



# Law Library of Congress GLOBAL LEGAL MONITOR

June 2007  
ISSUE 6 G.L.M. 2007



## Featured Topics:

[Budget](#) / [Communication and Electronic Information](#) / [Constitutional Law](#) / [Courts](#) / [Criminal Procedure](#) / [Disability](#) / [Education](#) / [Elections and Politics](#) / [Employment](#) / [Environment](#) / [Family](#) / [Foreign Investment](#) / [Foreign Judgments](#) / [Freedom of Information](#) / [Freedom of the Press](#) / [Gambling](#) / [Gender Equality](#) / [Government Employees](#) / [Government Ethics](#) / [Government Organization](#) / [Health](#) / [Human Rights](#) / [Immigration and Nationality](#) / [Intellectual Property](#) / [International Relations](#) / [Justice](#) / [Money Laundering](#) / [National Security](#) / [Pensions and Retirement](#) / [Property](#) / [Religion](#) / [Sports](#) / [Taxation](#) / [Terrorism](#) / [Trade and Commerce](#) / [Transportation](#) / [Trusts and Trustees](#) / [War Crimes](#)

## Countries and International Organizations covered in this issue:

Australia	France	Papua New Guinea
Austria	Germany	Portugal
Bangladesh	Ghana	Russian Federation
Brazil	Hong Kong	Saudi Arabia
Bulgaria	India	Senegal
Burundi	International Criminal Court	Serbia
Canada	Israel	Singapore
Chagos Islands	Japan	Somalia
China	Jordan	Sri Lanka
Common Market for East and Southern Africa (COMESA)	Kazakhstan	Switzerland
Congo (Kinshasa)	Kenya	Taiwan
East African Community (EAC)	Korea, South	Tonga
Egypt	Latvia	United Kingdom
European Union	Lebanon	United Nations
Fiji	Liberia	United States
Finland	Mexico	Vanuatu
	Nepal	Venezuela
	Netherlands, The	Zambia

## Greetings from the Law Librarian

The *Global Legal Monitor*, an electronic publication of the Law Library of Congress, is intended for those who have an interest in legal developments from around the world.



Globalization is a fact with far-reaching implications including an increasing number of international transactions.

This online publication will be updated frequently, drawing upon information selected from the [Global Legal Information Network](#), official national legal publications, and reliable press sources. Occasionally, a special section may be added to include lectures, conferences, symposia, and exhibits on timely legal topics sponsored by the Law Library of Congress.

Questions about any item found in this publication or requests for copies of materials found in the Law Library's collections may be addressed to [glm@loc.gov](mailto:glm@loc.gov).

Sincerely,

Rubens Medina  
Law Librarian of Congress

## GLOBAL LEGAL MONITOR

### Table of Contents

#### Budget

Bangladesh ..... Proposed Budget Focuses on Poverty Reduction

#### Communications and Electronic Information

Brazil ..... Sending Spam Will Become a Crime  
 Finland ..... Ratification of Cybercrime Convention  
 United States .... Court Reverses Broadcast Agency's Ruling Applying New "Fleeting Expletives" Policy  
 Venezuela ..... Closure of Private TV Station

#### Constitutional Law

India ..... Acts in Schedule 9 of Constitution Not Immune from Constitutional Challenge  
 Kazakhstan ..... Limits on Presidential Terms for Incumbent Lifted

#### Courts

Bulgaria ..... Law on Judicial Reform  
 The Netherlands ..... Changes in Powers of Courts re Family Law Cases

#### Criminal Procedure

Israel ..... Criminal Defense on Equitable Grounds  
 Russian Federation ..... Criminal Sentences May Be Changed

#### Disability

Nepal ..... Government Ordered to Protect Rights of Disabled

#### Education

Brazil ... Education Development Program Launched

#### Elections and Politics

Congo (Kinshasa) ... Court Invalidates 2006 Election  
 Egypt ... Twenty-Five Brotherhood Members Arrested  
 Fiji ..... Court Finds Bias in Early Prison Release of V.P.

#### Employment Law

Hong Kong ..... High Court Supports Refusal to Legislate Minimum Wage for Cleaners  
 Israel ..... Extension of Parental Leave  
 Nepal ..... Proposed Amendment to Foreign Employment Act  
 Taiwan ..... Employment Law Amended to Ban Discrimination, Reduce Burdens on Employers of

Runaway Foreign Workers  
 Taiwan ..... Minimum Wage Hike Proposed

#### Environmental Law

China ..... New Controls over Foreign Hydrology, Mapping Activities

#### Family Law

India ..... Rajasthan High Court Issues Decision on Extra-Marital Relationship  
 Taiwan .. Civil Code Provisions on Family Amended

#### Foreign Investment

Tonga ..... New Foreign Investment Act Reserves Business Activities for Tongans

#### Foreign Judgments

Austria ..... Enforcement of a Florida Judgment

#### Freedom of Information

China ..... Information Disclosure Regulations

#### Freedom of Press

Kenya ..... Regulation of Journalism

#### Gambling

Papua New Guinea ..... Bill Introduces Casinos and Internet Gambling

#### Gender Equality

Senegal ..... New Law on Gender Parity Found Unconstitutional  
 United States ..... Supreme Court Limits Pay Discrimination Lawsuits

#### Government Employees

China ..... Disciplinary Regulations for Government Officials

#### Government Ethics

Zambia ..... Former President Found Guilty of Corruption

#### Government Organization

Nepal ..... Government Executive Authority Not Justiciable  
 Senegal ..... Reinstatement of the Senate  
 Serbia ..... New Administration for Kosovo



**Health Law & Regulation**

Australia ..... Victoria State Permits Therapeutic Cloning  
 Kenya ..... Traditional Alcoholic Drinks Legalized  
 Sri Lanka ..... Mosquito Control Measure

**Human Rights**

Burundi .. UN Urges Transitional Justice Mechanism  
 Chagos Islands ..... Evicted Islanders May Return Home  
 International Crime Court ..... Mission in Chad

**Immigration and Nationality Law**

Canada ... Immigration Reforms Proposed to Prevent Exploitation and Abuse  
 Canada ..... New Office to Help Skilled Immigrants Find Jobs  
 Singapore ..... Introduction of Working Vacation Program  
 Zambia ..... New Committee to Screen Expatriate Work-Permit Applications

**Intellectual Property**

European Union ..... Criminal Penalties for Infringement of Intellectual Property Rights  
 Korea, South ..... Patent Trolls  
 Korea, South ..... Reward for Piracy Informers

**International Relations**

Australia ..... Implementation of U.N. Sanctions Against Iran  
 China ..... Extradition Treaties Signed with Two African Countries  
 Portugal ..... Strengthening Brazil-EU Ties  
 United States ..... Tax Liens on Property Owned by Foreign State Upheld

**Justice**

Jordan ..... Lenient Prison Sentences for Attempt to Smuggle Arms to West Bank

**Money Laundering**

Ghana ..... Money Laundering Bill

**National Security**

Lebanon ..... Twenty Members of “Fath al-Islam” Indicted  
 United Kingdom ..... Two Jailed over Breach of Official Secrets Act

**Pensions and Retirement**

Germany ..... Garnishment of Retirement Income  
 Germany ..... Social Security

Japan ..... Integration of Employee’s Pension and Mutual Aid Pensions  
 Switzerland ..... Civil Service Retirement

**Property Law**

China ..... Land Laws, Regulations, Rules Being Reviewed

**Religion**

Saudi Arabia ..... Authorities Release Five Kuwaitis

**Sports**

China .... Measures on Medical Drug Use Exemption for Athletes

**Taxation**

Canada ..... Quebec Government Proposes Large Tax Cut  
 Latvia ..... New Subjects of Income Taxation  
 Zambia ... Planned Increase in Mineral Royalties and Corporate Taxes

**Terrorism**

Australia ..... Terrorism Charges  
 European Union ..... Surveillance of Terrorist Websites  
 Mexico ..... Government Committee to Oversee Compliance with Treaties on Terrorism  
 Somalia ..... Anti-Terrorism Law Adopted  
 United States ... Terrorism Suspect Ordered Released from Military Detention

**Trade and Commerce**

Bangladesh .... Bangladesh, Belarus Sign Agreement on Bilateral Trade and Economic Cooperation  
 China ..... Rules for the Representative Offices of Overseas Stock Exchanges  
 EAC/COMESA ..... External Tariff Agreement  
 India .. India Signs Investment Protection Agreement with Mexico

**Transportation**

Brazil ..... Prohibition of Alcohol Along Highways  
 Vanuatu ..... Vanuatu Ratifies Pacific Islands Air Services Agreement

**Trusts and Trustees**

France ..... Introduction of an Alternative Instrument to a Trust

**War Crimes**

Netherlands ..... Stiffer Sentence for War Crimes  
 United Nations/Liberia ..... Charles Taylor Trial Date



## Budget

### BANGLADESH – Proposed Budget Focuses on Poverty Reduction

The Bangladesh interim government has announced a proposed 871.37 billion taka (\$12.6 billion) annual budget for fiscal year 2007-08. The new budget would be effective July 1. According to Ministry of Finance Advisor Azizul Islam, the budget focuses on boosting revenue, improving agriculture and power generation, and creating jobs. Under the proposed budget, 57 percent would be allocated for poverty reduction, including 10.6 percent for social empowerment and safety-net programs, 25 percent for health and education, and approximately 9 percent for rural employment-generating programs.

The government has requested comments on the budget by June 14. The government has agreed to consider all the relevant issues before finalizing the budget with the approval of the President.

In his budget speech, the finance advisor mentioned that a 7 percent growth in the GDP and .5 percent reduction in inflation rate is expected in fiscal year 2007-08. (Dr. Azizul Islam, Advisor, Bangladesh Ministry of Finance, [\*Speech on 2007-08 Budget\*](#) (June 7, 2007).) (Shameema Rahman)



## Communications and Electronic Information

### BRAZIL – Sending Spam Will Become a Crime

The Brazilian Chamber of Deputies is analyzing a proposed law that would make the sending of unsolicited electronic mail (spam) a crime punishable by detention and a fine. The author of the proposed law, Deputy Raquel Texeira, said that the idea is not to stop the use of e-mail, but to discipline its use. According to Texeira, recent research indicates that more than half of the messages on the Internet are spam.

The draft law proposes rules on such matters as the sending of e-mail without the recipient's prior consent, subject and sender identification, and repetitive sending without the recipient's prior consent. Additionally, the draft makes it mandatory that Internet servers have the full records of e-mail addresses used to send spam and that they be kept for at least one year after the account or service has been closed. (*Envio de Spams Pode se Tornar Crime Punido Com Detenção*, JURID, May 4, 2007.)  
(Eduardo Soares)

### FINLAND – Ratification of Cybercrime Convention

On 24 May 2007, Ambassador Ann-Marie Nyroos, Permanent Representative of Finland to the Council of Europe (COE), transmitted to Terry Davis, the COE Secretary General, the country's instrument of ratification of the Convention on Cybercrime. It enters into force for Finland on September 1, 2007. Finland signed the Convention on November 23, 2001, along with 29 other countries (including 25 other COE Member States). ([Finland Ratifies Convention on Cybercrime](#), LEGISLATIONONLINE, May 28, 2007; [Convention on Cybercrime](#), CETS No.: 185, Council of Europe Web site.) The Convention entered into force on July 1, 2004. ([30 States Sign the Cybercrime Convention](#), OUT-LAW NEWS, Nov. 26, 2001; United Nations Interregional Crime and Justice Research Institute [UNICRI], "The Council of Europe" section of [The Legal Repository: Europe](#).)  
(Wendy Zeldin)

### UNITED STATES – Court Reverses Broadcast Agency's Ruling Applying New "Fleeting Expletives" Policy

On June 4, the U.S. Court of Appeals for the Second Circuit vacated and remanded a U.S. Federal Communications Commission (FCC) order that Fox Television Stations, Inc. had violated decency standards by broadcasting two awards shows on which celebrities fleetingly used expletives.

The FCC's order, issued November 6, 2006, found that Fox's broadcasts of the annual Billboard Music Awards in 2002 and 2003 were indecent. The 2002 show included singer Cher's fleeting use of the "F-word" with regard to those who thought her career was in decline, while the 2003 show included celebrity Nicole Richie's fleeting use of the adjective form of the "F-word," as well as the "S-word," while describing the difficulty of cleaning a Prada purse.



The FCC's order announced that henceforth, a network's broadcast of fleeting uses of expletives such as these would be considered indecent by the Commission.

The Second Circuit vacated the order. The court first examined the history of the FCC's indecency standards with respect to broadcast of fleeting expletives, and found that since the Supreme Court's 1978 ruling in *FCC v. Pacifica Foundation* – which narrowly upheld the FCC's authority to find indecent a radio broadcast of George Carlin's comedy monologue "Filthy Words," but which distinguished the broadcast of isolated offensive language – the FCC has consistently declined to find indecent the broadcast of fleeting expletives. The court therefore found that the policy embodied in the November 6 order significantly departed from past agency policy. While noting that the FCC has the authority to change its policy, the court stated that the agency failed to provide adequate reasons for this change. It therefore found that the November 6 order violated the Administrative Procedure Act's proscription against agency actions that are arbitrary, capricious, and abuse of discretion, or otherwise unlawful. The court remanded the case to give the FCC the opportunity to provide a reasoned explanation for its change in policy. It declined to reach the constitutional question whether the Commission's policy violated the First Amendment, but expressed scepticism "that the Commission can provide a reasoned explanation for its 'fleeting expletive' regime that would pass constitutional muster."

One of the three judges on the Second Circuit panel dissented, stating his view that the FCC gave sufficient explanation for the new policy to warrant the court's deference to the agency. (*Fox Television Stations, Inc. v. Federal Communications Commission*, No. 06-1760 (2d Cir. June 4, 2007).)  
(Luis Acosta)

### **VENEZUELA – Closure of Private TV Station**

On May 26, 2007, the Venezuelan government, led by President Hugo Chávez, took control of the broadcast equipment of private TV channel RCTV, based on a ruling by the Supreme Tribunal of Justice (TSJ). The action is aimed at ensuring that a new public service TV channel, Televisora Venezolana Social (TVes), which replaces RCTV, can be watched throughout the country.

The TSJ said that the expiration of the broadcast license of RCTV, Venezuela's oldest private TV station, on May 27, should not translate into poor service. In order to allow all Venezuelan TV watchers to access the service, the top court ordered the National Telecommunications Commission (Conatel) to take control of broadcast equipment RCTV possesses nationwide, to guarantee that the new channel has the necessary infrastructure to cover the same areas currently covered by RCTV. The opposition TV channel was ordered to hand over all its facilities and equipment, including transmission equipment, antennas, and electric installations. The TSJ also ordered the Armed Forces to guard, monitor, and permanently control the use of installations and equipment and guarantee their use by the new Chávez channel.



The International Press Institute (IPI) condemned the recent “closure” of RCTV and accused the Venezuelan government of trying to silence a critical voice and of violating freedom of expression. The director of IPI believes the decision to close RCTV is clearly politically motivated. In his view, RCTV came under attack because of its critical stance vis-à-vis the current socio-political situation in Venezuela. In conformity with the TSJ order, RCTV went off the air on May 27 at 24:00 hours and was replaced by TVes. (*El TSJ ordena que TVes utilice los transmisores de RCTV*, EL UNIVERSAL, May 26, 2007.)  
(Graciela Rodriguez-Ferrand)





## Constitutional Law

### INDIA – Acts in Schedule 9 of Constitution Not Immune from Constitutional Challenge

On January 11, 2007, in a significant unanimous verdict, a nine-judge bench of the Supreme Court of India held that there could not be any blanket immunity from judicial review of laws inserted in the Ninth Schedule of the Constitution. Article 31B of the Constitution protects the validity of any law from a constitutional challenge from the date of its enactment, notwithstanding its inconsistency with any fundamental right. On April 25, 1973, however, the Supreme Court, in the landmark *Kesavananda Bharati vs. The State of Kerala* case, had held that the Indian Parliament had no power to effect any change to the Constitution that would alter its basic structure. In keeping with this decision, after examining the scope and powers of Parliament to enact laws and include them in the Ninth Schedule, the Court observed that the power of judicial review could not be taken away by putting a law in the Ninth Schedule.

The Ninth Schedule (article 31B) was introduced to keep certain laws, particularly those on land reform, beyond the scope of judicial review. Over the years, 284 laws were included in it, of which about 30 are under challenge. According to the Supreme Court, “the power to grant absolute immunity at will is not compatible with the basic structure doctrine and, therefore, after April 24, 1973, the laws included in the Ninth Schedule would not have absolute immunity.” The bench further stated,

Insertion in the Ninth Schedule is not controlled by any defined criteria or standards by which the exercise of power may be evaluated. The consequence of the insertion is that it nullifies entire Part III (relating to fundamental rights) of the Constitution. The supremacy of the Constitution mandates all constitutional bodies to comply with the provisions of the Constitution. It also mandates a mechanism for testing the validity of legislative acts through an independent organ, viz. the judiciary.

The Court held that all such laws included in the Ninth Schedule after April 24, 1973, would be tested individually. ([IX Schedule Laws Open to Review](#), THE HINDU, Jan. 12, 2007.) (Krishan Nehra)

### KAZAKHSTAN – Limits on Presidential Terms for Incumbent Lifted

On May 18, 2007, the Parliament of Kazakhstan adopted amendments to the nation’s Constitution introduced by the incumbent President of Kazakhstan Nursultan Nazarbaev and aimed at expanding of the Parliament’s authority even though the President will remain the center of power in the republic. According to the amendments, as of 2012 (the year of the next scheduled presidential and parliamentary elections), the length of the presidential term will be decreased from seven to five years; the number of elected members of Parliament will be increased to 154, all of whom will be elected based on a proportional system of party representation; the parliamentarians will be involved in the selection and appointment of a Prime



Minister; and two-thirds of the officials of the Constitutional Court, Central Electoral Commission, and Accounting Chamber will be appointed by the legislature. The new Kazakh Constitution states that the President cannot serve more than two consecutive terms; however, a special provision exempts the incumbent President from this restriction, allowing him to be reelected as many times as he wants. (Ilia Azar, *Nazarbaev Got Life*, GAZETA.RU, May 29, 2007.)

(Peter Roudik)



## Courts

### **BULGARIA – Law on Judicial Reform**

On April 27, 2007, the Parliament of Bulgaria adopted a new Judicial System Law aimed at implementing the judicial reform recommendations of the European Union and making the laws regulating the national judiciary conform to Bulgaria's newly amended Constitution and procedural legislation. The Law defines evaluation criteria, ensuring transparency and public control. It also prescribes a new procedure for selecting junior judges, prosecutors, and investigators as well as all first-time appointees in the judicial system through competitive recruitment. In order to provide opportunities for career growth, the Law establishes a rule that 20 percent of all job vacancies in the judiciary and law enforcement will be offered to first-time appointees.

The Law enhances the role of the Supreme Judicial Council, the professional organization of the legal community in charge of suggesting appointments, evaluating the performance, and monitoring the career development of judges, prosecutors, and investigators. The Law also prescribes in detail the jurisdiction of the Supreme Judicial Council's inspectorate, which monitors the work of the courts, and narrows the rights of the Ministry of Justice Inspectorate, which had had a similar function. Under a new punishment system for judges and prosecutors set forth in the Law, those who violate the law will be subject to a 5- to 20-percent reduction of their official wages for a period of six months to two years. (*Judicial System Law Passed*, BULGARIAN TELEGRAPH AGENCY DAILY NEWS, Apr. 27, 2007.) (Peter Roudik)

### **THE NETHERLANDS – Changes in Powers of Courts re Family Law Cases**

Under new legislation that entered into force on May 1, 2007, the division of powers between various courts in the Netherlands has been rearranged. The law newly distinguishes cases assigned to the *kantonrechter*, one of the lower district courts, and cases assigned to other courts. The *kantonrechter* will now handle cases involving assets, while other courts will handle all cases pertaining to authority and/or the person. As a result, people who must appear in court for certain types of family-related matters may have to go to a different court. For example, the *kantonrechter* previously handled alternative consent to marriage for minors and the appointment and discharge of temporary or permanent guardians. Other courts will now dispose of these matters. However, *the kantonrechter* will deal with cases involving placement under or lifting of guardianship, in addition to its cognizance of requests for the establishment of protective receivership and mentorship.

Another change under the new law is that persons under guardianship or a protective receivership or mentorship will no longer have a "dependent" place of residence. That is, their place of residence with regard to the protective measure will no longer be that of the guardian, receiver, or mentor, with the *kantonrechter* where the guardian, receiver, or mentor resides



supervising the case. Instead, the court where the person actually resides will, from May 1 on, be in charge of the case.

During the transition phase of the shifting of powers, cases for which applications had been made to the competent court that were still pending before May 1 will be handled by that court, be it a *kantonrechter* or other court. There is also a transitional arrangement in regard to dependent places of residence in cases where a guardianship, receivership, or mentorship has already been established. In such instances, the new place of residence will only become effective once the competent *kantonrechter* under the old arrangement has transferred the case to the *kantonrechter* of the relevant person's actual place of residence. (Press Release, Ministry of Justice, [Family Cases May Go to Different Court](#) (Apr. 25, 2007).)  
(Wendy Zeldin)



## Criminal Procedure

### ISRAEL – Criminal Defense on Equitable Grounds

On May 15, 2007, the Knesset (Israel's parliament) passed an amendment to the Criminal Procedure Law (Consolidated Version), 5742-1982. The new amendment provides an additional ground for preliminary pleadings that can be made by the defendant after commencement of the trial: the defendant may plead that the indictment or the criminal process against him is substantively contradictory to principles of justice and legal fairness. The Law provides that where a preliminary pleading has been made, the court may give the prosecutor an opportunity to answer it. If the court allows the preliminary pleading, it may amend the information, quash the charge, or refer the matter to another court.

According to the explanatory notes to the amendment, the defense on equitable grounds was recognized by the Supreme Court in a 1996 decision and then greatly restricted in another decision from 2005. The notes add that the amendment gives statutory recognition to the Court's incorporation of the defense of substantive contradiction of principles of justice and legal fairness as grounds for a preliminary pleading by defendants. (Criminal Procedure (Amendment No. 51), 5767-2007 and the bill, the Knesset Web site; C.A. 4855/02 State of Israel v. Borovitz et al., 59(6) PD 776 (5765/66-2005.)  
(Ruth Levush)

### RUSSIAN FEDERATION – Criminal Sentences May Be Changed

On May 16, 2007, the Constitutional Court of the Russian Federation ruled that court sentences that have already entered into force can be reviewed by courts and changed to harsher ones if new circumstances are discovered. This conclusion was reached after the Court recognized as unconstitutional provisions of the Criminal Procedure Code that state that the position of a convicted person cannot be worsened by another court ruling after sentencing has occurred.

The review was conducted at the request of a provincial court, which had convicted an individual accused of injuring another person before the victim died of the wounds inflicted by the convict. The victim's sister disagreed with the characterization of the crime and the severity of punishment and requested a new investigation from the state attorney's office. Because the initial court ruling had already entered into force, the Criminal Procedure Code did not allow for review of the case and did not permit an increase in punishment. In its request for an interpretation from the Constitutional Court, the provincial court argued that the Criminal Procedure Code's provisions narrow the ability of the court to apply justice and fail to guarantee equal rights to the victim and the accused. The Constitutional Court agreed with the position of the appellant, stating that new or newly discovered circumstances will be a valid reason for revision of previously issued court rulings.



Following this ruling, within six months legislators are expected to pass amendments to the Criminal Procedure Code to allow an increase in punishment to be made following an oversight review of the relevant court ruling. (*Constitutional Court Authorized Courts to Change Sentences*, NEWSRU.COM NEWS AGENCY, May 16, 2007.)  
(Peter Roudik)



## Disability

### NEPAL – Government Ordered to Protect Rights of Disabled

According to a press release issued by the non-governmental organization Pro Public on May 8, 2007, the Supreme Court (SC) of Nepal has issued a mandamus to the government to protect the rights of the physically challenged by monitoring their access to public services and constructing handicapped-friendly buildings. The SC division bench, comprising Justices Kedar Prasad Giri and Khil Raj Regmi, in response to a writ petition filed on behalf of disabled, blind, mentally retarded, and deaf persons, ordered the concerned authority to submit a report to the SC every six months regarding the progress of work on providing disabled persons access to public facilities. ([SC Orders Govt to Protect Disabled's Rights](#), LEGAL NEWS FROM NEPAL, May 9, 2007.)

(Wendy Zeldin)



## Education

### **BRAZIL – Education Development Program Launched**

On April 24, 2007, Brazilian President Luiz Inácio Lula da Silva signed Decree No. 6,094 launching an education development program (PDE) in Brazil that is designed to promote extensive changes in public education and start a new era in education. Lula was quoted as saying that it is necessary that the people and the government work hard for the success of the program, which he described as a set of rules composed of modernizing steps to be used as an instrument of national mobilization in search of a better teaching system.

The PDE has 42 measures, including, *inter alia*, the definition of a national minimum wage and a forty-hour work week for basic education teachers and the creation of the Development Index of Basic Education (*Índice de Desenvolvimento da Educação Básica*). The index will be used to assess the educational evolution of the students as well as failures and dropout rates. (*Lula Vê 'Início de Novo Século da Educação no Brasil,'* O GLOBO ONLINE, Apr. 24, 2007; *Os Principais Pontos do Plano de Desenvolvimento da Educação,* O GLOBO ONLINE, Apr. 24, 2007.)

(Eduardo Soares)





## Elections and Politics

### CONGO (Kinshasa) – Court Invalidates 2006 Election

The Supreme Court of the Democratic Republic of the Congo has declared that the July 30, 2006, election of 18 Members of Parliament is invalid. According to Court Officer Jules Ekatou, about 350 appeals published by the Independent Electoral Commission were reviewed. The elections were ruled overturned for a variety of reasons, some for errors in counting the votes and others for fraud or other violations of the election law. (*DRC: Supreme Court Invalidates Jul 2006 Election of 18 Members of Parliament*, LE PALMARES, May 7, 2007, Open Source Center No. AFP20070509679002.)

(Constance A. Johnson)

### EGYPT – Twenty-Five Brotherhood Members Arrested

On May 21, 2007, Egyptian authorities arrested 25 members of the Brotherhood Organization, a Muslim opposition group that controls one-fifth of the Parliament and is ready to participate in the June 11, 2007, election for the upper house of parliament. The week before the arrest, the Supreme Administrative Court let stand a decision to prosecute 40 Brotherhood members in a military court, on charges of money laundering. (*Twenty-Five Brotherhood Members Arrested*, AL-JAZEERA, May 21, 2007.)

(Issam Saliba)

### FIJI – Court Finds Bias In Early Prison Release of V.P.

Radio New Zealand International has reported a decision of the Suva High Court of Fiji that rules that a decision of the deposed Attorney General, Qoriniasi Bale, to release the jailed former Vice President, Ratu Jope Seniloli, after Seniloli served only a few months of a four-year sentence, was biased. Seniloli was incarcerated in August of 2004 for taking an illegal oath purporting to become President of Fiji.

Radio New Zealand International reported that the High Court did not declare the release void or require Seniloli to return to prison. The initial challenge to the release had been brought by the Citizens Constitutional Forum in January 2005; however, the High Court did not make a decision until April 2007. ([Early Release of Fiji's Former Vice President Was Biased – High Court](#), RADIO NEW ZEALAND INTERNATIONAL, Apr. 27, 2007.)

(Lisa White)



## Employment

### HONG KONG – High Court Supports Refusal to Legislate Minimum Wage for Cleaners

The High Court of Hong Kong has dismissed a challenge against the government's refusal to set a minimum wage for cleaners. The applicant argued that the Chief Executive must use his authority under the Trade Boards Ordinance to establish minimum conditions and pay; however, the court found such actions by the Chief Executive were discretionary only and that the Chief Executive had not ignored the issue by refusing to exercise his powers under the ordinance. (Chan Noi Heung and Others v. The Chief Executive in Council HCAL 126/2006 in the High Court of the Hong Kong Special Administrative Region, Court of First Instance, Constitutional and Administrative Law List.)

(Lisa White)

### ISRAEL – Extension of Parental Leave

On May 7, 2007, the Knesset (Israel's parliament) passed an amendment to the Employment of Women Law, 5714-1954. According to the amendment, workers who are parents of newborn babies are entitled to parental leave for a period of 14 weeks, instead of 12 weeks as was provided earlier. Parents are entitled to pay for this period from the national insurance fund. According to the explanatory notes of the bill, the extension meets the minimum requirement set by the Council of the European Union. (Employment of Women Law (Amendment No. 37) 5767-2007, the Knesset Web site; Employment of Women Law, 5714-1954, 8 LAWS OF THE STATE OF ISRAEL 89 (5714-1953/54).)

(Ruth Levush)

### NEPAL – Proposed Amendment to Foreign Employment Act

It was reported on May 1, 2007, that the Government of Nepal has proposed another amendment to the Foreign Employment Act (FEA), even though the legislature has yet to endorse a bill incorporating other amendments to that Act. The latest proposal, tabled in the House of Representatives, is to allow the state to export Nepalese workers to countries with which it has diplomatic ties. According to the amendment, any government office, body, or state-owned agency would be permitted to send abroad persons who are seeking foreign employment opportunities. In addition, it would allow a government body that has received labor quotas from overseas to select the job aspirants based on conditions set forth by the recipient country or by means of open competition. The current FEA does not have a provision allowing government exportation of workers to foreign nations.

The Secretary of the Ministry of Labor and Transport Management, Shyam Prasad Mainali, stated that the purpose of the amendment was to clear the way for the government to sign a memorandum of understanding with the South Korean government on an Employment Permit System. ([Amendment in Foreign Labor Act Proposed](#), LEGAL NEWS FROM NEPAL, May 1, 2007.)

(Wendy Zeldin)



## TAIWAN – Employment Law Amended to Ban Discrimination, Reduce Burdens on Employers of Runaway Foreign Workers

On May 4, 2007, Taiwan's Legislative Yuan passed a bill amending the Employment Service Act that bans discrimination against laborers and job seekers based on age or sexual orientation; the amendment was promulgated on May 23. The legislation states that employers cannot discriminate against their workers or against job seekers based on age, sex, place of birth, sexual orientation, race, language, thought, religion, party affiliation, place of ancestry, status, physical features, physical handicaps, or past labor union membership. Those convicted of violating the stipulation will be subject to a fine of NT300,000-1.5 million (about US\$8,900-\$45,000).

The amendment also permits employers of runaway foreign domestic workers, who have shown that they have reported the case to the police and cannot find a Taiwanese worker, to apply to hire new foreign domestics six months after making the report. Current law stipulates a one-year waiting period for the reapplication. Foreign labor brokers and the foreign worker are made responsible, under the new legislation, for the cost of the worker's repatriation and for any costs of his or her stay in a shelter or detention center in Taiwan. Before the bill's passage, only the foreign worker's employer was responsible for these costs. (*Worker Anti-Discrimination Bill Passes*, CHINA POST, May 5, 2007, Open Source Center No. CPP20070505968023; Shih Hsiuchuan, [Legislature Passes Anti-Discrimination Bill](#), TAIPEI TIMES, May 5, 2007; Amendment to Employment Services Law, 6745 THE GAZETTE OF THE OFFICE OF THE PRESIDENT 17-20 (May 23, 2007), Global Legal Information Network, [GLIN ID 192974](#).) (Wendy Zeldin)

## TAIWAN – Minimum Wage Hike Proposed

On April 27, 2007, a wage review committee of Taiwan's Council of Labor Affairs (CLA) recommended to the Executive Yuan (Cabinet) that the minimum wage be raised 9.09 percent, making it NT\$17,280 (about US\$519) per month, an increase of NT\$1,440 (about US\$43) from the current rate, or an hourly wage of NT\$95 (about US\$3), a hike of NT\$29. Labor groups had sought a 20 percent increase in the minimum monthly wage and a ten-year freeze of the minimum wage level. In response to the CLA proposal, the presidents of six major trade and industrial organizations requested in a joint statement issued on May 7, 2007, that the government limit the increase five percent and the hourly wage to NT\$82 (about US\$2.50). The wage review panel also proposed changing the formula for wage calculation of part-time workers, which would raise their average hourly wage to between NT\$93 and NT\$95 from the current NT\$66. The minimum wage in Taiwan has been unchanged for almost ten years, since October 1997. (Lilian Wu, *Cabinet to Consider All Factors in Raising Minimum Wage*, CENTRAL NEWS AGENCY, May 7, 2007; Annie Huang, [Wage Increase Under Review](#), TAIWAN JOURNAL, Mar. 30, 2007.)

According to the Minister of Economic Affairs, Steve R.L. Chen, “[p]erhaps, a 6 per cent hike is a barely tolerable ceiling. The [CLA-] recommended figures go far beyond the range bosses are willing to pay.” Chen also stated, however, that the Ministry of Economic Affairs



would also “flesh out various complementary packages of measures” to help industry and business meet the challenges that may arise from the increases. The measures might include, he indicated, soft loans for small- and medium-sized enterprises and on-the-job training programs to help such enterprises upgrade their productivity and competitiveness. ([Minimum Wage Hike Exceeds ‘Acceptable Range’: Taiwan’s MOEA](#), ZIBB NEWS, Apr. 30, 2007.) On June 6, 2007, the Cabinet announced that the minimum wage would rise by 9.09 percent as of July 1, to NT\$95 (about US\$2.88) per hour, or T\$17,280 (about US\$523) a month. The new minimum wage will cover employees’ paid holidays as well. (Angelica Oung & Jimmy Chuang, [Minimum Wage to Increase on July 1](#), TAIPEI TIMES, June 7, 2007.)

(Wendy Zeldin)



## Environment

### CHINA – New Controls over Foreign Hydrology, Mapping Activities

On April 25, 2007, China's State Council (Cabinet) promulgated the Regulations on Hydrology of the People's Republic of China (PRC), to take effect on June 1, 2007. Seven chapters cover general provisions, planning and construction [of hydrological stations], monitoring and forecasting, collection and exchange of materials and their preservation and use, protection of facilities and monitoring environment, legal liability, and supplementary provisions. The Regulations provide that to engage in hydrological activities in China, foreign organizations or individuals should obtain the approval of the State Council ministry in charge (the Ministry of Water Resources), in consultation with other relevant departments, and comply with PRC laws and regulations. Those who conduct such activities in transboundary rivers along the common border with neighboring countries should observe the relevant treaties and agreements concluded by the PRC with the country concerned (article 7).

Among other stipulations, the Regulations state that hydrological organizations are to strengthen monitoring of water flow and quality and immediately report to the local authorities, along with suggestions for handling the situation, any changes that could potentially threaten the safe use of water. They are also to report to the local government any detected changes in water quality that might indicate water pollution (article 20). Only the relevant government departments or authorized hydrological organizations are to release hydrological forecasts to the public (article 22). Organizations or individuals who contravene the Regulations and conduct hydrological activities without certification will be fined from 50,000 to 100,000 yuan (about US\$6,500-13,000) (article 38). (*Shou quan fa bu: Zhonghua Renmin Gongheguo shui wen tiaoli* [Authorized Issuance: *Regulations on Hydrology of the PRC*], XINHUA ONLINE, May 7, 2007; [China Tightens Control over Foreigners' Hydrological Activities](#), XINHUA ONLINE, May 8, 2007.)

The Regulations come in the wake of similar provisions, issued by the Ministry of Land and Resources, on January 19, 2007, and effective on March 1, restricting surveying and mapping activities by foreigners. The Provisional Measures on Management of Surveying and Mapping by Foreign Organizations or Individuals in China require central government approval for such activities as well as local government supervision and cooperation with a Chinese partner. They prohibit foreigners from conducting land surveys or aerial photography, mapping administrative borders, and drawing navigational maps. Foreign mapping and surveying activities in China must also not jeopardize national security. (*Wai guo de zuzhi huo geren lai Hua cehui guanli zhanxing banfa* [Provisional Measures on Management of Surveying and Mapping by Foreign Organizations or Individuals in China], XINHUA ONLINE, Jan. 22, 2007; [China Restrains Mapping by Foreigners](#), CHINA DAILY, Jan. 25, 2007; [Provisional Measures Governing the Surveying and Mapping in China by Foreign Organisations or Individuals](#), TDCTRADE.COM [Hong Kong Trade Development Council Web site], Mar. 27, 2007.)  
(Wendy Zeldin)



## Family

### INDIA – Rajasthan High Court Issues Decision on Extra-Marital Relationship

The Rajasthan High Court has ruled that a married woman can lawfully live with her lover against the will of her husband. In a judgment dismissing a habeas corpus petition filed by her husband, the court allowed a married woman, Manju, to live with her lover, Suresh. “It is improper to pass an order to hand over any unwillingly married woman to her husband with whom she does not want to stay,” the court stated. The Court said that the husband was free to approach the family court for a divorce.

Commenting on the judgment, a senior Supreme Court advocate stated that it appeared Manju’s husband had abused the habeas corpus petition, because such petitions were generally filed when somebody is actually missing. (KS Tomar, [Married Woman Can Live With Her Lover, Says Court](#), Hindustan Times (April 19, 2007).) (Shameema Rahman)

### TAIWAN – Civil Code Provisions on Family Amended

Taiwan’s legislature passed many amendments to Part IV of the Civil Code, on the family, on May 4, 2007. The revisions were promulgated on May 23. (Amendment to Part IV, Family, of Civil Code, 6745 THE GAZETTE OF THE OFFICE OF THE PRESIDENT 3-14 (May 23, 2007), Global Legal Information Network, [GLIN ID 192970](#).) Part IV was promulgated on December 26, 1930, and effective from May 5, 1931.

Some of the amendments alter provisions of Chapter II, on marriage. Formerly, a marriage was considered valid if a public ceremony with more than two witnesses was carried out, and persons who had registered for marriage in accordance with the Household Registration Act were presumed to be married. The amendment specifies that marriages must be certified in writing with the signatures of more than two witnesses and registered by both parties at a household registration office (article 982). Changes have also been made in the provisions under Chapter II on bigamy, the marital property regime, and the conditions for divorce.

The greatest number of changes affects Chapter III of the Code, on parents and children. A provision that required parents to use the father’s surname for their children has been amended to require the parents to agree on the surname in writing before registering the child’s birth (article 1059). Critics of the amendment contend, however, that it fails to address the possibility that one or both parents may refuse to allow their offspring to switch surnames; that it requires an individual who seeks a surname change to obtain parental permission, even after becoming an adult; and that it only allows the individual to switch from the father’s surname to the mother’s, or vice versa, disallowing adoption of a third surname. (Max Hirsch, [Women’s Foundation Pans Name-Change Amendment](#), TAIPEI TIMES, May 8, 2007.)



Other amendments to Chapter III relate to illegitimate children. One amendment prescribes that children born out of wedlock may demand the biological father's recognition and claim a variety of legal rights. At present these children must provide proof that the parents lived together or that the father forced the mother to have sex; the new law stipulates that only objective evidence or facts need be provided to declare a relationship and places no time constraints on the requisite procedures. (Shih Hsiu-chuan, [Legislature Passes Anti-Discrimination Bill](#), TAIPEI TIMES, May 5, 2007; *Legislature Passes Gender Equality and Employee Rights Bills*, TAIWAN NEWS, May 5, 2007.)

In addition, almost all of the Chapter III provisions on adoption (addressed under articles 1072-1083-1) as well as several provisions on the interests of minor children have been revised. (Wendy Zeldin)



## Foreign Investment

### **TONGA – New Foreign Investment Act Reserves Business Activities for Tongans**

Tonga's Foreign Investment Act 2002 came into operation in April 2007. The Act regulates foreign investment in Tonga and reserves certain business activities for Tongans. Reserved activities include: operation of taxis and of passenger vehicles for hire, used motor vehicle dealerships, retailing activity involving distribution of grocery products (food and household provisions), Tongan cultural activities, raising of chickens for the production of eggs, security business, export of green and mature coconuts, and the production of some foods or farming of certain crops. (Foreign Investment Act 2002; Foreign Investment Regulations 2006.) (Lisa White)





## Foreign Judgments

### AUSTRIA – Enforcement of a Florida Judgment

On November 30, 2006, the Austrian Supreme Court held that a child support award issued by a court in Florida was not enforceable in Austria if service of process to the father in Austria was seriously flawed through the lack of translation of the court documents, but that the defects of service would be cured if the defendant had entered an appearance in the court in Florida. (Oberster Gerichtshof, docket number 3Ob229/06g, the official Web site of the Federal Chancery.) The case was remanded to ascertain whether the defendant had submitted to the jurisdiction of the Florida court through the actions of his attorney. If there was an appearance, then the judgment will be enforceable, because there is reciprocity between Florida and Austria and because the size of the monthly support payment of US\$993 does not violate Austrian public policy, even though the amount is higher than an Austrian court would award under consideration of the defendant's income. The judgment of the Florida court was issued in 1999, and the petition for enforcement in Austria has been appealed repeatedly through various instances on various grounds since then.

(Edith Palmer)



# Freedom of Information

## CHINA – Information Disclosure Regulations

China's State Council promulgated the Regulations on Government Information Disclosure on April 5, 2007; they will enter into force on May 1, 2008. The Regulations' five chapters cover general provisions, scope of disclosure, modalities and procedures of disclosure, supervision and safeguards, and supplementary provisions. (Zhonghua Renmin Gongheguo zhengfu xinxi gongkai tiaoli [Regulations on Government Information Disclosure of the People's Republic of China], Central Government of the People's Republic of China Web site, Apr. 24, 2007; *Text of PRC Regulations on Government Information Disclosure*, XINHUA, Apr. 23, 2007, Open Source Center No. CPP20070424708001.)

Zhou Hanhua, a research fellow with the Law Institute of the Chinese Academy of Social Sciences who was involved in drafting the Regulations, contends that "disclosure of government information is a revolutionary change in relation to [China's] traditional management methods and ruling philosophy," and that their key significance "is that they make disclosure of information the government's statutory obligation." (*PRC Scholar Interviewed on Government Information Disclosure Regulations*, SHIJI JINGJI BAODAO, Apr. 27, 2007, Open Source Center No. CPP20070430050002.) However, limits are imposed by the Regulations on the information that can be disclosed; most notably, the vague concept of "state secrets" is cited (art. 14, para. 4), and the disclosure of government information may also not jeopardize national security, public security, economic security, or social stability (art. 8). (Frank Ching, *SCMP: in Info Age, Concepts Such as 'State Secrets' Need More Precise Definition*, SOUTH CHINA MORNING POST (Hong Kong), May 1, 2007, Open Source Center No. CPP20070502715007.)

Highlights of the Regulations have been described as follows: they change government disclosure from being "one-sided and gratuitous" to being a right of the applicant; they "greatly broaden" the scope of disclosure; they provide for diverse forms of disclosure, including voluntary disclosure, newly introduced disclosure on request, and statutory and non-statutory disclosure; they have a relatively high legal status as administrative regulations of the State Council; they introduce channels for statutory relief; and they require the government to provide information disclosure support systems, such as catalogs and guides and specially assigned personnel. (*PRC Scholar Interviewed on Government Information Disclosure Regulations*, *id.*) Also noteworthy is that the new provisions require county-level governments to make public sensitive information on land acquisitions and village authorities to disclose information on land-use and financial accounting. (Ching, *id.*) (Wendy Zeldin)



## Freedom of the Press

### KENYA – Regulation of Journalism

The Kenyan Information Minister, Mutahi Kagwe, has proposed a law to regulate journalism in the country and ensure that journalists exercise their freedom “responsibly in a sound and professional manner,” as well as to protect the freedom and independence of the media and promote free access to information. The bill was introduced in the legislature on May 16, 2007. If approved, the law would establish a government-funded Media Council of Kenya and Media Advisory Board to enforce a code of conduct for journalists, maintain a register of journalists, and administer a committee to review petitions raised by persons with a grievance against any publication or a complaint about the conduct of any journalist. Those found guilty by the committee would be dropped from the register. The bill in its present form does not specifically state what the effect of being taken off the register would be.

The 15 members of the proposed Council would be appointed by the Minister for Information and Communications from a list of nominees presented by 14 organizations; the Minister would also appoint the chairman. The Council in turn would appoint no less than five people, including at least one journalist, to serve on the committee.

The bill has been criticized for making no reference to the existing self-regulation mechanisms through the Independent Media Council, an industry body in operation since 2003 to oversee compliance to a code of conduct and manage an independent complaints committee. (*Kenya Seeks to Regulate Journalism Practice*, DAILY NATION (Nairobi), May 17, 2007, Open Source Center No. AFP20070517950031; *Kenyan Government Tables Controversial Media Bill*, THE STANDARD (Nairobi), May 17, 2007, Open Source Center No. AFP20070517950034.) (Constance A. Johnson)



# Gambling

## PAPUA NEW GUINEA – Bill Introduces Casinos and Internet Gambling

New Zealand media has reported that Papua New Guinea's parliament has introduced a new law to permit casinos and Internet gambling. The Gaming Control Act 2007 was sponsored by Prime Minister Sir Michael Somare and passed in the parliament on a 61-0 vote.

It is reported that the new law will permit each of PNG's provinces to have one casino license for ten years. A 20% duty and a 5% community benefit levy will be imposed on the gross profits of any casino. A South Korean consortium is reported to have Cabinet approval to build a five-star hotel and casino in Port Moresby. ([\*PNG Legalises Casinos and Internet Gambling\*](#), THE NEW ZEALAND HERALD, May 2, 2007.)  
(Lisa White)



## Gender Equality

### SENEGAL – New Law on Gender Parity Found Unconstitutional

On March 27, 2007, the Senegalese National Assembly passed a law introducing gender parity on the list of proportional representation candidates that each political party will be presenting for the June 3, 2007, legislative election. Passage of the law was initiated by President Abdoulaye Wade. It is aimed at increasing the number of female members in Senegal's future parliaments.

The law encountered strong resistance and members of the various opposition parties challenged its constitutionality before the Constitutional Council. On April 29, 2007, the Council found the law unconstitutional, stating that it violates the principle of equality of citizens and the Universal Declaration of the Rights of Man, which is incorporated in the preamble of the present Constitution. The Council added that “the Constitution only knows the citizen, to whom it grants rights, and not categories of citizens.” ([Senegal Guarantees Gender Balance in Legislative Polls](#), AFRICA NEWS, Mar. 28, 2007; Amadou Diouf, *Loi sur la parité, le conseil constitutionnel désavoue Wade*, ALLAFRICA.COM, Apr. 30, 2007.)  
(Nicole Atwill)

### UNITED STATES - Supreme Court Limits Pay Discrimination Lawsuits

On May 29, the Supreme Court ruled that employment discrimination claims under Title VII of the Civil Rights Act of 1964 based on disparate pay must be filed within 180 days from the time of the discriminatory salary decision. The Court interpreted the 180-day statute of limitations for most disparate pay claims under Title VII to begin running when the discriminatory salary decision occurs, rather than accruing anew with each paycheck.

Petitioner Lily Ledbetter worked for over two decades at a Goodyear Tire & Rubber Co. plant in Alabama. She filed a claim asserting that Goodyear discriminated against her on the basis of sex in pay determinations throughout the time of her employment. Goodyear argued the claim was time barred because it was filed more than 180 days after any of the salary decisions in question. Ledbetter argued that the limitations period accrued with each new paycheck reflecting the discriminatory pay. The U.S. District Court for the Northern District of Alabama allowed her claim to go forward, and a jury found for Ledbetter, awarding her back pay and damages. The U.S. Court of Appeals for the Eleventh Circuit reversed, holding that Ledbetter's claims were time-barred.

The Supreme Court affirmed the Eleventh Circuit, ruling that the 180-day statute of limitations accrues at the time the employer makes a discriminatory salary decision. It distinguished a 1986 Supreme Court decision that permitted a paycheck accrual rule on the ground that the latter case involved a discriminatory pay structure, while Ledbetter's case was deemed to involve distinct pay decisions within a facially neutral pay structure.



Justice Ruth Bader Ginsburg, in a dissenting opinion joined by three Justices, stated that the majority's ruling was incompatible with the Congress's broad remedial purpose in enacting the Civil Rights Act. Justice Ginsburg's dissent stated that "the ball is in Congress' court," noting that Congress could amend the law to reverse this decision, as it had in the past with respect to earlier instances of the Supreme Court's "cramped interpretation of Title VII."

On June 12, the U.S. House of Representatives Committee on Education and Labor held a hearing examining whether the statute should be amended to overturn the Supreme Court's decision. ([\*Ledbetter v. Goodyear Tire & Rubber Co.\*](#), No. 05-1074 (May 29, 2007); U.S. House of Representatives Committee on Education and Labor, Notice of Hearing, "[\*Justice Denied? The Implications of the Supreme Court's Ledbetter v. Goodyear Employment Discrimination Decision\*](#)" (June 12, 2007).  
(Luis Acosta)



## Government Employees

### CHINA – Disciplinary Regulations for Government Officials

On April 22, 2007, the State Council of China issued Disciplinary Regulations on Administrative Government Officials, to “guarantee that administrative government officials perform their duties in compliance with the law.” The Regulations were scheduled to be effective on June 1, 2007. (*Shouquan fabu: Xingzheng jiguan gongwuyuan chufen tiaoli (quan wen)*, XINHUANET, Apr. 29, 2007.)

In 55 articles, the Regulations detail a variety of wrongdoing and misconduct that merit punishment and the categories and application of the punishments. The Regulations stipulate that government officials who engage in corruption, organize superstitious gatherings, use drugs, engage in the sex trade, or fail to fulfill their duties may be demoted or dismissed, as the case may be. Article 29 of the Regulations sets forth several “immoral activities” that are to be punished: (i) refusal to support family members; (ii) abuse or abandonment of family members; (iii) maintenance of a mistress; and (iv) commission of any other conduct that seriously offends against the public morality.

Qu Wanxiang, Vice Minister of Supervision, said “the regulation is important for consolidating the CPC’s ruling position, safeguarding state power, improving ethical standards of officials and persuading them to adopt a clean, honest and down-to-earth work style to better serve the people.” ([\*Chinese Wrongdoing Civil Servants to Be Punished\*](#), XINHUANET, Apr. 29, 2007.)

(Laney Zhang)



## Government Ethics

### ZAMBIA – Former President Found Guilty of Corruption

Zambia's former President, Frederick Chiluba, was found guilty by a court in the United Kingdom of having taken the equivalent of US\$46 million in public funds. The decision was issued in connection with a civil suit brought on behalf of the Attorney General of Zambia. Chiluba has said that he does not accept the jurisdiction of the British courts in the matter. Part of the money taken was apparently laundered through two U.K. law firms. Evidence in the case included Chiluba's designer wardrobe; he was said to have paid about US\$1.2 million to a Swiss shop for clothing while in office from 1991 to 2001, a period during which he officially earned about US\$100,000. When a number of his suits were seized from a warehouse in 2005, Chiluba complained to the press, "What they have done is to bring my underpants out to the general public."

The British International Development Secretary, Hilary Benn, had supported the suit and said of the ruling.

This is an historic victory for the people of Zambia and shows their commitment to bringing those who steal from the state to account - however powerful they are.... The money recovered can now be returned to the government of Zambia to be invested in the people's future - such as education or clean drinking water for some of the 7m Zambians living in poverty.

Current Zambian President Levy Mwanawasa has launched an anti-corruption drive against the previous administration and has said he would pardon Chiluba if the former President admitted his guilt and returned 75 percent of the money taken. ([Zambia's Chiluba Guilty of Graft](#), BBC NEWS, May 4, 2007.)  
(Constance A. Johnson)





## Government Organization

### NEPAL – Government Executive Authority Not Justiciable

On May 3, 2007, the Government of Nepal informed the Supreme Court that it had exercised its executive authority to amend Police Regulation 1992, on the formation of the Metropolitan Police force, and that the matter was not justiciable. The Government amended the Regulation on February 12, 2007, but it was implemented retroactively from November 17, 2006.

In challenging the Government's decision to amend the Regulation with retrospective effect, advocate Madhav Kumar Basnet had contended that the action contravened the principle of law and the spirit of the Interim Constitution of 2007. The Government claimed, however, in an affidavit submitted in response to show cause notices from the Supreme Court, that it can amend any regulation with retrospective effect and that the Metropolitan Police force was formed to maintain security in Nepal. It argued: "[m]aintaining law and order and security in the country is an exclusive authority of the government and the Supreme Court cannot test the matter. It is not a justiciable issue. ... It is the job of the government to promulgate and amend Acts." The Government further stated, "[u]nder the doctrine of political necessity, the government has the authority to promulgate Acts that are compatible with the changed political system." (*Government's Executive Authority Not Justiciable*, LEGAL NEWS FROM NEPAL, May 4, 2007.)

(Wendy Zeldin)

### SENEGAL – Reinstatement of the Senate

The Senegalese National Assembly passed Law 10-2007 of May 10, 2007, reinstating the Senate. The latter is scheduled to hold its first session sometime in November, pursuant to the legislative election that will take place on June 3, 2007. Established in 1999 by the socialist regime, the Senate was abolished by a referendum on the Constitution of January 7, 2001, one year after Abdoulaye Wade assumed office as President of the Republic. At that time, the Senate was viewed as too costly and "useless."

According to LE MESSAGER, a local newspaper, the Council of Ministers has prepared a draft constitutional law setting forth the eligibility criteria for senators. Under the proposed law, 35 senators would be elected and 65 would be appointed by the President of the Republic. The President of the Senate would become the number two official in the country's line of succession in case of the resignation, incapacitation, or death of the President of the Republic. (*Senegalese Legislators Vote to Resuscitate Second House of Parliament*, RADIO FRANCE INTERNATIONALE, MAY 11, 2007, Open Source Center, No. EUP20070511950025; *Plénière à l'Assemblée nationale: La loi sur le sénat est adoptée*, LE MESSAGER, <http://www.lemessager.sn> (last visited May 15, 2007).)

(Nicole Atwill)



**SERBIA – New Administration for Kosovo**

On May 18, 2007, the Serbian government established a new Ministry for Kosovo and Metohija, tasked with the duties of state administration of the Serbian parts of the province and with drafting a new law on Kosovo's autonomy. The Ministry is to ensure the proper functioning of Serbian state institutions in the territory of Kosovo Province; its jurisdiction extends to finance, legal development, personnel decisions, education, health, social policy, culture, infrastructure, telecommunications, and activities of the Serbian Orthodox Church in the regions populated by non-Albanian communities. The Ministry is designated to be the government institution in charge of cooperation with the U.N. Mission in Kosovo, KFOR (the NATO-led Kosovo Force), and the U.N. Commissioner for Refugees on issues regarding the displaced persons from Kosovo. The Ministry is to propose to the Serbian government candidates for the negotiation team to handle negotiations on the settlement of the future status of the province. (*Ministry to Propose Law on Essential Autonomy*, TANJUG DAILY NEWS, May 18, 2007.)

(Peter Roudik)



## Health Law & Regulation

### AUSTRALIA – Victoria State Permits Therapeutic Cloning

Victoria has become the first Australian state to allow therapeutic cloning, following the passage of the Infertility Treatment Amendment Act 2007 (Vic). This legislation permits the use of excess in vitro fertilization embryos to create stem cells for research into degenerative diseases. (Infertility Treatment Amendment Act 2007 (VIC).)  
(Lisa White)

### KENYA – Traditional Alcoholic Drinks Legalized

A new Licensing (Repeals and Amendments) Act 2006, issued April 16, 2007, and effective May 1, 2007, has repealed Kenya's 1971 Traditional Liquor Act. The 1971 Act had prohibited the consumption of traditional brewed drinks such as *muratina*, *mnazi*, and *busaa*. The action was taken through Legal Notice 53 (published in the KENYA GAZETTE, supplement no. 101), with the effective date determined by the Finance Minister, Amos Kimunya. Members of Parliament and other concerned citizens had advocated the repeal of the ban. They hope that the legalization will reduce the consumption of illicitly brewed drinks, which have led to fatalities in the past. (*Kenya Legalizes Traditional Alcoholic Brews*, THE STANDARD (Nairobi), May 17, 2007, Open Source Center No. AFP20070517950023.)  
(Constance A. Johnson)

### SRI LANKA – Mosquito Control Measure

The Parliament of Sri Lanka has passed a Prevention of Mosquito Breeding Act that is now pending approval by the Speaker, W.J.M. Loku Bandara. Once implemented, the Act will require home owners to control mosquito breeding or be subject to a fine of Rs1,000-25,000 (about US\$9-226) or imprisonment. The Act was proposed by the Ministry of Health as a part of its program to curb mosquito-born illnesses, including dengue fever, *chikungunya*, filariasis, and malaria. ([\*Prevention of Mosquito Breeding Act to Be Implemented in Sri Lanka Soon\*](#), COLOMBOPAGE, May 16, 2007.)  
(Constance A. Johnson)



# Human Rights

## **BURUNDI – UN Urges Transitional Justice Mechanism**

On May 30, 2007, the United Nations Security Council and Louise Arbour, the High Commissioner for Human Rights, urged Burundi to work for peace through justice. The Council adopted a statement commending the country for recent political development and steps to promote national reconciliation and advocating that more be done to reform the security organs and deal with human rights abuses by security officers. One such step would be to bring perpetrators of abuses to justice. More efforts should be made, according to the statement, to “combat impunity and to promote and protect human rights, paying in this context particular attention to reducing the high level of gender-based violence and of violence against children.” One goal is to establish a transitional justice mechanism. A U.N. Integrated Office in Burundi has been established to support the peace consolidation process.

Commissioner Arbour, who had just returned from a visit to Burundi and other nations in the region, said that human rights concerns in the country include “a lack of independence of the judiciary, a culture of impunity and continued violence perpetrated by State agents and armed groups throughout the country.” Although she cited a “determination from all sectors of society to participate actively in the ongoing democratic process” which could lead to peace, justice, and reconciliation, there is still a need for consensus building before the establishment of a Truth and Reconciliation Commission and a Special Tribunal. One fundamental agreement that has been reached is that there will be no amnesty for genocide, war crimes, and crimes against humanity. At the same time, she hailed “a real determination from all sectors of society to participate actively in the ongoing democratic process, which, if properly channeled, should ensure lasting peace, justice and reconciliation.” (*Burundi: Security Council Urges Measures to Bring Rights Violators to Justice*, UNNEWS, May 30, 2007.)  
(Constance A. Johnson)

## **CHAGOS ISLANDS (UNITED KINGDOM) – Evicted Islanders May Return Home**

A Court of Appeal ruling has overturned an order made by the British government in 2004 that banned Chagos Islanders from returning to their homes. The islanders were evicted in the 1960s from their homes on a chain of Islands in the Indian Ocean to make way for what is now the Diego Garcia U.S. military base. The Islanders had previously obtained a high court judgment that their eviction was unlawful; however, the British government essentially nullified this judgment with an order that prevented the Islanders from returning to their homes.

The Court of Appeal ruled that the order, made under the Royal Prerogative and thus not receiving Parliamentary approval, was unlawful and an abuse of power by the executive. The judgment permits the Islanders to return to their home country, other than the island Diego Garcia, immediately, unless the government can show good cause for a stay. (*Secretary of State for the Foreign and Commonwealth Affairs v. R (on the Application of Bancoul)* [2007] EWCA



Civ 498; [Chagos Islanders Win Legal Battle to Return Home](#), THE INDEPENDENT (London), May 23, 2007.)  
(Clare Feikert)

### **INTERNATIONAL CRIMINAL COURT – Mission in Chad**

The International Criminal Court (ICC), which in early May 2007 issued arrest warrants against individuals suspected of committing crimes against humanity and war crimes in Sudan's Darfur region, conducted a three-day visit to refugee camps in eastern Chad. The ICC officials were explaining their work, including the rights of victims to participate in all phases of ICC work, whether or not they eventually become witnesses. On May 2, 2007, ICC Registrar Bruno Cathala and the Head of the Division of Victims and Counsel Didier Preira began their meetings with representatives from three refugee camps. These camps, at Bredjing, Farchana, and Treguine, now house 65,000 of the approximately two million displaced persons from Darfur who are now in the neighboring nation. (*Darfur: International Criminal Court Holds Outreach Mission in Neighbouring Chad*, UNNEWS, May 3, 2007; Press Release, International Criminal Court, [Visit of the Registrar to Refugee Camps in Eastern Chad](#) (May 3, 2007).)  
(Constance A. Johnson)



## Immigration and Nationality Law

### CANADA – Immigration Reforms Proposed to Prevent Exploitation and Abuse

On May 16, 2007, the Minister of Citizenship and Immigration introduced a bill that would give immigration officials the authority to deny persons work visas if they believe the applicant may be exploited or abused if he or she is admitted to Canada. ([An Act to Amend the Immigration and Refugee Protection Act, Bill C-57](#), 39<sup>th</sup> Parl. 1<sup>st</sup> Sess.). Although the bill does not define exploitation or abuse, the Department of Citizenship and Immigration has released a statement stating that it is primarily aimed at protecting foreign strippers and other persons who may become victims of human trafficking.

Over the past year, the government has been trying to reduce the number of foreign strippers admitted to Canada, most of whom come from Eastern Europe, because of the large number of cases in which women admitted for that purpose have been forced into prostitution. However, immigration officials are generally required to issue permits to persons who meet the existing criteria for temporary workers. The proposed changes would give these officials the authority to deny permits to persons who may be at risk. These changes could also be applied to other businesses that have a history of exploiting or abusing persons. (Press Release, Citizenship and Immigration Canada, Canada's New Government Introduces Amendments to Deny Work Permits to Foreign Strippers (May 16, 2007).) (Stephen Clarke)

### CANADA – New Office to Help Skilled Immigrants Find Jobs

Of the approximately 250,000 new immigrants that Canada accepts annually, over two-thirds fall into the skilled worker category. Canada favors skilled workers because experience has shown that they are the type of immigrants who are most likely to become successfully established in Canada. However, Canada is experiencing a growing problem with new skilled immigrants being unable to find jobs in their chosen fields despite the fact that unemployment is at a 30-year low. One reason for this is that the provinces license most professions, and some provinces have not recognized foreign credentials as quickly as the federal government would like.

In order to assist underemployed persons, the Department of Citizenship and Immigration has established a new Foreign Credentials Referral Office. This office will attempt to help immigrants have their credentials assessed and recognized even before they enter the country. The Foreign Credentials Referral Office will also attempt to help new skilled immigrants “navigate through the complex system of foreign credentials recognition,” according to the Minister of Citizenship and Immigration. Additionally, the Department has set up a Web site, <http://www.credentials.gc.ca>, to help individuals find jobs for which they are immediately qualified. ([New Government Office to Help Foreign Professionals Get Accredited in Canada](#), CANADIAN PRESS, May 24, 2007.) (Stephen Clarke)



**SINGAPORE – Introduction of Working Vacation Program**

Singapore has introduced a new work visa to permit students and graduates of universities in Australia, France, Germany, Hong Kong, Japan, New Zealand, the United Kingdom, and the United States between 17 and 30 years of age to work for six months within Singapore. The purpose of the program is to allow students to experience life in Singapore and thus encourage them to work in Singapore after their graduation or later in their careers. (Press Release, Ministry of Manpower, [MOM Introduces Work Holiday Programme](#) (May 18, 2007).) (Lisa White)

**ZAMBIA – New Committee to Screen Expatriate Work-Permit Applications**

The Government of Zambia has established a committee under the Ministry of Labour and Social Security to examine expatriates' work permit applications before the Department of Immigration can issue the permits to successful applicants. Ngosa Shisupa, Permanent Secretary of the Ministry, stated on May 21, 2007, that the Government would disqualify the applications of foreign expatriates whose professional skills could be supplied by Zambians, by means of the screening process carried out by the new committee. (*State Sets Up Committee to Scrutinize Work Permit Applications from Expatriates*, ZAMBIA DAILY MAIL (Lusaka), under "Zambia," in *Highlights: Daily News Digest for Botswana, Swaziland and Zambia*, May 23, 2007, Open Source Center No. AFP20070523516009.) (Wendy Zeldin)





## Intellectual Property

### EUROPEAN UNION – Criminal Penalties for Infringement of Intellectual Property Rights

Recently, the European Union has been experiencing a tremendous rise in the circulation of fake goods, including handbags, sports cars, and medications. In an effort to curb this problem, which, according to the European Commission (EC), is associated with organized crime, a directive is pending before the European Parliament. For the first time, the Directive requires EU Members to adopt criminal sanctions including imprisonment and fines for those who intentionally violate intellectual property rights for purposes of commercial gain. The maximum fine is at least €300,000 and/or four years of imprisonment. The draft Directive excludes patent rights. The Legal Affairs Committee of the EU Parliament has endorsed the proposal.

Until September 2005, the EC was precluded from legislating on criminal law issues. However, following a ruling by the European Court of Justice on environmental crimes, the EC acquired new powers to introduce legislation in order to harmonize criminal laws across the border. ([MEPS Approve Criminal Law in Copyright Area](#), EUOBSERVER, Mar. 3, 2007.) (Theresa Papademetriou)

### KOREA, SOUTH – Patent Trolls

CJ Asset Management, a private South Korean corporation, invested W15 billion (about US\$16 million) and set up the CJ Veritas Intellectual Rights Fund on May 10, 2007. The Fund has partnered with the Electric Telecommunication Research Institute (ETRI), which is under the Ministry of Science and Technology. The Fund will act as ETRI's proxy in filing international suits against foreign companies that violate ETRI's patent rights. If the Fund wins a case, ETRI will receive its royalties and the Fund will take half of the royalties in commission. ETRI has handed over to the Fund the rights to five wireless technology patents. Lawsuits are expected to be filed against cellphone makers such as Motorola and Nokia, wireless service providers such as Verizon and Sprint, and chip makers such as Qualcomm and Freescale Semiconductor. The Fund will pay the costs of the lawsuits, which will be fought by Fish & Richardson, a U.S. law firm that specializes in patent rights. ([New Fund Will Battle Foreign Trademark Abusers](#), CHOSUNILBO, May 11, 2007.) (Sayuri Umeda)

### KOREA, SOUTH – Reward for Piracy Informers

The Korea Trade Commission, which is under the Ministry of Commerce, Industry, and Energy, is planning to reward people who report violations of intellectual property rights by giving them ten percent of the fines the pirates must pay. ([Gov't to Reward Piracy Informers](#), CHOSUNILBO, May 15, 2007.) (Sayuri Umeda)





## International Relations

### **AUSTRALIA – Implementation of U.N. Sanctions Against Iran**

The Australian government has implemented United Nation's Resolution 1747 imposing sanctions on Iran into Australian domestic law via amendments to the Customs (Prohibited Imports) Regulations 1956 (Cth) and by United Nations (Sanctions – Iran) Regulations 2007 (Cth). Under Australian law, it is now an offense to import from Iran arms or related material (regardless of whether or not such material originated in Iran) or to engage in conduct resulting in the procurement of arms or related material from Iran (regardless of whether or not such material originated in Iran). (Customs (Prohibited Imports) Regulations 1956 (Cth), United Nations (Sanctions – Iran) Regulations 2007 (Cth).)

(Lisa White)

### **CHINA – Extradition Treaties Signed with Two African Countries**

On April 27, 2007, China's National People's Congress Standing Committee (NPCSC) ratified extradition treaties with Namibia and Angola. The treaty with Namibia, comprising 25 articles, was signed on December 19, 2005, in Beijing. The treaty with Angola, comprising 22 articles, was inked on June 20, 2006, in the Angolan capital city of Luanda. (Decision of the NPCSC on Ratifying the Extradition Treaty Between the People's Republic of China and the Republic of Namibia (in Chinese), LAW-LIB.COM; Decision of the NPCSC on Ratifying the Extradition Treaty Between the People's Republic of China and the Republic of Angola (in Chinese), LAW-LIB.COM.)

(Wendy Zeldin)

### **PORTUGAL – Strengthening Brazil-EU Ties**

Portugal is planning to make Brazil a strategic partner of the European Union when Portuguese Prime Minister Sócrates Carvalho Pinto de Sousa assumes, in July 2007, the presidency of the EU. It will be Portugal's third European Community presidency and will coincide with the 50<sup>th</sup> anniversary of the existence of that institution.

At Portugal's suggestion, the EU is organizing the first summit meeting between the EU and Brazil, to take place in Lisbon on July 4, 2007. On that occasion, Carvalho Pinto de Sousa is scheduled to meet with Brazilian President Luiz Inácio Lula da Silva to discuss a future strategic partnership between the EU and Brazil. The meeting is expected to enable Brazil to achieve a position of parity in political talks with the EU, a status only enjoyed by the United States, Canada, Russia, China, Japan, and India.

To this effect, Portugal has successfully contacted all the EU partners to bring to their attention the significance of granting Brazil this status, which is viewed as justified by Brazil's current international importance. Throughout, Portuguese officials have worked very closely with Brazilian authorities. (*Brazil: Portugal to Use EU Presidency to Strengthen Brazilian Ties*, May 16, 2007, Open Source Center, No. LAP20070516032003.)

(Eduardo Soares)



## UNITED STATES – Tax Liens on Property Owned by Foreign State Upheld

On June 14, the U.S. Supreme Court ruled that the Foreign Sovereign Immunities Act of 1976 (FSIA) does not immunize a foreign government from a lawsuit to enforce a tax lien on property held by the foreign government for the purpose of housing its employees.

Under New York law, real property owned by a foreign government is exempt from taxation if it is “used exclusively” for diplomatic offices or for the quarters of a diplomat “with the rank of ambassador or minister plenipotentiary” to the United Nations. However, portions of such real property used for other purposes, such as housing lower level employees, are not immune from taxation under New York law. Due to India’s refusal to pay real estate taxes on these portions, unpaid taxes eventually converted into tax liens. The City of New York filed lawsuits to obtain declaratory judgments establishing the validity of the liens. Both the federal trial court and the Court of Appeals for the Second Circuit found the liens to be valid. An appeal to the U.S. Supreme Court followed.

The Court noted that under the FSIA, a foreign state is presumptively immune from lawsuits unless a specific exception applies. One such exception is where rights in immovable property situated in the United States are in issue. The Court found that the City of New York’s tax lien against property owned by the Permanent Mission of India constituted an interest in “immovable property situated in the United States,” and thus fell under the FSIA exception. The Court also found that the FSIA’s purpose was to recognize the doctrine of sovereign immunity with respect to a foreign state’s public or sovereign acts, but not private acts, and that property ownership was not an inherently public act. ([\*Permanent Mission of India to the United Nations v. City of New York\*](#), No. 06–134 (June 14, 2007).)  
(Gary Robinson)



## Justice

### **JORDAN – Lenient Prison Sentences for Attempt to Smuggle Arms to West Bank**

On May 17, 2007, the State Security Tribunal of Jordan handed down lenient prison sentences for two Jordanians of Palestinian descent convicted of trying to smuggle arms to Palestinian territories financed by one Saudi and one from the United Arab Emirates. The Tribunal sentenced Ruhi Ibrahim Atie to life in prison but reduced the sentence to 15 years of hard labor and sentenced Abd al-Karim al-Tamoni to seven years' imprisonment reduced to three years. (*Lenient Prison Sentences Against Jordanians for Trying to Smuggle Arms to the West Bank*, AL-SHARQ AL-AWSAT, May 18, 2007.)

(Issam Saliba)



# Money Laundering

## **GHANA – Money Laundering Bill**

The Cabinet of Ghana has approved an anti-money laundering bill, according to a May 7, 2007, news report, and it is now being discussed by the relevant parliamentary subcommittee. The Minister of National Security, Francis Poku, who spoke at the opening of a workshop for financial intelligence units in West Africa being held in Accra, stated that the Ghanaian government “is watching with keen interest the activities of law-enforcement agencies and all state institutions which are charged with the responsibility of monitoring the illegal networks of drug traffickers, terrorists and all who use money laundering to sustain the criminal industry.” (*Ghanaian Cabinet Approves Bill to Fight Money Laundering*, GHANA BROADCASTING CORPORATION RADIO 1, May 7, 2007, Open Source Center No. AFP20070507950049.)

It was reported in February 2007 that Ghana had signed two agreements with the United Nations Office on Drugs and Crime (UNODC) in order to build the operational and logistical capacity of the country’s law enforcement agencies to combat money laundering and drug trafficking. The anti-money laundering and anti-terrorist financing agreement is being jointly implemented by the Anti-Money Laundering Inter-Governmental Group of the Economic Community of West African States (ECOWAS) Secretariat and the UNODC. The project’s aim is to support anti-money laundering efforts in West Africa “by enhancing specialized knowledge, legislative framework and operational capability at the sub-regional and national levels.” (*Ghana: UNODC Sign Agreement on Drug Trafficking and Money Laundering*, EXPO TIMES, Feb. 18, 2007.)  
(Wendy Zeldin)



## National Security

### LEBANON – Twenty Members of “Fath al-Islam” Indicted

On May 30, 2007, the investigative judge assigned to the Lebanese Military Tribunal indicted 19 Lebanese nationals and one Syrian who are members of the extremist organization known as “Fath al-Islam.” The indictment consists of several counts that include formation of armed gangs to commit murders and other serious crimes against the public, to destroy public confidence in the State and its civil and military institutions, and to commit terrorist acts. (*Twenty Members of ‘Fath al-Islam’ Are Indicted*, AL-SHARQ AL-AWSAT, May 31, 2007.)  
(Issam Saliba)

### UNITED KINGDOM – Two Jailed over Breach of Official Secrets Act

Two individuals – a civil servant and a researcher for a Member of Parliament – have been jailed under the United Kingdom’s Official Secrets Act 1989 for attempting to leak details of a conversation between Prime Minister Tony Blair and President George W. Bush that occurred in the Oval Office of the White House and concerned Iraq. The details were contained in a four-page document prepared at Downing Street and passed from the civil servant, who was working at the Cabinet Office, to a researcher for an MP. The document was then passed from the researcher to the MP, who alerted Downing Street, which subsequently called in the police. The civil servant was sentenced to six months of imprisonment, and the researcher was sentenced to three months. (Robert Verkaik, [Two Jailed for Trying to Leak Details of Blair's Talks with Bush](#), THE INDEPENDENT (London), May 10, 2007.)  
(Clare Feikert)



## Pensions and Retirement

### GERMANY – Garnishment of Retirement Income

On March 26, 2007, Germany promulgated the Act Protecting Old Age Income from Attachment (BUNDESGESETZBLATT I at 368). The Act adds sections 851 c and 851 d to the Code of Civil Procedure. These provisions protect retirement savings plans and the benefits derived from them against attachment by debtors and are analogous to protections of wage and pension income already enacted in sections 850 – 851 b of the Code. On the basis of these provisions, wages and pensions that do not exceed €30 (US\$1,255) per month cannot be garnished, and receipts in excess of these amounts can be garnished only partially. The newly introduced provisions extend this protection to certain retirement savings plans that are tax favored and to the income derived from them in old age. The reform benefits primarily the self-employed, who rely on such plans for old age protection. Prior to the reform, their old age income was not adequately protected against bankruptcy.

(Edith Palmer)

### GERMANY – Social Security

The Act Adjusting Retirement Age in Old Age Pension Insurance was promulgated on April 20, 2007 (BUNDESGESETZBLATT I at 554). The Act raises the social security retirement age from the current 65 years to 67 years, and it phases in this change between 2012 and 2024 by increasing the retirement age by one month during each year and between 2025 and 2029 by increasing the retirement age by two months each year. The change begins to affect workers born after 1946. Those born in 1947 can retire at age 65 plus one month and those born in 1964 will have to work until age 67 before being eligible for their full pension. Germany raised the retirement age in the mandatory social security old-age pension scheme to improve the financial situation of the system and to take into account demographic changes.

(Edith Palmer)

### JAPAN – Integration of Employee’s Pension and Mutual Aid Pensions

The bill to amend the Employee Pension Law and other related laws in order to integrate employee pensions and mutual aid pensions was submitted to the Japanese Diet in April 2007. (Cabinet Bill No. 95, 166th Diet Session.) The public servants’ pension system has certain advantages over private firms’ pension system. For example, until 1962, public servants did not have to pay pension premiums. The government filled the fund to compensate for the lack of pre-1962 premiums. When the Diet passes the bill and it becomes effective, a public servant’s pension will be reduced by up to ten percent. (Hiyosha nenkin seido no ichigenka to ni kansuru kihan hoshin ni tsuite [Regarding integration policy of employee’s pension], Cabinet Decision (Apr. 28, 2006).)

(Sayuri Umeda)



**SWITZERLAND – Civil Service Retirement**

With the promulgation on December 20, 2006, of the Act on the Federal Pension Fund (Amtliche Sammlung des Bundesrechts 2004, at 2239), Switzerland reformed its civil service retirement system. The reform becomes effective in 2008. It aims at providing sufficient capital for the actuarially sound pension system by increasing employee contributions, decreasing benefits, and increasing the retirement age to 65, while at the same time decreasing the government's contribution. Whereas currently the government is liable for two-thirds of the risk of inflation, under the reformed system, the employers and employees share the inflation risk equally. However, the Federal Government will continue to guarantee the system (Botschaft, Sept. 23, 2005, Bundesblatt 5829). It is expected that many civil servants who are eligible to retire will do so before the new system goes into effect in order to retain their currently expected benefit level (Frühpensionierungen werden die Publica belasten, Neue Zuercher Zeitung, Mar. 27, 2007, at 14, LEXIS/NEXIS, WORLD Library, NZZ File.) (Edith Palmer)



## Property Law

### CHINA – Land Laws, Regulations, Rules Being Reviewed

On May 8, 2007, the Ministry of Land and Resources (MLR) of China circulated a notice on implementing the landmark Property Rights Law (promulgated by the National People's Congress on March 16, 2007) (*see also CHINA – Property Rights Law*, 4 W.L.B. 2007). According to the notice, a thorough review of the currently effective land laws, regulations, and rules in order to avoid conflict with the Property Rights Law is underway, which is to be completed by the end of year 2007. Those in conflict with the Property Rights Law will be amended or abolished. Local land and resources authorities are called upon to review the local land rules as well. (*Guotu Ziyuan Bu Guanyu Guanche Shishi Zhonghua Renmin Gongheguo Wuquan Fa de Tongzhi [The MLR Notice on Implementing PRC Property Rights Law]*, GOV.CN [central government official Web site], May 8, 2007.)

The notice specifically mentions three new regulations that are to be promulgated this year. Under the Property Rights Law, although ownership of all city lands is still exclusively enjoyed by the state, residential construction land-use rights will automatically be renewed on expiry. The Law leaves open detailed issues such as land premiums for the renewals, issues that are expected to be interpreted by one of the three sets of regulations, the “Regulations on Determination of Ownership of Land and Land-Use Rights.” The other two regulations are “Regulations on Land Registration” and “Administrative Rules on Allocated Land-Use Rights.” (*2007 Nian Jiang Wancheng Wuquan Fa Sanbu Bumen Peitao Guizhang de Zhiding [Three Departmental Regulations to Cope with the Property Rights Law to Be Issued by 2007]*, XINHUANET, May 21, 2007.)

In addition, the Supreme People's Court is preparing a judicial interpretation of the Property Rights Law. (*Zuigao Renmin Fayuan Jiang Shishi Zhiding Wuquan Fa Xiangguan Sifa Jieshi [The Supreme People's Court Is to Issue Judicial Interpretation of the Property Rights Law in Proper Time]*, XINHUANET, Mar. 29, 2007.)  
(Laney Zhang)





## Religion

### SAUDI ARABIA – Authorities Release Five Kuwaitis

On May 20, 2007, Saudi Arabian authorities released from detention five Kuwaitis who had been held in custody for interrogation for ten days. The Kuwaitis were arrested in Medina for distributing religious audio cassettes and were released to the Kuwaiti authorities. The Director of Public Relations of the Ministry of Interior in Kuwait acknowledged that Kuwait had received the detainees and would complete the investigation of them. (*Authorities Release Five Kuwaitis*, AL-SHARQ AL-AWSAT, May 21, 2007.)  
(Issam Saliba)



## Sports

### CHINA – Measures on Medical Drug Use Exemption for Athletes

On March 30, 2007, China's General Administration of Sport issued a circular transmitting the Measures on the Administration of Medical-Use Drug Exemptions for Athletes. A "medical-use drug exemption" refers to permission granted to an athlete who, for medical treatment purposes, has a real need to use prohibited substances or methods stipulated in the Catalog of Stimulants and who uses them after having submitted an application and obtained approval to do so in accordance with the Measures' provisions. The Measures are applicable to registered athletes who participate in nation-wide sports competitions or relevant athletic associations. They provide that athletes who participate in international sports events for which the related international organization stipulates that applications must be made to them for a medical-use drug exemption should apply for such an exemption to that organization in accordance with the provisions of the World Anti-Doping Code or the affiliated international individual sports event association. Athletes cannot simultaneously apply for more than one exemption to a sports organization or anti-doping organization, according to the Measures. (*Guanyu xiafa 'Yundongyuan zhiliao yong yao huomian banfa (shi xing)' de tongzhi [Circular on Handing Down the 'Measures on the Administration of Medical-Use Drug Exemptions for Athletes (for Trial Implementation)']*, General Administration of Sport Web site, May 8, 2007.) (Wendy Zeldin)



# Taxation

## CANADA – Quebec Government Proposes Large Tax Cut

The Province of Quebec has among the highest average tax rates and the most extensive system of social services in Canada. During the March 2007 election campaign, taxes were a major issue. Since being returned to power, the Liberal government headed by Premier Jean Charest has presented a budget that cuts taxes by almost Can\$1.2 billion annually. Because Premier Charest's government is a minority one that does not have half of the seats in the National Assembly, Charest will need the support of one of the two other represented parties to have his budget approved. The party in second place, the Action Democratique du Quebec, has already indicated that it will oppose the measure because it favors a balanced budget. This means that the fate of the government will probably rest in the hands of the separatist Parti Quebecois (PQ). Since almost winning the 1995 referendum that could have led to a declaration of independence for Quebec, the PQ has lost much support and is currently without a leader. The government is hoping that the PQ will be obliged to support the budget because it is not prepared for another election. Defeat of the budget would oblige the Premier to call an election, even though his current government is only three months old. The Premier is also counting on increases in transfer payments from the federal government to largely offset the large tax cuts. (Les Perreux, [\*Quebecers Get Long-Awaited Tax Cut, PQ to Decide Life of Minority Government\*](#), CANADA PRESS, May 24, 2007.)  
(Stephen Clarke)

## LATVIA – New Subjects of Income Taxation

On May 21, 2007, the Latvian Parliament passed amendments to the Income Tax Law. The action was taken in the course of adopting the government's anti-inflation plan, which is aimed at stopping consumer price hikes. Under the amended Law, real estate transactions of Latvian residents are subject to income tax. The Law establishes a new 25-percent tax on profits derived from real estate transactions. Individuals who have owned a property for more than five years and used it as a primary residence for more than one year will be exempt from paying this tax; those who have registered their property before the amended Law enters into force will not pay the tax until the year 2010. The Latvian Finance Ministry, the author of the bill, stated that it hopes that the new provisions will help to restrict speculative deals in the real estate market and lower price increases in the real estate sector. (*Latvia: Residents to Pay Income Tax on Real Estate Deals*, BNS BUSINESS WEEKLY, May 21, 2007.)  
(Peter Roudik)

## ZAMBIA – Planned Increase in Mineral Royalties and Corporate Taxes

In early May 2007, Zambia's Finance and National Planning Minister, Ngandu Magande, was quoted as saying that the government planned to raise mineral royalties and corporate taxes in June after renegotiating development agreements with foreign mining firms. According to Magande, the government had informed foreign copper and cobalt mining companies of an increase in mineral royalties to three per cent from the current 0.6 per cent and of the corporate



tax to 30 percent from the current 25 percent. (*Government To Review Mineral Royalties, Taxes with Mining Companies*, ZAMBIA DAILY MAIL (Lusaka) [Government-owned daily newspaper], under “Zambia,” in *Highlights: Daily News Digest for Botswana, Swaziland and Zambia*, May 4, 2007, Open Source Center No. AFP20070504516009.) Maxwell Mwale, Deputy Minister of Mines and Minerals Development, has emphasized, however, that in re-negotiating the mining agreements the government “would adopt a policy of persuasion.” (*Government to Adopt Policy of Persuasion in Renegotiating Mining Agreements*, THE POST (Lusaka) [a daily pro-opposition newspaper], under “Zambia,” in *Highlights: Daily News Digest for Botswana, Swaziland and Zambia*, May 11, 2007, Open Source Center No. AFP20070511516010.)  
(Wendy Zeldin)



# Terrorism

## AUSTRALIA – Terrorism Charges

The Australian Federal Police have reported that two men have been charged with terrorism offenses under the Criminal Code Act 1995 (Cth) in relation to their association with the terrorist organization Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka. Specifically, the men were each charged with being a member of a terrorist organization, knowing that the organization is a terrorist organization; providing support to a terrorist organization; and intentionally receiving funds from or making funds available to a terrorist organization, knowing that the organization is a terrorist organization. (Press Release, Australian Federal Police, [Two Men Charged with Terrorism Offences](#) (May 1, 2007).)

(Lisa White)

## EUROPEAN UNION – Surveillance of Terrorist Websites

The European Union has intensified its efforts to find out about terrorist activities through the Internet. In April 2007, the EU established an online police portal named “Check the Web,” which permits the 27 Member States to pool data on Islamist propaganda and Internet chatter at the European Police Office (Europol) located in the Hague. This portal is accessible to five experts from each Member State. It will include a list of links to Web sites that will be monitored, statements made by terrorist organizations, and other information.

In a May 2007 meeting in Brussels, EU ambassadors stressed that “terrorists use the Internet not only as a means to communicate and spread propaganda, but also to radicalize, recruit and train terrorists ... .” The ambassadors emphasized that the police portal must be strengthened in order to combat terrorism more effectively. (*EU to Strengthen Surveillance of Terrorist Websites*, EUOBSERVER, May 31, 2007.)

(Theresa Papademetriou)

## MEXICO – Government Committee to Oversee Compliance with Treaties on Terrorism

On May 28, 2007, Mexico’s National Security Council ordered the creation of the Special Committee for Disarmament, Terrorism, and International Security, which will monitor and oversee compliance with international agreements on these matters. The Committee will be led by the Secretary of the Interior and include representatives of several top Cabinet offices, such as the federal Attorney General’s Office and the Foreign Relations and Defense Departments.

The Committee will establish six specialized working groups: nuclear arms, chemical and biological weapons, conventional arms, the fight against terrorism, legal and administrative procedures, and international security. These working groups will be responsible for designing and implementing strategies to effectively comply with international legal obligations on these matters. (Acuerdo del Consejo de Seguridad Nacional por el que se establece un Comité Especializado de Alto Nivel para coordinar las acciones del Poder Ejecutivo Federal que dan



cumplimiento a las obligaciones internacionales del Estado mexicano en el ámbito nacional en materia de desarme, terrorismo y/o seguridad internacionales [National Security Council Orders the Creation of Special Committee for Disarmament, Terrorism and International Security in Order to Monitor and Oversee Compliance with International Agreements on These Matters], FEDERAL OFFICIAL GAZETTE, May 28, 2007.)

(Gustavo Guerra)

### **SOMALIA – Anti-Terrorism Law Adopted**

Somalia's interim Parliament (still located in the city of Baidoa, although the new transitional government is now based in Mogadishu) approved an anti-terrorism bill on May 3, 2007, as part of an effort to establish national security in the country. It was reported that 169 Members of Parliament voted in favor of the bill and 14 abstained. The MPs had debated over the most rational time to approve the bill, but many subsequently agreed that enforcement of the new law would "serve the general interest of the Somali population" with regard to the battles now being waged by the government, backed by Ethiopian soldiers, against "Islamic fighters." (*Somalia Parliament Passes New Anti-Terrorism Bill 4 May*, SOMALI NETRADIO, May 4, 2007, Open Source Center No. AFP20070504509009.)

In its draft form, the bill included the death penalty as punishment for perpetrators of terror attacks. It also prescribed sentences of life and long-term imprisonment and confiscation of property for suspected terrorists, stating that anyone who "assists, trains, or provokes [sic] terrorists" will face one or more of the above-mentioned punishments. In addition, the bill banned "the use of symbols, flags, and teaching used by known terrorist organizations." ([\*Somalia: Somali Parliament Debates Anti-Terror Bill\*](#), THE ETHIOPIAN HERALD, Mar. 2, 2007.) (Wendy Zeldin)

### **UNITED STATES – Terrorism Suspect Ordered Released from Military Detention**

On June 11, the U.S. Court of Appeals for the Fourth Circuit reversed the ruling of a federal trial court and granted the habeas corpus petition of a terrorism suspect, Ali Saleh Kahlal al-Marri, who has been held in military detention in the U.S. since his arrest in December 2001.

Al-Marri had entered the U.S. legally with his wife and children in September 2001, and was pursuing a master's degree at the time of his arrest at the same Illinois institution where he had obtained a bachelor's degree in 1991. The fact that al-Marri had developed substantial voluntary connections with the United States distinguished his case from those of detainees at Guantanamo and elsewhere who had been both captured and detained outside of the United States, and who under recent federal statutes had had their statutory right to file habeas petitions replaced by procedures involving military tribunals (see, e.g., *Global Legal Monitor*, April 2007, at 54). The court found that al-Marri, as a legal resident alien, had a constitutional right to file a habeas petition, which constitutional right had not been affected by the laws pertaining to detainees captured abroad.



The court also determined that an association with al Qaeda would not suffice to characterize al-Marri as an “enemy combatant,” rather than a criminal, when he was not the subject of a foreign state at war with the U.S., nor working with the armed forces of such a state on the battlefield. The court found that the Patriot Act set forth appropriate criminal procedures for handling cases of domestic terrorism, and that those procedures, not indefinite military detainment, would be the appropriate course to follow in al-Marri’s case. The court said that “the Constitution does not allow the President to order the military to seize civilians residing within the United States and detain them indefinitely without criminal process, and this is so even if he calls them ‘enemy combatants.’”

The court remanded the case to the trial court, with instructions to issue a writ of habeas corpus directing the Secretary of Defense to release al-Marri from military custody. It stated: “The Government can transfer al-Marri to civilian authorities to face criminal charges, initiate deportation proceedings against him, hold him as a material witness in connection with grand jury proceedings, or detain him for a limited time pursuant to the Patriot Act. But military detention of al-Marri must cease.” (*Al-Marri v. Wright*, No. 06-7427 (4<sup>th</sup> Cir., June 11, 2007).) (Gary Robinson)



## Trade and Commerce

### **BANGLADESH – Bangladesh, Belarus Sign Agreement on Bilateral Trade and Economic Cooperation**

Bangladesh and Belarus have signed an agreement for expansion of bilateral trade and economic cooperation. The agreement was signed in the Belarusian capital of Minsk.

Belarus Deputy Foreign Minister Victor Anatolievich Gaisenok said that a Belarusian delegation, accompanied by members of the business community, will visit Bangladesh for annual consultations to assess and review the existing bilateral cooperation agreement. He has also expressed interest in signing more agreements on the avoidance of double taxation and investment protection between the two countries.

Bangladesh Ambassador in Russia M Amir Hussain Sikder welcomed Belarus' assistance and cooperation in agriculture, energy and power generation, and other areas. (Peoples Daily Online, [Bangladesh, Belarus Sign Agreement on Economic Cooperation](#) (May 31, 2007).) (Shameema Rahman)

### **CHINA – Rules for the Representative Offices of Overseas Stock Exchanges**

On May 20, 2007, the day before the departure of a Chinese delegation to Washington, D.C., for the China-U.S. second Strategic Economic Dialogue (SED), the China Securities Regulatory Commission (CSRC) issued the Administrative Rules on Representative Offices in China of Overseas Stock Exchanges, spelling out detailed management methods for the establishment of representative offices of overseas stock exchanges in China.

Under one of the agreements the two countries reached in the first SED in December 2006, China will allow the New York Stock Exchange and the NASDAQ to “open offices in China.” ([China-U.S. First Strategic Economic Dialogue Ends](#), GOV.cn [the Chinese government’s official Web portal], Dec. 15, 2006.)

The Rules will come into effect on July 1. To be eligible to establish a representative office in China, the applicant stock exchange must have been in operation for more than 20 years and have a fine financial record. In addition, the home country must have signed a memorandum of understanding on supervision cooperation with the CSRC. The representative offices are prohibited from “conducting business activities.” They may only conduct “non-business activities” such as liaison, promotion, and investigation and research. No less than half of the staff working in the representative offices must come from the domestic labor market, according to the Rules. The Rules also apply to applicant stock exchanges from Hong Kong, Macao, and Taiwan. ([China Allows Overseas Stock Exchanges to Establish Offices](#), XINHUANET, May 20, 2007; text of the Rules in Chinese, CSRC official Web site.)

(Laney Zhang)





## **EAC/COMESA – External Tariff Agreement**

It was reported on May 7, 2007, that the East African Community (EAC) and the Common Market for East and Southern Africa (COMESA) have agreed on a common external tariff in advance of COMESA's customs union, which is expected to be launched in December 2007. The EAC customs union was inaugurated in 2004. There is pressure on Tanzania, the only EAC member that is part of the South Africa Development Community (SADC), to join COMESA; if SADC implements its customs union with Tanzania still a member, it will create confusion, according to EAC official Beatrice Kiraso.

The above issue was among several matters to be discussed at the COMESA business forum that opened on May 18, 2007, and culminated in the twelfth Heads of State Summit held on May 22-23, attended by a number of Heads of State, trade ministers, and senior officials. Other issues on the agenda were progress on negotiations of the Economic Partnership Agreement (EPAs) with the EU and other trading blocs; consolidation of a COMESA free trade area; integration of the proposed COMESA customs union and development of its infrastructure; and services and communications in the region. (Geoffrey Kamali, [EAC, COMESA Nod External Tariffs](#), EAST AFRICAN BUSINESS WEEK, May 7, 2007; [The 12<sup>th</sup> COMESA Summit: Nairobi May 2007](#), COMESA Summit Web page; [Comesa Business Summit Gets Underway in Nairobi](#), KENYA BROADCASTING CORPORATION, May 18, 2007.)  
(Wendy Zeldin)

## **INDIA - India Signs Investment Protection Agreement with Mexico**

India has signed a ten-year bilateral investment promotion and protection agreement with Mexico to promote the flow of investment between the two countries, and to allow free repatriation of funds by investors.

Under the agreement, both countries will accord the same treatment to investors from the other country as given to domestic investors.

The countries already have a memorandum of understanding on the establishment of a bilateral "High Level Group" to facilitate investment and economic cooperation, and are also exploring the possibilities of entering into a Preferential Trade Agreement to improve bilateral trade.

It is expected that this agreement will help Indian companies access the markets in the U.S. and Canada in addition to Mexico, since Mexico is a member of the North American Free Trade Agreement. (The Hindu, [India, Mexico Sign Investment Protection Agreement](#) (May 22, 2007).)  
(Shameema Rahman)



# Transportation

## **BRAZIL – Prohibition of Alcohol Along Highways**

The Brazilian government is planning to restrict or even prohibit the sale and consumption of alcoholic beverages at stores located alongside federal highways. The Minister of Justice, Tarso Genro, is preparing a law that will be sent to the President of Brazil at the end of the month of May prohibiting the practice. According to a recent study prepared by the *Instituto de Pesquisa Brasileiro*, Brazil loses close to R\$22 billion (about US\$11 billion) a year due to car accidents on federal highways, mainly as a result of the excessive consumption of beer, *cachaça* (a Brazilian drink made out of the distillation of sugar cane), and whisky. (Jailton de Carvalho, *Venda e Consumo de Álcool em Estradas Poderão Ser Proibidos*, O GLOBO ONLINE, May 13, 2007.)

(Eduardo Soares)

## **VANUATU – Vanuatu Ratifies Pacific Islands Air Services Agreement**

Vanuatu has ratified the Pacific Islands Air Services Agreement (PIASA). PIASA establishes a framework for the integration of aviation services between Pacific Islands Forum members. PIASA will only come into force upon ratification by six members of the Pacific Island Forum. Currently five members (Cook Islands, Nauru, Samoa, Tonga, and Vanuatu) have ratified PIASA. (The Pacific Islands Air Services Agreement (PIASA) (Ratification) Act 2006, assented to on Dec. 12, 2006, in effect on Jan. 29, 2007.)

(Lisa White)



## Trusts and Trustees

### FRANCE – Introduction of an Alternative Instrument to a Trust

Law 2007-211 of February 19, 2007, introduces into French law the *fiducie*, a legal mechanism that may fulfill some of the same functions as an Anglo-American trust. The provisions of the Law have been incorporated into the Civil Code, articles 2011 to 2031. Since 1992, several legislative attempts at creating such an instrument had failed. One of the reasons for the past failure was the opposition of the Ministry of Finance, which saw the trust or any similar institution as a tool for tax evasion or money-laundering. The new instrument is much more limited than a trust.

The *fiducie* is defined as

an operation by which one or more legal entities (*constituants*) transfer assets or rights, present or future, to one or more legal entities (*constituants*) that hold these assets and rights in a separate patrimony from their own, for a specific purpose and for the benefit of one or several beneficiaries.

There are several limitations on the *fiducie*. First, it cannot be created by an individual, but only by a legal entity subject to corporate income tax. Second, the exercise of the functions of *fiduciaire* is restricted to banks, financial, and investment companies governed by the Monetary and Financial Code and insurance companies subject to the Insurance Code. Third, no donation can be given by means of a *fiducie*.

Both the *constituant* and the *fiduciaire* must be residents of a Member State of the European Union or of a country with which France has concluded an agreement eliminating double taxation and containing provisions against tax fraud and avoidance. The *fiducie* contract must set forth the assets and rights transferred; the duration of the transfer, not to exceed 33 years; the identities of the *constituant*, *fiduciaires*, and beneficiaries; and the extent of the *fiduciaire*'s mission and administrative powers. The contract must be registered with the tax authorities within 30 days of signature, failing which it will be null and void. The *fiducie* contract is fiscally neutral, as the *constituant* remains the owner of the assets and rights for tax purposes. (Loi n° 2007-211 du 19 février 2007 instituant la fiducie, JOURNAL OFFICIEL, Feb. 21, 2007, at 3052.)

(Nicole Atwill)



## War Crimes

### THE NETHERLANDS – Stiffer Sentence for War Crimes

On May 9, 2007, an appeals court in the Netherlands extended by two years, from 15 to 17 years, the prison sentence given to 65-year-old Frans van Anraat, a Dutch businessman convicted of supplying the chemicals used in deadly gas attacks against Iraqi Kurds in the late 1980s, during the Saddam Hussein regime. In the view of the court, “a stiffer sentence is justified because [Van Anraat] repeatedly and out of flagrant profit seeking provided an essential contribution to the extensive and gross violations of humanitarian law by the Iraqi government.” However, the court rejected the prosecution’s call for a conviction for Van Anraat’s complicity in genocide. Dutch law permits the national courts to place Dutch residents on trial for genocide and war crimes they are alleged to have committed in other countries. (*Stiffer Sentence for Dutch Man Convicted of Iraq War Crimes*, AFP, May 9, 2007, Open Source Center No. EUP20070509102008.)

Van Anraat has consistently declared his innocence, maintaining that he was unaware of the use made of the chemicals he supplied to the Hussein regime. His lawyers have called for an acquittal on appeal. Van Anraat was reportedly first arrested in 1989 in Italy on a U.S. warrant, but he managed to flee to Iraq. He lived there for 14 years under the name Faris Mansour Rasheed al Bazzaz, “the courageous and intelligent materials salesman,” given to him by the former regime. Van Anraat returned to the Netherlands after the U.S.-led invasion of Iraq in 2003 and was arrested in December 2004. (*Id.*) (Wendy Zeldin)

### UNITED NATIONS/LIBERIA – Charles Taylor Trial Date

The United Nations-established Special Court for Sierra Leone announced on May 8, 2007, that the trial of Liberia’s former president, Charles Taylor, would start on June 4. Opening arguments will begin then, according to the announcement that followed a pre-trial conference at The Hague in the Netherlands. The Court was established in 2002 by an agreement between the Government of Sierra Leone and the U.N.; to date eleven people have been indicted as having the greatest role in the war crimes committed in Sierra Leone after November 30, 1996.

Taylor was indicted in March 2003 on 11 counts of war crimes, crimes against humanity, and such serious breaches of international humanitarian law as mass murder, mutilation, rape, sexual slavery, and the use of child soldiers. The charges stem from his role in Sierra Leone’s civil war. The U.N. Security Council, citing both security and expedience, announced in June 2006 that the trial would be held at The Hague. Prosecutors expect to call up to 139 witnesses and have stated that the trial may last 12 to 18 months.

Special Court Prosecutor Stephen Rapp has said that the coming trial shows that no one is above the law, adding, “Taylor’s indictment, apprehension and arrest are a credit to the persistence of the world community, the governments of the region and, above all, the



courageous people of Sierra Leone.” (*UN-Backed Court in Sierra Leone Unveils Start Date for Trial of Former Liberian Leader*, UN NEWS, May 8, 2007.)  
(Constance A. Johnson)



## Index

Australia.....	35, 41, 53	Korea, South .....	40
Austria.....	25	Latvia .....	51
Bangladesh.....	5, 56	Lebanon.....	45
Brazil.....	6, 16, 58	Liberia.....	60
Bulgaria.....	11	Mexico .....	53
Burundi .....	36	Nepal .....	15, 18, 33
Canada.....	38, 51	Netherlands, The.....	11, 60
Chagos Islands .....	36	Papua New Guinea.....	28
China.....	21, 26, 31, 41, 48, 50, 56	Portugal.....	41
Congo (Kinshasa).....	17	Russian Federation.....	13
EAC/COMESA.....	57	Saudi Arabia.....	49
Egypt.....	17	Senegal.....	29, 33
European Union .....	40, 53	Serbia .....	34
Fiji.....	17	Singapore .....	39
Finland .....	6	Somalia .....	54
France.....	59	Sri Lanka.....	35
Germany.....	46	Switzerland .....	47
Ghana .....	44	Taiwan.....	19, 22
Hong Kong.....	18	Tonga .....	24
India .....	9, 22, 57	United Kingdom.....	45
International Criminal Court.....	37	United Nations .....	60
Israel.....	13, 18	United States .....	6, 29, 42, 54
Japan .....	46	Vanuatu .....	58
Jordan.....	43	Venezuela.....	7
Kazakhstan.....	9	Zambia .....	32, 39, 51
Kenya .....	27, 35		

