



Press Release
18 February 2016
Dili District Court

Court continues to apply additional condition obliging defendants in cases of domestic violence to appear periodically before the relevant institutions

The courts continue to apply an additional condition obliging defendants to appear periodically for a significant amount of time in several cases of ordinary offences against physical integrity characterized as domestic violence.

JSMP values the positive changes taking place at the courts to effectively utilize the provisions that relate to rules of conduct in cases of domestic violence, in accordance with the recommendations that JSMP has been making all this time. Previously JSMP consistently recommended for all of the courts to apply additional conditions when they substitute a prison sentence with a suspended sentence or a fine.

“JSMP considers that these types of decisions are a significant breakthrough in ensuring that defendants do not repeat their actions in the future, especially in cases of domestic violence. JSMP believes that the application of such additional conditions will have a deterrent effect in these cases because convicted persons will feel that a real punishment has been applied against them, that they have to comply with,” said the Executive Director of JSMP, Luis de Oliveira Sampaio.

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The Penal Code and the Law Against Domestic Violence provide rules of conduct for the imposition of additional conditions that include an obligation to appear before the relevant institution (Article 70 (1) (g) of the Penal Code), to be monitored during the duration of the suspended sentence (Article 71 of the Penal Code), follow up support services for the victim (Article 38 (1) of the Law Against Domestic Violence), a penalty prohibiting contact with the victim for a maximum period of 3 years (Article 38 (2) of the Law Against Domestic Violence) and an obligation to provide maintenance to the victim (Article 29 of the Law Against Domestic Violence).¹

On 9 February 2016 the Dili District Court sentenced the defendant FMG to 1 year in prison, suspended for 2 years, with the obligation to appear before the court twice a month, in the first and third weeks. The defendant was found guilty of committing maltreatment against his wife on 14 September 2014 in Liquica.

Previously, on 5 February 2016 the Dili District Court sentenced the defendant AC to 3 years in prison, suspended for 3 years. The court also applied an additional penalty obliging him to appear before the court once a month for 6 months and also to pay compensation to the victim of US\$ 250.00.²

Then, on 5 February 2016 the Dili District Court also sentenced the defendant GS to 1 year 6 months in prison, suspended for 3 years and obliged him to appear once a month before the court during the period of the suspended sentence. The court sentenced the defendant after finding him guilty of committing domestic violence

¹ JSMP Thematic Report entitled: Application of alternative penalties in cases of domestic violence at the Oecusse District Court 2015, page 2. Available at www.jsmp.tl

² JSMP Press Release: Court suspended prison sentence and obliges defendant to report and pay compensation to the victim -11- February -2016

against his wife.³

In addition, on 04 February 2016 the Dili District Court also sentenced the defendant LS to 6 months in prison, suspended for 1 year and obliged him to appear once a month before the court during the period of the suspended sentence. The court sentenced the defendant because he was found guilty of committing maltreatment against the physical integrity of his wife. This case allegedly occurred on 07 October 2015 in Dili District.

On the other hand, on 4 February 2015 the Baucau District Court also sentenced the defendant AC to 2 months in prison, suspended for 1 year and ordered him to pay court costs of US\$10.00. The court also applied an additional condition to appear before the courts every Friday for three months. The court found the defendant guilty of committing maltreatment against his wife on 02 October 2013 in Baucau District.

Even though JSMP has observed and welcomed this progress, JSMP continues to encourage the courts to consider the importance of developing sentencing guidelines in cases of domestic violence to help the courts find the right sentence and protective measures as set out in the Penal Code and the Law Against Domestic Violence.

JSMP believes that these guidelines will respond to the complexity of sentencing in cases of domestic violence and will particularly help judges to determine the right sentence in each case.

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³ JSMP Press Release: Court suspends prison sentence and obliges the defendant to report periodically to the court during the period of suspension - 11- February -2016