



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

Press Release

Oe-Cusse District Court

19 June 2015

No difference between the final argument presented by public defenders for defendants who totally accepted the legal facts and a defendant who partially accepted the legal facts

On 15 and 16 June 2015 the Oecusse District Court conducted hearings to try 5 crimes of ordinary maltreatment characterized as domestic violence involving defendants who committed the offences against their wives.

The public prosecutor charged the 5 defendants for violating Article 145 of the Penal Code on simple offences against physical integrity in conjunction with the Law Against Domestic Violence.

During the examination of evidence 4 of the defendants confessed and confirmed their actions, and in the other case the defendant partially admitted several of the legal facts that were alleged against him that had been corroborated by the victim. However, when the public defenders presented their final argument, there was no difference between the statement provided for the defendants who had totally admitted the legal facts alleged against them and the statement provided for the defendant who only partially admitted the legal facts.

In the final argument of the public defender, he requested for the court to provide justice for the defendants as they had totally admitted the alleged facts, as well as the defendant who had only partially admitted the facts that had been corroborated by the victim.

JSMP has regularly observed that most of the final statements/argument

made by defence lawyers in different cases present the same arguments, even if the legal facts that have been deduced during the trial are of a different nature. In their final statements, the defence lawyers normally request for the court to provide justice that is fair and adequate without providing a detailed explanation why they are making such a request.

“We believe that defence lawyers must remain sensitive throughout the examination of evidence until the final statement is given so that they can present arguments and a defence based on the evidence that has been established during the trial and avoid presenting the same defence in all cases,” said Luis de Oliveira Sampaio, Executive Director of JSMP.

The Penal Code states that the final statement from the defence must include mitigating circumstances such as the defendant being a first time offender, admission of the acts committed and good behavior during the trial.

The mitigating circumstances are an integral part of the final statement of the defence and therefore it is important for the public defender to try and use everything possible to the best of his ability to present new and relevant arguments to strengthen his position to avoid giving the impression that all of the arguments presented by public defenders are the same.

In relation to the five cases that were tried over the aforementioned two day period, the court proceeded to order the defendants to serve suspended sentences ranging from 3 months to 2 years.

The aforementioned hearings were presided over by Joao Ribeiro. The Public Prosecution Service was represented by Ambrosio Rangel Freitas and the defendants were represented by public defenders Calisto Tout and Afonso Gomes Fatima.

This press release is made possible by the generous support of the American people through the United State Agency for International Development (USAID) under the terms of its Cooperative Agreement Number AID - 486 - A - 13 - 00007 for the Ba Distrito program in Timor - Leste, implemented by the Lead Agency Counterpart International and its partners. The contents and opinions expressed herein are the responsibility of JSMP and do not necessarily reflect the views of USAID or the United States Government.”

For information please contact:

Luis de Oliveira Sampaio
Executive Director JSMP
E-mail address: luis@jsmp.minihub.org
info@jsmp.minihub.org
Telephone: 3323883 | 77295795
Website: www.jsmp.tl
Face book: www.facebook.com/timorleste.jsmp
Twitter: @JSMPTl