



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Press Release

Dili District Court

29 January 2015

Court applies order to periodically report to authorities during period of suspended sentence in case of domestic violence

On 27 January 2015 the Dili District Court sentenced a defendant to 6 months in prison, suspended for 1 year 6 months, and also issued an order for him to regularly report to authorities during the period of the suspended sentence. The court sentenced the defendant after finding him guilty of committing domestic violence against his wife in Dili.

The public prosecutor alleged that on 16 November 2011 the defendant used a piece of wood to strike the victim on the leg which caused an injury and swelling. This case allegedly occurred because the victim admonished the defendant who was in a discussion with another woman in front of a shop.

The public prosecutor charged the defendant with violating Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Article 35 of the Law Against Domestic Violence.

“JSMP welcomes the decision by the court, because it imposes an additional obligation against the convicted person during the period of the suspended sentence. This is important to help prevent domestic violence from occurring in the community, because the convicted person will realize that a suspended sentence is a mechanism to control him during this period,” said the Executive Director of JSMP, Luis de Oliveira Sampaio.

JSMP asks that judicial actors continue to apply such decisions, to contribute to the reduction of cases involving domestic violence in the community.

During the trial the defendant stated that he did not strike the victim with a piece of wood, but rather the defendant slammed the piece of wood against the wall of the house and it struck the victim’s leg. The defendant slammed the piece of wood because the victim made an accusation against the defendant to a woman who was standing with the defendant in front of a shop. The defendant also testified that he regretted his actions and has reconciled with the victim.

In addition, the victim confirmed that the defendant slammed the piece of wood against the wall of the house and it struck her leg, which caused swelling. The victim also testified that after the incident they reconciled.

In his final recommendations the public prosecutor referred to the partial confession of the defendant and the testimony of the victim and requested the court sentence the defendant to 1 year in prison, to be suspended for 2 years.

The public defender argued that the defendant regretted his actions, has reconciled with the victim and was a first time offender, and therefore he requested the court issue a fair penalty.

Based on the facts established during the trial and the circumstances related to this case, the court concluded this process and sentenced the defendant to 6 months in prison, suspended for 1 year 6 months, and ordered the convicted person to periodically report to the police during the period of the suspended sentence. The court also ordered the defendant to pay court costs of US\$ 20.

This case was registered as Case No. 795/14.TDD. The hearing to announce this decision was presided over by judge Ana Paula Fonseca. The public prosecution service was represented by prosecutor Vicente Brito and the defendant was represented by public defender Agustinha de Oliveira.

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