



Press Release

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The Dili District Court conducts retrial in a case of aggravated murder

On 30 April the Dili District Court conducted a retrial in a case of aggravated murder involving the defendant Maria de Lourdes who allegedly committed the crime against her husband the deceased Damião Soares, who was a member of the Timor-Leste National Defence Force (F-FDTL). This case allegedly occurred on 25 November 2011 in Comoro, Don Aleixo Sub-District, Dili District. This case was registered as Case No. 388/C.Ord/2012/TDD.

“JSMP wishes to bring attention to the procedural requirements set out in the Criminal Procedure Code regarding a retrial because there is the potential to harm the interests of the parties. This provision places the parties in a position of uncertainty and is in conflict with the principle of a speedy and affordable trial as well as the need for legal certainty,” said Luis de Oliveira Sampaio, Executive Director of JSMP.

JSMP believes that the aforementioned mechanism is used to correct errors that have occurred in courts of first instance, however JSMP is concerned because this provision impacts on the interests of the parties. JSMP encourages all courts of first instance to fully address and carefully consider and examine all of the procedural elements to ensure that legal rules are respected and the interests of the parties are not placed in jeopardy.

During the retrial the defendant testified that she had stabbed/killed the victim as part of efforts to legally defend herself because the defendant had launched an attack on her. The defendant also testified that she herself had contacted the police after the event because she felt afraid.

The witness Sezartino Manuel do Amaral testified that he did not witness the incident, however he saw the victim on the ground and because he was afraid of the victim’s family he left the scene. Another witness Isaac Virgilio Gonçalves Ximenes testified that he saw the defendant stab the victim.

The testimony of the defendant and the two witnesses was the same as the statements/testimony that were given during the previous trial.

The public prosecutor stated in his indictment that on 25 November 2011 at 11pm the defendant stabbed the victim once in the chest which immediately claimed the life of the victim at the scene. Before the incident the victim had kicked the defendant in the legs and forehead. Then the defendant got out of bed and took a knife that was on the floor and stabbed the victim in the

chest. The public prosecutor charged the defendant for violating Articles 2 and 35 of the Law Against Domestic Violence and Article 139 (g) of the Penal Code regarding aggravated murder.

Previously this case was heard on 20 September 2012 with a continuation of the trial on 6 November 2012. The Dili District Court then decided to sentence the defendant to 15 years prison. However the defendant and her lawyer objected and lodged an appeal.

After examining all of the grounds of the written appeal, the Court of Appeal decided to send this case back to the Court of First Instance for a retrial. This was based on the opinion of the Court of Appeal that several facts needed to be reexamined.

The hearing was presided over by a panel of judges comprising José Maria de Araújo, Júlio Gantes and Duarte Tilman. The Public Prosecution Service was represented by José Luis Landim, and the defendant was given legal representation by public defender José da Silva.

The decision in this case will be announced on 17 May 2013 at 9am.

For more information, please contact:

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