



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

Press Release

5 July 2007

PYSCHOTIC DEPRESSION CAUSES A YOUNG MOTHER TO KILL HER TWO OF HER OWN CHILDREN

On 3 July 2007, the Dili District Court conducted a hearing in a case of murder committed by a young mother against 2 of her own children in Suku Humboe, District of Ermera. The hearing was presided over by a Panel of Judges comprising Vitor Pardal (International Judge), and two national judges, namely Antoninho Golsalves and Maria Natercia. The Prosecution Unit was represented by Prosecutor Felismino Cardoso and the Defendant was represented by Andre, an international lawyer from the Public Defender's Unit.

In accordance with the court timetable, the hearing was scheduled to commence at 9.30am, however it was delayed until 14.30 because the presiding judge was scheduled to try another case at the same time.

According to the indictment which was read out in the hearing, on 7 September 2006 in the Village of Humboe – District of Ermera, a young mother used a knife and machete to murder two of her own children and wounded another child and her mother in law.

The defendant admitted that she knew her actions were against the law and she tried to describe what had really happened.

The defendant claimed that she had killed two snakes that were in her house. Not her two children. When the judge asked the defendant if she understood that she had actually killed two of her own children and not snakes as she claimed, the defendant responded that she was sure that she had killed snakes and not her children. At the time of the incident the defendant was suffering from an illness. The defendant is aware that two of her children have died because when she was in detention one of the guards told her.

In addition to hearing the statement of the defendant the court summoned a medical witness to hear testimony about the illness suffered by the defendant. The medical witness testified that the defendant had been diagnosed as suffering from **Psychotic Depression**. The defendant was given medical treatment for 3 months after the incident which was supervised by the aforementioned medical witness. The defendant is still receiving treatment.

Flora Soriano, a Legal Researcher from the Women's Justice Unit (WJU) – JSMP welcomes the Court's decision to summon a medical witness to provide testimony in court in relation to this case. Such testimony can be considered by the judges when determining the culpability of the defendant in accordance with Article 44 of the Indonesian Penal Code on criminal responsibility.

Flora believes that this case has been classified as domestic violence. However the testimony of the medical witness has helped the judges establish that the defendant does in fact suffer from **Psychotic Depression**. This does not preclude the possibility that

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other evidence can be presented. The WJU of JSMP hopes that the court will consider all available evidence before issuing a decision.

The WJU of JSMP hopes that no more cases of this kind will happen because this is a criminal case.

The hearing of this matter will be continued on 27 July 2007 at 9.30am.

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