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 Micronesia hereby finds that the national government has constitutionally impermissibly singled out certain classes of people for investigation and prosecution, based on the exercise of their political right, like what happened in Chuuk State now, and leaving other classes of people who are similarly situated not investigated and not prosecuted. The Congress further finds that, if convicted, those people who are singled out for investigation and prosecution are deemed political prisoners. The Congress further finds that these selective prosecutions to trammel the free exercise of one's political right have no place in a civilized democratic society like the Federated States of Micronesia. Such selective prosecutions violate the FSM Constitution and at the same time offend the basic foundation of underlying the culture and tradition of the people of the Federated States of Micronesia. Lastly the Congress further finds that granting of an amnesty under these sets of facts to those people who are being invidiously singled out for investigation or for prosecution for their fearless exercise of their political rights is deemed more expedient
for the healthy growth of democracy in this Nation and for the
preservation of the culture and tradition of the citizens thereof than
prosecution and punishment.

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

Section 3. Amnesty. An amnesty is hereby granted to and in
favor of the classes of citizens of the Federated States of
Micronesia, private citizens and officials alike, who are now, or may
hereafter be, subject to investigations, prosecutions, but not yet
convicted, of or for any alleged criminal act, or omission, arising
out of any alleged misuse, misappropriation, failure to make the
required disposition of, fraudulent use or fraudulent appropriation of
any government fund, or of any and all alleged criminal acts, or
omissions, that arise out of, in connection with, or relating to the
use of any government fund, or relating to any derivative use of any
such government fund, that are now known, or yet to be known in the
future, which acts, or omissions, allegedly took place during the period from November 3, 1986 through November 3, 2003.

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

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

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

(c) forthwith forever close and seal once and for all any and all criminal investigations or inquiries into any of the types of offenses for which the amnesty is granted under section 3 hereof arising out of acts, or omissions, which allegedly took place during the period of time set forth under the same section 3 hereof.
Section 5. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: 1/20/04

Introduced by: /s/ Henry C. Asugar

Henry C. Asugar
(by request)