



## ***Press Release***

19/06/2013

### **Public prosecutor fails to apply the correct article in case of domestic violence**

On 18 June 2013 the Baucau District Court read out its decision against the defendant relating to a case involving an offence against physical integrity characterized as domestic violence. The court sentenced the defendant to 7 months imprisonment; however the sentence was suspended for 1 year and six months. This case was registered as Case No.157/Crm.S/2012/TDB and involved the defendant VS who allegedly committed the crime against the victim FE (his wife). This incident allegedly occurred on 10 April 2012 in Venilale, Baucau District.

The public prosecutor alleged that on 10 April 2012 the defendant and the victim had an argument and the defendant took a piece of wood and hit the victim on the head, and also hit the victim's body several times, and also hit the victim above the eye.

On the next day the victim ran away to her parent's house but the defendant approached the victim with a knife and stabbed her in the head. Because the victim was afraid, she ran into the forest but the defendant kept chasing the victim and pushed the victim over causing her to fall to the ground. The victim suffered injuries to her head and feet as well as bruising and pain above her eye and all over her body.

*"JSMP is very disappointed because the public prosecutor failed to apply the appropriate article in this case of domestic violence whereby the defendant should have been charged with the crime of serious maltreatment of a spouse, not a simple offence against physical integrity"*, said the Executive Director of JSMP, Luis de Oliveira Sampaio.

JSMP believes that public prosecutors and the courts must carefully assess all of the facts related to a crime and examine how a defendant carries out a crime (modus operandi).

JSMP believes that this crime should have been prosecuted under Article 154 of the Penal Code because the defendant used a sharp weapon in the form of a knife to carry out his intention and there was other evidence that the defendant repeatedly committed maltreatment against the victim, even though the victim did not report it.

During the trial the defendant admitted all of the facts that he was charged with, and said it was true that he had committed violence against the victim. However, unfortunately the court did not change the article to the correct one in this case.

The hearing was presided over by single judge José Gonçalves. The Public Prosecution Service was represented by Pascasio de Rosa Alves and the defendant was represented by public defender Rui Manuel Guterres.

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