



JUDICIAL SYSTEM MONITORING PROGRAMME  
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

**Press Release**  
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**JSMP launches Report on Sentencing and Domestic Violence: Suspended prison sentences with conditions**

On 21 December 2017, through Australian Aid – and The Asia Foundation's (TAF) Project Nabilan, JSMP will launch a thematic report based on the results of JSMP research and monitoring in the district courts. This report was published with the title "Sentencing and Domestic Violence: Suspended prison sentences with conditions".

This report analyses data based on the results of monitoring and interviews with judges, prosecutors, and public defenders, including court clerks, the Directorate of Child Protection from the Ministry of Social Solidarity, and a civil society organization that provides legal assistance to women and children (ALFeLa). Also, JSMP also conducted interviews with convicted persons and victims of domestic violence in cases where suspended prison sentences have been imposed.

JSMP's statistics from court monitoring show that Timor-Leste's district courts apply suspended prison sentences in many criminal cases that reach the sentencing stage, and especially in cases of domestic violence.

This trend is illustrated through sentencing practices in 2016 which show that suspended prison sentences were applied in 50% of all criminal cases monitored by JSMP and the proportion is even higher for cases of domestic violence – as close to 80% received a suspended prison sentence in 2016.

After suspending the execution of prison sentences, normally there are no mechanisms to monitor and ensure that convicted persons comply with their sentence.

"This report discusses concerns about suspended prison sentences that are not accompanied by mechanisms or a particular institution that can monitor the effectiveness of the sentence to provide deterrence and encourage the courts to use a range of articles from the Penal Code that allow for the application of additional conditions to suspended prison sentence", said the Executive Director of JSMP, Luis Oliveira Sampaio.

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The application of rules of conduct and additional conditions against convicted persons oblige convicted persons to comply with the suspended prison sentence by periodically appearing before the court or other entity. This can achieve crucial objectives of sentencing, namely protection, punishment, deterrence and rehabilitation. Mechanisms could contribute towards reducing domestic violence in the community, including monitoring persons to ensure that they do not commit other crimes and remind people about the consequences of their past actions so they do not reoffend.

Also, JSMP requests for the courts to consider other orders that focus on the effects of the crime on the victim, such as public apologies or ordering the convicted person to pay compensation to the victim. The courts also have the possibility of ordering a convicted person to undergo medical treatment or rehabilitation, which will be monitored by social reintegration services, or ordering a person to perform community service, as set out in the Penal Code.

The report ends with recommendations on the aforementioned issues and can be found on the JSMP website at: [www.jsmp.tl](http://www.jsmp.tl) after it is officially launched to the public.

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