



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN SISTEMA JUDISIÁRIU

Press Release
Dili District Court

13 July 2015

**The Dili District Court sentences defendant to 6 years and 8 months
jail in case of sexual abuse against a minor**

On 06 July 2015 the Dili District Court sentenced the defendant MdC to 6 year and 8 months in prison.

The court found the defendant guilty of committing sexual abuse because the defendant grabbed the genitals of the victim in 2014 in Dili when the victim was aged 9 years and 7 months.

During the trial the defendant denied the alleged facts, however the victim maintained the facts that were listed in the indictment.

The court also considered the mitigating circumstances, namely that the defendant is elderly (71 years old) and the consequences suffered by the victim were not serious. Therefore, the penalty imposed by the court against the defendant/the convicted person was close to the minimum penalty.

JSMP believes that cases involving abuse against minors always have a serious psychological impact on the child that experiences the abuse, because such acts involve the use of force and threats. Normally violence committed against minors will have long lasting consequences and will completely damage the life of the child.

JSMP believes that the court's finding that 'the consequences will not have a serious impact on the victim' is not an appropriate finding in a case involving the sexual abuse of a minor. It is not possible to make an evaluation unless it is based on in-depth and appropriate analysis of a case.

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Previously, the public prosecutor charged the defendant for violating Article 177.2 of the Penal Code on the crime of sexual abuse against a minor and any other act of sexual relief with a minor aged less than 14 years. This article carries a penalty ranging between 5 and 15 years in prison.

“Sexual abuse is often committed against minors on a daily basis, so the decision of the court must reflect the suffering experienced by the victim. JSMP believes that even though the defendant did not manage to have sexual intercourse with the victim, this act can have serious psychological implications on the victim,” said Luis de Oliveira Sampaio, Executive Director of JSMP.

The public prosecutor alleged that on 22 February 2014 the defendant invited the victim and her friend to follow the defendant into the jungle. However, on the way the defendant asked the victim’s friend to go home, so that only the defendant and the victim went to the plantation. However, before they arrived at the plantation, the defendant forced the victim and threatened her and then he undid the zip of the victim’s pants and grabbed the genitals of the victim even though the victim refused.

This case was registered as Case No. 0195/14.PDDIL. The decision was read out by judge Ana Paula Fonseca, representing a panel of judges. The public prosecution service was represented by Bemvinda do Rosario and the defendant was represented by public defender Agostinha de Oliveira.

Note: JSMP could not access the final recommendations of the public prosecutor and public defender because the trial was closed to the public.

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