



Press Release

25 June 2013

JSMP praises decision of the Dili District Court in case of aggravated murder that occurred in Hera

On 25 June 2013 the Dili District Court sentenced the defendant MSA to 16 years imprisonment for the crime of aggravated murder committed against the victim AS (deceased) who was a student at UNDIL. The other defendant ACC was acquitted by the court from the charge of committing ordinary maltreatment against the victim.

The two defendants were members of the Timor-Leste National Police (PNTL) Dili District and part of the Becora Operational Unit. This case allegedly occurred on 16 July 2012 in Hera, Dili District.

“JSMP praises the decision of the court because the courts have been brave and consistent in upholding their institutional responsibility to ensure justice in this case, because previously when this case was still being processed there was a strong reaction from certain State authorities”, said Luis de Oliveira Sampaio, Executive Director of JSMP.

The public prosecutor charged the defendant MSA for violating Article 139 of the Penal Code regarding the crime of aggravated murder as well as Article 52 of the Penal Code regarding aggravating circumstances and charged the defendant ACC for violating Article 145 of the Penal Code regarding ordinary maltreatment.

The court proved^[1] that the defendant MSA shot dead the victim when the victim was trying to calm down a situation that was out of control because the victim and his group had blocked the main road, were burning car tires and throwing stones at cars that were passing by.

This situation occurred because there were certain groups who were not satisfied with the results of the CNRT congress that took place at the Dili Convention Centre. The defendant shot the victim when the victim was getting into/had already gotten into the police car to be taken to Dili. Therefore, the court concluded this case and sentenced the defendant to 16 years imprisonment.

^[1]Information about the testimony of witnesses can be accessed at www.jsmp.tl, Publications: Case Summary, May 2013: regarding the crime of aggravated murder, Case No.105/C.Ord/2012/TDD.

The defendant ACC was acquitted from the charges of the public prosecutor regarding the commission of ordinary maltreatment against the victim which is a crime of complaint (of semi-public nature), whereby the legal process must be initiated by the victim or the victim's family. As the victim has already passed away and the family of the victim did not initiate proceedings, the public prosecutor did not have legitimate authority to prosecute this defendant.

The decision was read out by a panel of judges comprising António Helder do Carmo (presiding judge), Júlio Gantes and Jaçinta Correia. The public prosecution service was represented by José Landim and the two defendants were represented by Leonídio Marques (trainee public defender).

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