



**Press Release**  
**Dili District Court**  
**11 April 2017**

**JSMP congratulates the Public Prosecution Service and the Dili District Court for convicting co-perpetrators for committing the crime of infanticide**

JSMP congratulates the Public Prosecution Service and the Dili District Court for charging and sentencing two co-defendants for committing the crime of infanticide in a case that occurred on 13 April 2016 in Dili Municipality. This case was tried and settled on 27 February 2017.

JSMP considers this to be an important step forward because in many cases of infanticide the courts only charge and sentence a single defendant, namely the mother.

The court found that the male defendant FMI tried to influence the female defendant MdA in a range of ways and coerced the defendant MdA to try to have a miscarriage up until the time she gave birth. While the defendant MdA was pregnant the defendant FMI forced her to consume certain foods and drinks that could potentially cause a miscarriage, and also put pressure on the defendant.

“This decision shows that the court actors were highly sensitive to the circumstances in this case because to date the courts have demonstrated a tendency to only charge the female defendant, namely the mother, in cases of infanticide without considering the circumstances and extraordinary psychological pressure that the mother has faced,” said Luis de Oliveira Sampaio, Executive Director of JSMP.

In the JSMP Justice Update entitled "The phenomena of infanticide requires different mechanisms and collective prevention efforts"\*, JSMP highlighted the importance of preventing the crime of infanticide. JSMP believes that the courts should consider the co-perpetrator who impregnated the mother in such cases. JSMP believes that naturally no mother would independently decide to kill her own baby without any influence or pressure from her partner.

The public prosecutor alleged that the defendant violated Article 32.1 of The Penal Code (PC) on complicity, namely "a person is punishable as an accomplice who, with intent, materially or morally aids another person to commit a crime", as well as Article 32.2 which states that "in

---

\* JSMP website [http://jsmp.tl/wp-content/uploads/2012/06/JusticeUpdateKlimeInvantisidio\\_Tetum.pdf](http://jsmp.tl/wp-content/uploads/2012/06/JusticeUpdateKlimeInvantisidio_Tetum.pdf)

the case of an accomplice, the penalty prescribed for the unlawful act is extraordinarily mitigated," as well as Article 142 of the Penal Code on infanticide.

The public prosecutor alleged that the defendant MdA violated Article 142 of the Penal Code on infanticide that carries a maximum penalty of 3-10 years in prison.

The public prosecutor alleged that in 2013 the female defendant (MdA) and male defendant (FMI) were girlfriend and boyfriend. In August 2015 the female defendant (MdA) told the male defendant (FMI) that she was pregnant. When he heard this news, the male defendant (MdA) told the female defendant to get an abortion. On 13 April 2016 at 1:30am MdA felt ready to give birth and called the male defendant (FMI) to take her to hospital but he did not want to and told her to choke the newborn baby to death. At 4:00 am the female victim went into the bathroom and gave birth to a baby girl. The female defendant also rang the male defendant (FMI), but he insisted that she kill the baby and throw it in the river. Therefore the female defendant MdA wrapped the baby's umbilical cord around its neck and choked the baby to death.

During the trial the male defendant FMI acknowledged that he had a relationship with the female defendant and had sexual intercourse eight times but he didn't know when she became pregnant. The male defendant stated that he was surprised when he received a phone call from the female defendant telling him that she was about to give birth. At that time the male defendant could not meet with the female defendant MdA because the gate where she lived was locked and he totally rejected the facts as claimed by the female defendant.

The female defendant MdA stated that she did not wrap the umbilical cord around the baby's neck. She confessed that she choked the baby to death, wrapped the baby up in a cloth and buried it on the side of a hill. The female defendant also acknowledged that she had a relationship with the male defendant and had sexual intercourse eight times until she became pregnant.

The female defendant added that when the male defendant FMI heard she was pregnant he always told her to have an abortion because he was still at school. The male defendant also told the female defendant to drink alcohol, consume ginger and pineapple and to take medicine that would cause a miscarriage. The female defendant consumed those things but she did not have a miscarriage. The female defendant also stated that the male defendant FMI always punched her in the stomach with the aim of causing a miscarriage, but he was unsuccessful.

After evaluating and considering the facts presented during the trial, the Court sentenced the defendant MdA to 4 years in prison and the defendant FMI was sentenced as the co-perpetrator of the crime of infanticide to 4 years in prison.

This trial was presided over by Eugebio Xavier Vitor, Ana Paula Fonseca and Jacinta Correia da Costa. The Public Prosecution Service was represented by José Elu and the two defendants were

represented by Public Defender Rui Manuel Guterres. This case was registered as Case No. 0081.16/PNSIC.

For more information please contact:

Luis de Oliveira Sampaio  
Executive Director of JSMP  
E-mail: [luis@jsmp.tl](mailto:luis@jsmp.tl)