



Public Prosecutor seeks 17 year sentence for the crime of attempted aggravated murder characterized as domestic violence

On 10 April 2013 the Oecusse District Court conducted a hearing in a case involving the defendant MM who allegedly committed the crime against the victim RT (his wife). This case allegedly occurred on 5 September 2011 in Nitibe Sub-District, Oecusse District.

“The aforementioned act was very serious, therefore JSMP requests for the court to apply a heavy penalty against the defendant in accordance with the charges of the public prosecutor to reflect the gravity of the crime committed by the defendant against the victim who was his wife,” said the Director of JSMP Luis de Oliveira Sampaio.

JSMP monitoring had revealed that domestic violence is a crime that is quite prevalent in Oecusse District.

JSMP urges the State of Timor-Leste to ensure that all citizens are free from violence. If the State fails to provide this guarantee then the State is violating its obligation as prescribed in the Constitution to provide protection against all forms of violence against women.

The Public Prosecutor alleged that on 5 September 2012 the defendant intended to slash the throat of the victim, however the victim defended herself with her right hand and as a consequence her right hand was severed. The defendant then slashed the victim once more on her head, however the victim defended herself with her left hand and as a consequence both of her hands were completely severed.

In addition, the defendant then slashed the mouth of the victim, knocking out 7 of her teeth. The defendant then slashed the right eye of the victim and caused the victim to suffer permanent damage to her eye.

The incident occurred because the defendant suspected the victim of having a relationship with another man.

In relation to the aforementioned facts, the Public Prosecutor charged the defendant with Article 23 of Penal Code regarding an attempt to commit a crime in conjunction with Article 139 (g) of the Penal Code regarding the crime of aggravated murder.

In the hearing the defendant admitted that he had slashed the victim because the victim always suspected or accused him of following/spying on her when she went to the well, however the defendant stated that the defendant did not spy on or suspect the victim. During the trial, the defendant also stated that he actually wanted to kill the victim.

Pursuant to these facts, the Public Prosecutor in his final recommendations requested for the court to sentence the defendant to 17 years imprisonment. However the Public Prosecutor also requested

for the court to hand down a heavier penalty than the recommended sentence because there was no reason for the criminal offence committed by the defendant. In addition, the defendant himself told the court that he had intended to kill the victim, not to injure her.

The Public Defender requested for the court to hand down a proportional sentence against the defendant. The Public Defender asked the court not just to look at the suffering of the victim, but to remember that the defendant is also a human being and he suffered after the incident occurred.

The Public Defender also argued that after committing the crime the defendant suffered psychologically because he had left behind his children with the victim who was now disabled. Therefore, the public defender requested for the court to hand down a prison sentence of 15 years against the defendant

The reading out of the decision in this case will take place on 23 April 2013 at 9am.

For further information please contact

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