

**DEMOCRATIC REPUBLIC OF TIMOR-LESTE  
NATIONAL PARLIAMENT**

**LAW No. 5/2004  
28 APRIL 2004**

**THE STATUS OF MEMBERS OF PARLIAMENT**

**PREAMBLE**

Members of Parliament are officeholders of an organ of sovereignty and represent the entire people of Timor-Leste irrespective of the constituencies by which they have been elected. Consequently, Members of Parliament perform a function of paramount importance in the pluralistic and participatory Democracy, and distinguish themselves by the role they play and by the necessary powers and rights they hold, as well as by the responsibilities that are required of them.

It is definitely imperative to guarantee the free exercise of their mandate and put conditions in place to enable Members of Parliament to carry out actions the legitimacy of which is grounded in the authority conferred upon them by the Constitution, the Law and the Rules of Procedure of the National Parliament.

Thus, with a view to protecting and guarding Members of Parliament from and against specific influences or interests of a professional or other nature, in order to guarantee a detached and independent exercise of their mandate, and pursuant to Sections 92 and 95 of the Constitution of the Democratic Republic of Timor-Leste, the National Parliament has enacted the following Law:

2. In the first legislative term, the term of office of Members of Parliament started, on an exceptional basis, with the transformation of the Constituent Assembly into a National

Parliament under the terms of Section 167 of the Constitution.

### **Article 3**

#### **Verification of powers of Members of Parliament**

1. The powers of Members of Parliament shall be verified by the National Parliament

- (b) a communication by the Member of Parliament to the Speaker of the National Parliament;
- (c) a communication by his or her parliamentary group or by the relevant body of his or her political party;
- (d) an absolatory or similar decision;
- (e) cessation of any functions inconsistent with those of Member of Parliament.

1 All members of the last Member of Parliament on the respective list who was then holding

such office shall automatically cease forthwith with the resumption of functions by the Member of Parliament who was suspended.

#### **Article 7 Resignation from office**

1 A Member of Parliament may resign by means of a substantiated notice in writing

interest to the country and provided justification is presented prior to the occurrence of such

4. Forfeiture of office shall be declared by the Chair upon the facts being as follows:

5. A Member of Parliament has the right to be heard and appeal to the plenary session

**Article 11**  
**Inviolability**

1. No Member of Parliament shall be arrested or placed in pre-trial custody, except for felonies punishable with a prison sentence exceeding five years, following authorization

from the National Parliament.

4 District and subdistrict administrators, as well as zone and village chiefs, shall make

available to Members of Parliament, at the request of the latter, adequate facilities and means to allow them to contact people.

### **Article 13 Incompatibilities**

1. While serving their term as a Member of Parliament, the following persons may not exercise their respective functions:

- (a) the President of the Republic;
- (b) judges;

- (c) members of the National Electoral Committee;
- (d) state officials and other officials employed by public corporate bodies;
- (e) members of the National Electoral Committee;
- (f) the Ombudsman of Human Rights and Justice;
- (g) cabinet members and officials of the President's Office or others enjoying equivalent legal status;
- (h) officials of international organisations and of foreign States;
- (i) board of directors members of public enterprises or of companies having public capital or the majority of its shares are held by the State, and officials of autonomous public institutes.

2. The provision of paragraph (d) of the previous subarticle shall not cover officials exercising teaching functions in the education system.

2. Acts that entail compensation shall be the subject of an annual report to the Government.

the National Parliament, who shall decide the compensation amount, except insofar as such damage is covered by other means.

### **Article 16 Rights of Members of Parliament**

1. A Member of Parliament may not serve as a juror.

(a) the term served as a Member of the Constituent Assembly shall be credited towards

the time of service as a Member of Parliament;

- (b) a vehicle imported with the exemptions provided for above may not be ceded, donated, conveyed or encumbered within three years after its permanent import;
- (c) a breach of the provision of the previous paragraph shall entail the payment of import taxes due upon the permanent import of a motor vehicle, and the corresponding deduction for use by its owner shall be made in accordance with the



monthly remuneration earned by a Member of Parliament who is actually exercising his or her functions.

2. The monthly subsidy shall apply for the duration of such disability

## Article 21 Survival pension

1. If in the event of death during the actual exercise of his or her functions, as a result

therefrom a Member of Parliament is not entitled to the monthly life pension provided for in

Promulgated on 15 April 2004.

To be published.

[Signed]

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