



**Press release**  
***26 February 2016***

**JSMP considers statement of the President of the National Parliament shows indifference towards summons issued by the court**

On 24 February 2016, through a plenary session of the National Parliament, MP Francisco da Costa requested clarification about a court summons served on the President of the National Parliament. The Public Prosecution Service has charged the President with the crime of economic involvement in business, which has been fiercely debated in the community.

In response to this issue, the President of the National Parliament said he was willing to appear before the court in his capacity as President of the Parliament. Nevertheless, he also said he considered the charges of the Prosecutor to be a form of guerilla tactics and institutional terrorism.

While the debate was taking place, MP Aniceto Longuinhos Guterres Lopes expressed discontent with the President's use of terms like 'guerilla tactics' and 'institutional terrorism'. He stated that the Penal Code provides that any person charged must adhere to the formal process. Therefore, he suggested the President of the National Parliament present the summons to a plenary session to be considered and to allow the members of parliament to decide whether or not to allow the President of the National Parliament to appear before the court.

"JSMP regrets the statement of the President of the National Parliament regarding the charges of the Prosecutor and the court summons as guerilla tactics and institutional terrorism. JSMP believes that the reaction of the President of the National Parliament shows his excessive indifference and non-compliance with the order of the court," said the Executive Director of JSMP, Luis de Oliveira Sampaio.

Political behavior of this kind has a negative affect on the credibility of the National Parliament as a legislative institution, and against the integrity of MPs who represent the community. It also undermines the efforts of institutions in the justice sector to ensure justice for all.

Mr. Vicente Guterres is currently acting in the capacity as the President of the National Parliament, but the charges are not directed at his position as the President of the Parliament, and the Parliament as an institution, but rather at him as an individual and his individual responsibility.

Members of Parliament enjoy parliamentary immunity under Article 94 of the Constitution, meaning they are immune from civil or criminal proceedings for acts undertaken within and outside the exercise of their parliamentary functions. This immunity has limits, and may be withdrawn in accordance with the Rules of Procedure. Article 8.3 of the Rules of Procedures of

the National Parliament provides that the National Parliament must decide whether a Parliamentary member should be suspended to face criminal charges in court.

JSMP therefore requests that this matter be immediately addressed and debated by National Parliament. The President of the National Parliament must be made to answer the serious charges against him. Broad immunity from criminal and civil proceedings for parliamentarians threatens the rule of law. It creates a public perception that members of parliament are above the law and undermines public confidence in the parliament, the government as well as the judicial system.

JSMP encourages Mr. Vicente Guterres to cooperate with the court and comply with the court process, which is an obligation that applies to all citizens, so that he can set a good example and show a good sense of civic responsibility in this democratic nation based on the rule of law.

For more information please contact:

Luis de Oliveira Sampaio  
Executive Director of JSMP  
E-mail: [luis@jsmp.minihub.org](mailto:luis@jsmp.minihub.org)