Press Release
Baucau District Court

11 July 2014

Public Prosecutor seeks five year sentence for defendant in case of attempted murder characterized as domestic violence

On 08 July 2014 the Baucau District Court conducted a hearing to examine evidence in a case of attempted murder involving the defendant AdCM who allegedly committed the offence against his wife on 29 November 2012, in Baguia Sub-District, Baucau District.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 5 years in prison because the defendant was found guilty of twice striking the victim with a machete and slashing the victim once on the back of her neck. The public defender requested for the court to hand down a proportional penalty against the defendant because the defendant did not intend to slash the victim with the machete.

"JSMP encourages the court to consider the facts deduced during the trial, especially the aggravating circumstances relating to this case, in order to reach a decision that is proportional to the gravity of this case," said the Executive Director of JSMP, Luis de Oliveira Sampaio.

The public prosecutor alleged that on 29 November 2012, at approximately 6pm, the victim argued with her mother in law because there was no food. After the argument the victim and her two children fled to her parent's house. The defendant immediately followed the victim to her parent's house and struck her twice on her back with the side of his machete. At that time the victim tried to run away but the

defendant followed her and slashed the victim once on the back of her neck. These acts caused the victim to suffer an injury to her neck, to become deaf and to speak with a stutter.

The public prosecutor charged the defendant for violating Article 138 of the Penal Code on manslaughter as well as Article 23 of the Penal Code on attempt to commit a crime, as well as Article 35 of the Law Against Domestic Violence.

During the examination of evidence the defendant testified that he did not strike the victim on her back, but hit the victim twice on her calves. The defendant also testified that the injury to the victim's neck occurred when they were struggling over the machete and then the machete struck the victim's neck. In addition, the defendant testified that he did not chase the victim to slash her with the machete.

On the other hand the victim testified that at that time she had gone to attend a traditional ceremony at her parent's house. At that time the victim was carrying her child whilst she was picking some chili and suddenly the defendant used the blunt side of the machete to strike her twice on the back. Therefore the victim ran away and the defendant chased her and slashed her on the back of the neck.

The witness MB testified that he saw the defendant use the blunt part of the machete to strike the victim twice on her side and saw the victim run away but the defendant chased the victim and slashed her on the back of her neck.

In this case, JSMP observed that the defendant denied almost all of the facts charges against him and provided his own version of evidence in his testimony. JSMP hopes that the court can consider these facts together with the other facts, especially the aforementioned suffering of the victim that resulted from the defendant's actions.

After hearing the final recommendations of the parties, the court adjourned the trial until 30 July 2014 at 2:30pm to announce its final

decision.

The trial was presided over by a panel of judges comprising Afonso Carmona, Hugo da Cruz Pui and José Gonsalves. The public prosecution service was represented by Aderito Tilman and the defendant was represented by public defender Grigorio de Lima.

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