



Press Release
The Dili District Court
07 June 2019

The Dili District Court refuses a request for the conditional release of a convicted person for the crime of aggravated rape

On 15 May 2019 the Dili District Court decided to refuse or reject a request for the conditional release of the convicted person JB who served half of his 10 year prison sentence (5 years) for the crime of aggravated sexual abuse against the victim CdJ. The court decided to order the defendant to serve his full sentence with consideration that the crime committed by the defendant not only destroyed the future of the victim who is a minor, but this sentence is proportional to the defendant's behaviour. The decision to keep the convicted person in prison was also aimed at strengthening the perception in society that crimes characterized as rape are serious crimes that cannot be tolerated in society.

“JSMP congratulates the court on its decision to keep convicted persons in jail to serve their entire sentence, especially for crimes characterized as rape. JSMP agrees that the courts must be firm and strict in their decision making because these crimes have serious consequences for victims and destroy their future,” said Luis de Oliveira Sampaio, Executive Director of JSMP.

JSMP monitoring has found that cases characterized as rape against minors continue to be prevalent in all jurisdictions. Therefore if the court grants such a request from a convicted person, it can create a precedent in the future, and society might believe that crimes characterized as sexual violence are simple or minor crimes and therefore the courts can release convicted persons who have not served their full sentences and grant them conditional release.

JSMP's annual Overview of the Justice Sector Report demands for the courts to impose heavy penalties against defendants in cases of rape. This is a concrete step towards protecting women and minors. JSMP has also regularly recommended for the courts and the public prosecution service to establish ‘guidelines’ for charging and sentencing in these cases to ensure consistency in their decisions.

Due to its concern about the rising number of cases of sexual abuse against minors, in January 2016 JSMP presented an opinion to the National Parliament on Procedures for Pardons¹. In its opinion/submission JSMP recommended that if possible pardons should not be given for crimes characterized as rape, such as the sexual abuse of minors and incest. These recommendations were given consideration by the National Parliament in Law No. 05/2016 dated 25 May on the Procedure for Granting Pardons and Commuting Sentences that excludes crimes against physical integrity or personal freedom with a prison sentence of 8 years and above.²

This case was tried by the court as Case No. 0059/14.PDDIL and the Judges presiding over this matter were Ana Paula Fonseca, Zulmira Maria Auxiliadora and Jumiati Freitas. The Public Prosecution Service was represented by Osorio da Deus and the defendant was represented by Henrique João Mariz.

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¹ JSMP Submission: http://jsmp.tl/wp-content/uploads/2013/03/Paraser-kona-ba-Lei-Indultu-Presidencial_TETUM.pdf

² Article 4 (C) of Law No. 5 /2016 dated 25 of May on the Procedure for Granting Pardons and Commuting Sentences