



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN SISTEMA JUDISIÁL

Press Release

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Court acquits defendant in case of sexual abuse of a minor

On 30 July 2013 the Dili District Court read out its decision in a case of sexual abuse committed by a father against his own daughter.

The public prosecutor alleged that in 2010 the defendant sexually abused the victim on two occasions, firstly in the kitchen and secondly in the bedroom. This incident occurred when the victim was 10 years old.

During the trial the defendant denied all of the charges against him and the victim also testified that the facts that were contained in the indictment were not correct.

The witness, who was the mother of the victim, testified that the victim told the witness that the defendant had committed sexual abuse against her.

Because the testimony of the parties was contradictory, the court decided to cross examine the testimony provided by the witness, the victim and the defendant. Cross examination is a method used by the court to examine evidence given to the court in the form of testimony.

After the cross examination the court was still unsure, so the court decided to acquit the defendant.

“JSMP is concerned that the method of cross examination employed by the court is not the appropriate method to use. JSMP believes that cross examining a child aged 13 together with the perpetrator who is the father of the victim will subject the child to fear and intimidation”, said the Executive Director of JSMP, Luis de Oliveira Sampaio.

JSMP hopes that in the future the court will be more sensitive towards the use of mechanisms and approaches that are less confronting for cases that involve children. When children are involved in the capacity of victim or witness the court should avoid applying the same mechanisms that would be applied in trials involving adults. The court must protect children from trauma and apply more appropriate means to gather evidence.

The public prosecutor charged the defendant with Article 177 of the Penal Code regarding the sexual abuse of a minor as well as violating Article 35 of the Law Against Domestic Violence.

This case was registered as Case No.178//2012/TDDIL.The hearing was presided over by judge Antoninho Gonçalves who was representing a panel of judges. The public prosecutor Jose Luis Landim was not present in the hearing and the defendant was provided with legal representation by public defender Marçal Mascarinhas.

For more information, please contact:

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