



**JUDICIAL SYSTEM MONITORING PROGRAMME**  
**PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU**

*Press Release*

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**Public prosecutor recommends 23 years imprisonment for defendant in case of aggravated murder**

On 21 January 2014 the Dili District Court tried two defendants (DJdS and MDR). The two defendants allegedly killed the victim Ernesto (deceased) on 7 September 2013 in Katraileten Village, Ermera.

“The Crime of murder is a very serious crime and all people should endeavor to settle their problems peacefully without taking the life of another. JSMP urges the court to convict the defendants with a punishment proportional to the seriousness of the crime to prevent similar occurrences in the future,” said the Executive Director of JSMP, Luis de Oliveira Sampaio.

JSMP has observed that crimes of murder have taken place in nearly every region. Based on the JSMP court monitoring during the trial of this murder case, the motive behind the murder was not clear. What is worse, often these types of incidents occur as the result of minor problems, but people are more interested in using violence to settle their disputes. People have almost lost their respect for the value of another person’s life. This social phenomenon demands our joint attention and consideration so that this situation can be changed.

JSMP believes that in addition to the issuance of proportional punishments, other relevant institutions have to do everything possible to seek solutions to change the mentality and behavior of the people so that they become accustomed to dispute resolution mechanisms free from violence, in accordance with those formal mechanisms already in place.

JSMP suspects that sometimes these acts of violence send the message that people have lost their trust in the ability of public institutions to resolve their problems.

In relation to this case, the public prosecutor alleged that on 7 September 2013 the defendant and the victim met each other on a narrow path when they were returning from a plantation. At that time, the defendant and the victim provoked one another and a fight ensued and the defendant fell to the ground. When the defendant got up he immediately slashed the victim in the eye, head and mouth with a machete he was carrying with him. This act caused the victim to die instantly at the scene of the crime.

The public prosecutor charged the defendant for violating Articles 138 and 139 of the Penal Code, and subsections (b), (c) and (f) on murder and aggravated murder.

During the trial the defendant DJdS admitted that the charges of the public prosecutor were true. However the defendant MDR stated that the charges were not true because when the defendant DJdS and the victim

were fighting, MDR felt afraid and ran to the police station to report the incident and he did not know about the death of the victim. Nevertheless, the public prosecutor charged the defendant MDR and he was placed in temporary detention.

In his final recommendations the public prosecutor requested for the court to sentence the defendant DJdS to 23 year's imprisonment, and requested for the court to issue a fair punishment against the defendant MDR.

The public defender in his final recommendations stated that the public prosecutor had made a major error in his charges against the defendant MDR. Because the public defender charged the defendant and placed him in temporary detention all this time, and this will have a negative impact on others in the future, because those that see a fight or murder will not report the incident because they will be afraid of ending up as a defendant in the resulting case. The public defender also believed that the defendant MDR did in fact run away and tell the police about the fight between the defendant DjdS and the victim.

Regarding the defendant DJdS, the public defender requested for the court to carefully consider the mitigating circumstances such as the fact that the defendant was a first time offender and that he has four children. Therefore, the public defender requested for the court to consider the matter and hand down a fair punishment.

This matter was registered as Case No. 596/C.Ord/2013/TDD and was tried by a panel of judges comprising Julio Gantes, Hugo Pui and Jumiati Maria Freitas. The public prosecution service was represented by Nelson de Carvalho and the Office of the Public Defender was represented by Rui Manuel Guterres.

The hearing to announce the decision will take place on 7 February 2014, at 2pm.

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