



## *Case Summary*

Period: July 2013

### **Summary of the trial process at the Baucau District Court**

#### *Introduction*

In July 2013 JSMP monitored the trial process in 18 criminal cases at the Baucau District Court. These cases comprised 11 cases of domestic violence, 1 case of simple offences against physical integrity, 2 cases of minor and aggravated damage, 2 cases of serious maltreatment against a spouse, 1 case of arson and 1 case of incest.

Of these 18 cases, 17 have been decided by the court. In 11 cases a suspended prison sentence was handed down, fines were given in 3 cases, 1 case resulted in a prison sentence, in 2 cases the defendant was acquitted and the other case was adjourned because the parties did not appear in court.

From these cases it is apparent that there is an increasing tendency for gender based violence to occur even though Timor-Leste already has a Law Against Domestic Violence.

In this summary JSMP notes that 15 of the 18 cases observed actually involved gender based violence. These cases included domestic violence, serious maltreatment against a spouse and incest.

JSMP acknowledges that progress has been achieved in the punishment of cases involving incest, but JSMP is still concerned that cases of domestic violence are still being dealt with by applying suspended prison sentences. These include cases of serious maltreatment against a spouse which should be punished adequately in accordance with the seriousness of the crime committed.

JSMP believes that the court should use its discretion and careful deliberation before handing down punishments in these cases. However, considering the increase of domestic violence cases, JSMP believes that it is important to review the effectiveness of suspended jail sentences in cases involving domestic violence.

In the case of incest, JSMP believes that in addition to increasing the punishment against the defendants, the State needs to develop a policy of comprehensive prevention and protection to ensure that crimes such as incest are never tolerated in the modern and civilized society that exists nowadays.

The information below outlines the hearings conducted:

## **1. Crime of simple offence against physical integrity – Case No. 103/Crm.S/2012/TDB**

Court composition : Single judge  
Judge : José Gonçalves  
Public prosecutor : Pascasio de Rosa Alves  
Public defender : Sérgio Paulo Dias Quintas  
Conclusion : Sentenced to 3 months imprisonment, suspended for 1 year.

On 4 July 2013 the Baucau District Court conducted a hearing in a case involving the crime of ordinary offences against physical integrity characterized as domestic violence. This case involved the defendant AS who allegedly committed the offence against his wife JJP on 10 December 2011, in Viqueque District.

The public prosecutor alleged that on 10 December 2011 the defendant dragged the victim inside the house, punched her on the left ear and kicked her once in the back. As a result of these actions the victim's ear and back were bruised and sore.

This case allegedly occurred because the defendant asked for the left over money that they had borrowed so he could go and gamble, but the victim did not give him the money, so the defendant assaulted the victim.

The defendant admitted all of the facts alleged by the public prosecutor, however he explained that they have reconciled, he regretted his actions, and has promised not to reoffend against the victim or against another person.

In his final recommendations the public prosecutor requested for the court to apply a suspended sentence against the defendant so he could change his behavior in the future. The public defender requested for the court to hand down a lenient sentence against the defendant because the defendant cooperated with the court to reveal the truth.

This case was decided on 11 July 2013. The court was convinced that all of the facts had been proven, however considering that the defendant had cooperated with the court and his limited economic means the court decided to sentence the defendant to 3 month's jail, suspended for 1 year.

## **2. Minor Property Damage, Case No. 186/Crm.S/2012/TDB**

Composition of judges : Single  
Judge : José Gonçalves  
Public prosecutor : Pascasio de Rosa Alves  
Public defender : Rui Manuel Guterres  
Conclusion : The defendants AS and SS were acquitted and the defendant JSM was sentenced to 1 month's imprisonment, suspended for 1 year

On 9 July 2013 the Baucau District Court conducted a hearing to read out its decision in a case of minor property damage involving the three defendants Agapito Soares, Saturnino da Silva and Justino Martins da Silva who allegedly committed the offence against the victim Olinda da Silva.

Based on the examination of evidence the court decided to sentence the defendant Justino Martins da Silva to 1 month's imprisonment, suspended for 1 year, including reimbursement for the chair damaged by the defendant. The court acquitted the defendants Agapito Soares and Saturnino da Silva from all charged due to a lack of evidence.<sup>1</sup>

### **3. Crime of simple offences against physical integrity, Case No. 199/Crm.S/2012/TDB**

|                       |   |
|-----------------------|---|
| Composition of judges | : Single  |
| Judge                 | : José Gonçalves  |
| Public prosecutor     | : Pascasio de Rosa Alves                                    |
| Public defender       | : Rui Manuel Guterres                                       |
| Conclusion            | : Sentenced to 3 months imprisonment, suspended for 1 year. |

On 9 July 2013 the Baucau District Court read out its decision and sentenced the defendant JBX to 3 month's jail suspended for 1 year for committing the crime of simple offences against the physical integrity of his wife. This case allegedly occurred di Venilale Sub-District, Baucau District.

The public prosecutor alleged that on 12 November 2012 the defendant twice slapped the victim on the cheek and kicked her twice in the stomach. The incident occurred because the defendant suspected the victim of having a relationship with another man.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code as well as Article 35 of the Law Against Domestic Violence.

During the trial, the defendant admitted and confirmed all of the facts alleged by the public prosecutor.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 3 months imprisonment, suspended for one year. This recommendation was based on the considerations that the defendant admitted the alleged facts, had regretted his actions and was responsible for his family.

The public defender requested for the court to acquit the defendant due to the mitigating circumstances such as the admission of guilt, reconciliation of the parties and the fact that the defendant was responsible for his family, as described above.

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<sup>1</sup>To gain a deeper understanding of this case, please refer to the Summary of Cases tried at the Baucau District Court - June 2013. This edition describes the testimony of the defendant, victim and witnesses.

#### **4. Crime of maltreatment of a spouse - Case No. 54/Crm.C/2013/TDB**

|                       |  |
|-----------------------|--|
| Composition of judges | :Panel   |
| Judges                | : Afónso Carmona, José Gonçalves and Angela Faria Belo               |
| Public Prosecutor     | : Pascasio de Rosa Alves   |
| Public defender       | : Rui Manuel Guterres  |
| Conclusion            | :Sentenced to 2 years, 6 months' imprisonment, suspended for 3 years |

On 9 July 2013 the Baucau District Court conducted a hearing in a case of serious maltreatment of a spouse involving the defendant JS and his wife. This case allegedly occurred di Viqueque.

The public prosecutor alleged that on 5 June 2012 the defendant twice slapped the victim on the cheek and twisted her arm. The victim suffered injuries and had to be treated at the Baucau hospital.

Then on 19 October 2012 after they had reconciled the defendant hit the victim in the face causing an injury and bleeding from the eye.

In relation to these acts the public prosecutor accused the defendant with violating Article 154 of the Penal Code regarding the crime of serious maltreatment against a spouse as well as Article 35 of the Law Against Domestic Violence.

During the trial the defendant admitted that all of the alleged facts were true, however he expressed regret and stated that he would not reoffend in the future.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 4 years imprisonment because all of the alleged facts had been proven.

The public defender requested for the court to hand down a more lenient sentence than the one recommended by the public prosecutor because the defendant had cooperated with the court to reveal the truth and was the breadwinner of his family.

This case was decided on 24 July 2013 at 10am. Based on the proceedings the court was convinced that the defendant was guilty of committing serious maltreatment of a spouse. However recalling that the defendant had cooperated with the court, expressed regret and was responsible for his family, the court decided to sentence him to 2 years 6 months, suspended for 3 years. The court also ordered the defendant to pay court costs of US\$ 30.

#### **5. Crime of Arson, Case No. 159/Crm.C/2011/TDB.**

|                       |                          |
|-----------------------|--------------------------|
| Composition of judges | : Panel                  |
| Judge                 | : Afónso Carmona         |
| Public Prosecutor     | : Pascasio de Rosa Alves |
| Public Defender       | : Rui Manuel Guterres    |
| Conclusion            | : Acquitted              |

On 09 July 2013 the Baucau District Court conducted a hearing to announce its decision in a case of arson involving the defendant Filomino Maia Gusmão and the victims José da Cosata Viegas and Mariano da Costa Viegas, that allegedly occurred in Vemasse Sub-District, Baucau District.

The public prosecutor alleged that on 5 August 2011 the defendant used a lighter to burn down the homes of the victims. His actions caused the 2 houses to be completely destroyed by fire and the goods inside them were also burned and could not be salvaged. It is estimated that the victims suffered losses of US\$. 5.000,00.

In relation to these acts the public prosecutor charged the defendant for violating Article 263 of the Penal Code regarding the crime of arson.

During the trial the defendant denied all of the facts alleged by the public prosecutor. The defendant testified that the victim and the police in Vemasse Sub-District accused him because he was a member of the *PersaudaraanSetia Hati Terate* (PSHT). The arson occurred after there was a fight between the martial arts groups (PSHT) and *IkatanKeraSakti* (IKS).

The victim MCV and the witness JCF testified before the court that they did not see who burned the homes of the victims, however they saw that the members of the group who burned the home of the victims were wearing PSHT uniforms/gear.

In his final recommendations the public prosecutor requested for the court to acquit the defendant from this case because during the trial there was no strong evidence to convict the defendant.

Public defender also requested for the court to acquit the defendant for the same reasons put forth by the public prosecutor. Pursuant to these facts the court concluded this case and decided to acquit the defendant because there was no strong evidence to convict the defendant.

## **6. Crime of simple offences against physical integrity – Case No. 153/Crm.S/2011/TDB**

|                       |   |
|-----------------------|---|
| Composition of judges | : Single  |
| Judge                 | : José Gonçalves  |
| Public Prosecutor     | : Pascasio de Rosa Alves                                    |
| Public Defender       | : Rui Manuel Guterres                                       |
| Conclusion            | : Sentenced to 6 months imprisonment, suspended for 1 year. |

Then on 09 July 2013 the Baucau District Court read out its decision against the defendant FF who was found guilty for committing the crime of simple offences against the physical integrity of his wife, characterized as domestic violence. This case allegedly occurred on 17 July 2010 in Baucau District.

During the trial the court found the defendant guilty of twice hitting the victim in the eye, hitting her on the cheek with a stone and kicking her once on the back.

However the court also considered the mitigating circumstances such as the fact that the defendant admitted the charges against him, regretted his actions, had reconciled with the victim and was the breadwinner for his family, so the court decided to sentence the defendant to 6 months imprisonment, suspended for 1 year.

## **7. Crime of simple offences against physical integrity, Case No. 73/Crm.S/2013/TDB**

|                       |   |
|-----------------------|---|
| Composition of judges | : Single  |
| Judge                 | : Afonso Carmona  |
| Public Prosecutor     | : Pascasio de Rosa Alves                                    |
| Public Defender       | : Rui Manuel Guterres                                       |
| Conclusion            | : Sentenced to 6 months imprisonment, suspended for 1 year. |

On 10 July 2013 the Baucau District Court tried a case involving simple offences against physical integrity characterized as domestic violence involving the defendant JG and his wife. This case allegedly occurred on 07 September 2012 in Viqueque District.

The public prosecutor alleged that on 7 September 2012 at 10am the victim invited the defendant to go to a village named Ratahu, however the defendant refused to go, so the victim and her two children went to Ratahu. However then the defendant followed the victim from behind and caught up with them in the river and hit the victim twice on her shoulder, kicked her twice on her side and pulled her hair and threw her on the ground. Because she was afraid the victim then ran inside however the defendant followed her and hit her many times all over her body.

These actions caused the victim to suffer bruising and pain all over her body.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Article 35 of the Law Against Domestic Violence.

The defendant testified that the facts alleged by the public prosecutor were all true, however the defendant also testified that he regretted his actions and promised not to reoffend in the future.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to pay a fine between \$ 15 – 20 to be paid in installments of 50 cents per day for 90 days. The public defender requested for the court to apply a lenient sentence against the defendant with consideration to the mitigating circumstances determined during the trial.

The court concluded this case on 24 July 2013. The court found the defendant guilty of committing the crime of maltreatment as charged by the public prosecutor.

The court also considered that the defendant had confessed and regretted his actions and had reconciled with the victim.

Based on these mitigating circumstances the court decided to sentence the defendant to 6 month's jail, suspended for 1 year, and ordered the defendant to pay court costs of \$ 20.

#### **8. Crime of simple offences against physical integrity, Case No. . 76/Crm.S/2013/TDB**

Composition of judges : Single  
Judge : Afonso Carmona  
Public Prosecutor : Pascasio de Rosa Alves  
Public Defender : Rui Manuel Guterres  
Conclusion : Sentenced to 6 months imprisonment, suspended for 1 year.

On 10 July 2013 the Baucau District Court tried a case involving simple offences against physical integrity characterized as domestic violence involving the defendant KHN and his wife. This case allegedly occurred on 4 July 2012 in Viqueque District.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity as well as Article 35 of the Law Against Domestic Violence.

The public prosecutor alleged that on 4 July 2012 the defendant saw the victim hitting their child, so the defendant approached the victim and grabbed the piece of wood that the victim was using to hit their child and hit the victim on her body and broke the piece of wood. The defendant also pushed the victim over, stomped on her foot and twisted her arm. These acts caused the victim to suffer a bruised arm, and to suffer pain in her arm, waist and foot.

The defendant admitted all of the facts alleged by the public prosecutor, regretted his actions, stated that they have reconciled and promised not to reoffend in the future.

In the indictment the public prosecutor requested for the court to hand down a prison sentence of 3 months, to be suspended for 1 year.

This recommendation referred to the facts revealed during the trial, and considering that the defendant had cooperated with the court and had limited economic means the public prosecutor recommended a fine.

The public defender requested for the court to apply a lenient sentence because the defendant had cooperated with the court as well as the other mitigating circumstances that were established during the trial.

The court concluded this case on 25 July 2013. The court found the defendant guilty of committing the crime of maltreatment as charged by the public prosecutor. However, the court considered these mitigating circumstances and decided to sentence the defendant to 6 month's jail, suspended for 1 year.

#### **9. Aggravated Property Damage - Case No. 82/Crm.C/2013/TDB.**

Composition of judges : Panel  
Judges : Angela Faria Belo, Afonso Carmona and José Gonçalves  
Public Prosecutor : Pascasio de Rosa Alves  
Public Defender : Rui Manuel Guterres  
Conclusion : Ordered to pay a fine of US\$ 15

On 10 July 2013 the Baucau District Court conducted a hearing in a case of aggravated property damage that occurred in Nino Conis Santana senior high school in Lospalos. This case involved the defendant FS who allegedly committed the crime against the State. This incident allegedly occurred on 2 December 2011 in Lospalos District.

The public prosecutor alleged that on 2 December 2011 the defendant used stones to smash a window at the Office of the Nino Conis Santana School in Lospalos and 2 windows in the local school. This case allegedly occurred because the defendant did not pass his final exams.

The public prosecutor charged the defendant for violating Article 159 of the Penal Code regarding aggravated property damage which carries a penalty of 2 - 8 years imprisonment.

The defendant testified that all the alleged facts were true, however the defendant had apologized to the School Principal and had replaced the glass that had been damaged. The defendant also explained that he regretted his actions.

In his final recommendations the public prosecutor requested for the court to apply a lenient sentence against the defendant based on the mitigating circumstances established during the trial.

The public defender requested for the court to apply an adequate sentence against the victim based on the aforementioned mitigating circumstances.

This process was concluded on 25 July 2013. The court found the defendant guilty of committed the crime of aggravated property damage, however based on the aforementioned mitigating circumstances the court decided to sentence the defendant to pay a fine of US \$15. The court also set an alternative prison sentence of 20 days to be applied if the defendant does not pay the fine.

#### **10. Crime of simple offences against physical integrity, Case No. 207/Crm.S/2012/TDB**

Composition of judges : Single  
Judge : José Gonçalves  
Public Prosecutor : Baltazar Ramos  
Public Defender : Rui Manuel Guterres  
Conclusion : Sentenced to 5 months imprisonment, suspended for 1 year.

On 11 July 2013 the Baucau District Court read out its decision in a case involving simple offences against physical integrity characterized as domestic violence and sentenced the defendant to 5 months prison, suspended for 1 year.



This case involved the defendant FR who allegedly committed the offence against his niece on 18 August 2012 in Venilale, Baucau.

The court proved that the defendant pulled the victim's hair, punched her 4 times in the body, slapped her 3 times on the cheek and tied her hands behind her back.

During the trial the defendant admitted all of the alleged facts, regretted his actions, testified that he has reconciled with the victim and promised not to reoffend against the victim or other person.

Based on these mitigating circumstances the court decided to sentence the defendant to 5 month's jail, suspended for 1 year.

#### **11. Crime of simple offences against physical integrity, Case No. 24/Crm.S/2012/TDB**

|                       |   |
|-----------------------|---|
| Composition of judges | : Single  |
| Judge                 | : José Gonçalves  |
| Public Prosecutor     | : Pascasio de Rosa Alves                                    |
| Public Defender       | : Gregório de Lima.   |
| Conclusion            | : Sentenced to 3 months imprisonment, suspended for 1 year. |

On 16 July 2013 the Baucau District Court conducted a hearing in a case involving the crime of ordinary offences against physical integrity characterized as domestic violence. This case involved the defendant CS who allegedly committed the offence against his wife on 30 November 2011 in Lospalos.

The public prosecutor alleged that on 30 November 2011 the defendant argued with the victim and kicked her once on the hand. These acts caused the victim to suffer pain and bruising to her hand. The incident occurred because the defendant suspected the victim of having a relationship with another man.

During the trial the defendant admitted that all of the evidence was true, however he testified that he only kicked the victim because she had put magic on the defendant causing him to be paralyzed. However In his testimony the victim confirmed the charges of the public prosecutor and stated that the incident occurred because the defendant suspected that the victim had another man.

In the indictment the public prosecutor requested for the court to hand down a prison sentence of 1 year, to be suspended for 1 year. The public defender requested for the court to apply a lenient sentence against his client.

This case was decided on 31 July 2013. The court considered that all of the facts had been proven, however because the defendant did not hinder the court in its search for the truth, had

regretted his actions and was the breadwinner for his family, the court decided to sentence the defendant to 3 month's jail however, suspended for 1 year.

## **12. Crime of simple offences against physical integrity, Case No. 30/Crm.S/2013/TDB**

Composition of judges : Single  
Judge : José Gonçalves  
Public Prosecutor : Pascasio de Rosa Alves  
Public Defender : Gregório de Lima  
Conclusion : Trial adjourned

On 16 July 2013 the Baucau District Court adjourned the trial of a case of simple offences against physical integrity characterized as domestic violence involving the defendant BS who allegedly committed the offence against his wife. This case allegedly occurred on 17 March 2011 in Manatuto District.

This case was adjourned because the defendant and the victim were not present. Therefore the court decided to continue the trial on 19 November 2013.

## **13. Crime of aggravated rape, Case No. 97/Crm.C/2013/TDB**

Composition of judges : Panel  
Judges : Angela Faria Belo, José Gonçalves and Afonso Carmona  
Public Prosecutor : Baltazar Ramos  
Public Defender : Gregório de Lima.  
Conclusion : Sentenced to 18 years imprisonment

On 17 July 2013 the Baucau District Court conducted a hearing in a case involving the defendant AAF who allegedly committed sexual violence against his own daughter. This case allegedly occurred on 28 November 2012 in Baucau District.

The public prosecutor charged the defendant with Article 172 of the Penal Code on sexual abuse and Article 173 of the Penal Code on aggravated sexual abuse.

Because this case was sensitive, and due to the need to protect the privacy of the victim who was a minor, the trial was closed to the public.

The matter was decided on 31 July 2013 and the court decided that the defendant was guilty of committing the crime of sexual violence on two occasions against his own daughter, on 28 November 2012 and 26 December 2012. Based on these facts the court sentenced the defendant to 18 years imprisonment.

## **14. Crime of maltreatment of a spouse - Case No. 21/Crm.C/2013/TDB**

Composition of judges : Panel

Judges : Angela Faria Belo, José Gonçalves and Afónso Carmona  
Public Prosecutor : Baltazar Ramos  
Public Defender : Gregório de Lima.  
Conclusion : Sentenced to 2 months imprisonment, suspended for 2 years, 6 months.

On 17 July 2013 the Baucau District Court conducted a hearing in a case of serious maltreatment against a spouse involving the defendant FC and his wife. This case allegedly occurred in March 2012 in Manatuto District.

The public prosecutor alleged that on 1 March 2012 the defendant argued with the victim and hit the victim once on the shoulder and caused the victim to suffer pain. Then on 9 March 2012 the defendant used an electrical cable to hit the victim on the back and leg causing bruising and swelling. The incident occurred because the defendant suspected the victim of having a relationship with another man.

Before the court the defendant testified that he did actually commit the aforementioned acts, however the defendant regretted his actions, has reconciled with the victim and promised not to reoffend in the future, either against the victim or another person.

In his final recommendations the public prosecutor requested for the court to hand down a prison sentence of 1 month, to be suspended for 2 years. This recommendation was made based on the evidence produced during the trial. However the public defender requested for the court to acquit the defendant because the defendant had confessed, expressed regret, had no previous criminal convictions, has reconciled with the victim and is responsible for his family.

This case was decided on 31 July 2013. During the hearing to announce the decision, the court found the defendant guilty of committing maltreatment of a spouse as charged by the public prosecutor.

However, with consideration to the aforementioned mitigating circumstances the court finally decided to sentence the defendant to 2 years 6 months imprisonment, suspended for 2 years 6 months. The court also ordered the defendant to pay court costs of US\$ 20.

#### **15. Crime of simple offences against physical integrity, Case No. 208/Crm.S/2013/TDB**

Composition of judges : Single  
Judge : José Gonçalves  
Public Prosecutor : Baltazar Ramos  
Public Defender : Gregório de Lima.  
Conclusion : Ordered to pay a fine of \$ 90 and compensation of \$ 50.

On 18 July 2013 the Baucau District Court conducted a hearing in a case of simple offences against physical integrity involving the defendant BO and the victim AP. This case allegedly occurred on 30 December 2011 in Baucau District.

The public prosecutor alleged that on 30 December 2011 the defendant hit the victim three times in the face causing bruising and swelling.

This case allegedly occurred because the victim and his friends disconnected the electricity supply to the defendant's home in order to repair a damaged cable.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity.

The defendant in his testimony stated that the evidence provided was not entirely correct. The defendant stated that he only punched the victim once, not three times. However the victim and the witness JP stated that the defendant hit the victim three times.

In his final recommendations the public prosecutor requested for the court to apply a prison sentence of 60 days, however he requested for this sentence to be replaced with a fine.

The public defender requested for the court to apply a sentence appropriate to the means of his client because the defendant had admitted his actions and is responsible for his family.

On 31 July 2013 the court decided this case and found the defendant guilty of committing the crime of simple offences against physical integrity. Therefore, the court ordered the defendant to pay a fine of \$ 90 and compensation of \$ 50 to the victim.

The court also determined an alternative punishment of 60 days jail if the defendant does not pay the aforementioned fine and compensation.

#### **16. Crime of simple offences against physical integrity, Case No. 60/Crm.S/2013/TDB**

|                       |                                  |
|-----------------------|----------------------------------|
| Composition of judges | : Single                         |
| Judge                 | : José Gonçalves                 |
| Public Prosecutor     | : Pascasio de Rosa Alves         |
| Public Defender       | : Sérgio Paulo Dias Quintas      |
| Conclusion            | : Ordered to pay a fine of \$ 45 |

On 22 July 2013 the Baucau District Court conducted a hearing in a case involving the crime of ordinary offences against physical integrity characterized as domestic violence. This case involved the defendant MC who allegedly committed the offence against his wife on 29 and 30 November 2010 in Baucau.

The public prosecutor alleged that on 29 November 2010 the defendant argued with the victim and hit her twice on the back and the eye. This incident occurred because the victim ran away to the home of her parents.

Then on 30 November 2010 when the victim returned from her parents' home, the defendant hit her again on the head, choked her and kned her in the back. These acts caused the victim to suffer pain and bruising to her head, back and neck.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding ordinary offences against physical integrity as well as Article 35 of the Law Against Domestic Violence.

Before the court the defendant admitted all of the alleged facts, regretted his actions, has reconciled and promised not to reoffend in the future.

In his final recommendations the public prosecutor requested for the court to hand down a prison sentence of 1 year, to be suspended for 1 year. This recommendation was based on the circumstances that the defendant had confessed, regretted his actions, had reconciled with the victim and is responsible for his family.

However the public defender requested for the court to sentence the defendant with a more lenient penalty because the defendant had cooperated with the court, had reconciled with the victim and has no previous criminal convictions.

After hearing the final recommendations of the parties the court found the defendant guilty of committing the crime of simple offences against the physical integrity of his wife.

Therefore, the court decided to sentence the defendant to a fine totaling US\$ 45, to be paid within 90 days. The court also issued an alternative punishment of 60 days imprisonment if the defendant fails to pay the aforementioned fine.

#### **17. Crime of simple offences against physical integrity, Case No. 41/Crm.S/2013/TDB**

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|-----------------------|--|
| Composition of judges | : Single   |
| Judge                 | : José Gonçalves   |
| Public Prosecutor     | : Baltazar Ramos   |
| Public Defender       | : Gregório de Lima.  |
| Conclusion            | : Sentenced to 3 months imprisonment, suspended for 1 year |

On 22 July 2013 the Baucau District Court conducted a hearing involving the defendant MS who was charged with committing the crime of ordinary offences against the physical integrity of his wife, characterized as domestic violence. This case allegedly occurred on 3 January 2012 in Lautem District.

The public prosecutor alleged that on 3 January 2012 the defendant slashed the victim in the head with a machete and caused the victim to suffer an injury and swelling. The incident occurred because the defendant suspected the victim of having a relationship with another man.

Before the court the defendant admitted that the alleged facts were correct, expressed regret and promised not to reoffend in the future.

In his final recommendations the public prosecutor requested for the court to hand down a sentence of 3 months imprisonment to be suspended for 1 year.

The public defender requested for the court to sentence the defendant to a lenient punishment because the defendant had cooperated well with the court, regretted his actions and is responsible for his family.

The court decided this matter on 31 July 2013. The court found that all of the alleged facts were true. Therefore the court sentenced the defendant to a prison sentence of 3 months to be suspended for 1 year.

### **18. Crime of simple offences against physical integrity, Case No. 62/Crm.S/2013/TDB**

|                       |   |
|-----------------------|---|
| Composition of judges | :Single   |
| Judge                 | : Angela Faria Belo   |
| Public Prosecutor     | : Pascasio de Rosa Alves  |
| Lawyers               | : Marino da Cruz de Jesus and Dra Elvira Maria da Costa from ALFeLa |
| Conclusion            | : Sentenced to 4 months imprisonment, suspended for 1 year          |

On 24 July 2013 the Baucau District Court conducted a hearing in a case involving the crime of ordinary offences against physical integrity characterized as domestic violence. This case involved the defendant SC who allegedly committed the offence against her husband on 22 July 2012 in Viqueque District.

The public prosecutor alleged that on 22 July 2012 the defendant committed the crime of simple offences against physical integrity characterized as domestic violence against her husband. Her actions caused the victim to suffer pain and injury to his hand, as well as pain and bruising to his back and ear.

The defendant testified that all of the evidence was correct however the incident occurred because the victim insulted the defendant. The defendant expressed regret, has reconciled and promised not to reoffend in the future.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 6 months imprisonment, to be suspended for 1 year with consideration of the mitigating circumstances.

The public defender requested for the court to give an admonishment to the defendant because this is the most appropriate punishment for the defendant.

The court found the defendant guilty of committing the crime of simple offences against the physical integrity of her husband. However, recalling that the defendant had cooperated well with the court, had reconciled, and was a first time offender, the court decided to sentence the defendant to 4 months imprisonment to be suspended for 1 year. The court also ordered the defendant to pay court costs of US\$ 10.

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