



Press Release

Period: June 2012

Edition: 9 July 2012

Baucau District Court acquits defendants in two cases of domestic violence because victims did not testify before the court

On 26 June the Baucau District Court conducted a hearing to read out a decision in two cases of domestic violence that occurred in Lautem District. The first case was registered as Case No.134/Crm.S/2011/TDB. The defendant in this case Lamberto dos Santos was accused of committing the crime against his wife Juvensia da Costa Lopez on 12 February 2011 in Foé-Ma'a Sub-Village, Soru Village, Lospalos Sub-District, Lautem District.

The other case was registered as Case No. 25/Crm.S/2012/TDB involving the defendant Marito Bernardo Amaral and the victim Alexandra Kete. This case allegedly occurred on 18 September 2011 in Bemoris Sub-Village, Fuiluru Village, Lautem District.

The hearing was led by single judge Afonso Carmona, the Public Prosecution Service was represented by Benvinda da Costa do Rosário, and the defendant was represented by public defender Cância Xavier.

Previously JSMP observed the courts demonstrating a commitment to facilitate the resolution of these two cases in a speedy and efficient manner, as part of the mobile court process in Lospalos District.

The Executive Director of JSMP, Luis de Oliveira Sampaio, *stated that JSMP remains concerned because the courts still have different interpretations of how to apply the provisions of Article 125 of the Criminal Procedure Code relating to domestic violence, because previously the Court of Appeal issued a decision regarding how to apply the provisions of Article 125.*

In these two cases the public prosecutor charged the defendants with Article 145 of the Timor-Leste Penal Code and Article 35 of the Law Against Domestic Violence.

The facts that were proven showed that domestic violence did in fact occur, however consideration was given to the evidence presented in court and the victims refused to testify to the court and the defendants chose to remain silent. Therefore, there was insufficient evidence to punish the defendants and therefore the court acquitted the defendants from all charges brought forward by the public prosecutor.

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