



*Press release
Dili District Court
12 February 2015*

JSMP congratulates court for applying CEDAW in its decision in a case of domestic violence

On 9 February 2015 the Dili District Court conducted a hearing to announce its decision and convicted the defendant HGS for committing the crime of domestic violence against his wife in Dili District.

The court found that in February 2012 the defendant punched the victim once in the face and once on the back of the neck and caused the victim to fall to the ground. These acts caused the victim to suffer swelling to her face, pain to the back of her neck, and she urinated on herself and fell unconscious.

On 9 April 2012 the defendant hit the victim in the face with his elbow which caused swelling and pain. Then, on 19 April 2013 the defendant struck the victim above the eye with a broom, ordered the victim to kneel in the bedroom and prohibited the victim from using a telephone or going to school.

The public prosecutor charged the defendant with violating Article 154 of the Penal Code on the crime of mistreatment of a spouse.

In its decision the court referred to Articles 1, 2 and 5 of the CEDAW Convention (Convention to Eliminate all forms of Discrimination against Women) which provides that State parties to the Convention must prevent and eradicate discriminatory practices and violence against women.

“JSMP values the decision of the court in using the legal instrument CEDAW as a reference in making its decision. This is good practice to guarantee justice for victims of gender based violence, and to encourage the community to access formal justice,” said the Executive Director of JSMP, Luis de Oliveira Sampaio.

JSMP congratulates the judicial actors for using the CEDAW instrument in trying cases of gender based violence. JSMP believes that this decision demonstrates progress since a round table discussion was held by JSMP and UN Women on 4 December 2014 with female legal professionals including judges, prosecutors, public defenders and private lawyers on the topic of the application of the CEDAW instrument in judicial practice.

With this practice, JSMP believes that victims of domestic violence will receive adequate protection and this will encourage victims to access the formal justice system.

Following the trial of this case, the court amended the legal charges to join Articles 2, 3 and 35 of the Law Against Domestic Violence because previously the public prosecutor did not include these articles.

After amending the charges in this case the prosecutor and the public defender did not request time to prepare their respective legal positions, so the court proceeded to announce its decision.

With reference to the facts established during the trial and the mitigating circumstances of the defendant, the court concluded this matter and sentenced the defendant to 3 years in jail, suspended for 3 years and ordered the defendant to pay court costs of US\$50.

This case was registered with the court as Case No. 302/14.TDDIL. The hearing was presided over by Jacinta Correia da Costa representing a panel of judges. The public prosecution service was represented by Renato Bere Nahak and the defendant was represented by public defender Sebastião Amado.

For more information, please contact:

Luis de Oliveira Sampaio
Executive Director JSMP
E-mail: luis@jsmp.minihub.org
Telephone: +670 3323883 | +670 77295795
Website: www.jsmp.tl