



Baucau District Court sentences defendant to 13 years in prison for committing sexual abuse against a minor

On 9 July 2015, the Baucau District Court announced its decision to sentence the defendant JAL with 13 years in prison, for committing sexual abuse against a minor. The defendant was found guilty of committing sexual abuse against a minor who was aged 12 years and 8 months old, in Viqueque District.

The public prosecutor charged the defendant with violating Articles 172 and 173 of the Penal Code for the crime of aggravated rape. However, after an examination of evidence, the court amended the charge to Article 177 of the Penal Code regarding sexual abuse of a minor.

JSMP has observed that the courts have continued to take significant steps in the justice sector by trying cases involving violence against women and convicting perpetrators. JSMP has also noted that the courts have issued sound decisions in several cases involving violence against women.

This decision could be considered adequate because the defendant received a penalty that was higher than half of the minimum penalty provided for by the Penal Code, however the defendant committed very cruel acts against the victim by binding her feet, hands and mouth. JSMP believes that these acts should have been considered as aggravating circumstances.

In addition, the public prosecutor considered charging the defendant for violating Article 185 of the Penal Code on unlawful entry, which would have provided the court with more scope to sentence the defendant to a more severe penalty.

“JSMP believes that in cases involving sexual violence against women, in addition to imposing prison sentences, the courts should also consider ordering defendants to provide compensation to victims. This would be a way of acknowledging the suffering of the victim and to involve other families as a form of social responsibility.” said the Executive Director of JSMP, Luis de Oliveira Sampaio.

Sexual abuse against minors has a very serious impact on individuals throughout their lifetime, and can undermine their psychological growth and physical health. In most cases the victims will suffer stress and trauma throughout their lives, even when they have reached adulthood and have their own family.

In many cases like this victims will go on to make decisions that will lead them to live unhealthy lives as the result of the trauma caused by the violence they have suffered.

JSMP respects the courage of the victim in this case in resisting the defendant, even though she is a minor. The victim tried to free herself from the defendant even though she was in danger and kicked the defendant so she could tell her mother and report the matter to the police.

JSMP encourages all women who find themselves in the same situation to immediately report the matter to police or the Public Prosecution Service, and other organizations that provide services to victims in order to protect victims and to protect the relevant evidence.

The court found that the defendant went to the home of the victim twice. Previously, the defendant ordered the victim to follow him to school, however because the victim did not go, the defendant again returned to the victim's home. When the defendant came for the second time, there was nobody home because the victim's parents had gone to their plantation. Because there was nobody there, the defendant gave US\$10 to the victim however the victim refused. The defendant bound the victim's mouth, arms and feet with some cloth, carried the victim to her brother's room and committed sexual violence against the victim. After that, the victim tried hard to remove the bindings. Then the victim kicked the defendant and went and informed her mother and reported the matter to the police.

The medical report stated that the victim suffered injuries to her genitals. In relation to his actions the court sentenced the defendant to 13 years in prison and ordered him to pay court costs of US\$30.

This case was registered as Case No. 0336/12.PDBAU. The hearing to announce the decision was presided over by Hugo da Cruz Pui, representing a panel of judges. The public prosecution service was represented by Domingos Barreto, and the defendant was represented by public defender Antonio Fernandes.

For further information please contact:

Luis de Oliveira Sampaio
Executive Director of JSMP
E-mail: luis@jsmp.minihub.org