



# Immunity from Prosecution for Former Presidents in Selected Jurisdictions

Burundi • Central African Republic • Chile  
Côte d'Ivoire • Djibouti • Equatorial Guinea • Fiji  
France • Guinea • Guyana • Iceland • Ireland  
Kazakhstan • Kyrgyzstan • Lebanon • Madagascar  
Malta • Mauritania • Myanmar • Namibia • Niger  
Russia • Rwanda • Senegal • Sudan • Syria  
Tajikistan • Togo • Trinidad and Tobago  
Turkmenistan • Uruguay • Uzbekistan

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# Immunity from Prosecution for Former Presidents in Selected Jurisdictions

by the Staff of the Global Legal Research Directorate

**SUMMARY** This chart reports on thirty-two jurisdictions with constitutional or statutory provisions addressing immunity of current and former presidents. Where a provision was located specifying whether presidents continue to have immunity after they leave office, such provision is noted. The chart also includes each country’s Freedom House aggregate score, a scale that comparatively assesses political rights and civil liberties in each country.

The chart focuses on jurisdictions where the head of state is a president. Excluded from the report are monarchies, which exist in many countries in Europe, North Africa, the Middle East, and elsewhere. Monarchs enjoy sovereign immunity and are inviolable from prosecution. In most cases monarchs serve as long as they are alive. No provisions were found for the removal of immunity from abdicated monarchs.

In some countries, such as Kazakhstan, Kyrgyzstan, and Turkmenistan, presidents enjoy absolute immunity for any acts committed during office, including after leaving office.

It is common among the surveyed countries for presidents to enjoy immunity from criminal prosecution for acts done in the exercise of the functions of the office except in cases of “high treason” or other grave crimes.

Rwanda’s Constitution, as amended in 2015, has two unusual provisions relating to treason by the president. One states that the president will “cease to hold office if he or she is definitively sentenced by the Supreme Court for treason or a serious and deliberate violation of the Constitution.” A second provision states that a former president “cannot be prosecuted for treason or serious and deliberate violation of the Constitution when no legal proceedings in respect of that offence were brought against him or her while in office.” No other country was located with provisions similar to those of Rwanda, although, as noted, some countries explicitly provide for absolute immunity.

| Country                  | Text of Legal Provision   | Citation   | Date of Entry Into Force | Freedom House Aggregate Score* |
|--------------------------|---|--|--------------------------|--------------------------------|
| Burundi                  | Art. 117 – The President of the Republic is only criminally responsible for the acts accomplished in the exercise of his or her functions in cases of high treason.<br><br>There is high treason when, in violation of the Constitution or the law, the President deliberately commits an act contrary to the superior interests of the nation which gravely compromises national unity, social peace, social justice, the development of the country, or gravely infringes on human rights, territorial integrity, national independence and national sovereignty. | CONSTITUTION DE LA RÉPUBLIQUE DU BURUNDI [CONSTITUTION OF THE REPUBLIC OF BURUNDI] arts. 117, 119, <a href="http://www.assemblee.bi/Constitution-de-la-Republique-du">http://www.assemblee.bi/Constitution-de-la-Republique-du</a> , archived at <a href="https://perma.cc/X9RS-AB7S">https://perma.cc/X9RS-AB7S</a> .   | Mar. 18, 2005            | 19                             |
| Central African Republic | The President of the Republic is liable for acts committed in the exercise of his office only in cases of high treason.<br><br>[The following] [a]re considered as crimes of high treason, in particular: <ul style="list-style-type: none"><li>- Violation of the oath of office;</li><li>- Political homicide;</li><li>- Corruption;</li><li>- The creation or maintenance of a militia;</li></ul>  | CONSTITUTION DE LA RÉPUBLIQUE CENTRAFRICAINE [CONSTITUTION OF THE CENTRAL AFRICAN REPUBLIC] art. 124, available at <a href="http://www.ilo.org/dyn/natlex/docs/SERIAL/104713/127839/F1101593134/CAF-104713.pdf">http://www.ilo.org/dyn/natlex/docs/SERIAL/104713/127839/F1101593134/CAF-104713.pdf</a> , archived at <a href="https://perma.cc/FKF4-AV5D">https://perma.cc/FKF4-AV5D</a> . | Mar. 30, 2016            | 10                             |

\* Aggregate scores are drawn from the Freedom House annual report, which “evaluates the state of freedom in 195 countries and 14 territories during calendar year 2016.” FREEDOM HOUSE, FREEDOM IN THE WORLD 2017, at 2, [https://freedomhouse.org/sites/default/files/FH\\_FIW\\_2017\\_Report\\_Final.pdf](https://freedomhouse.org/sites/default/files/FH_FIW_2017_Report_Final.pdf), archived at <https://perma.cc/NJ78-9BFK>. “Each country and territory is assigned between 0 and 4 points on a series of 25 [political and civil liberties] indicators, for an aggregate score of up to 100,” with 100 signifying the most freedom under a methodology that translates aggregate scores into ratings. *Id.* For more details about Freedom House’s methodology, including a list of indicators measured, see *Freedom in the World 2017: Methodology*, FREEDOM HOUSE, <https://freedomhouse.org/report/methodology-freedom-world-2017> (last visited Oct. 30, 2017), archived at <https://perma.cc/A7CB-5PXF>.

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|                          | <ul style="list-style-type: none"> <li>- The refusal to provide defense and security forces with the means necessary to accomplish their mission;</li> <li>- The violation of article 23 [prohibiting the President from simultaneously exercising any other political office or lucrative activity];</li> <li>- The failure to establish the institutions of the Republic within the constitutional deadline;</li> <li>- Any act contrary to the superior interests of the Nation.</li> </ul>   |  |                          |                                |
| <b>Chile</b>             | <p>Art. 30 – The President, who has completed the full term as president, will immediately acquire the status of Ex-President of the Republic. By virtue of this quality, the provisions of the second, third and fourth paragraphs of Article 61 . . . will be applicable to him . . . .</p> <p>Art. 61 – Deputies and Senators only are immune from prosecution for the opinions and votes they cast in the fulfilling their official duties, in congressional sessions or in commissions. No Deputy or Senator, as of the date of his election or . . . his oath, . . . may be tried or deprived of his freedom, except in the case of a flagrant crime, if the Court of Appeals of the respective jurisdiction, in plenary, has not previously authorized his accusation, declaring that there is cause for legal proceedings. This decision can be appealed before the Supreme Court. Any Deputy or Senator, in the case of being arrested for a flagrant crime, will be brought immediately before the respective Court of Appeals, with the corresponding summary information. The Court will proceed in accordance with what is provided in the previous paragraph. From the moment it is declared by a final decision that there is cause for legal proceedings, the indicted Deputy or Senator will be suspended from his seat and referred to the competent court to further the proceedings.</p> | <p>CONSTITUCIÓN POLÍTICA DE LA REPÚBLICA DE CHILE, DIARIO OFICIAL arts. 30, 61, Oct. 24, 1980, <i>as amended</i> Sept. 22, 2015, <a href="https://www.camara.cl/camara/media/docs/constitucion_politica.pdf">https://www.camara.cl/camara/media/docs/constitucion_politica.pdf</a>, archived at <a href="https://perma.cc/X9CQ-LZE4">https://perma.cc/X9CQ-LZE4</a>.</p> | Apr. 28, 2000            | 94                             |
| <b>Côte d’Ivoire</b>     | The President of the Republic is only liable for acts done in the exercise of his/her office, and is only brought before the High Court of Justice, in cases of high treason.  | CONSTITUTION art. 157, <a href="http://www.conseil-constitutionnel.ci/index.php?y=const3">http://www.conseil-constitutionnel.ci/index.php?y=const3</a> , archived at <a href="https://perma.cc/6JM7-2MDZ">https://perma.cc/6JM7-2MDZ</a> .   | Nov. 8, 2016             | 52                             |
| <b>Djibouti</b>          | The President of the Republic is only liable for acts done in the exercise of his office in cases of high treason.   | CONSTITUTION DE DJIBOUTI DU 4 SEPTEMBRE 1992 [CONSTITUTION OF DJIBOUTI OF SEPTEMBER 4, 1992], art. 84, available at <a href="http://www.wipo.int/edocs/lexdocs/laws/fr/dj/dj002fr.pdf">http://www.wipo.int/edocs/lexdocs/laws/fr/dj/dj002fr.pdf</a> , archived at <a href="https://perma.cc/P7CB-8QNP">https://perma.cc/P7CB-8QNP</a> .                                  | Sept. 4, 1992            | 26                             |
| <b>Equatorial Guinea</b> | <p>Art. 33(1) – The President of the Republic is the Chief of State. . . .</p> <p>Art. 34 – The Chief of State is inviolable. The Law regulates the privileges and immunities of Chiefs of State after their terms. [Note: A law regulating this provision could not be located.]</p> <p>Art. 85 – Former presidents are deemed “nato” senators [roughly translated as “for life” senators], with all the rights, prerogatives and immunities, provided that they keep their dignity and social and political reputation. [Note: A law regulating this provision could not be located.]</p> <p>Art. 62 – No Senator may be persecuted or detained for opinions expressed while in office. No judicial or governmental authority may detain or prosecute a senator without the indispensable requirement of previously obtaining authorization from the Senate board, except in cases of a flagrant crime.</p>  | <p>Ley Fundamental de Guinea Ecuatorial arts. 33(1), 34, available as amended through 2012 at <a href="http://www.guineaecuatorialpress.com/imgdb/2012/LEYFUNDAMENTALREFORMADA.pdf">http://www.guineaecuatorialpress.com/imgdb/2012/LEYFUNDAMENTALREFORMADA.pdf</a>, archived at <a href="https://perma.cc/D48F-E9TH">https://perma.cc/D48F-E9TH</a>.</p>                | Feb. 16, 2012            | 8                              |

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|---------|--|--|--------------------------|--------------------------------|
| Fiji    | <p><b>CHAPTER 10 – IMMUNITY</b></p> <p><i>Immunity granted under the Constitution of 1990 continues</i></p> <p>155. Notwithstanding the abrogation of the Constitution Amendment Act 1997 and despite the repeal of the Constitution of 1990, Chapter XIV of the Constitution of 1990 continues in force in accordance with its tenor, and the immunity granted in Chapter XIV of the Constitution of 1990 shall continue.</p> <p><i>Immunity granted under the Limitation of Liability for Prescribed Political Events Decree 2010 continues</i></p> <p>156.—(1) The immunities granted to prescribed persons for prescribed political events under the Limitation of Liability for Prescribed Political Events Decree 2010 shall continue in existence.</p> <p>(2) Notwithstanding anything contained in this Constitution, the Limitation of Liability for Prescribed Political Events Decree 2010 shall, in its entirety, continue in existence and shall not be reviewed, amended, altered, repealed or revoked by Parliament.</p> <p><i>Further immunity</i></p> <p>157. Absolute and unconditional immunity is irrevocably granted to any person (whether in their official or personal or individual capacity) holding the office of, or holding the office in, as the case may be—</p> <p>(a) the President;</p> <p>(b) the Prime Minister and Cabinet Ministers;</p> <p>(c) Republic of Fiji Military Forces;</p> <p>(d) Fiji Police Force;</p> <p>(e) Fiji Corrections Service;</p> <p>(f) Judiciary;</p> <p>(g) public service; and</p> <p>(h) any public office,</p> <p>from any criminal prosecution and from any civil or other liability in any court, tribunal or commission, in any proceeding including any legal, military, disciplinary or professional proceedings and from any order or judgment of any court, tribunal or commission, as a result of any direct or indirect participation, appointment or involvement in the Government from 5 December 2006 to the date of the first sitting of the first Parliament elected after the commencement of this Constitution, provided however any such immunity shall not apply to any act or omission that constitutes an offence under sections 133 to 146, 148 to 236, 288 to 351, 356 to 361, 364 to 374, and 377 to 386 of the Crimes Decree 2009 (as prescribed in the Crimes Decree 2009 at the date of the commencement of this Constitution).</p> <p><i>Immunity entrenched</i></p> <p>158.—(1) Notwithstanding anything contained in this Constitution, this Chapter and any immunity granted or continued in this Chapter shall not be reviewed, amended, altered, repealed or revoked.</p> <p>(2) Notwithstanding anything contained in this Constitution, no court or tribunal shall have the jurisdiction to accept, hear or make any decision or order with respect to any challenge against the provisions of this Chapter and any immunity granted or continued in this Chapter.</p> <p>(3) No compensation shall be payable by the State to any person in respect of damage, injury or loss to his or her property or person caused by or consequent upon any conduct from which immunity has been granted under this Chapter.</p> | <p>CONSTITUTION OF THE REPUBLIC OF FIJI (2013), <a href="http://www.fiji.gov.fj/getattachment/8e981ca2-1757-4e27-88e0-f87e3b3b844e/Click-here-to-download-the-Fiji-Constitution.aspx">http://www.fiji.gov.fj/getattachment/8e981ca2-1757-4e27-88e0-f87e3b3b844e/Click-here-to-download-the-Fiji-Constitution.aspx</a>, archived at <a href="https://perma.cc/BY2H-SVMJ">https://perma.cc/BY2H-SVMJ</a>.</p> <p><i>Referring to</i></p> <p>Constitution of the Sovereign Democratic Republic of Fiji (Promulgation) Decree 1990 (Constitution of 1990), <a href="http://www.pacii.org/fj/promu/promu_dec/cotsdrofd1990712.pdf">http://www.pacii.org/fj/promu/promu_dec/cotsdrofd1990712.pdf</a>, archived at <a href="https://perma.cc/PHC4-AGJ2">https://perma.cc/PHC4-AGJ2</a> (granting immunity to the leader of the 1987 coup d’etat, along with members of the military, police, and the prison service who showed allegiance to that leader).</p> <p>Limitation of Liability for Prescribed Political Events Decree 2010 (Decree No. 18 of 2010), <i>Republic of Fiji Islands Government Gazette</i>, vol. 11, no. 36 (Mar. 29, 2010), <a href="http://www.fiji.gov.fj/getattachment/7858d452-c3d9-499b-8411-50dec2a36802/Decree-No-18---Limitation-of-Liability-for-Prescri.aspx">http://www.fiji.gov.fj/getattachment/7858d452-c3d9-499b-8411-50dec2a36802/Decree-No-18---Limitation-of-Liability-for-Prescri.aspx</a>, archived at <a href="https://perma.cc/KND3-AAP5">https://perma.cc/KND3-AAP5</a> (granting immunity to Ratu Josefa Iloilovatu Uluivuda, who was President of Fiji from 2000 to 2009, among other prescribed persons).</p> <p>Crimes Decree 2009 (Decree No. 44 of 2009), <i>Republic of Fiji Islands Government Gazette</i>, vol. 10, no. 95 (Nov. 5, 2009), <a href="http://www.fiji.gov.fj/getattachment/604e31fc-c7b1-41a0-9686-71377917b6eb/Decree-No-44---Crimes-Decree-2009-(pdf).aspx">http://www.fiji.gov.fj/getattachment/604e31fc-c7b1-41a0-9686-71377917b6eb/Decree-No-44---Crimes-Decree-2009-(pdf).aspx</a>, archived at <a href="https://perma.cc/Z3LD-UBHL">https://perma.cc/Z3LD-UBHL</a> (offenses excluded from immunities granted under section 157 of 2013 Constitution include corruption-related offenses, forgery, perjury, offenses relating to administration of justice, sexual offenses, and property offenses).</p> | September 6, 2013        | 59                             |

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|-------------------|---|--|--------------------------|--------------------------------|
| <b>France</b>     | The President of the Republic shall incur no liability by reason of acts carried out in his official capacity, subject to the provisions of Articles 53-2 [recognizing the potential jurisdiction of the International Criminal Court] and 68 [providing the possibility for the Parliament to remove the President for “breach of his duties patently incompatible with his continuing in office”].  | CONSTITUTION DU 4 OCTOBRE 1958 [CONSTITUTION OF OCTOBER 4, 1958], art. 67, <a href="https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006071194">https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006071194</a> , archived at <a href="https://perma.cc/SJL8-T56E">https://perma.cc/SJL8-T56E</a> .   | Oct. 4, 1958             | 90                             |
| <b>Guinea</b>     | The High Court of Justice is competent to judge the acts accomplished in the exercise of or on the occasion of their functions by:<br>1. The President of the Republic in the case of high treason;<br>2. The Prime Minister and the other members of the Government for crimes and misdemeanors.   | CONSTITUTION DU 7 MAI 2010 [CONSTITUTION OF MAY 7, 2010], art. 118.  | May 7, 2010              | 41                             |
| <b>Guyana</b>     | Immunities of President: Subject to the provisions of article 180 [which deals with removal from office for violation of Constitution or gross misconduct] the holder of the office of President shall not be personally answerable to any court for the performance of the functions of his or her office or for any act done in the performance of those functions and no proceedings, whether criminal or civil, shall be instituted against him or her in his or her personal capacity in respect thereof either during his or her term of office or thereafter.  | CONSTITUTION OF THE CO-OPERATIVE OF THE REPUBLIC OF GUYANA, LAWS OF GUYANA, Act 2 of 1980, <i>as amended</i> , Cap. 1:01 § 182.1 (L.R.O. 1/2012), <a href="http://parliament.gov.gy/constitution.pdf">http://parliament.gov.gy/constitution.pdf</a> , archived at <a href="https://perma.cc/PK24-6KHV">https://perma.cc/PK24-6KHV</a> .  | Oct. 6, 1980             | 74                             |
| <b>Iceland</b>    | The President of the Republic may not be held accountable for executive acts. The same applies to those who exercise presidential authority. The President may not be prosecuted on a criminal charge except with the consent of Althingi [the Icelandic Parliament].   | 11gr. STJÓRNARSKRÁ LÝÐVELDISINS ÍSLANDS [STJÓRNSKIPUNARLÖG] [ICELANDIC CONSTITUTION], Lög 1944 nr 33 17 júní, <a href="http://www.althingi.is/lagas/146b/1944033.html">http://www.althingi.is/lagas/146b/1944033.html</a> , archived at <a href="https://perma.cc/5P4A-CDKW">https://perma.cc/5P4A-CDKW</a> .  | June 17, 1944            | 97                             |
| <b>Ireland</b>    | The President shall not be answerable to either House of the Oireachtas or to any court for the exercise and performance of the powers and functions of his office or for any act done or purporting to be done by him in the exercise and performance of these powers and functions.   | BUNREACT NA HÉIREANN, 1937, art. 13(8), <a href="http://www.irishstatutebook.ie/eli/cons/en/html">http://www.irishstatutebook.ie/eli/cons/en/html</a> , archived at <a href="https://perma.cc/UW73-YNJ9">https://perma.cc/UW73-YNJ9</a> .  | Dec. 29, 1937            | 96                             |
| <b>Kazakhstan</b> | Art. 3 – Immunity of the First President of the Republic of Kazakhstan – Elbasy<br><br>The first President of the Republic of Kazakhstan – Elbasy [leader of the nation] enjoys immunity. He cannot be held liable for actions committed during his term of office as the President of the Republic of Kazakhstan, as well as after its end—in connection with his status as the First President of the Republic of Kazakhstan – Elbasy. He cannot be detained, arrested, or held in custody, searched, interrogated, or personally inspected.<br><br>Immunity extends to all property belonging to the First President of the Republic of Kazakhstan – Elbasy and his family members living together with him, as well as to residential and office premises used by them, office vehicles, means of communication, correspondence, and documents belonging to them. Immunity also extends to property belonging to the foundation of the First President of the Republic of Kazakhstan – Elbasy and other legal entities that he establishes.<br><br>The property owned privately by the First President of the Republic of Kazakhstan – Elbasy and his family members living together with him, as well as the property of the legal entities he establishes, cannot be subject to | Constitutional Law of the Republic of Kazakhstan on the First President of the Republic of Kazakhstan – Elbasy, No. 83-II of July 20, 2000, VEDOMOSTI PARLAMENTA RESPUBLIKI KAZAKHSTAN (official gazette) No. 10/2002, item 232, <a href="http://online.zakon.kz/Document/?doc_id=1019103#pos=1;-117">http://online.zakon.kz/Document/?doc_id=1019103#pos=1;-117</a> (in Russian), archived at <a href="https://perma.cc/Y3G7-EZJ8">https://perma.cc/Y3G7-EZJ8</a> . | July 22, 2000            | 22                             |

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|-------------------|---|--|--------------------------|--------------------------------|
|                   | any restrictions.<br>Bank secrecy and immunity of bank accounts of the First President of the Republic of Kazakhstan – Elbasy and his family members living together with him are guaranteed.   |  |                          |                                |
| <b>Kyrgyzstan</b> | Art. 12 – Immunity of the Ex-President of the Kyrgyz Republic<br>The ex-president of the Kyrgyz Republic enjoys immunity. He cannot be held criminally or administratively liable for acts or omissions he committed during his term of office as the President of the Kyrgyz Republic, or be detained, arrested, searched, interrogated, or personally inspected.<br><br>The immunity of the ex-president of the Kyrgyz Republic extends to his residential and office premises, vehicles used by him, means of communication, archives, other property, documents, baggage, and his correspondence. | Law of the Kyrgyz Republic on Guarantees of the Activities of the President of the Kyrgyz Republic, No. 152 of July 18, 2003, ERKIN-TOO (official gazette) No. 55 of July 25, 2003, <a href="http://cbd.minjust.gov.kg/act/view/ru-ru/1278?cl=ru-ru">http://cbd.minjust.gov.kg/act/view/ru-ru/1278?cl=ru-ru</a> (in Russian), <i>archived at</i> <a href="https://perma.cc/2U23-37UR">https://perma.cc/2U23-37UR</a> .   | July 25, 2003            | 37                             |
| <b>Lebanon</b>    | No responsibility attaches to the President of the Republic while discharging his duties except when he violates the Constitution or in the event of high treason.<br><br>Responsibility concerning ordinary crimes is subject to the general laws. He cannot be charged for these crimes or for violating the Constitution or for high treason except by a vote of a two-thirds majority of the members of Parliament. He is tried by the Supreme Council provided for in article 80 of the Constitution.  | LEBANESE CONSTITUTION art. 60, <a href="http://www.presidency.gov.lb/Arabic/LebaneseSystem/Documents/LebaneseConstitution.pdf">http://www.presidency.gov.lb/Arabic/LebaneseSystem/Documents/LebaneseConstitution.pdf</a> (in Arabic), <i>archived at</i> <a href="https://perma.cc/F4RG-S7JB">https://perma.cc/F4RG-S7JB</a> (copy links to browser).  | May 23, 1926             | 44                             |
| <b>Madagascar</b> | The President of the Republic is only responsible for the acts accomplished and connected with the exercise of his functions in the case of high treason, of grave violation of, or of repeated violations of the Constitution, or of breach of his duties manifestly incompatible with the exercise of his mandate.  | CONSTITUTION DE LA IVE RÉPUBLIQUE [CONSTITUTION OF THE IVTH REPUBLIC] art. 131, <i>available at</i> <a href="https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/87885/100324/F1780692018/Madagascar_Constitution_de_la_IVe_Republique_2010.pdf">https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/87885/100324/F1780692018/Madagascar_Constitution_de_la_IVe_Republique_2010.pdf</a> , <i>archived at</i> <a href="https://perma.cc/B5MU-33WQ">https://perma.cc/B5MU-33WQ</a> . | Dec. 11, 2010            | 56                             |
| <b>Malta</b>      | Provided that no criminal action shall be prosecuted against the President of Malta in respect of acts done in the exercise of the functions of his office.   | CRIMINAL CODE, Cap. 9, art. 5(1), <a href="http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=8574">http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=8574</a> , <i>archived at</i> <a href="https://perma.cc/5RYJ-BJLN">https://perma.cc/5RYJ-BJLN</a> .   | June 10, 1854            | 96                             |
| <b>Mauritania</b> | The President of the Republic is not liable for his acts undertaken in the exercise of his functions except in the case of high treason. He cannot be charged except by a vote of the absolute majority of the two Assemblies and tried by the Supreme Court of Justice.  | MAURITANIAN CONSTITUTION art. 93, <a href="http://www.ami.mr/Mauritanie-Constitution">http://www.ami.mr/Mauritanie-Constitution</a> (in Arabic), <i>archived at</i> <a href="https://perma.cc/SW9D-KKNH">https://perma.cc/SW9D-KKNH</a> .  | July 20, 1991            | 30                             |

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| <b>Myanmar</b> | <p><i>2008 Constitution:</i><br/>No proceeding shall be instituted against the said Councils or any member thereof or any member of the Government [meaning Councils and the Government that existed before the new government was established under the 2008 Constitution], in respect of any act done in the execution of their respective duties.</p> <p><i>Former Presidents' Security Law:</i><br/>The text of the law is not available in English. According to a news article, the law states that former presidents are “immune from any prosecution for his actions during his term in accordance with the law.” (San Yamin Aung, <i>Outgoing Parliament Approves Presidential Protection, Immunity Bill</i>, IRRAWADDY (Jan. 28, 2016), <a href="https://www.irrawaddy.com/news/burma/outgoing-parliament-approves-presidential-protection-immunity-bill.html">https://www.irrawaddy.com/news/burma/outgoing-parliament-approves-presidential-protection-immunity-bill.html</a>, archived at <a href="https://perma.cc/GD4P-UN3S">https://perma.cc/GD4P-UN3S</a>.)</p>   | <p>CONSTITUTION OF THE REPUBLIC OF THE UNION OF MYANMAR (2008), art. 445, <a href="http://www.moi.gov.mm/moi:eng/sites/default/files/Constitution_of_Myanmar_0.pdf">http://www.moi.gov.mm/moi:eng/sites/default/files/Constitution_of_Myanmar_0.pdf</a>, archived at <a href="https://perma.cc/4Q8U-3BAV">https://perma.cc/4Q8U-3BAV</a>.</p> <p>Former Presidents' Security Law, Pydaungsu Hluttaw Law No. 25/2016, available at <a href="https://myanmar-law-library.org/spip.php?page=pdfjs&amp;id_document=794">https://myanmar-law-library.org/spip.php?page=pdfjs&amp;id_document=794</a>, archived at <a href="https://perma.cc/U4ET-S7TU">https://perma.cc/U4ET-S7TU</a>.</p> | <p>Constitution: Jan. 31, 2011</p> <p>Former Presidents' Security Law: date not confirmed</p> | 32                             |
| <b>Namibia</b> | <p>After a President has vacated that office:</p> <p>(a) no Court may entertain any action against him or her in any civil proceedings in respect of any act done in his or her official capacity as President;</p> <p>(b) a civil or criminal Court shall only have jurisdiction to entertain proceedings against him or her, in respect of acts of commission or omission alleged to have been perpetrated in his or her personal capacity whilst holding office as President, if Parliament by resolution has removed the President on the grounds specified in this Constitution and if a resolution is adopted by Parliament resolving that any such proceedings are justified in the public interest notwithstanding any damage such proceedings might cause to the dignity of the office of President.</p>  | <p>NAMIBIA CONSTITUTION § 31 (1990), <a href="https://laws.parliament.na/cms_documents/namibian-constitution-e77d13246a.pdf">https://laws.parliament.na/cms_documents/namibian-constitution-e77d13246a.pdf</a>, archived at <a href="https://perma.cc/VLT2-Q6PD">https://perma.cc/VLT2-Q6PD</a>.</p>  | Mar. 21, 1990   | 77                             |
| <b>Niger</b>   | <p>The President of the Republic is not responsible for the acts accomplished in the exercise of his functions except in the case of high treason. He is judged by the High Court of Justice.</p> <p>There is high treason when the President of the Republic violates his oath, refuses to obey an order of the Constitutional Court, is recognized as the author, co-author, or accomplice of grave and manifest violations of human rights, of fraudulent cession of a part of the national territory, of compromising the national interests in the matters of administration of the natural resources and the subsoil and of the introduction of toxic wastes inside the national territory.</p> <p>The forfeiture is declared by the Constitutional Court at the end of the procedure before the High Court of Justice according to the provisions of this Constitution.</p> <p>The High Court of Justice is competent to judge the members of the Government for the reason of the acts qualified as crimes or misdemeanors committed in the exercise, or on the occasion of the exercise off, their functions.</p> | <p>CONSTITUTION DE LA VIIÈME RÉPUBLIQUE [CONSTITUTION OF THE VIIITH REPUBLIC] art. 142, <a href="http://www.cour-constitutionnelle-niger.org/documents/constitution_7eme_rep.pdf">http://www.cour-constitutionnelle-niger.org/documents/constitution_7eme_rep.pdf</a>, archived at <a href="https://perma.cc/3NLQ-YXEQ">https://perma.cc/3NLQ-YXEQ</a></p>  | Nov. 25, 2010   | 49                             |

| Country        | Text of Legal Provision  | Citation   | Date of Entry Into Force | Freedom House Aggregate Score* |
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| <b>Russia</b>  | <p>Article 3. Inviolability of the Former President of the Russian Federation</p> <p>The former President of the Russian Federation enjoys immunity. He cannot be held criminally or administratively liable for acts committed by him during his term of office as the President of the Russian Federation, or be detained, arrested, searched, interrogated, or personally inspected.</p> <p>The immunity of the former President of the Russian Federation extends to his residential and office premises, vehicles used by him, means of communication, his other documents, his luggage, and his correspondence.</p> <p>The former President of the Russian Federation may be stripped of immunity in case a criminal investigation of a grave crime committed by him during his term of office is initiated, and the termination of immunity is approved by both houses of the national legislature.</p> | <p>Federal Law No. 12-FZ of February 12, 2001, on Guarantees to the President of the Russian Federation Who Has Ceased Performing His Functions and Members of His Family, SOBRANIE ZAKONODATELSTVA ROSSIYSKOI FEDERATSII (official gazette) 2001, No. 7, Item 617, last amended July 21, 2014, <a href="http://constitution.garant.ru/act/president/182948/">http://constitution.garant.ru/act/president/182948/</a> (official version; in Russian), archived at <a href="https://perma.cc/G7UW-CYPN">https://perma.cc/G7UW-CYPN</a>.</p>   | Feb. 15, 2001            | 20                             |
| <b>Rwanda</b>  | <p>Art. 105 – The President of the Republic ceases to hold office if he or she is definitively sentenced by the Supreme Court for treason or a serious and deliberate violation of the Constitution.</p> <p>The decision authorizing charges to be filed against the President of the Republic in the Supreme Court is taken by a two-thirds (2/3) majority vote of members of each Chamber of Parliament in a joint sitting.</p> <p>Art. 114 – A former President of the Republic cannot be prosecuted for treason or serious and deliberate violation of the Constitution when no legal proceedings in respect of that offence were brought against him or her while in office.</p>  | <p>CONSTITUTION OF THE REPUBLIC OF RWANDA OF 2003 REVISED IN 2015, arts. 105, 114, <a href="http://mininfra.gov.rw/fileadmin/user_upload/aircraft/RWANDA_CONSTITUTION_NEW_2015_Official_Gazette_no_Special_of_24.12.2015.pdf">http://mininfra.gov.rw/fileadmin/user_upload/aircraft/RWANDA_CONSTITUTION_NEW_2015_Official_Gazette_no_Special_of_24.12.2015.pdf</a>, archived at <a href="https://perma.cc/G69P-FWBR">https://perma.cc/G69P-FWBR</a>.</p>   | Dec. 24, 2015            | 24                             |
| <b>Senegal</b> | <p>The President of the Republic is only responsible for the acts accomplished in the exercise of his functions in the case of high treason. He may only be impeached by the two assemblies, deciding by an identical vote by secret ballot, with a majority of three-fifths of the members composing them; he is judged by the High Court of Justice.</p>   | <p>CONSTITUTION DU SÉNÉGAL [CONSTITUTION OF SENEGAL] art. 101, <a href="http://www.jo.gouv.sn/spip.php?article36">http://www.jo.gouv.sn/spip.php?article36</a>, archived at <a href="https://perma.cc/ANV4-QFB7">https://perma.cc/ANV4-QFB7</a>.</p>   | Jan. 22, 2001            | 78                             |
| <b>Sudan</b>   | <p>The President of the Republic and the First Vice President has immunity against any legal proceedings and they cannot be accused or sued in any court of law during their term in office.</p> <p>Without violating the above paragraph the President of the Republic or the First Vice President may be charged before the Constitutional Court by a decision of three-fourths of the members of the National Legislative Body for high treason or for disgraceful conduct related to State affairs.</p>  | <p>INTERIM CONSTITUTION OF THE REPUBLIC OF SUDAN art. 60, <a href="https://ar.wikisource.org/wiki/2005_#دستور_جمهورية_السودان_الانتقالي_لعام_2005.D8.B4.D9.87.D8.A7.D8.AF.D8.A9">https://ar.wikisource.org/wiki/2005_#دستور_جمهورية_السودان_الانتقالي_لعام_2005.D8.B4.D9.87.D8.A7.D8.AF.D8.A9</a> (in Arabic), archived at <a href="https://perma.cc/ZW4A-27V6">https://perma.cc/ZW4A-27V6</a>, English translation available at <a href="http://www.refworld.org/docid/4ba749762.html">http://www.refworld.org/docid/4ba749762.html</a>, archived at <a href="https://perma.cc/VD6V-3EY3">https://perma.cc/VD6V-3EY3</a>.</p> | July 6, 2005             | 6                              |
| <b>Syria</b>   | <p>The President of the Republic is not liable for the actions he undertakes in the performance of his duties except for high treason.</p>   | <p>CONSTITUTION OF THE SYRIAN ARAB REPUBLIC art. 117, available at <a href="http://law.uokerbala.edu.iq/images/Constitution/2012.pdf">http://law.uokerbala.edu.iq/images/Constitution/2012.pdf</a> (in Arabic) archived at <a href="https://perma.cc/6PNT-BXAC">https://perma.cc/6PNT-BXAC</a>.</p>  | Feb. 15, 2012            | -1                             |

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| <b>Tajikistan</b>          | <p>Art. 5 – Immunity of the Founder of Peace and National Unity – Leader of the Nation</p> <p>1. The Founder of Peace and National Unity – The Leader of the Nation has the right to immunity. He cannot be held liable for actions committed during the term of his office as the Chairman of the Supreme Council of the Republic of Tajikistan – the Head of State, the President of the Republic of Tajikistan and the Founder of Peace and National Unity – the Leader of the Nation.</p> <p>2. It is prohibited to detain, arrest, search, and subpoena the Founder of Peace and National Unity – the Leader of the Nation.</p> <p>3. Immunity extends to private property, as well as to the property of family members, to residential and office premises, transportation, means of communications, correspondence and documents belonging to the Founder of Peace and National Unity – the Leader of the Nation.</p>  | Constitutional Law of the Republic of Tajikistan on the Founder of Peace and National Unity – The Leader of the Nation, No. 1356 of Nov. 14, 2016, ABKHORI MADZHLISI OLI RESPUBLIKI TAJIKISTAN (official gazette) No. 11/2016, item 872, <a href="http://www.adlia.tj/show_doc.fwx?Rgn=128047">http://www.adlia.tj/show_doc.fwx?Rgn=128047</a> (in Russian), <i>archived at</i> <a href="https://perma.cc/8KNZ-ZRAZ">https://perma.cc/8KNZ-ZRAZ</a> .      | Nov. 14, 2016            | 11                             |
| <b>Togo</b>                | <p>The High Court of Justice is the sole jurisdiction competent to take cognizance of the infractions committed by the President of the Republic.</p> <p>The political responsibility of the President of the Republic is only engaged in case of high treason.</p>  | CONSTITUTION DE LA IV <sup>E</sup> RÉPUBLIQUE [CONSTITUTION OF THE IV <sup>TH</sup> REPUBLIC] art. 127, <a href="http://www.assemblee-nationale.tg/images/2015/pdf/Constitution1.pdf">http://www.assemblee-nationale.tg/images/2015/pdf/Constitution1.pdf</a> , <i>archived at</i> <a href="https://perma.cc/LH2Z-BNRM">https://perma.cc/LH2Z-BNRM</a> .   | Sept. 27, 1992           | 48                             |
| <b>Trinidad and Tobago</b> | <p>1. Subject to section 36 [which provides a procedure for removal from office], the President shall not be answerable to any court for the performance of the functions of his office or for any act done by him in the performance of those functions.</p>  | CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO WITH REFORMS THROUGH 2000, art. 38(1), <i>available at</i> <a href="http://www.wipo.int/edocs/lexdocs/laws/en/tt/tt042en.pdf">http://www.wipo.int/edocs/lexdocs/laws/en/tt/tt042en.pdf</a> , <i>archived at</i> <a href="https://perma.cc/4FMP-D22F">https://perma.cc/4FMP-D22F</a> .  | Aug. 1, 1976             | 81                             |
| <b>Turkmenistan</b>        | <p>Art. 18 – Immunity of the President of Turkmenistan, Who Has Ceased to Exercise His Powers, and Immunity of the Members of His Family</p> <p>1. The President of Turkmenistan, who has ceased to exercise his powers (hereinafter referred to as the ex-President), enjoys immunity. He cannot be held criminally or administratively liable for acts committed by him during the period of execution of the powers of the President of Turkmenistan, or be detained, arrested, searched, questioned, or personally inspected if the said actions are taken in connection with the execution of the powers of the President of Turkmenistan.</p> <p>The immunity of the ex-President and his family members extends to the residential and office premises occupied by them, their vehicles, means of communication, documents and luggage belonging to them, [and] their correspondence.</p> <p>2. The ex-President may be deprived of immunity if a criminal case is instituted in connection with the commission of a grave crime.</p> | Law of Turkmenistan on the President of Turkmenistan, No. 192-IV of May 21, 2011, VEDOMOSTI MEDZHLISA TURKMENISTANA (official gazette) No. 2/2011 (1004), <a href="http://www.turkmenbusiness.org/content/zakon-turkmenistana-o-prezidente-turkmenistana">http://www.turkmenbusiness.org/content/zakon-turkmenistana-o-prezidente-turkmenistana</a> (in Russian), <i>archived at</i> <a href="https://perma.cc/YV2A-CK9F">https://perma.cc/YV2A-CK9F</a> . | June 30, 2011            | 3                              |

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| <b>Uruguay</b>    | <p>Art. 172 – The President of the Republic may not be impeached except in the manner indicated in Article 93, and even then, only while he holds office or within six months thereafter, during which time he shall be subject to residence requirements, unless authorization to leave the country is granted by an absolute majority of the votes of the full membership of the General Assembly meeting in joint session.</p> <p>If the impeachment is approved by a two-thirds vote of the total membership of the Chamber of Representatives, the President of the Republic shall be suspended from office.</p> <p>Art. 93 – The Chamber of Representatives has the exclusive rights of impeachment, before the Chamber of Senators, of the members of both Chambers, of the President and Vice President of the Republic, the Ministers of State, the members of the Supreme Court of Justice, the Contentious-Administrative Tribunal, the Court of Accounts, and of the Electoral Court, for violation of the Constitution or for other serious offenses, after taking cognizance of the matter upon petition by a party or by one of its members, and having decided that there are grounds for prosecution.</p> | <p>CONSTITUCION DE LA REPÚBLICA ORIENTAL DEL URUGUAY arts. 93, 172, DIARIO OFICIAL, Feb. 15, 1967, with amendments to 2004, <a href="http://www.findesiglo.com.uy/wp-content/uploads/2015/03/nor_63_Constitución-de-la-República-Oriental-del-Uruguay.pdf">http://www.findesiglo.com.uy/wp-content/uploads/2015/03/nor_63_Constitución-de-la-República-Oriental-del-Uruguay.pdf</a>, archived at <a href="https://perma.cc/ZRH3-KYZS">https://perma.cc/ZRH3-KYZS</a>.</p> | Feb. 15, 1967            | 98                             |
| <b>Uzbekistan</b> | <p>Art. 2 – Immunity of the President of the Republic of Uzbekistan</p> <p>Inviolability and immunity is also enjoyed by the ex-President of the Republic of Uzbekistan throughout his life. An ex-President of the Republic of Uzbekistan cannot be subject to criminal or other responsibility for actions related to the execution of the powers of the President of the Republic of Uzbekistan. He cannot be detained, interrogated, searched, or personally inspected.</p>  | <p>Law of the Republic of Uzbekistan on the Essential Guarantees of the Activities of the President of the Republic of Uzbekistan, No. 480-II of April 25, 2003, VEDOMOSTI OLIY MAZHLISA RESPUBLIKI UZBEKISTAN (official gazette), No. 3-4, 2003, item 34, <a href="http://lex.uz/pages/GetAct.aspx?lact_id=32999">http://lex.uz/pages/GetAct.aspx?lact_id=32999</a> (in Russian), archived at <a href="https://perma.cc/F9VD-E6YX">https://perma.cc/F9VD-E6YX</a>.</p>   | Apr. 25, 2003            | 3                              |