



***Press Release***  
***Dili District Court***  
***2 December 2014***

**Court sentences defendant to 5 years in prison for committing sexual acts with an adolescent**

On 26 November 2014 the Dili District Court read out its decision against the defendant LAB and sentenced him to 5 years in prison because he was found guilty of committing the crime of sexual acts with an adolescent, which occurred in Aileu District.

The public prosecutor alleged that in March and April 2012 the defendant had sexual intercourse 8 times with the victim when she was 12 years old.

The public prosecutor charged the defendant with violating Article 177 of the Penal Code for the crime of sexual abuse of a minor.

“JSMP encourages all components of the State to understand that sexual acts against a child is a serious crime and causes prolonged psychological suffering and affects their development. JSMP appeals to all people to combat these crimes,” said the Executive Director of JSMP, Luis de Oliveira Sampaio.

The court found that in March 2012 the defendant forced the victim have sexual intercourse. Then in April 2012, the defendant again forced the victim to have sexual intercourse in the kitchen. The court also found that when the incidents occurred the victim was 14 years old, and the defendant had sexual intercourse with the victim twice, not 8 times.

The victim came from the mountains and stayed with the defendant in Aileu to continue school because they were family relations.

Based on the facts that were produced, in accordance with Article 274 of the Criminal Procedure Code, the court evaluated and amended the charges from sexual abuse of a minor (Article 177) to sexual acts with an adolescent (Article 178), because at the time of the incident the victim was 14 years old.

From the evidence and the circumstances of this case, the court sentenced the defendant to 3 years 6 months in prison for the first count and 3 years in prison for the second count. After accumulating the two sentences the court sentenced the defendant to a total of 5 years in prison.

JSMP encourages the court to consider applying the crime of rape (Article 172 of the Penal Code) in cases like this. The victim was 14 years old, but the crime of sexual acts with an adolescent only applies in situations where the defendant practices relevant sexual acts by taking advantage of the victim's inexperience. When the defendant forces a victim to have sexual intercourse, it is more appropriate to charge the defendant with rape.

"It is also important to consider the aggravating circumstances related to this crime. This case involved abuse of a hierarchical dependency because the victim lived with the defendant so she could continue her schooling, and the victim was under 17 years of age. These circumstances can increase the applicable penalty to between 5 and 20 years in prison from the original penalty, which ranges between 5 and 15 years" said the Executive Director of JSMP, Luis de Oliveira Sampaio.

The defendant was not present when this decision was announced.

This case was registered as Case No. 445/14.TDDIL and was read out by judge Jumiatty Freitas representing a panel of judges.

The public prosecutor was represented by Lidia Soares and the defendant was represented by trainee lawyer Abilio Pereira.

For more information, please contact:

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