

A BILL FOR AN ACT

To grant amnesty to certain classes of people who are now being accused, or yet to be accused, or who have been prosecuted of certain types of crimes against the sovereignty of the Federated States of Micronesia but not yet convicted, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Findings. The Congress of the Federated States of
2 Micronesia hereby finds that the national government has
3 constitutionally impermissibly singled out certain classes of people
4 for investigation and prosecution, based on the exercise of their
5 political right, like what happened in Chuuk State now, and leaving
6 other classes of people who are similarly situated not investigated
7 and not prosecuted. The Congress further finds that, if convicted,
8 those people who are singled out for investigation and prosecution are
9 deemed political prisoners. The Congress further finds that these
10 selective prosecutions to trammel the free exercise of one's political
11 right have no place in a civilized democratic society like the
12 Federated States of Micronesia. Such selective prosecutions violate
13 the FSM Constitution and at the same time offend the basic foundation
14 of underlying the culture and tradition of the people of the Federated
15 States of Micronesia. Lastly the Congress further finds that granting
16 of an amnesty under these sets of facts to those people who are being
17 invidiously singled out for investigation or for prosecution for their
18 fearless exercise of their political rights is deemed more expedient

1 for the healthy growth of democracy in this Nation and for the
2 preservation of the culture and tradition of the citizens thereof than
3 prosecution and punishment.

4 Section 2. Definition. Unless the context requires a different
5 construction, "Amnesty" is hereby defined as an act of the sovereign
6 granting oblivion to any class or classes of the citizens of the
7 Federated States of Micronesia or to all citizens of the Federated
8 States of Micronesia who are subject to investigation or prosecution,
9 or both, but who have not yet been convicted for past offense or
10 offenses. Amnesty is an act of state. It addresses itself to crimes
11 against the state, that is, to political offenses, and is exercisable
12 by the sovereign through either the President of the Federated States
13 of Micronesia by proclamation or by the Congress of the Federated
14 States of Micronesia through legislation.

15 Section 3. Amnesty. An amnesty is hereby granted to and in
16 favor of the classes of citizens of the Federated States of
17 Micronesia, private citizens and officials alike, who are now, or may
18 hereafter be, subject to investigations, prosecutions, but not yet
19 convicted, of or for any alleged criminal act, or omission, arising
20 out of any alleged misuse, misappropriation, failure to make the
21 required disposition of, fraudulent use or fraudulent appropriation of
22 any government fund, or of any and all alleged criminal acts, or
23 omissions, that arise out of, in connection with, or relating to the
24 use of any government fund, or relating to any derivative use of any
25 such government fund, that are now known, or yet to be known in the

1 future, which acts, or omissions, allegedly took place during the
2 period from November 3, 1986 through November 3, 2003.

3 Section 4. Automatic Oblivion. The approval of this act by the
4 President of the Federated States of Micronesia or its becoming law
5 without such approval shall by its own force and effect operate
6 automatically to:

7 (a) forthwith dismiss any and all criminal cases that are pending
8 in the Trial Division of the Supreme Court of the Federated States of
9 Micronesia against the class or classes of people who are forgiven by
10 the amnesty granted under section 3 of this act;

11 (b) forthwith close any and all criminal investigations currently
12 undertaken by the Government of the Federated States of Micronesia
13 against the class or classes of people who are granted amnesty under
14 section 3 of this act and to forever seal any and all reports relating
15 to, connected with, or resulting from any of such investigations; and

16 (c) forthwith forever close and seal once and for all any and all
17 criminal investigations or inquiries into any of the types of offenses
18 for which the amnesty is granted under section 3 hereof arising out of
19 acts, or omissions, which allegedly took place during the period of
20 time set forth under the same section 3 hereof.

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1 Section 5. This act shall become law upon approval by the
2 President of the Federated States of Micronesia or upon its becoming
3 law without such approval.

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5 Date: 1/20/04

Introduced by: /s/ Henry C. Asugar
Henry C. Asugar
(by request)

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