



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

Press Release

Suai District Court

17 March 2015

Defendant in case of aggravated rape sentenced to 7 years in prison

On 12 March 2015, the Suai District Court conducted a hearing to announce its decision in a case of aggravated rape involving the defendant AJM who committed the offence against the victim JC who suffers a physical disability. This case occurred on 11 February 2014 in Alas, Manufahi District.

The court found the defendant committed rape against the victim after he entered the home of the victim, forcefully covered the victim's mouth and then raped the victim.

The court concluded this matter and sentenced the defendant to 7 years in prison. This sentence is more lenient than the sentence recommended by the public prosecutor, who had previously asked the court to sentence the defendant to 12 years in prison.

“The court continues to try cases involving violence against women or gender based violence; this is a significant step for the justice sector. JSMP appreciates the decision of the court in this case because it found the defendant guilty of committing aggravated rape, however, JSMP asks the court to sentence defendants in accordance with the gravity of the crime committed”, said the Executive Director of JSMP, Luis de Oliveira Sampaio.

Many sentences in cases of sexual violence are very lenient and often the penalty is not even half of the sentencing range provided for in the Penal Code. JSMP believes that the suffering of a victim cannot be measured, even with a heavy penalty. Victims suffer psychological pressure such as stress, depression, trauma and some of them even suffer mental illnesses. Although the court convicts defendants, in reality many victims feel that the decisions handed down by the court are not just.

JSMP believes that this case is serious because the victim did not have the capacity to defend herself when the defendant tried to rape her, but the court issued a lenient sentence in

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comparison with the penalty range for cases of aggravated rape, which is 5 to 20 years in prison. Unfortunately, this sentence does not reflect the available penalties.

In this case, the public prosecutor alleged that on 11 February 2014, at approximately 3pm, the defendant went to the home of the victim and entered the house and saw the victim, who suffers from a physical disability and cannot speak, sitting alone on a bamboo chair. The defendant approached the victim and covered the victim's mouth tightly and then committed rape.

The public prosecutor charged the defendant with violating Article 172 of the Penal Code on rape and Article 173(c) of the Penal Code on aggravation upon an unconscious or incapable person who is particularly vulnerable by virtue of disease, physical or mental deficiency.

During the trial the defendant denied all of the facts that the public prosecutor alleged against him and that he had raped the victim. On the other hand, the victim through an interpreter from NGO Agape Asia Pacific, which provides interpretation for the disabled, maintained the charges of the public prosecutor.

JSMP has observed that cases involving sexual violence happen almost every day and in many forms. Perpetrators are not just people we do not know, but people who we know well, like neighbours, partners, as well as our own fathers can become perpetrators of sexual violence, and sexual violence can occur in any place and at any time.

Therefore, JSMP recommends the police and the public prosecutor thoroughly investigate cases involving sexual violence so that the courts can have sufficient evidence to convict defendants with severe penalties to deter members of the community from committing crimes of sexual violence.

This hearing was presided over by a panel of judges that was represented by Alvaro Maria Freitas. The public prosecution service was represented by Jose Elo and the defendant was represented by public defender Manuel Amaral.

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