



**PRESS RELEASE**

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**BAUCAU DISTRICT COURT HANDS DOWN DECISIONS IN CASES OF  
GENDER BASED VIOLENCE**

On 27 November 2007, the Baucau District Court issued decisions in two cases of gender based violence. The first case related to sexual assault and the second case related to domestic violence.

The case of sexual assault was heard by a panel of judges consisting of one international judge and two national judges (judges Frederico Magno, Edite Palmira and Ana Paula Fonseca). The Prosecution Unit was represented by Prosecutor Roberto de Andrade and the defendant was represented by Augusto Guterres.

In the case of sexual assault the panel found the defendant guilty under Article 285 of the *Indonesian Penal Code* and sentenced him to 3 years imprisonment. The case of domestic violence was committed by a husband against his wife and in the decision issued by the single judge hearing that case the defendant was found guilty under Articles 351, Subsection 1 and Article 356, Subsection 1 of the *Indonesian Penal Code*. The defendant was sentenced to 6 months imprisonment with the sentence suspended for 1 year and 2 months.

Based on monitoring conducted by Flora Soriano, a legal researcher from the Women's Justice Unit of JSMP, the sentence issued in the case of sexual assault was extremely lenient, considering that the victim was a minor and the defendant was the biological father of the victim.

JSMP is extremely concerned with the lenient sentence handed down against the defendant because 3 years imprisonment does not adequately reflect the severity of the crime committed. Sentences like this can send a message to the community that the crime of rape committed in the family sphere is not considered a serious crime. Therefore, JSMP recommends that before a court issues a decision, it should consider the relationship between the victim and defendant and also the age of the victim, who in this case was a minor, a fact that should have aggravated the sentence.

JSMP welcomes the decision issued by the judge in the aforementioned case of domestic violence. This shows that a positive change has occurred in relation to trying cases of domestic violence as minor maltreatment, as they

are being considered as serious by the courts and appropriate sentences are being handed down.

For further information please contact:

Flora Soriano, Legal Researcher, WJU-JSMP

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

Or contact:

Timotio de Deus

Director of JSMP

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

Phone: +670 3323883