



**19 November 2018**  
**Press Release**  
**National Parliament**

**Members of Parliament from the fifth legislature finally establish a new culture on removing the immunity of members of parliament so they can collaborate with the courts**

On Tuesday 13 November 2018 Members of Parliament from the fifth legislature finally established a new culture on removing the immunity of members of parliament so they can collaborate with the courts.

The National Parliament held a plenary session to consider the request for removing immunity that was made by the Dili District Court in relation to MP Mariano Assanami Sabino to appear as a witness in a case of economic participation in business and the crime of forgery of documents and a request from the Baucau District Court relating to MP António da Conceição.

The vote on the request to authorise the remove the immunity of MP Antonio da Conceição resulted in 56 for, 3 against and 1 abstention. Meanwhile, the result of the vote for MP Mariano Assanami Sabino was 53 in favour, 3 against and 4 abstention from a total of 60 MPs who were present.

“This is an important step that marks positive progress for the fifth legislature because during previous legislatures, especially the third legislature, the process relating to removing the immunity of members of parliament or members of government was complicated and created great confusion because of ambiguous and inconsistent interpretation” said the Executive Director of JSMP, Luis de Oliveira Sampaio.

JSMP congratulates the National Parliament on its good will and this important step forward because it has turned over a new page and started afresh in relation to removing the immunity of members of parliament so they can collaborate with justice. In particular, JSMP would like to congratulate two MPs from the

Democratic Party (PD) for their political conscience in requesting the National Parliament to remove their immunity so they can respond to the courts.

JSMP believes that these two MPs have demonstrated an excellent practice by showing their responsibility and courage to face justice. Politicians should ideally possess these qualities; the quality to assume responsibility for any political act that relates to exercising the role of a politician. JSMP believes that the court is the appropriate and legitimate place to assess and uphold justice for these allegations.

JSMP has observed for many years that immunity has been a major obstacle for the courts to accelerate criminal proceedings involving MPs and members of government who have been accused of a crime. This tendency has occurred because of ambiguous, inconsistent and bias interpretation of immunity guaranteed in the Constitution and the Parliamentary Rules of Procedure. This situation has occurred because constitutional and legal provisions have created confusion and paved the way for a range of ambiguous interpretations. Therefore, JSMP has recommended on many different occasions that the National Parliament and the relevant ministries should be asked to develop guidelines for a standard interpretation to clarify how and in what situations MPs or members of government can claim or use their immunity.

JSMP then asked the National Parliament as the competent body to consider removing the immunity of MPs or members of government to maintain and institutionalise this good practice in the future to avoid impeding MPs or members of sovereign organs from participating in proceedings when the courts have made a request to the parliament to remove their immunity.

In his statement MP Assanami stated that PD is willing to collaborate with justice. MP Assanami stated that this case has been pending a long time, namely since 2015, and the trial has been continuously adjourned. Therefore, as a Minister at that time he will provide testimony to the court to avoid others making up stories to the public about this case.

Meanwhile, MP Antonio da Conceição stated that his case occurred in 2014 in Vemasse Administrative Post, Baucau Municipality in relation to humanitarian assistance for five villages that were affected by drought. This process started with MPs at the National Parliament who spoke about the situation at that time and members of the community sent a letter to him at that time. He emphasised that as

the Minister for Industry and Commerce he needed to carry out humanitarian intervention, not a market intervention, and at that time there was rice available to carry out this intervention. However, he has to accept the investigation and his status as defendant so he requested for the National Parliament to remove his immunity so he can cooperate with justice to finalise this case before the court.

Meanwhile, Vice-President of the Democratic Party, Adriano do Nascimento, stated that the National Parliament removed the immunity of these two MPs, who are leaders of the PD party, so they can comply with justice in relation to some cases that occurred when they were in government.

These PD leaders have set a good example for the other political parties to follow, because they consider that immunity does not exist in all situations, but it has its limits.

JSMP requests for this practice to be strengthened, but also recommended for members of parliament to have their immunity fully removed until the matter is concluded by the courts so there are no implications on any trial processes in the future.

Previously the Baucau District Court submitted a request to the President of the National Parliament asking that MP António da Conceição, who was the former Minister of Commerce and Industry, to provide a statement in a hearing on 14 November 2018 in a case of economic involvement in business as the defendant.

Meanwhile, regarding the case of MP Mariano Assanami Sabino, the Dili District Court submitted a request referring to Case No. 0029/16.PGCCC for him to provide a statement as a witness in a case of economic participation in business, the crime of forgery of documents or technical report for the supply of dairy cows.

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