



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Press Release

National Parliament

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JSMP appreciates the initiative of the Fretilin Bench and Democratic Party Bench for presenting the Draft Law Against Corruption to the Table of the National Parliament

JSMP appreciates the initiative of the Fretilin Bench and Democratic Party Bench for presenting the Draft Law Against Corruption to the Table of the National Parliament on Sunday 9 July 2018.

During a plenary session of the National Parliament these two benches presented the Draft Law Against Corruption to the Table of the National Parliament which was accepted by the Acting President MP Maria Angelina Lopes Sarmento, who is actually the Vice President of the National Parliament.

“JSMP really appreciates the initiative of these two benches for taking notice of public concern to accelerate discussion on the Draft Law Against Corruption that expired during the previous two legislatures”, said the Executive Director of JSMP, Luis de Oliveira Sampaio.

This initiative is a political gesture that shows that these two parties are fulfilling a promise that was made during electoral campaigning for the Early Elections in 2018 to fight against corruption by strengthening the legal framework with this Law Against Corruption. This also shows that these two benches have the capacity to capture and interpret the expectations and widely held opinion of the people that the Law Against Corruption is important to prevent and combat corrupt activity in Timor-Leste, and to promote good governance and guarantee the wellbeing of all citizens.

JSMP asks for all political parties in the National Parliament, and the AMP coalition in particular, which comprises CNRT, PLP and KHUNTO, and the other coalition to support this initiative and present the Draft Law Against Corruption for discussion and approval in the first year of the fifth legislature.

Previously JSMP¹ also asked the elected MPs of the fifth legislature who were sworn in on 13 June 2018 to immediately approve the Draft Law Against Corruption without unnecessary delay

¹ JSMP Press Release at [Elected MPs of the fifth legislature need to develop the National Legislative Program to guarantee the legislative priorities of the National Parliament and immediately approve the Draft Law Against Corruption-18-June-2018](#) or otherwise refer to JSMP's Facebook page at: <https://web.facebook.com/notes/jsmp-timor-leste/deputadu-eleitu-sira-ihalejizlatura-dalimak-tenke-dezenvolve-programa-nasionál-/1365361653607475/>

by developing the Legislative Program of the National Parliament and to place the Law Against Corruption as the highest priority above all other draft laws.

During electoral campaigning for the early elections JSMP also organized a public debate² involving the political parties competing in the early elections on 12 May 2018. During this public debate representatives of the political parties expressed their commitment and promise to approve the Draft Law Against Corruption when they were elected to the National Parliament.

The Draft Law Against Corruption proposed by these two benches has 4 chapters. Chapter I sets out the criminal provisions, Chapter II sets out the criminal procedure provisions, Chapter III sets out public participation and Chapter IV sets out the final provisions.

Chapter I contains provisions that set out acts of corruption provided for in articles 192, 274, 275, 281, 287, 288, 290, 292, 299, 314 i and 319 of the Penal Code and acts of corruption that are not provided for in the Penal Code which are acts committed outside of the national territory, criminal responsibility of legal persons, applicable penalties and special mitigating circumstances in sentencing for crimes of illegal enrichment and fraud during construction.

Chapter II contains provisions that set out the nature of the process, obligation to collaborate, investigations, representation of legal person during proceedings, anonymous reporting, search and investigation, apprehension, special access to communications, freezing and confiscation of illegal assets, secret accounts, defending the rights of third parties in good faith, witness protection, detention other than flagrante delitu, acts of compensation and the death of a defendant and civil actions.

Chapter III sets out public participation in combatting corruption and acknowledgement of the State for those who contribute to preventing and eradicating corruption. Meanwhile Chapter IV sets out how the Government can create its own regulations to provide norms and procedures for public participation in preventing and combatting corruption when the law comes into force.

The proponents from the Fretilin Bench were MP Aniceto Longuinhos Guterres Lopes, David Dias Ximenes Mandati, Francisco Miranda Branco, Antoninho Bianco, Lídia Norberta dos Santos Martins, Nélia Soares Menezes and Joaquim dos Santos. Whereas the proponents from the PD Bench were represented by MP Adriano do Nascimento.

² Information on the public debate regarding “THE IMPORTANCE OF THE LAW AGAINST CORRUPTION IN TIMOR LESTE” at <https://www.facebook.com/notes/jsmp-timor-leste/jsmp-realiza-debate-nakloke-kona-ba-importansia-projetu-lei-anti-korrupsaun/1315890051887969/> or can see the debate at : <https://www.youtube.com/watch?v=0GIuAajEKHo>

JSMP recommends for the Table of the National Parliament to give top priority to this draft law so that it can be accepted and included in the legislative plan of the National Parliament in the first legislative session for discussion and approval.

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