



**JUDICIAL SYSTEM MONITORING PROGRAMME**  
**PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL**

**Press Release**

Period: February 2009

Edition: February 2009

**BAUCAU DISTRICT COURT SENTENCES DEFENDANT TO 3 YEARS  
IMPRISONMENT IN CASE OF ATTEMPTED MURDER**

On Wednesday (4/2) the Baucau District Court announced its decision in a case involving the defendant SG (No. 143/Crm.C/08/TDB) who was charged with the criminal act of attempted murder. According to the indictment submitted by the Public Prosecutor, on 31/12/2007 at the Baucau market the defendant and several others attacked the victim AS who was selling meat. The defendant was carrying a knife and stabbed the victim on the right side of his body and inflicted a serious injury. The victim received medical treatment at the Baucau Hospital. The actions of the defendant violated Article 354 of the Indonesian Penal Code.

In its decision the court referred to strong evidence in relation to this criminal act. Evidence, including witness statements and testimony, was compared with the charge. The evidence produced during the trial was compared with the elements of the charge such as the lack of a clear motive for the defendant to try and kill the victim and proof that the defendant was carrying a knife and that it was the defendant who stabbed the victim. It was also established that the defendant committed the act on his own free will. After carefully analyzing the aforementioned facts the court determined that the defendant was the perpetrator of the attempted murder. Therefore the court considered the application of Article 354 of the Indonesian Penal Code and Article 53 on attempt to commit a crime.

JSMP believes that the court chose the aforementioned article because of arguments contained in the indictment as well as all relevant evidence and factors that showed that the actions of the defendant violated the charge because the defendant had deliberate intent to commit the criminal act of murder. The courts consideration of Article 53 of the Indonesian Penal Code focused on the intent or desire of the defendant as revealed by his actions which caused the victim to suffer a serious physical injury as mentioned in the material evidence such as the medical report attached to the indictment. The charges of the indictment were proven and showed that the actions of the defendant violated Article 53 of the Indonesian Penal Code.

After examining the elements of the charge and all the facts established during the trial the court decided to sentence the defendant to three years imprisonment. The convicted

person indicated through his lawyer that he will lodge an appeal against the length of penalty imposed.

**For further information please contact:**

**Coordinator of the Legal Research Unit**

Roberto da Costa Pacheco

HP. 7326647

Email: [bebeto@jsmp.minihub.org](mailto:bebeto@jsmp.minihub.org)

Tel: 338823