



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Press Release

Dili District Court

6 November 2013

JSMP believes that a suspended sentence in a case of infanticide will not prevent other cases from occurring in the future

On 05 November 2013 the Dili District Court conducted a hearing in a case of infanticide committed by the defendant FS against her own child in Dili District.

The public prosecutor alleged that on the evening of 10 February 2004 the defendant gave birth to a boy and then the defendant let the child to stop breathing by failing to cut the umbilical cord. Once the child had stopped breathing the defendant wrapped up the body in her own clothing and placed it in a plastic bag that was then tightly secured.

On 11 February 2004 at approximately 9am the defendant took the body and threw it in the rubbish. This case occurred because the defendant was ashamed of having had the child and was concerned with the opinions of her family and the neighbors.

The public prosecutor charged the defendant with Article 142 of the Penal Code on infanticide which carries a penalty of 3 - 10 years imprisonment.

"JSMP understands that there were "extraordinary/exceptional" factors that compelled the defendant to commit the aforementioned crime. However, the murder of a baby is a serious crime because an innocent baby has suffered the consequence of the defendant's actions", said the Executive Director of JSMP, Luis de Oliveira Sampaio.

During the trial the defendant testified that all of the evidence presented and charged by the public prosecutor was true.

Based on witness testimony the autopsy on the baby found that there was no evidence of choking or the use of a sharp object to injure the baby.

The witness emphasized that the baby died because the defendant placed it in plastic and the baby then passed away.

Witness testimony was provided by the defendant's boyfriend who stated that he had no knowledge of the defendant committing the act because they were not living together. However he admitted having had sexual intercourse with the defendant.

Based on these mitigating circumstances and the evidence presented during the trial the public prosecutor requested for the court to sentence the defendant to 1 years' imprisonment, to be suspended for 2 years.

"JSMP believes that the public prosecutor must ensure that the recommendation of sentence is proportional to the seriousness of the criminal offence committed to prevent similar crimes from occurring in the future. JSMP urges the prosecutor to examine the motive behind the incident", said the Executive Director of JSMP, Luis de Oliveira Sampaio.

The public defender stated that the defendant was a first time offender, and therefore requested for the court to acquit the defendant. However in the event that the court viewed the matter differently, then the public defender recommended that a sentence of 6 months imprisonment to be suspended for 1 year would be appropriate.

This case was registered as Case No:517/2011/TDD and was presided over by judges Jose Maria Araújo, Julio Gantes (international) and Francisca Martins. The Public Prosecution service was represented by Gloria da Silva (international) and the defendant was represented by public defender Cândia Xavier. The court clerk assigned to this proceeding was Nelson Borges.

The hearing to announce the final decision will take place on 26 November 2013 at 3pm.

For more information, please contact:

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