



Press Release
Baucau District Court
25 September 2017

Court imposes effective prison sentence of one year against defendant in case of domestic violence

JSMP: The courts continue to show progress in ensuring the consistent application of the law

On 19 September 2017 the Baucau District Court imposed an effective prison sentence of one year and ordered the convicted person to pay court costs of US\$20 in a case of simple offence against physical integrity characterized as domestic violence involving the defendant GF who allegedly committed the offence against his wife in Baucau District.

The court imposed this effective prison sentence against the defendant because the court found that the defendant failed to demonstrate regret for the previous conviction imposed on him by the court. Previously, on 11 June 2015, the court imposed a prison sentence of 3 months, suspended for 1 year against the defendant, after finding him guilty of committing the crime of simple offences against physical integrity against his wife.

“This sentence sends a strong message to the community that domestic violence is a public crime that can result in a prison sentence based on the applicable criminal law. The handing down of an effective prison sentence in a case of domestic violence is an important step forward for the formal justice sector, and it is the duty of the State to protect victims based on the applicable law”, said Luis de Oliveira Sampaio, Executive Director of JSMP.

JSMP welcomes this decision because the courts are starting to show a great deal of sensitivity in cases of domestic violence, and are willing to provide specific protection to victims against the risk of further domestic violence. If defendants in cases of domestic violence are not given an adequate sentence it will fail to deter them from committing other crimes in the future.

Any decisions imposed by the courts need to be sensitive and the courts need to believe that their decision has authority and power to contribute to strengthening harmony in society and protect vulnerable communities in society.

JSMP has observed that many cases of domestic violence have resulted in suspended sentences and often the community and the defendant do not feel that a penalty has been imposed, because no additional obligation or responsibilities are imposed to control defendants.

Previously, on 26 July 2017, the Oecusse District Court also convicted this defendant in a case of simple offences against physical integrity characterized as domestic violence and imposed an

effective prison sentence of six months against the defendant for committing the same crime against his wife.

The public prosecutor alleged that on 15 January 2017 at 8pm the defendant threw a stone at the victim but missed. Then the defendant approached the victim and choked her and the victim suffered pain to her neck.

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

During the trial the defendant denied all of the facts in the indictment and stated that during the incident he only argued with the victim and did not choke the victim. The victim maintained the facts set out in the indictment of the public prosecutor. The victim stated that after the incident the victim separated from the defendant and now the victim is living with her parents, because the defendant always beat the victim.

The public prosecutor stated that even though the defendant denied all of the facts in the indictment, the victim confirmed and reinforced the facts in the indictment. The public prosecutor stated that the victim decided to separate from the defendant, which is strong evidence that the defendant committed this crime. In particular, the public prosecutor also emphasised that the defendant had a criminal record because the court convicted the defendant on 11 June 2015 and imposed a prison sentence of 3 months, suspended for 1 year. This shows that the defendant has not experienced remorse.

JSMP believes that the court has the conviction to ensure protection, particularly in cases of violence against women. JSMP also observed that this is not the first time the courts have convicted a defendant in a case of domestic violence and imposed an effective prison sentence. JSMP hopes that in addition to upholding justice for the victim, this sentence can also provide a lesson to the defendant and the community to avoid committing the crime of domestic violence in the community.

This case was registered with the court as Case No. 0002/17 MNNTB. The trial was presided over by single judge Antonio Fonseca. The prosecution was represented by Gustavo A. da Silva and the defendant was represented by Antonio Fernandes.

For more information, please contact:

Luis de Oliveira Sampaio
Executive Director of JSMP
E-mail: luis@jsmp.tl