



Press Release
The Dili District Court
4 August 2022

For the first time the court convicts a defendant in a case of Domestic Violence with a suspended sentence and a condition that he must provide alimony every month for his two children

On 15 July 2022 the Dili District Court conducted a trial of a case involving simple offences against physical integrity characterized as Domestic Violence (DV) and announced its decision to punish the defendant with a prison sentence of 8 (eight) months suspended for 2 (two) years with an obligation that the defendant every month must provide alimony for his two children. This case involved the defendant ARG who committed the offence against his wife, in Liquiça Municipality.

“JSMP praises this decision, because for the first time the court has issued a decision with an obligation for a defendant to provide alimony for his children every month. Even though the court did not indicate the monthly amount that the defendant must provide for his children, this decision shows that the needs of the children are considered to be urgent and it is not necessary to wait for civil proceedings that sometimes can take a long time to attribute responsibility to the defendant to provide alimony for this children”, said Ms. Ana Paula Marçal, Executive Director of JSMP.

Article 69. 2(a) of the Penal Code on suspension of a prison sentence on condition that certain duties be performed states that the suspension can include a condition with an obligation to redress harm or guarantee to redress harm caused by the crime, within a specified period of time. In this case JSMP considers that the separation of the defendant and the victim as the result of this crime has caused direct harm to the children (the defendant and the victim have two children) who require food support and care from their parents, especially the defendant.

Article 104 of the Penal Code on civil liability arising from a crime also states that officially it is necessary to assess and fix compensation for loss and harm resulting from a crime. JSMP has noted that in some cases even though alimony for minors is urgent in accordance with the civil law, however in practice these cases can take a long time because the minors need to have legalised RDTL certificates.

In a large number of cases observed by JSMP minors often have difficulty obtaining alimony from their father or mother just because they don't have a RDTL certificate and

it also takes a long time to obtain such a certificate, therefore JSMP believes that the decision taken in this case can resolve the criminal and civil processes together.

JSMP considers this decision to be unique and can be a reference point for other courts to apply such conditions in the future in cases with the same nature and circumstances. This case was registered as Case No. 0108/21 LIBZT and the trial was presided over by Judge Álvaro M. Freitas. The Public Prosecution Service was represented by Prosecutor Claudino do Rosario and the defendant was represented by Henrique João Mariss from the Office of the Public Defender.

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