



**JUDICIAL SISTEM MONITORING PROGRAMME**  
**PROGRAMA DE MONITORIZASAUN DO SISTEMA JUDICIAL**

***Press Release***

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**Public prosecutor requests for court to acquit defendant in case of maltreatment against a minor**

On 10 July 2012 the Suai District Court conducted a hearing in a case involving the maltreatment of a minor which was registered as Case No. 10/PEN/2012/TDS. The defendant in this case (CAL) was accused of committing the crime against two victims, namely DdA (aged 9) and JCA (aged 12). This case allegedly occurred di Ahi Narai Sub-Village, Debos Village, Suai Sub-District, Covalima District in 2011.

The trial was conducted by a panel of judges comprising Álvaro Maria Freitas (presiding), together with Pedro Figueredo Rapoza (international) and Constâncio Barros Basmery. The Public Prosecution Service was represented by António da Silva Tavares, and the defendant was represented by public defender Marçal Mascarenhas.

The Executive Director of JSMP, Luis de Oliveira Sampaio, stated that JSMP agrees with the stance of the public prosecutor in this case, however JSMP requests for the relevant and competent institutions to give serious attention to children who are in danger and at risk of exploitation due to their vulnerable or disadvantaged social-economic circumstances.

In accordance with the indictment of the public prosecutor, the defendant was charged with committing maltreatment against a minor. His actions included forcing the victims to cut grass, giving water to buffaloes and cleaning buffalo dung from their enclosure. The indictment stated that the victims carried out this work because they had a contract with the defendant who was going to pay them US\$20 per month, however the defendant did not fulfill the promise he made to the victims.

In relation to the aforementioned facts, the public prosecutor charged the defendant with Article 155 of the Timor-Leste Penal Code regarding maltreatment against a minor which carries a sentence of between 2 - 6 years imprisonment.

Based on JSMP monitoring the defendant denied all of the charges of the public prosecutor. In his testimony the defendant stated that he did not commit the crime as alleged by the public prosecutor. According to the defendant, the victims were staying at his house because their grandfather had an employment contract as mentioned in the indictment. He added that the work was not assigned to the victims.

In addition, the victims testified to the court that the defendant did not order them to work, but they themselves volunteered to work to help out their brother.

Pursuant to these facts, in his final recommendation the public prosecutor requested for the court to acquit the defendant from the charges, as the actions of the defendant did not fulfill the elements of the crime as set out in Article 155 of the Penal Code. The public prosecutor stressed that parents are the ones who should be paying attention to minors less than 17 years old, and this is not the responsibility of others. The public defender agreed with the request submitted by the public prosecutor.

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