

<http://www.euobserver.com>, 11.6.2005
<http://www.europarl.eu.int>

EU / IRELAND

Irish language recognized as a working language of the EU:

The Irish language has been officially recognized as a working language by the EU. Prior to the unanimous decision taken to grant Irish 'working language' status by the EU's foreign ministers on 13 June 2005, Irish had only had the status of a treaty language. From 1 January 2007, legislation adopted jointly by the European Parliament and Council of Ministers will be translated into Irish, and an interpretation service will be available at European Parliament plenary sessions and at certain council meetings. Irish will also be a language taken into account by the European Institutions for recruitment purposes. A review of the arrangements, to consider whether the range of translated documents should be extended, will be conducted within four years.

Constitutionally, Irish is the first official language of Ireland, and a core subject in primary and secondary schools, but fluency is limited throughout the country. Around 1.4 million Irish citizens claim to have an ability to speak Irish, of whom a quarter claim to use it as a community language on a daily basis — mainly in the "Gaeltacht" regions, which are strongest in the west of Ireland.

The move to have Irish recognized as a working language of the EU is the result of a campaign supported by political parties both in the Irish Republic and Northern Ireland, which was boosted by Ireland's recent presidency of the European Union in the first half of 2004.

<http://www.pobail.ie>

BELGIUM

Suppression of electoral allocations to political parties – Act in force:

On 20 January 2005 a procedural Act was passed by the Belgian Parliament, enabling an Act originally passed six years ago to enter into force. This Act sought to authorize the suppression of electoral allocations to political parties that show disrespect for the rights and liberties protected by the European Convention on Human Rights (ECHR). When seized by one third of the Electoral Commission, the Conseil d'Etat (the Belgian Administrative Supreme Court) will be entitled to suppress the electoral allocations of any party where that party or its members clearly show "hostility against the rights and liberties protected by the ECHR". One must wait for a Council decision to see how the vague notion of "hostility against the rights and liberties protected by the ECHR" will be interpreted.

Although the Act provides that the sanction applies to any party, commentators consider that it specifically targets extreme right-wing parties. Application of the Act comes as the result of a process which started after the 1991 elections, when the Flemish extreme right-wing party, the "Vlaams Blok" (now called "Vlaams Belang") achieved considerable success. Reacting to this, the other parties, especially the French-speaking ones, proposed that the electoral allocations should be made conditional upon the party stating that it would respect the rights and liberties of the ECHR. An Act passed before the 1995 elections, compelled the making of such statements. Deemed as purely formal and automatically integrated into every party's program, it did not prevent the "Vlaams Blok" from obtaining financial support and gaining a substantial number of seats both in the Belgian Senate and the House of Representatives in 1995.

Therefore, efforts were made to give a judicial body the competence to suppress the electoral allocations to parties that would not give proper effect to their statements. These efforts led to the adoption of the Act of 12 February 1999. This Act could not enter into force because

it was subject to the adoption of a Royal Decree. In the circumstances, it had been impossible to adopt a Decree, because according to the Belgian Constitution, it was the role of the legislator, and not of the government, to rule on the matter. The latest Act (2005) therefore aims to fulfil a serious gap in the Belgian legislation.

"Act (published in the Moniteur belge on April, 21 2005) modifying the Act of July, 4 1989 on the limitation and the monitoring of the election expenditures made for the federal Chambers polls, as well as on the financing and open accountancy of political parties"

Contributor: Raphaël van Steenberghe (Université Catholique de Louvain)

GERMANY

Acquittal of 9/11 terror suspect upheld:

The German Federal Appeals Court at Karlsruhe has upheld a lower court's acquittal of Abdelghani Mzoudi, who had been implicated in the World Trade Center attacks on 11 September 2001. Despite the federal prosecutor's calls for a retrial, the presiding judge at the Appeals Court confirmed the finding by a Hamburg Court in February 2004 that there was not enough evidence to prove that Mzoudi had been involved in the 9/11 attacks. Mzoudi had been only the second person brought to trial for complicity in the World Trade Center attacks.

Mzoudi had been accused of training at an Al-Qaeda camp in Afghanistan, and of handling money and paying bills on behalf of the terrorist cell in Hamburg responsible for the 9/11 attacks. A Hamburg Court had acquitted him on grounds of lack of evidence that Mzoudi had known about the attacks in advance, or that he had helped to plan them. After the trial, German officials blamed Washington's refusal (on security grounds) to release evidence from a terror suspect being held in the US. The US has a policy of prohibiting captured Al-Qaeda leaders from testifying or providing information from their interrogations, which many observers believe directly led to the prosecution's failure to secure a conviction. The chief federal prosecutor described the US stance as "incomprehensible".

Mzoudi, a 32 year old Moroccan student at the University of Hamburg, was a friend of Mohamad Atta, one of the main hijackers in the 9/11 attacks. Although Mzoudi and Atta once roomed together in Hamburg, Mzoudi was described by the Hamburg Court as being a "fringe figure". Moves to deport Mzoudi are underway, and he was given 14 days from the date of acquittal to leave Germany. Mounir El Motassadeq, another Moroccan resident in Germany, is currently being re-tried on similar charges as those faced by Mzoudi.

Case: 3StR 269/04, Bundesgerichtshof Press Release No. 85/05, 9.6.2005 (in German)

<http://www.dw-world.de>, 9.6.2005

<http://www.bundesgerichtshof.de/>

ITALY

Fertility referendum fails to meet required turnout:

A referendum proposing to relax Italy's strict fertility laws is invalid, after only 24 per cent of eligible voters participated in the ballot. A turnout of 50 per cent was required to make the referendum legally binding. The Catholic Church had publicly called for the Italians to abstain from the ballot.

The current law, introduced in 2004, prevents sperm and egg donation, surrogacy, the screening of embryos for diseases and the use of embryos for research purposes. Italian law affords fertilized eggs full rights. The 2004 law was passed amid concerns that Italy had become one of the most liberal countries in the world in the area of assisted reproduction. Tight regulation of IVF procedures now compels many couples with infertility problems to seek treatment abroad.

Divorce and therapeutic abortion were both legalized during the 1970s. Referenda held in 1974 and 1981 failed to overturn the laws. However, on this occasion, the Catholic Church made its stance explicit at every level of society — with the tacit backing of the newly elected Pope Benedict XVI, Cardinals, Bishops and parish priests urged their congregations to boycott the referendum.