



Press Release
Baucau District Court
15 March 2022

The Baucau District Court continues to apply effective prison sentences for crimes of domestic violence

On 8 March 2022 the Baucau District Court sentenced the defendant CFB with an effective prison sentence of two years after he was found guilty of committing the crime of threats and mistreatment of his second wife, even though they were living separately. Also the Court considered that previously the defendant committed the crime of simple offences against physical integrity characterized as domestic violence against his first wife and on 17 December 2018 the court sentenced the defendant to three months in prison, suspended for one year. After considering all of these circumstances, and although the defendant did not commit the crime whilst serving a suspended sentence, the court believed that a penalty matching the actions of the defendant was an effective prison sentence, considering that the defendant did not show any remorse.

“The decision to impose an effective prison sentence against defendants in cases characterized as domestic violence, is intended to send a clear message to the community that domestic violence is unacceptable and if defendants do not show remorse then they will receive a heavy punishment,” said Ms. Ana Paula Marçal, Executive Director of JSMP.

The public prosecutor alleged that on 12 March 2021, at approximately 10pm, the defendant slapped the victim once on her right cheek. Then on 14 March 2021 the victim asked the defendant for money to buy things for their child however the defendant did not say anything and slapped the victim once on her left cheek. On 18 March 2021, at 11pm, the victim again asked the defendant for money to buy things for their child, but the defendant took a mosquito racket and pressed it against the victim’s leg, squeezed her mouth, punched the victim once on her back and kicked the victim once on her right thigh. On the same evening the victim saw the defendant’s mobile

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phone, and there was a photo of the defendant cuddling a woman. Therefore the victim asked the defendant “*who is this*” and the defendant said “*I’m going to be with this woman, if you don’t agree I will kill you*”.

The public prosecutor alleged that the defendant violated Article 157 of the Penal Code on threats which carries a sentence of 1 year in prison and Article 154 of the Penal Code on mistreatment of a spouse which carries a sentence of 2-6 years in prison, in conjunction with Articles 2, 3(a), 35(a) and 36 of the Law Against Domestic Violence.

During the trial, the court attempted conciliation for the crime of threats because this is characterized as a semi-public crime, however the victim did not want conciliation and therefore the court continued with a trial.

During the trial the defendant partially confessed to the facts in the indictment and said they are living separately. The defendant also stated that in 2017 he hit his first wife and appeared before the court. The victim confirmed all of the facts in the indictment and stated that the defendant is now with another woman and she was the woman who the victim saw in the photo on the defendant’s mobile phone.

In his final recommendations the prosecutor argued that the defendant continued to commit crimes against the victim therefore the victim decided to separate from the defendant. Also, the defendant had a criminal record. Based on these facts, the public prosecutor stated that the defendant was guilty of committing the crime against the victim and requested for the court to sentence the defendant to prison. The public defender requested for the court to impose a fair penalty against the defendant considering that the defendant partially admitted the facts.

After evaluating all of the facts, the court found the defendant guilty of committing the crime based on the facts set out in the indictment. Also, the court considered that the defendant had a criminal record (committed a crime against his first wife) which showed that the defendant did not regret his actions. Based on these circumstances, the court sentenced the defendant to an effective prison sentence of two years. The court emphasised that this sentence is aimed at educating the defendant not to repeat his actions against another person and also to educate society in general to respect others.

JSMP hopes that this decision will also provide a reference point for the courts when making decisions against defendants who don’t want to change their behaviour or do not show remorse for their criminal actions against family members.

This case was registered by the court as No. 0020/21 LASIC The trial was presided over by a panel of judges represented by Flor. The public prosecution service was represented by João Marques and the defendant was represented by Public Defender Germano Guterres Ramos.

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