



# IJCSL NEWSLETTER

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## CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

### **CAYMAN ISLANDS—FOI LAW IMPLEMENTED**

Pronouncing herself “ready to go”, Freedom of Information (FOI) Coordinator Carole Excell – and 89 Information Managers throughout Government – on January 5<sup>th</sup> ushered in the Cayman Islands’ first guarantee of public access to official records, [according to Cayman Net News](#). First legislated on 31 August 2007, the long-awaited law enables the public to seek information on any subject from any government entity, and obligates government to respond, usually within one month of the request. “It takes the member of the public acting on their rights to enforce their right to know,” said Ms Excell. “It’s up to people to make [the law] work.” “It makes the Government more transparent and accountable. Members of the public have the right to access public records, and it helps you make decisions. If you want to know how your country runs, you want to participate in that and you care about your country, you need access to information. It enables you to make informed decisions.” [According to CayCompass.com](#), under regulations promulgated by Information Commissioner Jennifer Dilbert, residents can view public records without cost, but will be charged for copies of documents.

### **MOZAMBIQUE--PRESIDENT ARMANDO GUEBUZA’S NEW YEAR’S SPEECH STRESSES CITIZEN PARTICIPATION.**

In terms of citizen participation in country's affairs, [as reported by AllAfrica.com](#), Guebuza stressed self-esteem and national unity that contributed to the consolidation of multiparty democracy, freedom of speech, and press freedom. These are values, explained the President, promoted and reflected in the increasing numbers of cities and towns that orderly and peaceful organized the municipal elections held on November 19. For Guebuza, these values are closely linked to the current process of decentralization from central to the district level, with the districts being the poles of development. Under the decentralization of powers, the districts are benefiting from more powers, financial autonomy, and resources to further improve local and national development plans and strategies.

### **PALESTINE—ISRAEL MILITARY DENIES INFORMATION TO JOURNALISTS DESPITE RULINGS OF HIGH COURT**

[According to PNN](#), the International Federation of Journalists is protesting charges filed by the Israeli Attorney General against Palestinian journalists after they broadcast information that is subject to military censorship. Khader Shaheen and Mohammad Sarhan are accused of “aiding the enemy” for broadcasting news regarding tank movement. The issue regards the early stages of the ground invasion of the northern Gaza Strip. The Israeli administration banned the entrance of foreign journalists to the Strip since before the attacks, claiming to have “lifted the ban” by accepting eight hand-picked journalists to report from within chosen Israeli military installations. General

Secretary of the IFJ, Aidan White, commented on the Israeli “hypocrisy and double standards” employed. “While Israel is using the law for the military to impose its laws on journalists, it ignores the implementation of the decisions of the Israeli High Court ordered to allow journalists to enter Gaza.”

#### **U.K.-- GOVERNMENT EXEMPTS MPs' EXPENSES FROM FREEDOM OF INFORMATION**

According to the Guardian, [the](#) government is to exempt details of all MPs' and peers' expenses from being disclosed under the [Freedom of Information](#) Act, and nullify all past requests by journalists and campaigners to get them published. Harriet Harman, the leader of the house, is used a special parliamentary order that can become law within 24 hours after being debated by MPs and peers. It comes just as MPs were about to be forced, following a victory by campaigners at an information tribunal, to publish 1.2m expenses receipts, covering the period between 2005 and 2008.

#### **U.S.—**

- **BUSH AGENCIES ADOPTED LAST MINUTE RULES TO RESTRICT FOIA**  
[According to ProPublico](#), over the past few months, some federal agencies have issued regulations that would eliminate public disclosure of information -- or, in some cases, make it more difficult for requesters to get information. While the federal Freedom of Information Act regulates what government information may be withheld from the public, internal rules determine how that law is carried out at the agency level. Those rules may restrict access to information.
- **PALO ALTO LAUNCHES OPEN FORUM FOR CITIZEN PARTICIPATION**  
[According to Palo Alto Online](#), the Palo Alto government debuted an online public forum aimed at increasing civic engagement by allowing residents to post comments on upcoming City Council agenda items. "Open City Hall" will be hosted and monitored by Peak Democracy, a nonpartisan company whose mission is to broaden civic engagement. "Civic engagement was one of the top four priorities set out by City Council last year," City Manager Jim Keene said. "Civic engagement isn't accomplished by any single program or initiative. The Open City Hall forum is just one simple tool of many to invite more community members to participate in the civic process."
- **DELAWARE SPEAKER OF HOUSE INTRODUCES BILL TO SUBJECT LEGISLATURE TO FOI**  
[According to the Delaware Business Ledger](#), public pressure has intensified on legislators who have exempted themselves from FOI laws. House Bill 1, sponsored by House Speaker-elect Rep. Robert F. Gilligan, would place the General Assembly under the state's Freedom of Information Act as a public body, subjecting the legislature to the state's open meeting laws. Under HB 1, the public would be granted access to General Assembly meetings, except for party caucuses. The public also would have access to the General Assembly's records. Current exceptions in the state FOIA law for public bodies and records would apply to the legislature. The question is whether the Senate will act on

FOI legislation that comes out of the House, even though the lower chamber is finally under the control of the Democrats. Democrat and Senate leader Thurman Adams has become notorious for his ability to leave bills "in the desk drawer."

- **MONTHLY PUBLIC HEARINGS SHAPE ANNAPOLIS CITY PLANS**  
[According to the Capitol](#), as the city's newest Comprehensive Plan grows more ambitious, input from residents and city officials might rein in some of the far-reaching recommendations. Plans for more density in West Annapolis have drawn concern from residents in the area, and goals for expanding mass transit to Baltimore and Washington, D.C. might be too far-fetched for the city to handle, according to the city's transportation director. "This is a strong example of citizen participation in Annapolis," said Ron Jarashow, who chaired the public committee that put forth the initial draft of the plan. A committee of business leaders and civic activists has met monthly for the past two years to put together the latest Comprehensive Plan, which recommends priorities and goals the city should pursue over the next decade.

## FISCAL MATTERS

### ENGLAND AND WALES—CHARITY COMMISSIONS' GUIDANCE COULD PUT CARE HOMES OUT OF BUSINESS

[According to Third Sector](#), part of the Charity Commission's guidance on the public benefit provided by fee-charging charities has come under fire from charity lawyers and representatives of care homes. A key part of the guidance describes how charities that charge high fees can demonstrate public benefit by showing they offer sufficient opportunity to benefit for some people who cannot afford to pay. A leading charity lawyer said the weakness of this aspect of the guidance emerged in relation to care homes, which he said could lose charitable status if costs rose as a result of withdrawal of subsidy by a local authority or private benefactor. "The only means of meeting the commission's requirements if that happened would be to inflate the fees of those paying privately to subsidise those in poverty, which could put the home out of business," he said. "Arbitrary decisions of potential funders are not a proper determinant of charitable status."

### EU--European Court of Justice Rules on Tax Deductions for Cross Border Gifts.

The European Court of Justice ("ECJ") ruled that a tax deduction for cross-border gifts is encompassed by the free movement of capital guaranteed by European Community law. Where a body recognized as charitable in one Member State satisfies the requirements imposed for that purpose by the law of another Member State and where its object is the promotion of the very same general public interests, so that it would be likely to be recognized as charitable in the latter Member State, the authorities of the latter Member State cannot deny that body the right to equal treatment for tax deductibility solely on the ground that it is not established in its territory. To view the press release, please click [here](#). To view the Court's decision, please click [here](#).



## FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

### **AZERBAIJAN--COURT CONSIDERS APPEAL OF AZERBAIJAN NATIONAL INDEPENDENCE PARTY AGAINST BAKU MAYOR'S OFFICE**

[According to Today AZ](#), a spokesman for the party Ali Orucev, National Independence Party has appealed to the court because it was not allowed to hold a demonstration against the decision of the Tariff Council about raising prices on the Fizuli square in 2007.

### **CHINA—OPEN GOVERNMENT EVALUATION RELEASED**

The Ministry of Industry and Information released its evaluation of open information accessibility on Chinese government portals on 13 January 2009. The Ministry of Commerce's website ranked first for openness, while among provincial websites Beijing's placed first. [Sources](#) report that over 60% of users are not satisfied with the openness of government websites.

### **GABON—ANTI-CORRUPTION DEMONSTRATORS ARRESTED AND JAILED**

[According to Transparency International](#), in Libreville (Gabon), key civil society activists campaigning for anti-corruption were arrested by security forces and brought to the police station of Libreville. They were detained for 6 days and interrogated without access to legal representation. According to information provided by relatives, the men were held in very poor conditions. The right to security, freedom of expression, and freedom of association are recognized by the International Covenant on Civil and Political Rights, which has been ratified by Gabon. The Gabonese constitution also states that no one should be subject to arbitrary detention. Furthermore, the UN Declaration on Human Rights Defenders, adopted without dissent by the UN General Assembly on December 9th 2009, and specially its article 8.2, states that “the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection, and realization of human rights and fundamental freedoms”.

### **SWAZILAND—AFRICAN UNITED DEMOCRATIC PARTY (AUDP) PUSHES COURTS AND PARLIAMENT TO ALLOW POLITICAL PARTIES TO EXIST.**

[According to the Swazi Times](#), the AUDP has a pending court case in which it is seeking registration, and it has also delivered a petition to Parliament on the same matter. When the new Parliament came into office (around October 2008), the AUDP gave the legislators a six month ultimatum to come up with a legislation that would operationalize political parties.

### **TAIWAN—POLICE DISRUPT STUDENT PROTEST**

[According to the Taipei Times](#), about 20 students from the Wild Strawberry Student Movement criticized the administration for stopping them from participating in the ceremony wearing masks of Chen Yunlin (陳雲林), chairman of China's Association for Relations Across the Taiwan Strait. But they were prevented by police officers from the

Zhongzheng First Precinct from entering Ketagalan Boulevard in front of the Presidential Office. Police stopped the students on the grounds that they had not obtained a permit for their rally in accordance with the Assembly and Parade Act (集會遊行法). The student movement has been demanding an immediate amendment to the Act since Chen's visit in early November, saying it violates the public's constitutional rights to freedom of assembly.

**TURKEY—HIGHER EDUCATION BOARD RULES THAT FACULTY NEEDS PERMISSION TO SERVE ON PROFESSIONAL ASSOCIATION BOARDS.**

[According to Hurriyet Daily News](#), Turkey's Higher Education Council informed rectors that faculty members need permission to be part of managing boards of professional associations. Many professional organizations regard this decision as illegal and unconstitutional and are looking to seek redress in court. Engineers, veterinarians, doctors, pharmacists, and many other members of associations objected to the decree and said freedom of association was in danger.



**U.S.—STARBUCKS FOUND TO HAVE INTERFERED WITH WORKERS' FREEDOM OF ASSOCIATION**

Starbucks has long cultivated a corporate image for social responsibility, environmental awareness, and sensitivity to workers' rights. Now that carefully crafted reputation is under assault, thanks to a messy legal dispute with a group called the Starbucks Workers Union (SWU) (part of the Industrial Workers of the World, or IWW), which started recruiting employees in 2004 and now claims 300 members. The National Labor Relations Board found on Dec. 23 that Starbucks had illegally fired three New York City baristas as it tried to squelch the union organizing effort. The 88-page ruling also says the company broke the law by giving negative job evaluations to other union supporters and prohibiting employees from discussing union issues at work. The judge ordered that the three baristas be reinstated and receive back wages. The judge also called on Starbucks to end discriminatory treatment of other pro-union workers at four Manhattan locations named in the case.

**FREEDOM OF EXPRESSION**

**CHINA—GOVERNMENT TELLS INTERNET SUPPLIERS TO BLOCK PORNOGRAPHY**

[According to TG Daily](#), China's Ministry of Public Security and six other governmental agencies warned 19 Internet web portals (including Google) that they need to do more to block porn. In China, pornography is illegal and yet remains easily accessible via the Internet. The notice went out to all 19 [Internet](#) web portals, but was unclear as to what the Chinese government classifies as "pornographic." The notice indicated the intent of the new campaign is to "purify the Internet's cultural environment and protect the healthy development of minors." Many leading China analysts claim the move is not about controlling pornography at all, but rather is about controlling freedom of speech or expression

### **IRAQ—LAND FOR JOURNALISTS RAISES CONCERNS**

Writing in the [New York Times](#), Campbell Robertson discusses a program under which the Iraqi government would transfer land to journalists. There are competing views. On the one hand, he notes that some journalists insist that they deserve the land because of the dangers they face in pursuing their profession. The [Committee to Protect Journalists](#) has consistently ranked Iraq as the most dangerous place to be a journalist. On the other hand, some people, including some journalists, are concerned about the possibility of corruption, with the government potentially insisting on “good” coverage in return for the land.

### **KAZAKHSTAN—NGOS AND NEWSPAPERS PROTEST DETENTION OF JOURNALIST**

According to [RFE/RL](#), two Kazakh nongovernmental organizations and several leading editors are demanding the immediate release of Ramazan Esergepov by the state security service (KNSB). Esergepov, the chief editor of the weekly “Alma-Ata Info,” was arrested in early January for allegedly disclosing state secrets. “Alma-Ata Info” published leaked internal documents of the Central Asian state’s National Security Committee. Others, including diplomats, have expressed concerns about the editor’s fate.

### **KENYA—NEW COMMUNICATIONS (AMENDMENT) BILL INVOKED TO LEGALIZE MONITORING OF MEDIA CONTENT**

[According to the Standard](#), President Kibaki has legalized raids on media and empowered the Communication Commission of Kenya (CCK) to review broadcast content. The Kenya Communications (Amendment) Bill has far reaching effect on the operations of the media in the country, and [the signing of it by President Kibaki was condemned](#) by the National Council of Churches of Kenya and the Supreme Council of Kenya Muslims. There have been constant struggles between the Government and the media with the former intent on limiting media freedom despite lofty statements to the contrary. An attempt to force journalists to reveal their sources which was contained in a clause in the Media Act 2007 failed when the Government was forced to review it due to mounting pressure. [According to Capital News](#), Prime Minister Raila Odinga said that he would compel President Mwai Kibaki to discuss the Communications Act with the Cabinet with a view to amending oppressive clauses contained in it.

### **MACAU—LAWMAKERS CLAIM BILL ON SEDITION AND STATE SECRETS DOES NOT THREATEN FREEDOM OF SPEECH OR HUMAN RIGHTS**

[According to the Macau Daily Times](#), the mainstream view of the Second Standing Committee was that the articles criminalizing sedition and theft of state secrets in the national security bill would not jeopardize human rights. According to Chairman Fong, committee members had a different interpretation of “publicly or directly” in Article 4 that read “publicly or directly incite others to commit treason, secession and subversion against the Central People’s Government will be sentenced for one to eight years in jail”. Some committee members insisted that the article would jeopardize freedom of speech, as protestors usually chanted out slogans calling for the public to oppose or defeat certain government policies or officials. Hence they proposed the inclusion of the Johannesburg Principles into the bill in order to maintain a balance between human rights and national security. However, Fong said the majority of the committee

members believed that Article 4 would not hinder freedom of speech or human rights conventions, but was "in line with the protection entitled by the Macau Basic Law".

#### **MEXICO--MASKED ASSAILANTS TOSS GRENADE AT TV BROADCASTER**

[According to the Committee to Protect Journalists](#), during a live broadcast at 8:35 p.m. on a Tuesday night, at least five masked gunmen riding in two pickup trucks fired high-caliber weapons and tossed a grenade outside the Televisa studios in Monterrey, in the northern state of Nuevo León, according to local and international news reports. The two news anchors asked the police for help on the air during the attack, the reports said. The attack on broadcaster Televisa in the Mexican city of Monterrey underlines the need for a federal law that protects freedom of expression, the Committee to Protect Journalists said. Legislation that would make violent crimes against journalists a federal offense is pending in the Mexican Congress. [According to the Christian Science Monitor](#), the attack on Televisa was carried out by narcotraffickers and is the latest – and most high-profile – threat against freedom of expression in Mexico since President Felipe Calderón launched a concerted offensive against drug traffickers two years ago.

#### **SOUTH KOREA—**

- **NATIONAL ASSEMBLY DEADLOCKED OVER 85 BILLS, 13 OF WHICH MAY JEOPARDIZE FREEDOM OF SPEECH AND ASSOCIATION**

[According to the Korean Times](#), three party talks were deadlocked when the governing party refused to negotiate with two opposition parties over a wide range of pending bills, including the media bills, a motion for the free trade agreement with the United States (KORUS), and 13 contentious bills that opposition lawmakers categorized as anti-democratic because they may compromise freedom of association and speech.

- **ARREST OF POPULAR INTERNET PUNDIT CAUSES FREE SPEECH CONTROVERSY**

[According to AFP](#), the arrest of a popular South Korean Internet financial pundit sparked a heated debate over how much freedom of speech should be tolerated in cyberspace. State prosecutors arrested the commentator, identified only as Park, on charges of spreading "groundless" allegations that the country's currency, the won, was imperiled. Park, who uses the alias Minerva, has caused ructions over the past few months with more than 200 postings about the country's financial woes and the global economic crisis. Hong Jun-Pyo, parliamentary leader of the ruling Grand National Party, accused Minerva of "maliciously" distorting the facts while rights campaigners rallied behind the pundit. "This is seriously infringing upon freedom of speech. The government should immediately stop its move to gag the people," said the Council for Public Welfare and Democracy, a civil liberties group.

#### **SRI LANKA—TV STATION RAIDED BY MASKED GUNMEN**

[According to Siber News](#), early on January 6, 2009, a group of armed men forcibly entered, attacked, and caused serious damage to the MBC-MTV Transmission Station at Pannipitiya. This TV station is popularly known as Sirasa TV and transmits its programs

across the country. The policy of attacking journalists and the premises of TV and print operations is aimed at imposing censorship on discussions relating to matters of public interest. [According to Lanka Business Online](#), Sri Lanka's top business chambers condemned the attack on the private television station, saying the government's credibility is at stake if it failed to bring the culprits to justice and prevent further attacks. [According to Human Rights Watch](#), two days after the attack on MBC-MTV, unidentified armed men in close proximity to a security forces checkpoint shot *Sunday Leader* newspaper editor Lasantha Wickremetunga, a senior journalist acclaimed for his investigative reporting, during his morning drive to work in Colombo today. [According to Lanka Business Online](#), the World Bank expressed grave concern about the growing incidents of violent attacks on the media in Sri Lanka, including the brutal killings of several journalists," the Bank said in a statement. "Free and independent media is fundamental to the sustainable economic development of Sri Lanka."

#### **SWAZILAND--COLUMNIST CENSORED, THREATENED AFTER CRITICIZING THE KING**

[According to All Africa.com](#), on 5 January 2009, Mfomfo Nkambule, a columnist with the privately-owned "Times of Swaziland" newspaper was censored by state police who interrogated him concerning his weekly articles which are often critical of the king and his leadership. Nkambule, an ex-cabinet minister and member of parliament but now chairperson of a political party known as Inhlava, was summoned by a senior police officer who warned him that his articles would incite people to revolt against the king. He was told to stop being critical of the king and the status quo.

#### **Thailand—Government Blocks 2,300 Web Sites, Raising Concerns About Free Speech.**

[According to Finding Dulcina](#), Thai authorities say that the 2,300 Web sites are insulting to King Bhumibol Adulyadej and are seeking a court order to shut down 400 other sites. They also plan to create a \$1.3 million, 24-hour facility to monitor the Internet for violations, according to Information and Communications Technology Minister Ranongrak Suwanchawee. Critics say that the actions violate international standards of free speech.

#### **TURKEY—CITIZENSHIP OF FAMOUS POET RESTORED POSTHUMOUSLY**

[According to the Associated Press](#), Turkey restored the citizenship of its most famous poet Monday in a symbolic step meant to show it was addressing criticism of its human rights record in hopes of joining the European Union. Turkey stripped Nazim Hikmet of his nationality in 1951 at the height of the Cold War because of his communist views, branded him a traitor, and imprisoned him for more than a decade. He died in exile in Moscow in 1963, but his work lived on — and the government's decision to restore his rights is meant to show Turkey is ready to embrace a limited amount of criticism. "It is a step toward accepting differences in opinions, languages, and ethnicity, which is necessary to become a member in the EU," said Dogu Ergil, a political analyst at Ankara University. Considered to be one of Turkey's first modern poets, Hikmet's deep love for his country and rich use of free verse earned him the esteem of artists, intellectuals, and champions of free expression.

## **U.K.—ATHEIST COMEDIAN CHALLENGES BBC OVER RELIGIOUS PROGRAMS**

[According to the Daily Herald](#), an atheist comedy writer presented Britain's first nonreligious alternative to the country's long-running series of theological broadcasts on Saturday. BBC Radio 4's "Thought For The Day" runs five days a week with commentary from a range of religious speakers -- including Christian, Muslim, Jewish and Hindu scholars. Ariane Sherine on Saturday presented the first "Thought For the Afternoon" broadcast, offering a nonreligious -- or humanist -- message. The 28-year-old hopes to persuade the BBC to include atheist commentators in the "Thought For The Day" slot, which is broadcast during the organization's flagship daily news program "Today." The slot, or similar predecessors, have been broadcast by the BBC since 1939. Sherine is behind a poster campaign that has seen an atheist message displayed on 800 British buses and London's subway network. The posters read: "There's probably no God, now stop worrying and enjoy your life." "My theme was freedom of belief," Sherine told the AP in an interview before the broadcast. "It's all about how we all deserve our beliefs to be heard." However, the comedian's hopes of persuading the BBC to expand the remit of the traditionally religious broadcast appear slim.

## **U.S.—**

- **LOUISIANA HIGH SCHOOL STUDENTS SUSPENDED FOR WEARING OBAMA JACKETS**

[According to Thetowntalk.com](#), the Rapides Parish School Board will discuss Tuesday whether or not suspending two pupils for wearing jackets with a photo of President-elect Barack Obama was in tune with board policy. The issue is of concern as it "comes dangerously close to freedom of speech and freedom of expression." Allen said referring to one of his concerns. "I cannot find it in our policy where these children violated the policy by the wearing of the jackets especially to the extent ... that they would be disruptive." The jackets, which were a present from an uncle serving in Iraq, feature a large image of Obama's face and an American flag on the back. Goodman has said, while he has no issue with any images being on a garment, the large size of the photo almost covering the entire back of the jackets is too distracting for the school environment. According to the Rapides Parish school student code of conduct, "printing, emblems and/or insignia ... whose interpretations by school officials are considered to be disruptive, vulgar, or to have double meaning will not be worn."

- **UNABOMBER'S STUFF TO BE SOLD TO HELP VICTIMS DESPITE HIS FREEDOM OF SPEECH ARGUMENT**

The writings, books and other possessions of Theodore Kaczynski, the serial killer known as the Unabomber, can be sold in an Internet auction to pay restitution to several of his victims, a federal appeals court ruled Friday. The Ninth U.S. Circuit Court of Appeals in San Francisco rejected Kaczynski's arguments, filed from federal prison, that the government's sale of his writings violates his freedom of expression. The court said the University of Michigan, a

recipient designated by Kaczynski, would get copies of each item for its collection of materials on radical social and political movements.

- **UNITED STATES—SUPREME COURT RULING BLOCKS IMPLEMENTATION OF CHILD ONLINE PROTECTION ACT**

A 13-year legal drive to shield children from pornography on the Internet ended in defeat in January when the Supreme Court let the Child Online Protection Act die quietly. The [Chicago Tribune](#) reported that the measure, which never went into effect, made it a crime to put sexually explicit material on a Web site for commercial gain unless the sponsor used some means, such as requiring a credit card, to keep out minors. It was repeatedly blocked from taking effect on free-speech grounds by judges, including by the Supreme Court in 2004. The justices had also voided an earlier, even broader law passed in 1996 that prohibited “indecency” on the Web. In its ruling in *Mukasey v. ACLU*, the Supreme Court turned down the appeal of the federal appellate court’s decision without comment.

- **ACLU CHALLENGES SECRECY PROVISIONS OF WHISTLEBLOWER LAW**

[According to the Associated Press](#), the American Civil Liberties Union filed a lawsuit Thursday challenging the constitutionality of a law that requires whistleblowers with allegations of war profiteering or other contract fraud to file their lawsuits in secret. The secrecy requirements of the federal False Claims Act violate freedom-of-speech protections and have kept war fraud complaints in Iraq and elsewhere hidden from public view, the ACLU says in its lawsuit.

## **FREEDOM OF RELIGION AND BELIEF**

### **CANADA—ARREST OF POLYGAMIST LEADERS TO TEST CANADIAN CHARTER**

[According to CNN](#), two leaders of a Canadian polygamist sect were arrested and charged with polygamy in what could be a landmark case, said Wally Oppal, Attorney General of British Columbia. Winston Blackmore, 52, has married 19 women, and James Oler, 44, married five. The men are members of the polygamist sect known as the Fundamentalist Church of Jesus Christ of Latter Day Saints or FLDS church, he added. Oppal said such cases have proven difficult for authorities to win. “The problem has always been the defense of religion has always been raised,” he said, referring to the Canadian Charter of Rights and Freedoms. Enacted in 1982, the charter guarantees freedom of religion and has been used twice to get polygamy charges thrown out. That hasn't happened here. “This could be a groundbreaking case,” Royal Canadian Mounted Police Sergeant Tim Shields told CNN in a telephone interview. “It's the first polygamy case in Canada since the enactment of the charter, which usually takes precedence over our criminal code.”

### **INDIA—ATTACK ON CHRISTIAN CHURCH IN VILLAGE**

[According to E-Pao](#), the incident where a church was dismantled by certain elements at Chingmeirong Kabui village in Imphal has drawn flak from various Naga civil organizations saying that attacks on Christians in that village have become a regular phenomenon. The Naga Women Union, Manipur (NWUM), All Naga Students' Union Manipur, and Naga Peoples Movement for Human Rights, South Sector (NPMHR), while

strongly condemning the dismantling of the church, have said, "Attacks on Christians have become a regular phenomenon in Chingmeirong Kabui village. The use of violence and force to express disagreement is against all the basic tenets of human rights and justice, which the Nagas have been fighting for".

### **INDONESIA—REPORT SAYS RELIGIOUS INTOLERANCE GROWING FAST**

[According to The Star Online](#), religious intolerance is getting worse here, with state agencies, radical groups, and community organizations involved in violations of freedom of faith and religion, according to a report released Tuesday.



The recent sealing of the synagogue in Surabaya, East Java, by Muslims in a protest against the Israeli attacks on the Gaza Strip was the latest case of religious intolerance in Indonesia. The incident was not included in the 2008 Report on the Condition of Religious and Faith Freedom in Indonesia, which was released by the Setara Institute for Democracy and Peace. But Setara Institute chairman Hendardi said the closure of the Jewish place of worship was against the principle of religious tolerance. "It is clearly part of religious violence and cannot be tolerated," he told *The Jakarta Post* after launching the report. The report found 265 cases of violence against religions from January-December last year, a significant increase from only 135 cases in 2007

### **KAZAKHSTAN—REVIEW OF CONTROVERSIAL RELIGION LAW PROCEEDS WITHIN COUNTRY AND BY OSCE**

[Forum 18 reports](#) that four weeks after Kazakhstan's Constitutional Council began reviewing a highly restrictive Law amending various laws covering religion, final discussions on the results of the review have not yet taken place. An [OSCE Legal Opinion](#) – prepared by the OSCE/ODIHR Advisory Council on Freedom of Religion or Belief – highlights many provisions of the proposed Law which severely restrict freedom of religion and belief. [According to Eurasia.net](#), non-governmental organization activists are encouraged by Kazakhstani President Nursultan Nazarbayev's decision to refer controversial legislation governing religious expression to the country's Constitutional Council for review. The move has raised hopes among activists that some of the legislation's more restrictive provisions may end up being removed.

#### **KYRGYZSTAN—RESTRICTIVE RELIGION LAW SIGNED, CRITICIZED**

[Forum 18 News Service](#) has reported that Kyrgyzstan's President, Kurmanbek Bakiev, has signed the restrictive new Religion Law. The law has also met with severe criticism. For example, Tursunbek Akun, the country's Human Rights Ombudsperson, told Forum 18 that "this Law is not in accord with international human rights standards," as it "imposes a range of restrictions that will prevent small religious communities from developing." Human rights defender Aziza Abdirasulova, of the Kylym Shamy (Candle of the Century) Centre for Human Rights Protection agreed, stating that "the new Law contradicts international human rights standards - and it is not the only Law now being signed that does so," she told Forum 18. She complained that civil society and smaller religious communities had been "left on the sidelines" in the Law's drafting. Also condemning the new Law were religious communities including Seventh-day Adventists, Baptists, Baha'is, and Hare Krishna devotees.

#### **MALAYSIA-- CHURCH WANTS BAN ON HERALD'S WEEKLY CATHOLIC SECTION REVOKED**

[According to the Sun](#), Archbishop of Kuala Lumpur Tan Sri Murphy Pakiam has asked the Home Ministry to revoke its ban on the Bahasa Melayu section of the Herald -- The Catholic Weekly-- on the ground that this permit condition constitutes a "serious violation of our constitutional freedom of expression and speech".

#### **RUSSIA—GOVERNMENT BROADCASTS CRITICIZE RELIGION WHILE RUSSIANS THROG TO CHURCH TO CELEBRATE ORTHODOX CHRISTMAS**

[According to the Guardian](#), while thousands of people thronged Moscow churches yesterday for services marking the Russian Orthodox Christmas, the Soviet propaganda machine pulled out all the stops to denounce religious practices to which many Russians cling so obstinately. The propaganda was only for home consumption. In its foreign services, Tass sought to impress the outside world with the freedom of religion allowed in Russia. It reported the midnight mass, celebrated by Patriarch Alexei of Moscow and All Russia, "in accordance with ancient tradition." On the internal services of Moscow Radio, however, antireligious broadcasts attacked christening, confession, and fasting as "obsolete religious superstitions," which harmed the health of the faithful. The director of the Civic Commission on Human Rights, Roman Chorny, told [RFE/RL's Russian Service](#) that there have been cases in St. Petersburg in which family members sent their relatives to psychiatric institutions in an effort to "cure them" of specific religious beliefs.

### **SOMALIA--HARD-LINE ISLAMIST INSURGENT GROUP AL SHABAAB HAS INTRODUCED SHARIA LAW IN BAIDOA**

Somalia's hard-line Islamist insurgent group al Shabaab has said it had introduced sharia law in Baidoa, a day after taking the town that had been a government stronghold and seat of parliament. Fighters from al Shabaab, which is on Washington's list of terrorist groups, captured Baidoa on Monday after the withdrawal of Ethiopian troops who had been supporting the government. [According to the Standard](#), they quickly took the airport, parliament building, and president's home, and called locals to a meeting at a football stadium on Tuesday to explain how they would govern. "We will not accept a government which is not working with sharia. We shall make changes in the town and will rule by Islamic law," al Shabaab spokesman Sheikh Muktar Robow Mansoor told hundreds of people in the stadium.

### **TURKEY—MINISTRY OF EDUCATION BOOK TEACHES ANTI-CHRISTIAN DISCRIMINATION**

[According to the Assyrian Times](#), Turkey's Ministry of Education has introduced a school text book which encourages discrimination against the country's small Christian community, despite growing international concern over increasing violence against non-Muslims in Turkey. The book, Primary Education, History of Republic Reforms and Atatürkizm, Lesson Book 8, is aimed at thirteen year olds and was published this year by Devlet [State] Books. The controversial text describes missionary activity as a threat to national unity by destroying national and cultural values through converting people to another religion. The constitution of Turkey recognizes freedom of religion for individuals, but the Christian minority frequently complains of ingrained prejudice against them

### **U.K.—ATHEIST VICTORY FOR FREE SPEECH**

[According to News Scotsman.com](#), an advertising campaign on buses in Scotland, across the UK, and on the London Underground was launched yesterday with the slogan: "There's probably no God. Now stop worrying and enjoy your life." A total of 600 buses in Scotland, England and Wales and 200 bendy buses in London will carry the slogan following a fundraising drive that raised more than £140,000. The money raised will also pay for 1,000 advertisements on London Underground from Monday. The fundraising drive was prompted by a suggestion from comedy writer Ariane Sherine, who received support from the British Humanist Association and atheist campaigner Richard Dawkins. Ms Sherine said she had objected to a set of Christian advertisements running on London buses.

### **U.S.—**

- **NEW RULES FOR RELIGIOUS ACCESS AT MILITARY ENTRANCE PROCESSING STATIONS.**

For decades the Gideons have been allowed to set up shop at Military Entrance Processing Stations, or MEPS, across the United States, handing out New Testaments to classrooms of freshly sworn-in troops, wide-eyed and ready to serve. Soon, the Gideons may have company. [According to Stars and Stripes](#), in November, the U.S. Military Entrance Processing Command, or USMEPCOM, sent its station commanders new guidelines on behavior for religious and other "nonfederal entities" that seek access to military applicants and recruits. Religious groups may not, among other restrictions, "proselytize, preach, or provide spiritual counseling to," nor ask for money from applicants, recruits or employees on MEPS premises. Additionally, "A commander who accommodates one [group], must be prepared to do the same for every other similar [group]," or allow no groups at all, the order states.

- **CROWD PROTESTS DISTRICT JUDGE RULING AGAINST "I BELIEVE" LICENSE PLATES**

[According to the Greenville News](#), it was standing room only at People's Baptist Church in Greer on Tuesday night as more than 350 people from around the Upstate rallied to fight a federal judge's ruling on Dec. 11 that halted the state's sale and production of "I Believe" religious license plates. U.S. District Court Judge Cameron McGowan Currie issued the injunction on the grounds that the plate violated the U.S. Constitution's establishment clause forbidding government from establishing a religion. The license plate, which was approved by 78 percent of the Legislature, depicts a stained glass window with a cross on it and the words "I Believe" above the tag number.

- **IRS AGENT, FIRED FOR WEARING KNIFE TO WORK, SUES CLAIMING RELIGIOUS DISCRIMINATION**



[According to Tax Prof Blog](#), an IRS agent has sued the IRS for firing her after she insisted on wearing a ceremonial knife on the job. The agent, Kawaljeet Kaur Tagore, filed suit against the IRS for discharging her in July 2006. She is a religious Sikh who wears a knife known as a [kirpan](#). The blunt knife is kept in a curved sheath at her side. Tagore initially began wearing a 9-inch knife when she was formally initiated into the Sikh faith in April 2005. The religion requires adherents to wear five sacred articles of clothing. After her supervisor objected, she switched it for a 6-inch kirpan with a blunt 3-inch blade. According to her lawsuit, the blade never set off the metal detectors in the Leland Building in Houston, and was not able to inflict

bodily harm. However, her supervisor pointed out that federal law prohibits people from carrying blades longer than 2.5 inches in government buildings.

- **Federal judge orders school district to stop promoting religion**

[According to NfwDailyNews](#), a federal judge has issued a temporary injunction forcing Santa Rosa schools to discontinue policies and practices that "promote religion throughout district schools," a press release from the ACLU states. The lawsuit claims that students at Pace "not only face overt compulsion to adopt the religious beliefs of school officials, but also must contend with subtle, coercive pressures to conform their religious beliefs to those favored by school officials." The injunction prohibits all district officials from: promoting or sponsoring prayer during school-sponsored events, including graduation; planning or financing religious baccalaureate services; holding school-sponsored events at religious venues when alternative venues are reasonably available; permitting school officials to promote their personal religious beliefs and proselytize in class or during school-sponsored events and activities; or doing anything else that unconstitutionally endorses or coerces religion.

## LEGAL FRAMEWORK

### **CAMBODIA—RESTRICTIVE NGO LAW IS TOP PRIORITY FOR GOVERNMENT**

For thirteen years now, the bill concerning non-governmental organizations (NGOs) and local associations has been at the heart of controversy and is once again fuelling debates and worrying Cambodian civil society. [According to KI-Media](#) and [the Asian Forum for Human Rights and Development](#), Cambodian NGOs fear that the text might restrict the freedom of action, efficiency, and independence of some 2,200 NGOs and associations working in Cambodia. The government, for its part, puts stress on the need to take preventive action against terrorist activities which could be led in the name of civic organizations. The regulation of organizations within a specific legal framework was therefore brought to the rank of top priority issue by the government, who wish to see it enforced some time in 2009.

### **Ethiopia—New NGO Law Restricts Rights Defenders, Civil Society Groups, and Foreign Funded NGO's**

[According to Voice of America](#), efforts to promote democracy, good governance, and human rights in Ethiopia may be jeopardized by a new law enacted this week by Ethiopia's parliament. US State Department deputy spokesman Robert Wood says the so-called Charities and Societies Proclamation (NGO law) will restrict US government aid, and Human Rights Watch calls the act a direct rebuke to non-governmental organizations (NGO's) and to countries that assist Ethiopia. The crackdown on domestic and foreign civil society and human rights groups comes one week after Addis Ababa reversed a political pardon and rearrested one of Ethiopia's leading opposition politicians,

Birtukan Midekssa of the Unity for Justice and Democracy party. She recently [ended her hunger strike](#) and will fight her case in court.

#### **U.K.—DRAFT DOCUMENTS FOR CIOs “DEEPLY FLAWED” SAYS CLA**

[According to the Third Sector](#), the new charitable incorporated organization (CIO) legal structure for charities is in danger of becoming a "white elephant" that is ignored by the sector unless the Government irons out significant flaws in its draft governing documents, according to the Charity Law Association.

### **MISCELLANEOUS MATTERS**

#### **ARMENIA—FREEDOM OF EXPRESSION CONSULTATION**

The Eurasia Foundation organized a Public Consultation Meeting on *Freedom of Expression in Armenia* in Tsaghkadzor, Armenia on 30 January-1 February 2009.

#### **CHINA—DEVELOPMENTS IN THE CHARTER 08 MOVEMENT**

In December 2008, on the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights, more than 300 Chinese intellectuals and human rights activists issued [“Charter 08.”](#) a document calling for more democracy in China. Based on Charter 77, issued in 1977 in Czechoslovakia, the document now has over 700 signers. The publication of Charter 08 has been met with considerable consternation by China’s power elite, with [some sources](#) reporting that Hu Jintao has himself taken charge of efforts to stamp out the movement behind it. The document calls for an independent legal system, freedom of association, human rights protection generally, equality of peoples, and a republican form of government. In response to CPC pressures, it has now [been reported](#) that the party organization at Beijing University Law School has moved against Charter 08 and urged students to refrain from being involved with the movement. [According to Bloomberg](#) and [the BBC](#), China is stepping up intimidation of activists who signed Charter 08. Police have questioned or harassed at least 86 of them, [China Human Rights Defenders](#) said in an e-mailed statement. [According to the Telegraph](#), China's most prominent liberal philosopher is defying demands by the Communist Party to retract his signature from Charter 08. [According to the Guardian](#), China has intensified its crackdown on the Internet post-Charter 08 by closing 90 websites.

#### **ENGLAND AND WALES—CHARITY COMMISSION ORDERS LABOUR PARTY TO RETURN ILLEGAL GIFT**

[According to Mailonline](#), a children's charity illegally donated money to the Labour Party after receiving nearly £1million of Government funding. Catz Club, which runs after-school clubs for disadvantaged children, paid thousands of pounds to attend party fundraising dinners. In September the Charity Commission ordered the party to repay £15,000 and flagged ‘serious concerns’ about the gift. And the commission has now launched a full-scale probe after uncovering an earlier undisclosed £15,000 donation that Catz Club paid for a table at a gala champagne bash at Wembley Stadium. It has also emerged that the charity had nearly £842,000 of loans written off by a fund which is overseen by the Cabinet Office.

### **IRAN—U.S. EFFORTS TO CHANGE REGIME HURTS CIVIL SOCIETY ACTIVISTS**

[According to the Inter Press New Service](#), the U.S. government's calls for civil society to work for "regime change" in Iran has increased pressure on activists on the ground who are engaged in a peaceful process of improving their society and addressing social problems, according to Sussan Tahmasebi, a prominent women's right activist in Iran who has not been allowed to leave the country for the past two years. Tahmasebi is a founding member of the One Million Signatures Campaign, an effort that seeks to reform laws discriminating against women. Shirin Ebadi, Iran's 2003 Nobel peace prize laureate, has repeatedly and vigorously supported this campaign and its members. The Iranian government has arrested more than 30 members of the Campaign over the past two years, banned some of them from travelling abroad and has censored their website.

### **TIBET—DALI LAMA COMPILES UN RECOMMENDATIONS FOR CHINA TO IMPROVE HUMAN RIGHTS IN TIBET**

[According to Tibet Custom-Tibetan News & Culture](#), the Tibet Bureau of His Holiness the Dalai Lama based in Geneva has compiled a document containing all the recommendations and procedures passed by the United Nations for China to improve human rights situation in Tibet. The document titled: "UN Treaty Bodies and Special Procedures' Interventions, Observations and Recommendations for China on Human Rights Situation in Tibet," will be used during the UN session on universal periodic review of China's human rights record scheduled on 9 and 10 February.

## **ANNOUNCEMENTS**

## **RESOURCES**

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