



JUDICIAL SYSTEM MONITORING PROGRAMME  
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

*Press Release*

*Baucau District Court*

*6 August 2014*

**Baucau District Court sentences defendant to 5 years in prison in case of attempted murder categorized as domestic violence**

On 30 July 2014 the Baucau District Court conducted a hearing to announce its decision against the defendant AdCM and sentenced him to 5 years in prison after he was found guilty of committing the attempted murder of his wife on 29 November 2012, in Baguia Sub-District, Baucau District. This sentence matched the recommendation made by the public prosecutor to the court, namely for the defendant to be sentenced to 5 years in prison. In addition, the court also ordered the defendant to pay court costs of US\$ 30.

During the trial the defendant denied the alleged facts, however in making its decision the court referred to testimony of the victim and the witness who stated that the defendant did in fact commit the crime in accordance with facts that were alleged in the indictment of the public prosecutor.

“JSMP believes that this decision reflects the severity of the crime committed against the victim, even though the sentence cannot restore the victim back to her initial condition. JSMP hopes that this decision will provide a lesson to everyone to restrain themselves from using violent means to settle their disputes in the future and to avoid violence,” said the Executive Director of JSMP, Luis de Oliveira Sampaio.

JSMP has observed that many cases involving domestic violence have occurred because of very simple matters or a difference of opinions between spouses, that should have been resolved through communication.

JSMP believes that it is really important for the government, through its relevant institutions, to seriously invest in civic education and conflict resolution without violence and to raise public awareness about the negative impact of violence.

Previously 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 her to the

home of the victim's parents and used the blunt part of a machete to twice hit the victim on the back. At that time the victim tried to escape, however the defendant pursued her and slashed the victim once on the back of her neck. These acts caused the victim to suffer an injury to her neck, deafness and a stutter.

In relation to these acts, the public prosecutor charged the defendant with violating Article 138 of the Penal Code for homicide and Article 23 of the Penal Code for attempt to commit a crime, as well as Article 35 of the Law Against Domestic Violence. JSMP believes the prosecutor correctly charged the defendant in this case with the serious offence of attempted homicide, because this charge matches the severity of the defendant's crime.

In his final recommendations the public prosecutor requested the court to sentence the defendant to 5 years in prison, because all of the alleged facts had been proven. On the other hand, the public defender requested for the court to apply a fair sentence against the defendant because the defendant did not intend to harm the victim.

Pursuant to these facts and the circumstances relating to this matter, the court decided to sentence the defendant to 5 years in prison and ordered him to pay court costs of US\$30.

The hearing to announce the decision was presided over by judge Afonso Carmona. The public prosecution service was represented by Pascasio de Rosa Alves and the defendant was represented by private lawyer Horta Ramos.

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