



**JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU**

Press Release Oecusse

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**Oecusse District Court
Defendant in case of domestic violence sentenced to six months in prison**

On 3 April 2014 the Oecusse District Court sentenced the defendant LM to an effective prison sentence of six months after he was found guilty of committing simple offences against the physical integrity of his wife, characterized as domestic violence. The offence occurred in Pante Makasar, Oecusse District, on 4 December 2013.

The court found that, while drunk, the defendant took a stone, threw it at the victim and struck her on the nape of her neck, which injured her and caused bleeding. Previously, on 7 November and 4 December 2011, the court had convicted the defendant for committing the same crime against his wife, and ordered him to pay fines of US\$ 30 and US\$ 90 respectively.

“JSMP welcomes the decision of the court to impose an effective prison sentence against the defendant because he did not express regret for committing the same crime for which he was previously convicted by the court. JSMP hopes that this decision will be used as a reference by the other courts so there is no hesitancy in convicting defendants when there is a need to hand down a prison sentence to ensure justice for the victim and to prevent the same crime from occurring in the future,” said the Executive Director of JSMP Luis de Oliveira Sampaio.

In this case, the public prosecutor requested the court to sentence the defendant to a minimum of 30 days and maximum of three years in prison because the defendant had committed the same crime against his wife on three occasions.

The public defender representing the defendant requested the court to apply a fair and appropriate penalty against the defendant to avoid affecting his family.

The hearing to announce this decision was led by single judge João Ribeiro. The public prosecution service was represented by Afonso Lopes, and the defendant was represented by public defender Afonso de Fatima.

Previously, on 27 November 2013, the Dili District Court sentenced a defendant for the crime of mistreatment of a spouse to two years and six months in prison, which was the first time since the *Law Against Domestic Violence* came into force that a court handed down an effective prison sentence.

A report published by JSMP in November 2013 entitled *The Law Against Domestic Violence - Three years of implementation and obstacles* found that, in the majority of domestic violence

cases brought before the formal justice system, the courts ended up applying suspended sentences.

JSMP believes that, in this case, the court demonstrated its institutional responsibility to uphold the law, provide justice for the victim and ensure that the *Law Against Domestic Violence* has a deterrent effect to prevent domestic violence in the future.

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