



Press Release

27 May 2015

Baucau District Court

Baucau District Court sentences defendant in case of incest to 28 years in prison

On 21 May 2015 the Baucau District Court conducted a hearing to announce its decision and sentenced the defendant AdS to 28 years in prison, for committing the crime of aggravated rape against his daughter who was 16 years old. The incidents allegedly occurred in 2010 and 2012, in Lautem.

The public prosecutor charged the defendant with violating Article 172 of the Penal Code on rape and Article 173(a) on aggravation arising from a family relationship and (d) on aggravation based on the victim being a minor, as well as Article 35 of the Law Against Domestic Violence.

“JSMP considers that this decision is appropriate because it reflects the severity of this crime and because the defendant’s actions were extremely harmful to the victim's life. JSMP has raised its concerns many times and continues to urge everyone to address these types of crimes, but unfortunately not everyone gives serious consideration to this issue,” said Luis de Oliveira Sampaio, Executive Director of JSMP.

The court found that the defendant committed rape against the victim on 9 occasions. In 2010 the defendant forced the victim to have sexual intercourse 5 times and threatened to kill the victim if she told anyone about the defendant’s actions.

The actions of the defendant caused the victim to become pregnant and she gave birth to a baby girl in 2011.

In 2012 the defendant again raped the victim 4 times. The actions of the defendant caused the victim to again become pregnant and she gave birth to a baby girl in 2013.

The court reached its decision based on the confession of the defendant and the testimony of the victim.

Based on the proven facts, the court concluded this case and sentenced the defendant to 6

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years in prison for each of the crimes committed in 2010 and sentenced him to 3 years in prison for each of the crimes committed in 2012. For all of the crimes the court accumulated the individual penalties and sentenced the defendant to 28 years in prison.

JSMP is pleased that the court considered each crime separately, however the court needs to remember that the crime of rape carries a penalty of between 5 and 15 years in prison, which is increased to between 5 and 20 years in prison if there are aggravating circumstances. In this case, a 3 year penalty for the crimes committed in 2012 is not appropriate. Despite this, the accumulated penalty is close to the maximum penalty provided for in the Penal Code (30 years), and therefore the decision in this case can be considered a good one.

The case was registered with the court as Case No. 0222/13.PDBAU. The decision was presided over by judge Antonio Fonseca, representing a panel of judges. The public prosecution service was represented by Luis Hernani Rangel da Cruz and the defendant was represented by public defender Juvinal Yanes Freitas.

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