



**JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN SISTEMA JUDISIAL**

Press Release
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**Defendant in case of domestic violence sentenced to 3 years imprisonment,
which was suspended for 4 years**

The Dili District Court sentenced the defendant Fernando da Costa to 3 years imprisonment which was suspended for 4 years in a case of domestic violence relating to maltreatment committed against his wife Domingas Eliza. This case allegedly occurred on 13 February 2012 in Ai-look Laran Sub-Village, Camea, Dili. The hearing to announce this decision took place on 4 September 2012 at the Dili District Court.

Judge Duarte Tilman appeared on behalf of the panel of judges and presided over the hearing to read out the decision. The public prosecution service was represented by Hipólito M. Santa and the defendant was represented by Manuel Lito Exposto from the Office of the Public Defender.

“JSMP believes that the court has the authority to exercise its discretion in each case based on the individual characteristics and circumstances of the case, however JSMP encourages the courts to, if possible, avoid suspended sentences in cases of maltreatment against a spouse to ensure that domestic violence is treated as a public crime as provided for in the legal framework of Timor-Leste”, said Luis de Oliveira Sampaio, Executive Director of JSMP.

The public prosecutor charged the defendant for violating Article 154 of the Penal Code as well as the Law Against Domestic Violence. During proceedings the public prosecutor also encouraged the victim to submit a new complaint if the same case is committed by the defendant in the future.

Previously a hearing took place on 22 August 2012 to examine items of evidence and the defendant confirmed all of the evidence presented by the public prosecutor including the statement of the victim. In addition, the defendant admitted all of the evidence before the court, and showed remorse for his actions and promised not to drink alcohol again because it was the consumption of alcohol that provoked the defendant to commit the offence.

According to the indictment of the public prosecutor, on 13 February 2012 a misunderstanding occurred between the defendant and the victim because after selling fire wood the defendant used the money to buy some palm wine and drank it until he became heavily intoxicated. The victim

became angry and the defendant also became angry and took some wood and threw it at the victim striking her on the mouth and she received three stitches at the hospital.

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