



JUDICIAL SYSTEM MONITORING PROGRAMME

PROGRAMA MONITORIZASAUN SISTEMA JUDISIÁL

*Press Release
Dili District Court*

9 October 2013

Dili District Court hands down a sentence of 20 years imprisonment in a case of incest “Girls live in danger and are unsafe in their own homes”

On 8 October 2013 the Dili District Court issued its decision in a case of incest and sentenced the defendant to 20 years imprisonment for committing sexual abuse against his own underage daughter. This sentence relates to the accumulation of 16 criminal offences that were committed in succession by the defendant against the victim.

The court reached this decision based on the evidence that was presented in the form of the defendant's admission, the testimony of the witness and a medical report.

The Public Prosecutor alleged that the defendant committed the criminal act of sexually abusing a minor on 16 occasions between September and December 2012. Every month the defendant committed sexual abuse on four occasions.

These acts caused the victim to become pregnant and give birth to a boy. This crime was also categorized as domestic violence because the defendant is the biological father of the victim.

In relation to this case the Public Prosecutor charged the defendant for violating Article 177 of the Penal Code on the sexual abuse of a minor and Article 182 (d) of the Penal Code on aggravation as well as Article 35 of the Penal Code on the joinder of crimes as well as Articles 2 and 35 (b) of the Law Against Domestic Violence.

“JSMP deeply regrets that at least once a month the courts conduct trials and convict defendants in cases of incest involving close family members such as biological fathers, stepfathers or other close relatives. This is a major concern and we can never allow this type of behavior to continue in our community,” said Luis de Oliveira Sampaio, Executive Director of JSMP.

The crime of incest is very severe sexual violence because it involves the exploitation of an authoritative relationship in the family and has multiple consequences for the future of the victim if it is not dealt with in a way that provides adequate and lasting redress.

JSMP praises and applauds the sentences handed down by the court against those convicted of the crime of incest, however JSMP urges all parties to continue to contribute to doing everything possible to prevent such crimes reoccurring in the future, and State institutions in particular need to be more sensitive to this reality.

Previously on 18 and 20 September JSMP observed 2 trials involving incest at the Suai District Court and Baucau District Court with sentences of 8 years imprisonment and 18 years imprisonment handed down against the respective defendants.

“This shows the reality that socially we are facing an extremely serious problem because girls are living in fear of danger and are unsafe in their own homes,” said Luis de Oliveira Sampaio, the Executive Director of JSMP.

The State has to do something to stop this crime and to protect the victims because nearly all of those victimized are minors.

In 2012, JSMP wrote a report entitled “Incest in Timor-Leste: An unrecognized crime” and recommended that a specific and comprehensive legislative policy be developed to respond to the phenomena of incest in Timor-Leste.

JSMP is also concerned about the process of reintegrating the victim into her family and community because at the moment the victim doesn’t have anybody, including her mother, to care for her and her baby. The victim is currently receiving temporary protection in Fokupers. JSMP believes that the government is responsible for protecting victims and those who are vulnerable, such as the victim in this case.

This case was registered as Case No.135/2013/TDD. Judge Antoninho Goncalves represented a panel of judges and read out the decision of the court handed down in this case. The Office of the Public Prosecutor was represented by Jacinto Babo Soares and the defendant was represented by public defender Manuel Amaral.

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