



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN SISTEMA JUDISIÁL

Press Release
Suai District Court

25 September 2013

Defendant in case of incest sentenced to 8 years imprisonment

On 20 September 2013 the Suai District Court conducted a hearing to announce its decision in a case of incest and sentenced the defendant to 8 years imprisonment after he was found guilty of committing aggravated rape against his own niece.

The public prosecutor alleged that the defendant committed the crime of aggravated rape 10 times against the victim in July 2010. At midnight the defendant would sneak into the room of the victim and threaten and force the victim to have sexual intercourse and this continued until the victim became pregnant.

“JSMP believes that incest is a very serious crime because the defendant is a close family member of the victim. Therefore, JSMP requests for the public prosecutor to ensure that every charge considers the elements of the crime because this was a continuous crime and it should be linked to Article 41 of the Penal Code, because the defendant committed the crime 10 times on different nights”, said Luis de Oliveira Sampaio, the Executive Director of JSMP.

JSMP observed that the crime of incest continues to be widespread in Timor-Leste. JSMP believes that the number of reported cases are only a small reflection of the prevalence of incest in Timor-Leste. Therefore JSMP urges the State to take action and concrete measures to stop the crime of incest in Timor-Leste and protect those who have been victimized.

Previously on 18 September 2013 the Baucau District Court sentenced a defendant to 18 years jail in a case of incest. JSMP believes that this sentence is roughly proportionate to the act committed, if compared with this case.

JSMP urges the judicial actors to carefully consider all of the elements of this crime so that the outcome reflects the seriousness of the crime and provides a sense of justice in cases like this.

The public prosecutor charged the defendant for violating Article 172 of the Penal Code regarding rape and Article 172 (d) of the Penal Code on aggravation, as well as Article 35 of the Law Against Domestic Violence.

During the trial the defendant admitted that all of the charges were correct and the victim also confirmed that the evidence was true.

This case was registered as Case No:154/2013/TDS.The hearing to announce the decision was presided over by a panel of judges who were represented by Costancio Barros Basmerly. The Public Prosecution service was represented by Felismino Araújo and Benvinda do Rosario. The defendant was represented by Marçal Mascarenhas from the Office of the Public Defender.Trencio Abel was the court clerk in this case.

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