



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Press Release

National Parliament

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JSMP considers that the statement of the President of the National Parliament shows indifference towards and non-compliance with the 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 that relates to existing charges made by the Public Prosecution Service against the President of the National Parliament, regarding 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 stated that he was willing to appear before the court in his capacity as President of the Parliament after being charged with corruption and ruining the good name of the State on an international level. Nevertheless, the President of the National Parliament also 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 lamented the statement of the President of the National Parliament for using terms like guerilla tactics and institutional terrorism. He also considered that there is a need for special rules to govern proceedings against former members of organs of the State in relation to specific offences they have committed.

MP Aniceto Longuinhos Guterres Lopes stated that our laws clearly mention that if there is no specific law to deal with a problems like these, the Penal Code provides that any person charged must adhere to the formal process in force. Therefore, he suggested for the President of the National Parliament to present the summons to a plenary session, so that it could 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 non-compliance with the order of the court and an excessive indifference”, said the Executive Director of JSMP, Luis de Oliveira Sampaio.

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

The court is an extremely credible and independent place for individuals to defend themselves and their dignity as human beings. The court will never punish a person without evidence in accordance with the applicable law. While this process is ongoing, anyone charged with a criminal offence is presumed innocent until convicted in accordance with the principle of presumption of innocence that is enshrined in Article 34 (1) of the Constitution. Therefore, the only option for the President of the National Parliament is to cooperate with the court and defend himself before the court.

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

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.

JSMP recommends for the National Parliament to respect the principle of separation of powers and interdependence as provided for in the Timor-Leste Constitution to ensure the rule of law and justice for all people in Timor-Leste.

For more information please contact:

Luis de Oliveira Sampaio

Executive Director of JSMP

E-mail: luis@jsmp.minihub.org

Telephone: 3323883

www.jsmp.tl

info@jsmp.minihub.org

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl