



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN SISTEMA JUDISIAL

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The Dili District Court hands down a sentence of 3 years imprisonment in a case involving the maltreatment of a spouse

On 4 March 2013 the Dili District Court conducted a hearing to read out its decision in a case of domestic violence. The court sentenced the defendant to 3 years imprisonment; however the sentence was suspended for 4 years. The crime of serious maltreatment against a spouse was committed by the defendant Nelson da Crus Marques against his wife Natersia Olandina Fernandes. This incident allegedly occurred on 28 Novembru 2011, in Delta, Comoro-Dili.

“The serious maltreatment of a spouse is a serious crime, as provided for in the Timor-Leste Penal Code, therefore JSMP encourages the court to hand down a punishment in proportion with the nature and severity of the crime committed, otherwise it will be difficult for us to differentiate between ordinary maltreatment and serious maltreatment in the Timor-Leste Penal Code”, said the Executive Director of JSMP, Luis de Oliveira Sampaio.

The public prosecutor alleged that the defendant struck the victim several times on the head and hit the victim in the head with his helmet and smashing his helmet on her head. The defendant also pushed the victim into the gutter and then stomped on the victim. The victim fell unconscious. The aforementioned actions caused the victim to suffer swelling and bleeding from her nose. The public prosecutor also alleged that prior to this incident the defendant had often maltreated the victim.

Based on evidence revealed during the trial, the court concluded that the actions of the defendant fulfilled the elements of the crime as set out in Article 154 of the Penal Code regarding serious the serious maltreatment of a spouse as well as Articles 3 (a) and 35 (a) of the Law Against Domestic Violence.

Therefore, the court sentenced the defendant to 3 years imprisonment; however the sentence was suspended for 4 years. In addition the court also ordered the defendant to pay compensation to the victim totaling US\$ 200.

The case was registered with the court as Case No. 430/C.Ord/2012/TDDIL. This hearing to announce the court’s decision was presided over by judge Antonio Gonsalves. The Public Prosecution Service was represented by Hipolito Santa and the defendant was represented by public defender Marcia Sarmiento.

For more information, please contact:

Luis de Oliveira Sampaio
Executive Director of JSMP

Email: luis@jsmp.minihub.org

Landline: 3323883

website: www.jsmp.tl