

Jornal da República**Law 4/2009****15 July****Legal System for Parliamentary Inquiries**

The Constitution of the Democratic Republic of East Timor states that the National Parliament is the organ of sovereignty of the Democratic Republic of East Timor that represents all Timorese citizens and is vested with legislative, supervisory and political decision making powers.

This directive complies with this constitutional intent, emphasizing the characteristics of the constitutional system of East Timor, which grants specific rights and responsibilities to the Deputies and to the National Parliament in matters of political supervision.

The legal system of inquiry committees, by establishing rules for the formation, functioning and deliberations of the committees formed in the National Parliament to conduct parliamentary inquiries, assures transparency, proper functioning and continuation of the function of the inquiry committees.

Therefore, the National Parliament decrees, under the terms of Section 92 and of No. 1 of Section 95 of the Constitution of the Republic, to rule as law, the following:

**Article 1
Functions and Objective**

1. The parliamentary inquiries are designed to monitor compliance with the Constitution and laws and evaluate the acts of the Government and Public Administration.
2. Parliamentary inquiries may have as their objective any matter of public interest relevant to the exercise of the powers of the National Parliament.
3. Parliamentary inquiries are conducted through committees of the National Parliament especially constituted for each case, under the terms of its Gules.

**Article 2
Initiative**

1. Parliamentary inquiries are held:
 - a) Through express deliberation of the Plenary;
 - b) The requirement of one-third of the deputies carrying out their functions up to the limit of one per deputy and per legislative session.

2. Initiating inquiries as stated in paragraph a) of No. 1 is the responsibility of:
 - a) The parliamentary benches and Deputies of the parties not constituted in the parliamentary bench;
 - b) The committees;
 - c) The Deputies.
3. The initiative must be approved by absolute majority of the Deputies exercising their functions.

Article 3 Formal Requirements

1. The projects to be resolved which require the holding of an inquiry must indicate their purpose and their bases, at the risk of being summarily rejected by the President of the National Parliament.
2. Failure to admit a project for resolution presented under the terms of the present law shall always have recourse to the Plenary, under the terms of the Regulations.

Article 4 Required Constitution of the Inquiry Committee

1. Parliamentary inquiry committees requested under paragraph b) of No. 1, Article 2 must be appointed.
2. The referenced request, directed to the President of the National Parliament, should indicate its objective and bases.
3. The President of the National Parliament shall verify the formal existence of the conditions outlined above and the number and identity of the subscribing deputies, and shall immediately notifying the first subscriber to provide the corresponding missing element(s), in the event of any omission or error in the carrying out these formalities or in the event that indication of the objective and bases of the request infringes on the Constitution or on the principals outlined therein.
4. Having received the request or verified the information referenced above, the President shall take the means necessary under the terms of Article 6, to define the composition of the committee of inquiry up to eight days after receipt of the request.
5. Within the period referenced above, the President of the National Parliament, after hearing the Conference of the Representatives of the Parliamentary Benches, shall schedule debate on the subject of the inquiry, if requested by the petitioners for the appointment of the committee or by a parliamentary bench.

Article 5
Information to the Attorney-General of the Republic

1. The President of the National Parliament shall send to the Attorney-General of the Republic the contents of the resolution that determines the performance of an inquiry.
2. The Attorney-General of the Republic shall inform the National Parliament whether, based on the facts, there is any criminal proceeding going on, and at what stage, on the matter which is the object of the initiative.
3. If there is a criminal proceeding underway, the National Parliament shall suspend the inquiry process until the court decision in the case has been handed down.

Article 6
Composition and Functioning of the Committee

1. It is the responsibility of the National Parliament, after hearing the Conference of Representatives of the Parliamentary Benches, to assign the number of members of the committee, observing the principal outlined above, to grant them power and determine the time period for realization of the inquiry.
2. The assignment of the number of members of the committee should respect the principal of proportionality of the Deputies that make up the parliamentary benches.
3. The members of the committee are full or substitute Deputies of the committee, with no possibility for substitution except for instances outlined under the present law.
4. The members of the committee shall assume power before the President of the National Parliament up to the fifteenth day after the debate is approved by the Plenary.
5. The assumption of power by committee members, including substitute members, is conditioned on a formal declaration of the inexistence of a conflict of interest with respect to the subject of the inquiry.
6. The committee shall begin its work immediately after power is conferred by the President of the National Parliament, as soon as one of the following conditions has been met:
 - a) There is indication that more than half of the members of the committee are present, representing a minimum of two parliamentary benches, one of which must be the party not represented in the Government;
 - b) There is no indication of the maximum number of Deputies on the committee, once there is indication of the Deputies belonging to a parliamentary bench.

Article 7
Publication

The resolution and the dispositive part of the request outlined in paragraph b) of No. 1 of Article 2 which demines the realization of an inquiry must be published in the *Jornal da Republica*.

Article 8
Objective of the Inquiry Committees

1. Parliamentary inquiries may only have as their objective acts of Government or of the Administration which occurred in legislatures prior to the present one when they pertain to issues still under consideration, new facts or facts of supervening knowledge.
2. During the period of each legislative session, no new inquiry committees may be set up with the same objective as an existing committee or one which ended during the referenced period, except if new facts arise.
3. In the parliamentary inquiry committees requested under paragraph b), No. 1 of Article 2, the objective defined by the petitioners may not be changed by deliberation of the committee.
4. The committee may be guided by an indicative questionnaire formulated in advance.

Article 9
Meetings of the Committees

1. Committee meetings may take place on any day of the week and during holidays, without prior authorization from the Plenary.
2. The President of the committee shall give prior notice to the President of the Parliament, seven days in advance, so that he may take the necessary measures to hold the meetings outlined above.

Article 10
Designation of Rapporteurs and Constitution of the Work Group

1. The inquiry committees shall designate a rapporteur in one of the first two meetings and may deliberate on the creation of a working group made up of Deputies representing all of the Parliamentary benches in order to further the efficiency of the Committee and the efficacy of the inquiry.
2. The rapporteur is one of the referenced representatives.
3. The working group is presided over by the president of the committee or by someone he designates.
4. The work produced by the referenced group is instrumental and accessory to the work of the committee.

Article 11
Duration of the Inquiry

1. The maximum period for the performance of an inquiry is sixty days, after which the committee is terminated, notwithstanding that set forth in the following numbers.
2. At the request of the committee, the Plenary may grant an additional 30-day period.
3. In the parliamentary inquiry committees requested under paragraph b), No. 1 of Article 2, the additional period referenced in the last number must be granted, if requested by the Deputies of the parliamentary benches to which the requesters of the committee belong.

4. If the committee has not approved a conclusive report on the investigations performed, the president of the committee shall send to the President of the National Parliament information detailing the investigations performed and the reasons for the inconclusiveness of the work.

Article 12 **Deputy Members of the Inquiry Committee**

1. The deputy members of the inquiry committee may only be substituted by virtue of loss or suspension of their mandate or in case of justified excuse.

2. The absences of members of the committees in meetings must be communicated by the president of the committee to the President of the National Parliament, with the information of whether or not they were justified.

3. The President of the National Parliament shall announce the unjustified absences at the next Plenary.

4. A Deputy who violates the right of secrecy with respect to the work of the inquiry committee, or who is absent without justification at more than five meetings will lose membership on the committee.

5. In the event of loss of membership on the committee under the terms outlined above, the respective parliamentary bench shall send the name of the substitute member to the President of the National Parliament, who, after hearing the Conference of the Representatives of the Parliamentary Benches, will grant him power within forty-eight hours.

6. If there is a violation of secrecy, the inquiry committee shall begin a summary investigation and deliberate, by a qualified two-thirds majority, on its truth and the identity of the violator.

7. The President of the National Parliament must be informed of the content of the deliberation outlined above, when it results in verifying the existence of said violation and the identity of its author, to declare the loss by this person of membership on the respective committee and announce the decision to the Plenary.

Article 13 **Powers of the Inquiry Committees**

1. The parliamentary inquiry committees enjoy the powers of investigation of judicial authorities which are not constitutionally reserved for them.

2. The committee shall have the right to cooperation from judicial authorities, organs of criminal justice and administrative authorities, as well as tribunals.

3. The committees may, at the legitimate request of its members, solicit in writing from the Government, judicial authorities, Public Administrative bodies, or private entities the information and documents they believe to be useful to the performance of the inquiry.

4. In the parliamentary inquiry committees set up under paragraph b), No. 1 of Article 2, the instructive proceedings referenced above that are considered indispensable to proper performance of the inquiry by the Deputies who propose them, are mandatory, with performance not being subject to deliberation by the committee.

5. The provision of information and documents referenced in paragraph 3 has priority over any other services and should be met within of ten days, under penalty of its author incurring criminal charges as referenced in Article 19, absent significant justification by respondent that would make it advisable for the committee to extend the time period or cancel the proceedings.

6. The petition referenced in No. 3 should indicate the present law and transcribe No. 5 of this Article and No 1 of article 19.

7. During the investigation, the refusal to present documents or to provide testimony may only be justified under the terms of criminal law.

Article 14

Location of Functioning and Method of Operating

1. The parliamentary inquiry committees function at the headquarters of the National Parliament, but may, however, function or perform diligence, when necessary, in any part of the national territory.

2. The meetings, proceedings and inquiries performed shall always be recorded, except when, for just cause, the committee decides otherwise.

3. When the recording outlined above does not occur, the proceedings and the testimony or declarations obtained shall be in the form of minutes especially prepared to translate, in detail, those proceedings, to which shall be attached the referenced testimony and declarations after being signed by their authors.

Article 15

Disclosure of the Works

1. The meetings and investigations performed by the parliamentary inquiry committees in general are not published, except when the committee, in properly documented deliberation, determines otherwise.

2. The meetings of the parliamentary inquiry committees are never published when:

- a) The meetings and proceedings have as their objective material subject to state secrecy, investigative secrecy or secrecy for reasons of preserving personal privacy;
- b) The deponents oppose publication of the meeting, based on safeguarding fundamental rights;
- c) The meetings and proceedings could jeopardize the secrecy of sources of information, except when authorized by the interested parties.

3. The minutes of the inquiry committees, as well as all documents in their possession, may be consulted after approval of the final report, once authorized by the Bureau of the National Parliament.

4. The transcription of testimonies given before inquiry committees in non-public meetings may only be consulted with permission of their authors.

Article 16
Meeting of Persons and Hiring of Experts

1. The parliamentary inquiry committees may call any citizen to testify on facts related to the inquiry.
2. They enjoy the right to depose in writing, if they wish, the President of the Republic, the ex-Presidents of the Republic, the President of the National Parliament, the ex-Presidents of the National Parliament, the Prime Minister and the ex-Prime Ministers, which they shall hand over to the committee, within ten days from the date of notification of the facts related to the deposition, a sworn declaration, relating what they know about the facts indicated.
3. In the parliamentary inquiry committees requested under paragraph b), No. 1 of Article 2, the instructive proceedings referenced above that are considered essential to the inquiry by the deputies who propose them are required up to a maximum limit of fifteen depositions requested by the deputies of the minority parliamentary benches together, as a function of their representation or by agreement among themselves, and up to the maximum limit of eight depositions requested by the deputies of the majority parliamentary bench together, leaving the remaining depositions subject to deliberation of the committee.
4. The convocations are signed by the president of the committee or, at his request, by the President of the National Parliament and must contain the following indications, notwithstanding that set forth in No. 2:
 - a) The objective of the inquiry;
 - b) The location, day and date of the deposition;
 - c) The sanctions applicable to the crime set forth in Article 19 of this law.
5. The convocation is made at any place within the territory, under any form as set forth in the Penal Code, and should, in the case of employees and agents of the State or other public entities, be carried out through their respective superior hierarchy.
6. The proceedings set forth in No. 1 may be requested up to seven days before the end of the period set forth for the presentation of the report.
7. The committees may request and contract specialists to coordinate their work upon prior authorization of the President of the National Parliament.

Article 17
Testimonies

1. Failure to appear or refusal to testify before the parliamentary inquiry committee is only justified under the general terms of criminal procedure.
2. The obligation to appear before the committee takes precedence over any official act or proceedings.
3. In no case is refusal to appear allowed in the case of employees, agents of the State and other public entities; however, they may request a new date for the convocation, for serious work-related reasons, as long as the inquiry procedure is not harmed.
4. The form of deposition is governed by the applicable Code of Criminal Procedure governing testimony.

Article 18
Duties

1. No one may be harmed in his work or employment due to the obligation to depose before a parliamentary inquiry committee, and all absences resulting from this obligation are considered justified.
2. Travel expenses, as well as miscellaneous indemnification that, at the request of the person summoned, are established by the President of the Committee, shall be paid by the budget account of the National Parliament.

Article 19
Qualified Disobedience

1. With the exception of the cases set forth in Article 17, the failure to appear, the refusal to be deposed and failure to comply with legitimate orders of a parliamentary inquiry committee in the performance of its functions constitute a crime of qualified disobedience, under the terms of criminal law.
2. If any of the facts are proven as set forth above, the President of the Committee, upon learning of this, will contact the President of the National Parliament, with the documents needed for begin the process, to be submitted to the General Public Prosecutor.

Article 20
Report

1. The final report must contain:
 - a) The questionnaire, if available;
 - b) The investigations made by the committee;
 - c) The conclusions of the inquiry and the respective bases;
 - d) The sense of the vote of each member of the committee, as well as the declaration of written votes.
2. The committee may propose to the Plenary or to the Permanent Committee the preparation of separate reports, if they consider that the objective of the inquiry is susceptible to investigation, and the respective reports should be considered in the final report.

Article 21
Debate and Resolution

1. Up to thirty days after the presentation of the report and the voting declarations, the President of the National Parliament shall include his opinion in the order of the day.
2. Along with the report, the parliamentary inquiry committee may present a project of resolution.
3. Once the report is presented to the Plenary, it is open for debate.
4. The debate is introduced by a brief explanation from the president of the committee and the designated rapporteur, and is provided a block of time for speaking as determined by the President of the National Parliament, once the Conference of Representatives of the Parliamentary benches has been heard.

5. Notwithstanding the total discussion time, each parliamentary bench is given three minutes to present their vote declarations.

6. The plenary may deliberate over the publication, in whole or in part, of the minutes of the committee, as set forth in Article 15.

7. Along with the report, the Plenary shall study the resolution proposals that are presented to it.

8. The report is not subject to vote in the Plenary.

Article 22 Revocatory Rule

Articles 148, 149 and 150 of the Rules of the National Parliament, published in the *Jornal da Republica*, Series I, No 2, 1st supplement of June 11, 2003 are expressly revoked.

Article 23 Entry into force

The present law enters into force the day following its publication.

Approved May 12, 2009

The President of the National Parliament

Fernando La Sama de Araújo

Promulgated on July 3, 2009

To be published

The President of the Republic

Dr. José Manuel Ramos Horta