



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Press Release
Oecusse District Court
29 January 2018

The Oecusse District Court for the first time applies rules of conduct against a convicted person in a case of domestic violence

JSMP: welcome this important change and recommend the continued application of rules of conduct in other cases of domestic violence in the future

On 22 January 2018 the Oecusse District Court convicted a defendant in a case of simple offences against physical integrity characterized as domestic violence and imposed a prison sentence of 2 years suspended for 2 years as well as court costs of US\$ 30.

The court also applied rules of conduct against the defendant who must report to the court once a month on the first day of the first week for 2 years (during the period of suspension).

The court found that the defendant committed the crime of simple offences against physical integrity against his wife on 25 July 2017 in Oecusse District.

“JSMP welcomes and appreciates this positive change at the Oecusse District Court because the court has started to apply the provisions regarding rules of conduct set out in the Penal Code in its decisions, in particular relating to crimes characterized as domestic violence, as JSMP has been recommending to the courts”, said Executive Director JSMP, Luis de Oliveira Sampaio.

“This change is really positive, particularly at the Oecusse District Court which previously has never used and applied rules of conduct or additional obligations in cases of domestic violence”, he added.

JSMP is happy to see this positive change occurring at the Oecusse District Court, one month after JSMP launched its thematic report on “Sentencing and Domestic Violence: Suspended prison sentences with conditions”¹ which was published on 20 December 2017.

¹ This report is available at: <http://jsmp.tl/wp-content/uploads/2012/05/17.12.17-FINAL-Report-on-suspended-sentences-with-conditions-TETUM.pdf>

This report discussed trends in the application of sentences in cases of domestic violence before the courts and JSMP's concerns relating to these sentences. In particular, JSMP outlined its concerns about rules of conduct and additional obligations as set out in Articles 69 and 70 of the Penal Code which have not yet been fully utilised in court decisions.

Previously, JSMP monitoring has shown that the Oecusse and Suai district courts never applied rules of conduct or additional obligations in any cases involving general crimes, as well as cases of domestic violence.

JSMP believes that sentences accompanied by rules of conduct or additional orders will ensure that defendants comply with court decisions imposed against defendants. Rules of conduct and additional obligations are a practical and simpler means of controlling convicted person and will deter defendants/convicted persons from repeating their behaviour in the future, especially in cases characterized as domestic violence that continuously occur in the community.

In the thematic report published in November 2015 entitled “The application of alternative sentences in cases of domestic violence at the Oecusse District court”² as well as the report entitled “Sentencing and Domestic Violence: Suspended prison sentences with conditions”, JSMP highlighted the importance and need to apply rules of conduct and/or additional obligations together with suspended prison sentences in cases of domestic violence in accordance with the requirements set out in the Penal Code.

JSMP recommends for the Oecusse District Court to maintain this good practice and to continue applying even more rules of conduct or additional obligations in other cases of domestic violence in the future to ensure that convicted persons comply with court decisions.

JSMP also recommends for the courts to consider developing guidelines on sentencing in cases of domestic violence to help the courts identify appropriate penalties and protective measures in accordance with the principles and requirements set out in the Penal Code and Law Against Domestic Violence (LADV).

This case was registered with the court as Case No. 0146/17.OESIC. The trial was presided over by single judge João Ribeiro. The public prosecution service was represented by Mateus Nesi and the defendant was represented by public defender Calisto Tout.

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² This report is available and can be accessed at: http://jsmp.tl/wp-content/uploads/2012/05/FINAL_JSMP_Sentensa-alternativa_TDO_Nov-20151.pdf