



Press Release

Suai District Court

30 September 2015

Suai District Court sentences defendant to 13 years in prison and orders him to pay compensation of US\$3,000 in case of sexual abuse against a minor

On 25 September 2015, the Suai District Court sentenced the defendant DdJ to 13 years in prison and ordered him to pay US\$ 3,000 in compensation for committing sexual abuse against a minor aged 12 years old. In addition, the defendant was ordered to pay court costs of US\$50.

The court found that the defendant committed sexual abuse in accordance with Article 177 (2) of the Penal Code, with aggravating factors under Article 182 because the victim was only 12 years old. The public prosecutor originally charged the Defendant under Article 177 (1) of the Penal Code. However, after examining the evidence and finding that the defendant did not have sexual intercourse with the victim, the court amended the charge to Article 177 (2).

The defendant was found guilty based on the testimony of the victim and the testimony of the victim's mother, who did not witness the incident but testified that the victim was crying when she told her about the incident. The court also referred to the medical report from Pradet that stated that the victim suffered injury to her genitals.

"JSMP welcomes this decision because the court imposed a penalty on the defendant close to the maximum penalty of 15 years available under Article 177 (2) of the Penal Code. JSMP also commends the order that was imposed on the defendant to compensate the victim for her suffering. This sends a strong message to potential offenders and will deter others from committing sexual violence against minors," said the Executive Director of JSMP, Luis de Oliveira Sampaio.

The public prosecutor alleged that on 30 July 2014, at approximately 1pm, the victim and her friends were walking on the main road when the defendant stopped his motorcycle to pick her up. When she refused he continued to urge her to get on his motorcycle, so she eventually agreed to ride with him. When they arrived at her home the victim told the defendant she was experiencing pain in her abdomen and went into her room. The defendant followed the victim and told her to remove her clothing. The

Rua setubal, Colmera, Dili Timor Leste

PoBox: 275

Telephone: 3323883 | 77295795

www.jsmp.tl

info@jsmp.minihub.org

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

defendant then started to hug the victim from behind, grabbed the victim's breasts and put his finger into her genitals. The victim fled and told her mother and other members of her family that lived not far from the scene of the crime. The actions of the defendant caused the victim to suffer injury to her genitals.

The public prosecutor charged the defendant for violating Article 177(1) of the Penal Code for sexually abusing a minor as well as aggravation under Article 182 of the Penal Code because the victim was only 12 years old.

During the trial the defendant admitted all of the facts charged against him and testified that the case had been resolved in accordance with local customs as he had given US\$2,000 to the victim's family. However, the court did not consider the US\$ 2,000 because it was given to the victim's family. Therefore, in its decision, in addition to imposing a penalty of 13 years in prison, the court also applied a separate order for the defendant to pay US\$ 3,000 compensation to the victim.

JSMP values the decision of the court to order the defendant to pay compensation to redress the victim's suffering, even though the defendant testified that he had already provided compensation to the family of the victim.

JSMP would especially like to congratulate the judge presiding over this case for showing great sensitivity towards the victim and for demonstrating progressive thinking by disregarding the traditional settlement directed to the victim's family. JSMP believes this decision is an important step forward in the formal justice system.

JSMP hopes the courts in other jurisdictions can use this decision as a reference when they consider and hand down decisions in similar cases.

JSMP believes that a separate order for compensation to be paid directly to the victim is appropriate and fair because the victim herself suffered trauma and psychological pressure. The violence suffered by victims classified as minors can have a lasting and serious effect for the duration of their lives.

After hearing this decision the public defender was not satisfied with the court's order that the convicted person pay compensation of US\$3,000, so the public defender will lodge an appeal with the Court of Appeal.

This case was registered as Case No. 167/pen/2015/TDS. The hearing to announce the decision was presided over by judge Costáncio Barros Basmery representing a panel of judges. The public prosecutor was represented by Mateus Nessi and the defendant was represented by public defender Joanico da Costa (legal graduate, replaced by public defender João Henrique).

For more information, please contact

Luis de Oliveira Sampaio
Direktur Eksekutif JSMP
Alamat e-mail: luis@jsmp.minihub.org