



Press release

5/23/2013

Court must review decision to uphold 15 year prison sentence in aggravated murder case

On 17 May 2013, the Dili District Court upheld a 15 year prison sentence in the re-trial of an aggravated murder case committed by the defendant against her husband. This case was returned to the court of first instance by the Court of Appeal for review in accordance with article 319 of the Penal Procedure Code.

The Public Defender submitted to the court that the defendant had stabbed the victim in self defence because the victim was hitting her. The Public Defender stated that the defendant did not intend to kill the victim.

The court found that the victim had kicked the defendant, causing her to fall to the ground. At that moment, the defendant grabbed a knife that was already lying on the ground and stood up and stabbed the victim once in the chest. The court proved that the defendant committed this act only to defend herself from the actions of the victim. The court did not find that the defendant acted with intent to kill the victim.

“JSMP is very concerned because in order to prove murder, you must prove that the defendant had the intention to kill the victim. Without intent, the court cannot condemn the defendant for aggravated murder,” said Luis de Oliveira Sampaio, Executive Director JSMP.

“JSMP is also concerned with this decision because even though the court found that the defendant had committed this act to defend herself, it did not consider legitimate self defence or excessive legitimate self defence in accordance with the Penal Code.”

The Public Defender presented testimony from one witness who declared that he heard the defendant and the victim arguing, and noise from objects falling and physical blows. The witness declared that he saw the defendant stab the victim with a knife, causing the victim to fall. The witness did not see the victim hit the defendant. Before he fell, the victim tried to kick the victim once more but did not manage to do so.

“JSMP believes that in this case, there was insufficient proof to condemn the defendant for aggravated murder and is an unjust decision against the defendant,” said Luis de Oliveira Sampaio, Executive Director JSMP.

“JSMP urges judicial authorities to review this decision and consider all options to correct the decision.”

Dr. José Maria de Araújo delivered this decision, Dr. José Luis Landim represented the Office of the Public Prosecutor and the defendant was represented by Dra. Marcia Sarmiento from the Office of the Public Defender.

For further information please contact:

Luis de Oliveira Sampaio
Executive Director JSMP
E-mail: luis@jsmp.minihub.org
info@jsmp.minihub.org
Phone: 3323883 | 77295795

Website: www.jsmp.tl
Face book: www.facebook.com/timorleste.jsmp
Twitter: @JSMPtl