



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Press Release
Dili District Court
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Need for appropriate charges and decisions in cases of domestic violence

On 27 January 2015 the Dili District Court tried a case of domestic violence committed by the defendant AS against his wife in Dili.

The public prosecutor alleged that on 15 November 2013 at 9pm the defendant used an iron bar to strike the victim in the forehead, and used an axe to strike the backside of the victim and used the axe to injure the victim's stomach. These actions caused the victim to suffer swelling, and injuries to her backside and stomach.

This case occurred because the defendant asked the victim if the two of them could meet with the village chief to resolve a problem relating to their daughter, but the victim refused. Because of this the defendant committed these offences against the victim.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Article 35(b) of the Law Against Domestic Violence.

“The public prosecutor needs to carefully elaborate the facts which constitute crimes based on the gravity of the crime to ensure that the charges are appropriate and correct,” said the Executive Director of JSMP, Luis de Oliveira Sampaio.

JSMP thinks that the facts associated with this case fulfill the crime of mistreatment of a spouse as set out in Article 154 of the Penal Code or Article 146(e) on serious assault with the intention of endangering the life of another person. The tools or means used by the defendant to commit this crime show that the defendant had the intention to create or potentially create a serious risk of harm to the victim's life. The public prosecutor and the court should have amended the charge relating to this criminal act to ensure an appropriate penalty reflecting the severity of the case.

In court the defendant confessed that the facts were true. The defendant testified that he regretted his actions, was a first time offender and promised not to reoffend against the victim in the future. Considering that the defendant admitted all of his actions, the public prosecutor made a request not to hear the testimony of the victim.

In her final recommendations the public prosecutor considered all of the facts to have been proven, based on the confession of the defendant. To deter this type of crime from

occurring again in the future, the public prosecutor requested the defendant be sentenced to 6 months in prison, suspended for 1 year.

Meanwhile, the public defender submitted that the defendant confessed and regretted his actions, has reconciled with the victim and was a first time offender, therefore the public defender requested the court hand down a lenient penalty against the defendant.

After hearing the final recommendations of the parties, the court concluded the matter and immediately read out its decision to sentence the defendant to 6 months in prison, suspended for 1 year.

This case was registered as Case No. 72/14/TDD. The hearing was presided over by judge Francisca Cabral. The public prosecution service was represented by prosecutor Ivonia Maria Guterres and the defendant was represented by public defender Sergio Paulo Dias Quintas.

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