-seven to fourteen with thirty abstentions, the Latvian Parliament rejected draft constitutional amendments to allow the election of the President of Latvia in a popular vote. According to the package of amendments proposed by Latvia’s leftist alliance Harmony Center, “if more than fifty percent of votes in a popular election are against dissolving the parliament, the president shall be considered dismissed and new presidential elections shall be held.” Legislators would be able to remove the president at the initiative of not less than half of the parliament, with the decision for removal to be passed in closed parliamentary sessions by at least two-thirds of the members voting in favor of it. Once such a decision is taken, new presidential elections would be held. The amendments



also included a provision that in the case of the President's resignation, death, or removal, the Speaker of Parliament would serve as acting president until the election of a new president.

People's Party lawmaker Anta Rugate criticized the proposal as being in contradiction with legislation, because a president can be elected through a popular vote but the parliament has the power to dismiss the head of state, and because the functions of the president have not been amended. She is quoted as saying, "either the Harmony Center had had low-quality consultants who had not explained all the details or it is a clear disrespect to the Constitution and the Latvian state." (*Latvian Parliament Rejects Proposal to Introduce Direct Presidential Elections*, BNS (Baltic News Service), Dec. 14, 2006, Open Source Center No. EUP20061214052001.) (Wendy Zeldin, 7-9832, wzel@loc.gov)

### **THE NETHERLANDS – Extradition of Terror Suspect to the United States**

On December 19, 2006, a court in the Netherlands authorized the extradition of a Dutch suspect to the United States. The Iraqi-born man is charged with plotting attacks on U.S. forces in Iraq in 2003. Specifically, Wesam al-Delaema is accused by the United States of hiding explosives near Fallujah and of appearing in a video with a group planning an attack on an American convoy. He claims that he was forced by insurgents to take part in the plots after he was kidnapped and that he had gone to Iraq merely to attend a wedding. The request for extradition was made by the United States in February 2005. Earlier in 2006, the Dutch Supreme Court had permitted the extradition, but al-Delaema had appealed the decision. The recent ruling exhausts his options against the extradition order under Dutch law. (*Netherlands Court Upholds Extradition to US of Dutch-Iraqi Terrorism Suspect*, AFP, Dec. 19, 2006, Open Source Center No. EUP20061219165004.) (Constance A. Johnson, 7-9829, cojo@loc.gov)

### **ROMANIA – Legislation Planned for National Adoptions**

On December 17, 2006, Romania's Secretary of State for the National Authority for Child Protection, Theodora Bertzi, held a news conference to discuss the issue of adoption in the country. The Authority has been training its staff in handling adoptions and within the next year intends to promote legislation covering adoptions within Romania. In the course of planning for the new law, meetings with organizations representing adopting families will be scheduled.

In order to make it easier for families in Romania to adopt, Bertzi said that there is a plan to offer post-adoption leave from work. She particularly stressed the need to encourage adoption of older children and stated that the leave would be for approximately six months. In addition to proposing legislation on adoption, the Authority is concerned with establishing a court to handle children's issues. (*Romanian Competent Authorities Encourage National Adoptions*, ROMPRES (Bucharest), Dec. 18, 2006, Open Source Center No. EUP20061218009002.) (Constance A. Johnson, 7-9829, cojo@loc.gov)

### **RUSSIA – Expansion of Border Areas**

On November 14, 2006, the Federal Security Service of the Russian Federation (the former KGB) ordered the expansion of the Russian border zone. The border zone is the Russian territory that adjoins the state border. Previously, this territory, according to the Russian Federal Law on the State Border, was five kilometers deep. The newly issued regulation, which enters into force as of April 1, 2007, extends the zone up to thirty kilometers inside Russian territory. Border zones exist under conditions of a special legal regime, which requires that a special clearance be obtained to visit the territory for Russian citizens,



prohibits foreigners' access to the area, and imposes special rules regarding the conduct of economic activities in these areas. For example, transit transport cannot stop, load, or unload cargo and passengers.

The regulation affects mostly areas along the Russo-Chinese and Russo-Finish borders and territories in the Russian Far East, where the border zone includes up to fifteen percent of the entire territory. Because of the requirement to register all boats and other floating devices, the regulation may hinder tourism activities as well as economic activities involving foreign investment. Some observers believe that the motive for the expansion is to counteract the claims brought to the European Court of Justice by eighty-eight landowners whose farms were confiscated by the Soviet Union in 1940. (Aleksei Smirnov, *Borders Are Locked Again*, NOVYE IZVESTIIA, Dec. 19, 2006, at 3.) (Peter Roudik, 7-9861, prou@loc.gov)

### **RUSSIA – No Casinos in Cities**

On December 18, 2006, the State Duma of the Russian Federation adopted the Law on State Control over Gambling Businesses. According to the Law, all casinos and gambling machines are to be moved to four unpopulated, restricted areas outside large cities. Minors under eighteen will not be allowed into these zones, even with the presence of their parents or guardians. The Law designated the following territories for the creation of special gambling zones – the Far East region, Kaliningrad, and Altai Province, plus the border between Rostov and Krasnodar territories in southern Russia. Casinos and slot machines are to be moved to the zones by July 1, 2009. As of that day, gambling in the remaining territory of Russia will be illegal. The gambling industry strongly opposed the Law and stated its intention to advocate the amendment of this act before it enters into force. (*Deputies Ousted the Casinos*, IZVESTIA PRESS DIGEST, Dec. 18, 2006, <http://www.securities.com>.) (Peter Roudik, 7-9861, prou@loc.gov)

### **SWITZERLAND – Soccer Hooligans**

On January 1, 2007, a reform of the Swiss Federal Act on Internal Security became effective. It gives the authorities greater powers to prevent hooligans from committing acts of violence at sporting events (Bundesgesetz über Massnahmen zur Wahrung der inneren Sicherheit, (Gewaltpropaganda/Gewalt bei Sportveranstaltungen) Änderung, Mar. 24, 2006, AMTLICHE SAMMLUNG DES BUNDESRECHTS 3703 (2006)). The Act calls for the creation of a database to collect information on individuals who have committed acts of violence at sporting events in Switzerland or in other countries. In addition, the Act authorizes the cantonal authorities to ban individuals who have a record of violent conduct from being present at certain times in certain areas where sports events occur. Moreover, Swiss residents can be prevented from leaving Switzerland before major sporting events abroad; notorious offenders can be required to register with the police at certain times; and as a measure of last resort, individuals can be placed in preventive custody for short periods. Yet another new measure is the possible confiscation of writing that incites to violence, a measure that may also be used against hate speech by terrorists.

The Act was passed at record speed, by Swiss standards. The government draft was submitted to Parliament on August 17, 2005 (Botschaft, BUNDESBLETT 5615 (2005)), and was enacted into law on March 24, 2006; not enough signatures were collected to subject the law to a referendum, thus allowing for its promulgation in September 2006. The reason for this unusual Swiss unanimity may be the planned world cup soccer games for 2008 that will be held in Switzerland and Austria. (Edith Palmer, 7-9860, epal@loc.gov)



**UNITED KINGDOM – Anti-War Protestors Win Rights Case**

On December 13, 2006, the Law Lords ruled in favor of anti-war protestors in a case on their right to freedom of expression. The case began in March 2003, when about 120 people demonstrating against the war in Iraq were held by police on buses. The High Court and the Court of Appeal have since ruled that police acted unlawfully in holding the protestors in that way, but the High Court also ruled that their rights to freedom of expression and lawful assembly were not violated. The new ruling states that the police did violate those rights, overturning the High Court decision on the issue. Jane Laporte, the protestor in whose name the case had been brought, stated that she was pleased with the Law Lords' decision, saying, "[t]he Lords have confirmed that freedom to protest is something that should be treasured in this country and police don't have the right to take it away." (*UK Activists Against Iraq War Win Court Battle over Protest Rights*, BBC NEWS, Dec. 13, 2006, Open Source Center No. EUP20061213167012.)

(Constance A. Johnson, 7-9829, cojo@loc.gov)

**UNITED KINGDOM – Consultation on Voting Rights for Prisoners**

Following a ruling by the European Court of Human Rights (ECHR) that absolute bans on voting by prisoners are breaches of human rights, the Government of the United Kingdom is beginning a consultative process to determine whether prisoners should be enfranchised. In the past, the U.K. has complied with ECHR rulings. The plan is to introduce legislation after the consultation that would allow those serving very short sentences, such as three to six months, to vote. The current law, under which those in prison have their civic rights withdrawn, is the Forfeiture Act of 1870.

Those in favor of the change, including former Conservative Home Secretary Lord Douglas Hurd, as well as members of the Liberal Democrats and of the Labor Party, argue that preventing prisoners from voting does not deter crime and that voting is a basic human right. Others suggest that voting would help in the process of rehabilitation of prisoners. Those on the other side of the issue say that once excluded from society, convicts should not have a vote in how society is governed. (*UK Government to Start Consultation on Prisoners Having Right to Vote*, BBC NEWS WWW, Dec. 14, 2006, Open Source Center No. EUP2006121467009.)

(Constance A. Johnson, 7-9829, cojo@loc.gov)

**UNITED KINGDOM – Kenyan Preacher to Be Extradited**

Following a request by Kenya for his extradition to face charges of child kidnapping and trafficking, Bishop Gilbert Juma Deya, self-declared miracle performer and the founder of Deya Ministries, was arrested in London on December 13, 2006. Deya is being held at a London police station. His alleged crimes were reportedly committed between 1999 and 2004 in Kenya.

The arrest by Liverpool police officers, two years after the Kenyan Government's extradition request, was made under section 71 of the British Extradition Act. Deya resided in Liverpool, and Deya Ministries is headquartered there. Deya was scheduled to appear in the London magistrate's court, where the magistrate was expected to sign the warrant of his repatriation to Kenya. (*Kenyan Preacher to Be Extradited Following Arrest in UK*, KTN TELEVISION, Dec. 13, 2006, Open Source Center No. AFP20061213950067.)

(Wendy Zeldin, 7-9832, wzeld@loc.gov)



## UNITED KINGDOM – Probe of Possible Fraud in Fighter-Aircraft Sale Terminated

The BBC News reported on December 14, 2006, that the Serious Fraud Office (SFO) had ended its corruption inquiry into an arms deal involving a £6 billion (about US\$11.8 billion) sale by BAE Systems, Britain's largest defense company, of fighter planes to Saudi Arabia. BAE has denied any wrongdoing in the Al Yamamah contract – estimated to have been worth £40 billion (about US\$79 billion) to BAE over the past two decades – and welcomed the end of the more than two-year investigation. Attorney General Lord Goldsmith told the House of Lords that a prosecution “could not be brought” and that the decision to discontinue the probe was made in the wider public interest, balanced against the rule of law. The Saudi Government was reportedly angered by the SFO investigation of allegations that a slush fund had been set up for members of the Saudi royal family.

The SFO stated that its decision had been taken “following representations that have been made both to the Attorney General and the Director of the SFO concerning the need to safeguard national and international security” and “[n]o weight has been given to commercial interests or to the national economic interest.” Nevertheless, major UK arms traders and other manufacturing companies reportedly expressed fears that they might lose other lucrative deals should the probe have continued. Moreover, Shadow Defence Secretary Liam Fox noted, “[w]e made it clear that because of the commercial issues involved we wanted the SFO to make a rapid decision about whether to continue their inquiry or whether to bring it to an end.”

By contrast, Liberal Democrat constitutional affairs spokesman Simon Hughes stated, “From the moment investigations began, it was clear that they would not be popular in Saudi Arabia[,] [b]ut to pull the plug halfway through, and when real progress was just being made, is the worst of all possible outcomes.” He added, “It is not in the interests of a successful British defence industry, of British exports, or of British diplomatic interests around the world that we cannot now show that our legal system is above undue influence or improper pressure.” (*UK Fraud Office Ends Corruption Inquiry into Arms Deal with Saudi Arabia*, BBC NEWS, Dec. 14, 2006, Open Source Center No. EUP20061214104004.) (Wendy Zeldin, 7-9832, wzel@loc.gov)

## NEAR EAST

### ALGERIA – Dismissal of Teachers for Adopting Shiism

The Algerian authorities have dismissed eleven teachers, preventing them from carrying out any educational duties. The Minister of National Education explained that the decision had been taken “to protect the students in educational institutions against direct Shiite influence” and that the dismissed teachers would be reassigned to “administrative positions.” (*Dismissal of Teachers for Adopting Shiism* [in Arabic], AL-SHARQ AL-AWSAT, Dec. 14, 2006, <http://www.asharqalawsat.com/>.) (Issam Saliba, 7-9840, isal@loc.gov)

### IRAN – Minimum Voting Age for City and Village Council Elections Raised

The Islamic House of Representatives of Iran passed a bill on December 5, 2006, raising the minimum age for voting in city and village councils elections from fifteen to eighteen. The new voting minimum age law will not become effective before the upcoming elections for which the existing minimum age of fifteen will be observed. The bill also provides for changes in the qualifications for the candidates, including the ability to read and write for candidates for the rural councils in rural areas having less than 200 families. Candidates for rural councils of more than 200 families must be high



school graduates. (*Islamic House of Representatives Raised the Minimum Age for City and Village Councils* [in Persian], IRAN TIMES, Dec, 15, 2006, at 2.)  
(Gholam H. Vafai 7-9829, gvaf@loc.gov)

### **ISRAEL – Decision on Legality of Targeted Killing of Terrorists**

On December 13, 2006, the High Court of Justice determined that the Israel Defense Forces' policy of targeted killings of terrorists who plan, launch, or commit terrorist attacks in Israel and in the West Bank and Gaza, against both civilians and soldiers, does not categorically violate international law. Rather, the legality of each targeted killing must be evaluated according to the circumstances of the particular case. In reaching its decision, the Court first held that a continuous situation of armed conflict of an international character exists between Israel and the terrorist organizations active in the West Bank and Gaza. Therefore, the law that applies to this armed conflict is the international law of armed conflict. The law of targeted killing is determined in accordance with customary international law.

The Court rejected the view that international law recognizes a third category of "unlawful combatants" and held that based on article 51(3) of the 1977 Additional Protocol I of the Geneva Conventions, civilians do not enjoy the protections afforded by international law if they take direct part in hostilities. Thus, the Court ruled, civilians who joined a terrorist organization and committed a chain of hostile acts may lose their immunity from attack for the entire time of their activity. In the Court's view, since a decision of whether targeted killing is legal depends on the circumstances of each case, such a decision must take into consideration the level of information; the availability of less harmful means, including arrest, investigation, and trial; the ability to minimize the harm to innocent civilians; and recognition of a right to compensation. (HCJ 769/02 the Public Committee Against Torture in Israel et al. v. The Government of Israel et al., <http://www.court.gov.il> (last visited Dec. 14, 2006).)  
(Ruth Levush, 7-9847, rlev@loc.gov)

### **ISRAEL – Registration of Gay Marriages**

The High Court of Justice recognized the right of gay couples, citizens and residents of Israel, who get married outside of Israel in ceremonies recognized in the place where they were conducted, to be registered as married by the Register of Population. The decision passed by a six-to-one majority. The justices emphasized that there was nothing in their decision that would imply recognition of the institution of gay marriage. Rather, the decision reflects their view of the technical responsibility of the register's clerk in the Ministry of Interior. Accordingly, the clerk has no discretion and has to register any marriage document that appears to be valid. In its determination, the majority accepted the petition of five gay couples who had married in civil marriages in Toronto, Canada.

Soon after the decision was rendered, the Knesset (Parliament) approved the first reading of a bill mandating that registration of gay marriages will be made only after the passage of legislation recognizing the legality of gay marriages in Israel. According to the bill, until such legislation is passed, issues relating to relationships of same-sex partners, including maintaining a joint household, will continue to be subject to the general law. Although Israel does not recognize the institution of gay marriage, it has recognized certain monetary rights of same-sex partners. (H.C.J. 3045/05 Ben Ari et al. v. Head of the Population Administration in the Ministry of Interior, <http://www.court.il>; *Registration of Same Sex: The Knesset in a Procedure Circling the High Court of Justice*, YNET NEWS, <http://www.ynet.co.il> (last visited Dec. 12, 2006).)  
(Ruth Levush, 6-9829, rlev@loc.gov)



**ISRAEL – Repeal of State Exemption from Liability for Damages to Palestinians**

In a December 12, 2006, unanimous decision by retired president Aharon Barak, with eight justices concurring, the High Court of Justice repealed an amendment to the Civil Wrongs (Liability of the State) Law that had extended the state's exemption from liability for damages caused by military actions of the Israel Defense Force to areas declared by the Minister of Defense as areas of confrontation. The Knesset (Parliament) had passed this amendment following a 2002 decision of the High Court of Justice that interpreted the initial exemption for military actions very narrowly. The December 2006 decision to cancel Knesset legislation that exempted the state from torts liability towards Palestinians harmed by Israel Defense Forces in non-military actions raised mixed reactions in Israel's political system and renewed the discussion over the relationship between the Knesset and the High Court of Justice. (H.C. 8276/05 Adallah The Legal Center for Minority Rights in Israel et al. v. Minister of Defense et al. & C.A. 5964/92 Oda et al. v. State of Israel et al., the State of Israel Judicial Authority Web site, <http://www.court.gov.il>; *Law Against Palestinian Suits Overturned*, JERUSALEM POST, <http://www.jpost.com/servlet/Satellite?cid=1164881873895&pagename=JPost/JPArticle/ShowFull> (last visited Dec. 15, 2006).)

(Ruth Levush, 7-9847, rlev@loc.gov)

**JORDAN – Four Sentenced to Death for Attacking American Vessels**

The Jordanian Court of National Security has sentenced three Syrians and one Iraqi to death after convicting them for having launched missiles into two American military ships docked at Aqaba seaport and attacked the Israeli seaport of Eilat last year. It also sentenced three Iraqis to ten years' of imprisonment and one Syrian and one Jordanian to two years of imprisonment in the same case. Three other Syrians were acquitted. (*Four Sentenced to Death for Attacking American Vessels* [in Arabic], AL-JAZEERA, <http://www.aljazeera.net> (last visited Dec. 7, 2006).)

(Issam Saliba, 7-9840, isal@loc.gov)

**KUWAIT – Parliament Refuses to Waive Loans**

On December 19, 2006, the Kuwaiti National Assembly rejected all parliamentary proposals intended to forgive consumer loans against Kuwaiti nationals. The Assembly voted to approve the report prepared by the Financial and Commercial Affairs Committee, which recommended the refusal of all such parliamentary proposals. The report was also supported by the Government. (*Parliament Refuses to Waive Loans* [in Arabic], AL-SHARQ AL-AWSAT, Dec. 20, 2006, [http://www.asharqalawsat.com/.](http://www.asharqalawsat.com/))

(Issam Saliba, 7-9840, isal@loc.gov)

**SYRIA – Dissident to Be Sued for Membership in an International Association**

On December 19, 2006, a defense lawyer for Michael Kilo, a Syrian writer and dissident, declared that his client will be prosecuted for "membership in an international association," "weakening the patriotic sentiment," and "instigating a religious and confessional feud." The Syrian High Court has rejected a petition challenging the proceedings against Kilo and ordered that the case be returned to the Court of Felonies for further proceedings. The President of the United States has called upon Syria to release all its political detainees, referring by name to Kilo, among others. (*Dissident to Be Sued for Membership in an International Association* [in Arabic], AL-SHARQ AL-AWSAT, Dec. 20, 2006, [http://www.asharqalawsat.com/.](http://www.asharqalawsat.com/))

(Issam Saliba, 7-9840, isal@loc.gov)



## SOUTH ASIA

### BANGLADESH – Lawyers' Fury Scares Judges

On November 30, 2006, irate members of the Bangladesh Supreme Court Bar stormed the courtroom of the Chief Justice of Bangladesh to protest his issuance of an order staying the proceedings of three politically sensitive writ petitions challenging President Iajuddin Ahmed's assumption of the office of head of the caretaker government. The order for stay came just minutes before the High Court was to issue a ruling on President Iajuddin, after hearing the writ petitions in the form of public-interest litigation (PIL) filed by several social organizations and leaders of the Awami League-led alliance, the Liberal Democratic Party, and the Tarikat Federation.

Shouting slogans against the unprecedented order of the Chief Justice, supporters of the petitioners broke windows and furniture and set ablaze the car of the former state Minister for Law, Justice and Parliamentary Affairs. Fearing harm at the hands of the protesters, the judges shut themselves up in their offices. Former Law Minister Moudud Ahmed and the former telecommunications minister managed to escape from the angry crowd of lawyers who chased them.

The protesters demanded the immediate resignation of the Chief Justice and the Attorney General and the withdrawal of the stay order issued by the Chief Justice. They also declared the Attorney General, A.J. Mohammad Ali, persona non grata in the Supreme Court precincts and decided to boycott the Chief Justice's court. (*CJ's Order Sparks Violence in BD High Court*, THE DAWN, Dec. 1, 2006, <http://www.dawn.com/2006/12/01/int8.htm>.)  
(Krishan Nehra, 7-7103, kneh@loc.gov)

### BANGLADESH – Presidential Election and the Thirteenth Amendment to the Constitution

The thirteenth amendment to the Bangladesh Constitution, adopted in 1996, introduced a provision for holding general elections under a neutral, non-party caretaker government. Prime Minister Begum Khaleda Zia's five-year mandate ended on October 27, 2006. Former Supreme Court Chief Justice K.M. Hasan was nominated as the head of the caretaker government on October 28, 2006. Justice Hasan, however, expressed his inability to undertake this responsibility following a protest against his nomination. The situation led President Iajuddin Ahmed to summon the leaders of the main political parties to try to reach an agreement on a compromise candidate, but the parties failed to reach a consensus. Ahmed then made the decision to take responsibility as head of the interim caretaker administration and took the oath as Chief Advisor of the caretaker government on October 29, 2006.

Under the Constitution, the President's duties in connection with the pre-election interim administration are normally ceremonial. The thirteenth amendment, however, has changed the President's role when parliament is dissolved and an interim government is formed under presidential direction. Pursuant to this amendment, Ahmed, in his dual role as the President of Bangladesh and the Chief Advisor to the interim administration, formed a nonparty caretaker government by appointing ten advisors. The caretaker government will carry out the functions of the interim administration until January 2007. The advisory council of Bangladesh's caretaker government was sworn in on October 31, 2006. The interim government, however, is now facing an opposition deadline to prove its neutrality and to guarantee fair polls in the January 2007 parliamentary election. (*Bangladesh in Turmoil*, GLOBAL VOICES, Oct. 29, 2006, <http://www.globalvoicesonline.org/2006/10/29/bangladesh-in-turmoil/>; *Ten*



*Advisors of Bangladesh Caretaker Government Take Oath*, ALL HEADLINE NEWS, Oct. 31, 2006, <http://www.allheadlinenews.com/articles/7005362687.>)

(Shameema Rahman 7-3812, srah@loc.gov)

### **INDIA – Immoral Traffic (Prevention) Amendment Bill 2006**

The Immoral Traffic (Prevention) Amendment Bill was introduced in the Lok Sabha (India's Parliament) on May 22, 2006. The main features of the bill include deleting the existing provisions related to prosecution of prostitutes for solicitation, providing for prosecution of clients, defining the term "trafficking in persons," and adding new provisions on penalties and on what constitutes authority at the central and state levels to control the illegal trafficking.

The Immoral Traffic (Prevention) Act 1956 was adopted in pursuance of the International Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, signed at New York on May 9, 1950. The Act has been amended twice, once in 1978 and a second time in 1986.

The amendment bill has now been referred to the Parliamentary Standing Committee on Human Resource Development, headed by Shri Janardan Dwivedi, M.P., for examination and eventual reporting back to both Houses of Parliament, before it can be considered for final passage. The Committee has already reported the necessity of making major amendments to sections 5 and 8 of the Act, to remove ambiguities in the existing legal provisions and to "punish pimps and other perpetrators and not the already harassed sex workers." (Rsjesh Sinha, *Treat Sex Workers as Human Beings*, DNA INDIA, Dec. 6, 2006, <http://www.dnaindia.com/report.asp?NewsID=1068096.>)

(Shameema Rahman 7-3812, srah@loc.gov)

### **PAKISTAN – Allotments of Land to Dignitaries Canceled**

It was reported on October 21, 2006, that the Supreme Court of Pakistan held that the Government of Balochistan Province was not competent to allocate land quotas in Gwadar (where a new port is being built with foreign assistance) to ministers, parliamentarians, judges, and other dignitaries. The Court ordered the cancellation of all residential and industrial allotments of lands made. It also directed that, until the disposal of the petition, which was filed by Zahra Bibi, no allotment in Gwadar was to be made by the Chief Minister or the Board of Revenue in violation of the land-lease policy of December 2000. Further, observing that the government must evolve a comprehensive policy and consistent mechanism respecting such allotments in Gwadar, the Court stated that every allotment appears to have been made in a "dubious and suspicious manner."

The Court directed that a report be furnished within four weeks of all land allotments made in the area concerned during the past five years and ordered that any allotment, mutation, alienation, or transfer of land made in favor of a party after October 5, 2006, would be of no legal effect. It sought that a record of such cases be sent to the Court Registrar to assess their legal effect. It also directed that, due to the emergent circumstances in this matter, the petitions be fixed for an early hearing before a larger bench. (Amanullah Kasi, *SC Cancels Land Allotment to MPs, Judges: Land Allocation in Gwadar Banned Till Appeal Verdict*, THE DAWN, Oct. 22, 2006, <http://www.dawn.com/2006/10/22/top1.htm.>)

(Krishan Nehra, 7-7103, kneh@loc.gov)



## PAKISTAN – Parliamentary Defense Secretary a Terrorist Link

Speaking in the National Assembly (parliament) of Pakistan on the controversial attack by Pakistan's armed forces on a madrassa (religious school) in the Bajaur area of Waziristan that killed about eighty Taliban members, Major Tanvir Hussain, the Parliamentary Defense Secretary, stated, "I want to inform this house that I, too, have been a member of the Lashkar-e-Toiba Organisation." The latter is a proscribed terrorist group. In reaffirming and elaborating on his active links with the group, Hussain said he often addressed its meetings, and "I extend support to jihadi activists when they approach me seeking co-operation." He further stated: "I am still a member of LeT. I go to its congregations and deliver speeches." (*Pakistani MP Admits Terrorist Link*, THE ASIAN AGE, Nov. 17, 2006, <http://www.theaustralian.news.com.au/story/0,20867,20772084-2703,00.html>.)

The admission of the official's support for a terrorist group came hours after the foreign secretaries of India and Pakistan had concluded talks on an agreement to exchange information to prevent inadvertent nuclear conflict and had also agreed to set up a three-person commission to share information on terrorist threats. Expectations of the resumed peace negotiations were widely believed to be modest, even before Hussain made his remarks. (*Id.*)  
(Krishan Nehra, 7-7103, kneh@loc.gov)

## WESTERN HEMISPHERE

### ARGENTINA – Budget Approved and Law on Economic Emergency Extended

On December 13, 2006, the Argentine Congress approved the government's 2007 budget without change. The Ps121.3 billion (about US\$39.7 billion) spending plan, while 14.7% higher than that of last year, is based on conservative growth projections that are almost certain to be exceeded. The budget anticipates GDP growth of 4% in 2007, which would be a substantial slowdown from the expected 8.3% rate for 2006. The budget document includes a year-end inflation estimate of 7% for 2007, versus the expected performance of 9.8% for 2006. Authorities forecast a primary fiscal surplus of 3.14% of GDP, similar to the result expected for 2006. The official growth estimate is notably low, given the fact that Argentina's economy has expanded by 8-9% for four consecutive years, rebounding from the severe recession of 1998-2002.

Lawmakers also gave the Executive another victory by authorizing a one-year extension of the Economic Emergency Law, which grants the President the authority to maintain price freezes and renegotiate public-service contracts. Of sixty-five such contracts, the government has renegotiated just twenty-nine since beginning the renegotiations in 2003. The delays and uncertainty surrounding the negotiations are cited as a major deterrent to new private investment, particularly in the electricity sector, which is suffering from supply shortages. Opposition legislators were unsuccessful in trying to push through an alternative proposal to give the Executive Branch just six more months to finish those contract revisions.

Comprehensive new contracts setting out revised tariffs and the basis for future adjustments, which were due to come into force by the end of 2006, will now probably be delayed until after the 2007 election. However, electricity firms have been allowed to raise tariffs for industrial and commercial users. Foreign investors' contracts were broken when tariffs, formerly denominated in U.S. dollars and linked to the U.S. inflation rate, were converted into pesos at a below-market exchange rate and frozen in early 2002. (*Emergencia Economica, aprobada con polemica*, DIARIO LA NACION, Nov. 30, 2006, <http://www.portfoliopersonal.com/Noticias/nota.asp?n=51103>.)  
(Graciela Rodriguez-Ferrand, 7-9818, grod@loc.gov)



**BRAZIL – Bill Makes Sexual Discrimination a Crime**

On November 23, 2006, the Brazilian Chamber of Deputies approved a proposed law that makes discrimination based on gender, sexual orientation, and gender identity a crime. The bill extends the application of Law No. 7,716 of January 5, 1989. Pursuant to this law, only discrimination based on race, color, ethnicity, religion, and national origin is considered a crime. The proposed law will now be considered in the Federal Senate. (*Aprovado Projeto que Transforma Discriminação Sexual em Crime*, O GLOBO ONLINE, Nov. 23, 2006, available at <http://oglobo.globo.com/pais/mat/2006/11/23/286769725.asp>.)

(Eduardo Soares, 7-3525, esoa@loc.gov)

**BRAZIL – Consensual Divorce Will Not Require Court Intervention**

The Commission on Constitution and Justice of the Brazilian Senate recently approved a proposed law that makes it possible to conclude in one day, instead of months, separations, divorces, and divisions of property as a result of inheritance. To become enforceable, the bill still needs to be approved in full plenary session by the Senate and be sanctioned by the President.

The proposed law provides that the partition of patrimony does not require a judge and can be done by signing a public deed before an attorney in a notary's office. However, the public deed procedure will only be available to those who are parties to consensual separations and consensual divorces and when there are no young children or adolescents involved. In those cases, the appropriate legal action needs to be filed with the proper court of law. (*Mudanças na Vida a Dois*, O DIA ONLINE, Dec. 5, 2006, available at [http://odia.terra.com.br/brasil/htm/geral\\_70679.asp](http://odia.terra.com.br/brasil/htm/geral_70679.asp); *Inventário e Divórcio Consensuais Poderão Ser Feitos Extrajudicialmente*, JURID, Dec. 14, 2006, available at [https://secure.jurid.com.br/new/jengine.exe/cpag?p=jornaldetalhejornal&ID=30898&Id\\_Cliente=16569#null](https://secure.jurid.com.br/new/jengine.exe/cpag?p=jornaldetalhejornal&ID=30898&Id_Cliente=16569#null).)

(Eduardo Soares, 7-3525, esoa@loc.gov)

**BRAZIL – Judiciary Reform Regulated**

On December 19, 2006, Brazilian President Luiz Inácio Lula da Silva sanctioned three laws regulating the reform of the Judiciary. They are designed to expedite the cases piling up in Brazilian tribunals.

In 2004, the Brazilian Congress amended the Federal Constitution and established that the final decisions issued by an absolute majority of the members of the Federal Supreme Court (STF) would have a binding legal effect on the entire Judiciary. The so-called *Súmulas Vinculantes* are now regulated by Law No. 11,417 of December 19, 2006, and according to Lula, this will enable the Judiciary to judge in a definitive and final way thousands of cases dealing with the same issue.

The second law sanctioned (Law No. 11,418) amends the Code of Civil Procedure (Law No. 5,869 of Jan. 11, 1973) and establishes the criteria that the STF will use to determine whether or not to hear cases coming from the lower courts. In practice, the new law will provide the STF with a filtering system, allowing it to only hear cases involving relevant constitutional issues and having broad repercussions. The President of the STF, Minister Ellen Gracie, estimated that the caseload in the STF will decrease by between sixty and eighty percent and that the STF will no longer receive the 100,000 cases filed every year.



The third law (Law No. 11,419) introduces electronic means to the many different legal procedures available in Brazil, in lawsuits involving civil, criminal, or labor issues, either in special courts or at any phase of the process. Now, the electronic communication of legal procedures and the transmission of legal documents are admitted in the process, as long as an electronic signature is used and the user is previously registered with the Judiciary. (*Leis que Vão Agilizar Processos São Sancionadas*, O GLOBO, Dec. 20, 2006, available at <http://www.experimenteoglobo.com.br/flip/index.php?playerType=single&idEdicao=7be62d02f840a3f7ac0e2ca4ba49f71d&idCaderno=079b98c2e7a7f9c25838d6ec271d2aa7&page2go=10&ran=iG7QeSiOex2BIEmU2KtHXTfVS51CMI8dumGvMjlfJTLKbKtIN.>)

(Eduardo Soares, 7-3525, esoa@loc.gov)

### **BRAZIL – Protected Area Created in Amazon Region**

On December 4, 2006, the Governor of the State of Pará, Simão Jatene, signed seven decrees creating the biggest forest reserve in the world. The area amounts to 16.4 million hectares and corresponds to about the areas of Portugal, Denmark, and Switzerland combined. During the ceremony, Jatene was quoted as saying that “the decrees were a milestone for a historic cultural change in the agrarian issue in the state, in the Amazon and in Brazil.”

The enactment of these decrees was made possible due to a political pact made by the state government that included the participation of representatives of all segments of the society and resulted in the approval, in May 2006, of the Law for the Ecological and Economic Micro Zoning of the State (*Lei do Macrozoneamento Ecológico-Econômico do Estado*), providing the state with the technical and legal instruments to manage the protected areas. (Press Release, Governo do Pará, *No Pará, Maior Área de Florestas Protegidas do Mundo* (Dec. 14, 2006), available at [http://www.pa.gov.br/noticias/2006/12\\_2006/04\\_04.asp](http://www.pa.gov.br/noticias/2006/12_2006/04_04.asp) (last visited Dec. 5, 2006); *Pará: Criada a Maior Reserva Florestal da Terra*, O GLOBO, Dec. 5, 2006, available at <http://www.experimenteoglobo.com.br/flip/index.php?playerType=single&idEdicao=5c42f519487a1fbb37600ecb69ba330a&idCaderno=079b98c2e7a7f9c25838d6ec271d2aa7&page2go=28&ran=Am1TJ51ySt95scHxgEyGvUXv186x4tOgIAw4BXtKR2vt1kccfc.>)

(Eduardo Soares, 7-3525, esoa@loc.gov)

### **CANADA – Belarus Added to Area Control List**

Canada has added Belarus to the list of countries on its “Area Control List.” In order to export a product to a country on this list, a special permit must be obtained. The government has indicated that permits will be granted for such humanitarian items as food, clothing, medicine, and medical supplies, as well as for informational materials, casual gifts, and personal effects for persons moving to Belarus. However, permits for other items will generally be denied.

Canada has placed restrictions on exports to Belarus in response to political rights abuses and the deterioration of democracy in that country. The Department of Foreign Affairs (DFA) believes Belarus’ last election was “seriously flawed” because there was intimidation of candidates, the placing of obstacles to voting by citizens, and favoritism for the sitting President. Canada’s Trade Minister has indicated that the export restrictions are intended to help bring positive change in Belarus even though the DFA concedes that the amount of trade between the two countries is quite small. (Press Release, Foreign Affairs and International Trade Canada, *Belarus – Order Amending the Area Control List* (Dec. 14, 2006), <http://www.dfait-maeci.gc.ca/trade/eicb/military/belarus2-en.asp>; Press Release, Foreign Affairs



and International Trade Canada, Guidance on Export Controls (Dec. 21, 2006), <http://www.dfait-maeci.gc.ca/trade/eicb/military/destinations-en.asp#belarus>.)

(Stephen F. Clarke, 7-7121, [scla@loc.gov](mailto:scla@loc.gov))

### **CANADA – New Quarantine Rules Proposed**

In 2003, the Toronto region suffered the two most serious outbreaks of Severe Acute Respiratory Syndrome (SARS) outside of Asia. Although these outbreaks were contained before they could spread throughout North America, they reinforced for Canadian authorities the need for new approaches to potential pandemics. The government responded by enacting a new Quarantine Act in 2005 (2005 S.C. c. 20) to replace the extant Quarantine Act (R.S.C. c. Q-1 (1985)). Although this Act has not yet been brought into force, the government has signaled its intention to do so in the near future by proposing several important amendments to it.

Under Bill C-42, operators of all types of transportation conveyances traveling to Canada will be required to inform quarantine officers of certain events “as soon as possible,” instead of when those conveyances arrive in the country. The bill applies to listed communicable diseases, deaths, and circumstances to be prescribed by regulations drafted by public health authorities and approved by the government. (Bill C-42, s. 1, 39<sup>th</sup> Parl. 1<sup>st</sup> Sess.) The fines for failing to comply with the new rules would be much greater than under the current Act. Under the proposed legislation, violators could be fined up to Can\$750,000 (about US\$652,000) and imprisoned for up to six months. (*Id.*, s. 2.)

(Stephen F. Clarke, 7-7121, [scla@loc.gov](mailto:scla@loc.gov))

### **CANADA – Senate Reform Proposed**

The upper chamber in Canada’s Parliament is the Senate. The 105 members of this body are appointed by the Governor General acting upon the advice of the Prime Minister (Constitution Act, 1867, R.S.C. No. 5, s. 24 (Appendix 1985)). The Prime Minister is the head of the government in the lower, but more powerful, House of Commons. Senators are appointed in accordance with an historical regional formula that gives the far more populated western division the same number of seats as the Ontario, Quebec, and the smaller Maritime divisions. This imbalance is one of the major reasons why dissatisfaction with the current structure of the Senate has been strongest in the West.

The new Conservative government, which is also strongest in the West, has announced plans to introduce legislation for limited Senate reform. Although it is currently not proposing to amend the regional allocation formula, the government is proposing to establish a process for the election of Senators. Such elections have been held in British Columbia and Alberta in the past, but all previous Prime Ministers have indicated that they would not be bound by the results. Prime Minister Harper is now proposing a Senate Appointment Consultations Act that would give Canadians the opportunity to choose their Senators. The proposed bill would also establish eight-year terms. Senators currently serve until they reach the mandatory retirement age of 75. (Press Release, Office of the Prime Minister, Prime Minister Moves Forward on Senate Reform (Dec. 13, 2006), <http://pm.gc.ca/eng/media.asp?id=1458>.)

(Stephen F. Clarke, 7-7121, [scla@loc.gov](mailto:scla@loc.gov))

### **HONDURAS – Law on Transparency Approved**

The National Congress of Honduras approved the Transparency and Access to Public Information Act on November 23, 2006. The aims of the Act are to develop and implement the national transparency policy and guarantee citizens’ right of access to public information. The Act creates the Institute for



Access to Public Information. (*Aprovada Ley de Transparencia*, SAN PEDRO SULA TIEMPO, Nov. 24, 2006, <http://www.tiempo.hn>.)

(Norma C. Gutiérrez, 7-4314, [ngut@loc.gov](mailto:ngut@loc.gov))

### **MEXICO – Chamber of Deputies Approves Amendments to Law on Foreign Trade**

Mexico's Chamber of Deputies approved a bill amending six articles of the Foreign Trade Act on December 12, 2006, to comply with a ruling issued by the World Trade Organization (WTO) in early 2006. The bill had already been approved by the Senate last November 23. Amended articles modify the procedure for investigation of products alleged to be the subject of antidumping practices.

The bill amended articles 53, 64, 68, 89-D, 93-V, and 97 of the Act, as requested by the WTO after it issued its ruling on a trade controversy between Mexico and the United States regarding an antidumping quota imposed on U.S. long-grain rice. In its ruling, the WTO stated that the antidumping procedures of the Government of Mexico did not comply with international standards and requested that the Mexican authorities reopen the antidumping investigation of the rice and amend the above-listed provisions of the Act. (Ivette Saldaña, *Aprueban Reformas a la Ley de Comercio Exterior*, EL FINANCIERO, Dec. 13, 2006, <http://www.elfinanciero.com.mx>.)

(Norma C. Gutiérrez, 7-4314, [ngut@loc.gov](mailto:ngut@loc.gov))

### **MEXICO – New Maquiladora Decree Promulgated**

The Mexican Government promulgated a new decree governing the Mexican in-bond export industry known as the *maquiladora* program. The new Decree for the Encouragement of the *Maquiladora* Manufacturing Industry and Export Services consolidates the governing *maquiladoras* decree of 1998 and the Decree to Establish Temporary Importation Programs to Produce Items for Export (PITEX). The new Decree was published officially in the *Diario Oficial de la Federación* on November 1, 2006, and entered into force on November 13, 2006. (DIARIO OFICIAL, Nov. 1, 2006, <http://www.ordenjuridico.gob.mx>.)

(Norma C. Gutiérrez, 7-4314, [ngut@loc.gov](mailto:ngut@loc.gov))

### **VENEZUELA – Presidential Election, Constitutional Reform Plans**

On December 3, 2006, President Hugo Chavez won re-election by a wide margin, giving him six more years of socialism in Venezuela and allowing him to deepen his effort to transform the country into a more egalitarian society. The election was deemed to have been carried out in a proper manner, and although there were some irregularities, most were resolved. More than 125,000 soldiers and reservists were deployed to safeguard the balloting. Since he first won office in 1998, Chavez has increasingly dominated all branches of government, and his allies now control Congress, state offices, and the judiciary. Current law prevents him from running again in 2012, but he has stated that he plans to secure a constitutional reform that would terminate presidential term limits. The reform would also eliminate the old, bureaucratic structures of the state and replace them with grass roots institutions.

Venezuela is also trying to substitute China for the United States as its number one commercial partner and to sell all the crude oil it presently ships to the United States to the Chinese instead. Chavez has increasingly posed a challenge to the United States while leading a growing bloc of Latin American leftists, influencing elections across the region and allying himself with Iran and Syria. Chavez also has used Venezuela's oil wealth to channel oil profits toward multibillion-dollar programs for the poor, including subsidized food, free university education, and cash benefits for single mothers. In addition, he has given aid to Venezuela's allies.



Although the President maintains that he runs a democratic government and respects private property, he has boosted state control over the oil industry and stated that he might nationalize utilities. Venezuela is the world's fifth largest oil exporter and soaring oil prices have made it the continent's fastest growing economy. (*Tras su amplio triunfo, Chávez promete socialismo en Venezuela*, DIARIO CLARÍN, Dec. 5, 2006, <http://www.clarin.com/diario/2006/12/05/elmundo/i-02201.htm>.) (Graciela Rodriguez-Ferrand, 7-9818, [grod@loc.gov](mailto:grod@loc.gov))

## INTERNATIONAL LAW AND ORGANIZATIONS

### CANADA/UNITED STATES – NEXUS Integration

In order to speed border crossings for trusted persons who travel frequently between Canada and the United States, the two countries jointly operate a NEXUS program. Previously consisting of three separate programs, NEXUS was recently harmonized into a single program for air, land, and sea travel. Persons who are jointly accepted into the program can use special NEXUS lanes when they cross the border, and they will be able to use their NEXUS cards as approved alternative travel documents in place of passports when traveling by air. The Western Hemisphere Travel Initiative (WHTI) enacted by the United States will generally require persons traveling by air between Canada and the United States to carry a passport by the end of January 2007 and persons traveling between Canada and the United States by land to carry a passport as of 2008. Officials expect that NEXUS cards will also be accepted as approved alternative travel documents when the new land and sea border crossing rules come into force.

The Canadian Government has been extremely concerned that the passport requirement for land crossings will greatly discourage U.S. residents from crossing into Canada for short visits and that it will greatly slow border crossings. Canadian concerns that the WHTI will discourage tourism and trade recently led the United States to postpone the new land crossing passport requirement for another year, but they are still scheduled to go into force in 2008. (U.S. Customs and Border Protection, *Frequently Asked Questions About Nexus Integration* (Dec. 14, 2006), [http://www.customs.treas.gov/xp/cgov/travel/frequent\\_traveler/nexus\\_prog/nexus\\_faq.xml](http://www.customs.treas.gov/xp/cgov/travel/frequent_traveler/nexus_prog/nexus_faq.xml).) (Stephen F. Clarke, 7-7121, [scla@loc.gov](mailto:scla@loc.gov))

### NIGERIA/CHINA – Imo State Agreement on Free Trade Zone

The Government of Nigeria's Imo State has signed a US\$10 billion agreement with China's Guangdong Xinguang International company to establish a free trade zone in the state. According to Governor Achike Udenwa, 2,000 hectares of land have been acquired for that purpose, and the Chinese firm would build eight production industries and engage in spare-parts production for West Africa and sub-Saharan Africa markets. (*Imo Signs Agreement with Chinese Firm on Free Trade Zone*, BUSINESSDAY, Jan. 3, 2007, <http://www.businessdayonline.com/?c=132&a=10444>.) (Wendy Zeldin, 7-9832, [wzel@loc.gov](mailto:wzel@loc.gov))

### COMMONWEALTH OF INDEPENDENT STATES – Collective Security Treaty Organization Growing

On December 12, 2006, the President of Uzbekistan signed the Law on Restoration of Membership of the Republic of Uzbekistan in the CIS Collective Security Treaty Organization (CSTO), which followed the ratification of sixteen international treaties within the framework of the organization.



Uzbekistan is also expected to subscribe to more than sixty decisions made by ruling bodies of the CSTO. All procedures for the restoration of Uzbekistan's membership are to be completed by January 1, 2008.

The CSTO was established in 2003, under a Russian initiative, in response to the growing presence in Afghanistan of a coalition of combat forces formed by the former Soviet republics, which were signatories to the 1993 Collective Security Treaty (still in force) between Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, and Tajikistan. In 1999, Uzbekistan, Azerbaijan, and Georgia decided to stop their participation in this Treaty.

Under the auspices of the CSTO, joint military exercises are conducted and countries are obligated to share intelligence information, coordinate their counterterrorist operations, and receive the agreement of all other member states if they decide to establish a foreign military base in their territory. It is not clear what effect Uzbekistan's membership will have on the CSTO. Tashkent is at odds with its neighbors, partners, and allies in the organization, specifically Tajikistan. Uzbekistan has mined the Uzbek-Tajik border, and tension on the border is such that border guards shoot to kill without warning. (Arkady Dubnov, *Uzbekistan Will Impart Military Secrets*, VREMIA NOVOSTEI, Dec. 14, 2006, at 5.) (Peter Roudik, 7-9861, prou@loc.gov)

### **EU – International Agreement on ITER Signed in Paris**

On November 21, 2006, the European Union and six countries (China, India, Japan, Russia, South Korea, and the United States) signed an agreement to spend €10 billion (about US\$12.34 billion) over the next thirty years to build and operate the International Thermonuclear Experimental Reactor (ITER) in Cadarache in the south of France. The signing took place in Paris and was hosted by French President Jacques Chirac. The aim of the project is to harness thermonuclear fusion with the ultimate goal of providing a virtually inexhaustible energy resource. (Premier Ministre, *International Agreement on ITER Signed*, LATEST NEWS, Nov. 28, 2006, [http://www.premier-ministre.gouv.fr/en/information/latest\\_news\\_97/international\\_agreement\\_on\\_iter\\_57326.html](http://www.premier-ministre.gouv.fr/en/information/latest_news_97/international_agreement_on_iter_57326.html).) (Nicole Atwill, 7-2832, natw@loc.gov)

### **EUROPEAN COURT OF HUMAN RIGHTS – Damages Awarded to Greek Cypriot Refugee**

The Xenides-Arestis v. Turkey case was filed with the European Court of Human Rights on November 4, 1998. The case involved a Greek Cypriot national who has been unable to live in and enjoy her home, located in the northern part of Cyprus, since the invasion and occupation of the island by Turkey in July 1974. The applicant complained of unjustified interference with the right to respect for her home, in violation of article 8 of the European Convention on Human Rights and Fundamental Freedoms and of article 1 of Protocol 1 on the right to enjoy one's possessions.

On March 22, 2006, the European Court of Human Rights found Turkey guilty on both counts. On December 7, 2006, the Court unanimously awarded Mrs. Xenides-Arestis €800,000 (about US\$1.06 million) in monetary damages for not being able to live in and enjoy her home, €50,000 (about US\$65,000) as non-pecuniary damages, and €35,000 (about US\$45,000) for costs and expenses. (Xenides-Arestis v. Turkey, EUROPEAN COURT OF HUMAN RIGHTS PORTAL, Mar. 22, 2006, <http://cmiskp.echr.coe.int/tkp197/view.asp?item=2&portal=hbkm&action=html&highlight=xenides-arestis&sessionid=9840549&skin=hudoc-en>; *ECHR Decision on Arestis Case*, NORTH CYPRUS NEWS, Dec. 8, 2006, <http://www.cyprus44.com/news/50.asp>.) (Theresa Papademetriou, 7-9857, tpap@loc.gov)



## EUROPEAN COURT OF HUMAN RIGHTS – Forcible Administration of Emetics Barred

On July 11, 2006, the European Court of Human Rights (ECHR) ruled that Germany had violated the European Human Rights Convention by forcibly administering emetics to a drug dealer who had swallowed narcotics in order to destroy the evidence of his drug-trading (*Jalloh v. Germany*, Judgment of the Grand Chamber, Application No. 54810/00, <http://www.echr.coe.int/ECHR/>). The suspect, a citizen of Sierra Leone, was observed by German police as he exchanged for money a tiny plastic bag taken from his mouth. When the police arrested him, he swallowed a bag of drugs that he had in his mouth and refused to take emetics to regurgitate the bag. Thereupon, the police had emetics administered to him by a doctor in a hospital, which led to the production of a quantity of cocaine, and this evidence was used in the criminal proceeding that resulted in a conviction and suspended sentence. The convicted drug dealer brought his complaint to the ECHR after the German domestic courts had ruled against him.

The ECHR held that Germany had violated article 3 of the European Human Rights Convention (EHRC, Nov. 4, 1950, 213 U.N.T.S 221) by coming close to torturing the suspect. The Court also found that EHRC article 6, paragraph 1, guaranteeing a fair proceeding, was violated because using the forcibly obtained evidence came close to violating the privilege against self-incrimination. According to the Court, the public interest in convicting a small-time drug dealer did not justify the use of the evidence in the trial. Moreover, the Court awarded the applicant damages for pain and suffering in the amount of €10,000 (about US\$13,000).  
(Edith Palmer, 7-9860, epal@loc.gov)

## MEKONG RIVER COMMISSION – Ministers Meet to Discuss River

Ministers from Cambodia, Laos, Thailand, and Vietnam, met in Ho Chi Minh City (formerly Saigon) December 12-13, 2006, for the thirteenth meeting of the Mekong River Commission (MRC). One important topic discussed was the planned 2007 start of a new drought management program to be implemented by the MRC.

The meeting also considered the Procedures for Water Supply, which establish water quality standards needed for human and aquatic life. The Procedures are designed to establish a co-operative framework for the maintenance of acceptable water quality, promote sustainable development of the river basin, and create contingency plans for responding to special water quality problems during emergencies.

The MRC has relations with the World Bank and the Asian Development Bank, for cooperation on regional initiatives. Fundraising efforts have increased the MRC's budget; in the past year the MRC has signed thirteen agreements totaling more than US\$19 million. In addition to the four nations and the two banks, the ASEAN Secretariat, Myanmar, the U.N. Economic and Social Commission for Asia and Pacific, the World Conservation Union, and the World Wildlife Fund sent representatives to the meeting. (*Ministers Meet to Discuss River Planning*, VIETNAM NEWS SERVICE, Dec. 13, 2006, <http://vietnamnews.vnanet.vn/showarticle.php?num=02POL131206>.)  
(Constance A. Johnson, 7-9829, cojo@loc.gov)

## UNITED NATIONS/GUATEMALA – Commission Against Impunity Created

The United Nations and the Government of Guatemala signed an agreement on December 12, 2006, to create the International Commission Against Impunity in Guatemala (CICIG). The CICIG will be comprised of foreign personnel in order to avoid members being compromised by local economic, political, and family connections. The new body will provide support to the Public Prosecutors Office. Among its functions, the CICIG is to determine the existence of illegal security groups and clandestine



[security] organizations in Guatemala. The Agreement still has to be ratified by the Guatemalan Congress. (Oneida Najarro, *Crean Comisión Contra la Impunidad en el País*, PRENSA LIBRE, Dec. 13, 2006, <http://www.prensalibre.com>.)  
(Norma C. Gutiérrez, 7-4314, [ngut@loc.gov](mailto:ngut@loc.gov))

### **UNITED NATIONS – Adoption of a Treaty Against Enforced Disappearances**

Enforced disappearances of perceived enemies by state agents who subsequently deny responsibility for these incidents have occurred in many countries. In 2005, the United Nations received approximately 535 reports of persons who disappeared from their countries, notably in Colombia, Nepal, and Chechnya Republic (a part of the Russian Federation), among others. Since 1992, the U.N. has been working on a draft treaty, following a spate of forced disappearances from Latin American dictatorships. On December 20, 2006, the U.N. General Assembly adopted the International Convention for the Protection of All Persons from Enforced Disappearance by consensus. It will be opened for signature on February 6, 2007. The United States, which has been accused of carrying out “renditions,” did not participate in the General Assembly decision and is not expected to ratify the treaty.

The treaty defines the offense of disappearance under international criminal law as the act of detention, abduction, or deprivation of freedom by state agents, followed by a denial to admit such a deprivation. In addition, the act includes the places the disappeared person outside the protection of law. The Convention requires governments to ban secret detentions and undeclared detention facilities. Families of disappeared persons will have a legal right to find out the fate of missing relatives. The Convention also establishes a committee to ensure implementation and to review individual complaints. (Irwin Arieff, *U.N. Adopts Treaty Against Enforced Disappearances*, SWISS INFO, Dec. 20, 2006, available at [http://www.swissinfo.org/eng/international/ticker/detail/U\\_N\\_adopts\\_treaty\\_against\\_enforced\\_disappearances.html?siteSect=143&sid=7370989&cKey=1166647967000](http://www.swissinfo.org/eng/international/ticker/detail/U_N_adopts_treaty_against_enforced_disappearances.html?siteSect=143&sid=7370989&cKey=1166647967000).)  
(Theresa Papademetriou, 7-9857, [tpap@loc.gov](mailto:tpap@loc.gov))

### **UNITED NATIONS – Resolution on Kimberly Process Certification Scheme**

On December 4, 2006, the United Nations General Assembly passed a resolution in support of the “Kimberly Process Certification Scheme,” whose purpose is to prevent illegally exported “conflict diamonds” from being used to buy arms. Adoption of the resolution followed a briefing by Botswana President Festus Mogae on the 2006 Kimberly Process progress report. According to Mogae,

The introduction of the Certification Scheme has had a positive impact on reducing the trade in conflict diamonds. However, the missing of diamonds in Northern Cote d’Ivoire, which is under rebel control[,] presents a very difficult and challenging situation. The Kimberly Process is seriously disturbed by the leakage of Ivorian diamonds into the legitimate trade in rough diamonds.

(*Program Summary: Gaborone TV in English 05 Dec 06*, BOTSWANA TV, Dec. 5, 2006, Open Source Center No. AFP20061207507001.)

The worldwide diamond-tracking mechanism was established in 2002 as a response to brutal wars being conducted in Liberia and Sierra Leone. In a related development, the U.N. Security Council renewed its ban on diamond exports from Liberia, announcing on December 20, 2006, that while progress had been made, lifting of sanctions is still unwarranted because Liberia is “not yet in a position to demonstrate internal controls necessary for certification.” The Security Council called for better documentation of the exact source of each diamond, the worth of the diamond, and its destination. It will



review the sanction decision again in June 2007. (*Liberia: UN Maintains Sanctions on Diamond Export, Demands Better Controls*, INTEGRATED REGIONAL INFORMATION NETWORK, Dec. 21, 2006, Open Source Center No. AFP20061222605001.)  
(Wendy Zeldin, 7-9832, wzeld@loc.gov)



## RECENT DEVELOPMENTS IN THE EUROPEAN UNION

Prepared by Theresa Papademetriou, Senior Foreign Law Specialist, Western Law Division  
7-9857, tpap@loc.gov

### Two New Members Join EU

On January 1, 2007, Bulgaria and Romania joined the European Union, expanding total EU membership to twenty-seven states. The latest accession represents the fifth enlargement since the establishment of the European Communities in the early 1950s. On the same date, Slovenia became the first among the ten countries that had joined the EU on May 1, 2004 (most of which were from Central and Eastern Europe) to adopt the EU currency (the *euro*), becoming the thirteenth member of the eurozone. Cyprus is expected to join the eurozone soon, since it meets all the convergence criteria. (Delegation of the European Commission to the USA, *Bulgaria and Romania Join the European Union*, AMBASSADOR'S CORNER (weekly message from Ambassador John Bruton), available at <http://www.eurunion.org/welcome/ambassadorscorner/AmbWklyMess/2007/20070102jwbwklymessage.htm> (last visited Jan. 9, 2007); *The Euro Is Here!*, *Evro-za vse nas* [Introduction of the Euro in Slovenia] Web site, <http://www.evro.si/en/> (last visited Jan. 10, 2007); *Cyprus Fulfills Fundamental Convergence Criteria for Adopting Euro*, EMBASSY NEWS [Web site of the Embassy of the Republic of Cyprus in Washington], Dec. 7, 2006, <http://www.cypriusembassy.net/home/index.php?module=article&id3878> (last visited Dec. 8, 2006).)

### EU Intends to Create Secret Terrorist Target List

The European Commission has recently come up with a proposal that requires national authorities to prepare a list of “critical infrastructure” facilities, such as airports, gas pipelines, and nuclear plants, that are significant to two or more States. Facilities owned or operated by private entities are required to appoint a security officer to be in contact with national authorities and draft plans to detect and respond to terrorist threats. The list of such facilities will be prepared under the authority of EU officials in Brussels. The proposal has caused concern among European Union Members, especially the United Kingdom, which wants to ensure that there are clear division lines as to what is national, and what is EU, infrastructure. The United Kingdom does, however, recognize the added value of involvement of the EU in thwarting and preventing terrorist threats. (*UK Source Says Whitehall Concerned by EU Plans for Secret Terrorist Targets List*, THE DAILY TELEGRAPH, Dec. 26, 2006, Open Source Center No. EUP20061226031003, Dec. 26, 2006.)

### Removal of a “Mujahidin” Group from the EU Terrorist List

On December 12, 2006, the European Union Court of First Instance annulled the decision made by the EU in 2002 to include the People's Mujahidin of Iran (OMPI) on its official list of terrorist organizations subject to an order to freeze its financial assets. The list is composed of names and evidence submitted by competent authorities of any EU Member State to officials of other EU Member States, who subsequently decide by consensus whether or not to add the name to the list. As a result, suspects have no access to the evidence and are unable to defend themselves.

The Court held that there was a violation of “fundamental rights such as, the right to a fair hearing, the obligation to state reasons and the right to effective judicial protection.” The EU Council has the right to review the list every six months. Until the next review, OMPI will remain on the list. It is expected that the ruling of the Court will prompt other groups or persons to sue if they feel that their



names have been unjustifiably included in the list. (*Mujahidin Case Could Reshape EU Anti-Terror Work*, EU OBSERVER, Dec. 12, 2006, available at <http://euobserver.com/9/23083/?rk=1>.)

### **New Rules on Dual-Use Goods**

On December 19, 2006, the European Commission announced amendments to the legal regime on dual-use goods. The term refers to a wide variety of goods and technologies that can be used for civilian/military purposes. Under the existing rules, the EU Members are responsible for granting export authorizations to third countries based on the Dual-Use Goods Regulation. The list of items under control is based on joint decisions of the Members. The new rules aim to achieve three goals: a) improve security by making export control more effective in a European Union composed of twenty-seven Member States; b) promote greater coordination of export controls at the international level; and c) reduce regulatory burdens to exporters and introduce more clarity and certainty in the EU rules. (European Commission, *European Commission Proposes New Measures on Export of Dual-Use Goods and Technologies, Trade Issues*, TRADE ISSUES, Dec. 19, 2006, available at [http://ec.europa.eu/trade/issues/sectoral/industry/dualuse/pr191206\\_en.htm](http://ec.europa.eu/trade/issues/sectoral/industry/dualuse/pr191206_en.htm).)

### **Stalemate on Turkey's Negotiations on Future EU Accession**

In December, the EU decided to freeze eight of the thirty-five negotiating chapters on Turkey's accession to the EU, due mainly to what the EU perceives as Turkey's slow progress in making accession-related reforms and as a sanction over its refusal to open the ports and allow trade in the northern part of Cyprus, as promised in the EU-Turkey customs union agreement. Turkish Prime Minister Recep Tayyip Erdogan stated that the negotiations impasse is unfair to Turkey, but his government is adamant on its policy towards Cyprus. (*EU Unfair to Turkey, Says Erdogan*, EU OBSERVER, Dec. 13, 2006, available at <http://euobserver.com/9/23086/?rk=1>.)

### **Draft European Charter for the Integration of Migrants**

The socialist group in the European Parliament has recently formulated a proposal for a "European Charter for the Integration of Migrants." Under this charter, EU Members would be obliged to provide programs and services to assist their respective migrant populations in learning the host state's national language and to facilitate their integration into the given state's society. The same group also wants to ensure that Member States recognize, through public spaces and cultural centers, "the contribution of migrants to the economic development and cultural and social enrichment of societies." Moreover, the socialists want to ensure that migrants enjoy full trade-union rights and at the same time make employers who exploit workers be subject to sanctions. On the other hand, the plan also contains responsibilities for migrants, since acquisition of EU citizenship entails rights as well as obligations. The above initiative was introduced soon after the Spanish Government agreed to grant temporary permits to 4,000 Senegalese workers. (*Socialists Want EU "Charter" to Help Immigrants*, EU OBSERVER, Dec. 7, 2006, available at <http://euobserver.com/9/23049/?rk=1>.)

### **Establishment of a Fundamental Rights Agency**

On December 5, 2006, a new Agency on Fundamental Rights was established to oversee implementation of fundamental rights of citizens by the governments of the EU Member States. However, the agency, which began operations in January 2007, has a more limited scope than originally envisioned. Its jurisdiction will cover only areas of community law, except for matters involving police and legal cooperation, due to the lack of a legal basis for broader powers. This was agreed upon after six countries, including Ireland, the United Kingdom, and some new Members strongly argued that the



agency should not have such powers. Human rights groups criticized the restriction and pointed out that recent cases of rendition require that the agency be vested with the necessary powers to investigate such incidents. (*EU Opts for Fundamental Rights Agency with Limited Scope*, EU OBSERVER, Dec. 5, 2006, available at <http://euobserver.com/9/23021/?k=1>.)

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