



JUDICIAL SYSTEM MONITORING PROGRAMME
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Case Summary

Oecusse District Court

April 2014

Summary of the trial process at the Oecusse District Court – April 2014

Introduction

In April 2014, JSMP continued its monitoring activities at the Oecusse District Court. During the aforementioned month, JSMP observed 16 criminal cases from a total of 23 cases that were tried at this district court.

These cases comprised 15 cases involving simple offences against physical integrity characterized as domestic violence and 1 other case involving ordinary maltreatment and trespass.

Based on the observations of JSMP, the trend is that crimes characterized as domestic violence continue to dominate the trials being heard at the Oecusse District Court. Often JSMP has observed that domestic violence is the most common offence heard at the Oecusse District Court.

In most cases heard during April 2014 a fine was imposed. JSMP believes that this type of penalty is not really effective in cases of domestic violence. This is because a fine will actually place an economic burden on the family and will not repair the physical and psychological harm suffered by victims.

JSMP recommends for the court to award compensation in cases of domestic violence to repair the physical and psychological harm suffered as a result of a defendant's actions.

The following information summarizes the trials of the aforementioned cases:

1. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 09/crime/2014/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Alfonso Lopez
Public Defender	: Calisto Tout
Conclusion	: Ordered to pay a fine of \$ 90

On 2 April 2014 the Oecusse District Court conducted a hearing and then settled the matter and decided to sentence the defendant JA to pay a fine of US\$ 90. The court found that the defendant committed the crime of ordinary maltreatment against his wife on 25 September 2013, in Oe-SiloSub-District, Oecusse District.

The public prosecutor alleged that on 25 September 2013, at approximately 05:00 am, during a traditional celebration, the defendant punched the victim twice in the forehead causing the victim to fall to the ground. This case allegedly occurred because the victim and two other friends came home late after going to the toilet. The defendant suspected the victim of having a relationship with another man so the defendant became angry and committed the aforementioned acts against the victim.

In addition, on 27 October 2013 the defendant slapped the victim once on the back and the forehead and caused the victim to suffer pain to her forehead as well as redness.

During the trial the defendant admitted the facts charged against him and testified that he regretted his actions.

In his final recommendations the public prosecutor requested for the court to hand down a suitable and fair punishment against the defendant because the defendant truly committed maltreatment against his wife, on approximately two occasions.

The public defender requested for the court to order the defendant to pay a fine because the defendant cooperated with the court and was willing to pay a fine proportional to the actions that he committed.

After conducting the trial and evaluating the facts produced during the trial, and after considering the final recommendations of the prosecutor and the public defender, the court decided the matter and sentenced the defendant to a fine of US\$ 90, to be paid in daily instalments of US\$ 1.00 for 90 days.

In addition, the court also applied an alternative punishment of 60 days, that will be imposed if the defendant fails to pay the fine.

2. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 35/crime/2014/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Alfonso Lopez
Public Defenders	: Afonso de Fatima and John Ndun (private lawyer)
Conclusion	: Ordered to pay a fine of \$ 75

On 02 April 2014 the Oecusse District Court conducted a hearing to announce its decision and ordered the defendant JAA to pay a fine of US\$75 for committing ordinary maltreatment characterized as domestic violence against his wife. The fine is to be paid in installments of \$1.00 per day for 75 days.

The court found that the defendant committed ordinary maltreatment against his wife on 22 December 2013 in Pante Makasar Sub-District, Oecusse District. The court also stipulated an alternative punishment of 50 days jail if the defendant does not pay the aforementioned fine.

The court concluded this matter based on the testimony of the defendant who said he was drunk at the time of the incident. However, the defendant admitted that he hit the victim and he regretted his actions.

Previously the public prosecutor alleged that on 22 December 2013 the defendant hit the victim once in the forehead and threw a stone at the victim's back and stabbed the victim in the leg with a piece of wood, causing the victim to suffer pain, injury to her leg and swelling to her forehead.

This case allegedly occurred because the victim wanted to know about US\$ 20 that the victim gave the defendant to pay a debt, however the defendant used US\$ 10 from that money to buy rice wine.

Based on the facts deduced during the trial the court concluded this matter and sentenced the defendant to pay a fine of US\$ 75.

3. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 36/crime/2014/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Alfonso Lopez
Public Defender	: Calisto Tout
Conclusion	: Ordered to pay a fine of US\$ 30

On 03 April 2014 the Oecusse District Court conducted a hearing to announce its decision and sentenced the defendant RC to pay a fine of US\$30 for committing the crime of ordinary maltreatment against his child. The fine is to be paid in installments of \$1.00 per day for 30 days. Also, the court issued an alternative punishment of 40 days imprisonment if the defendant fails to pay the aforementioned fine.

The court concluded this case based on the testimony of the defendant that confirmed that the defendant committed the aforementioned acts against the victim.

The court found that the defendant committed ordinary maltreatment against his child ALN on 13 December 2013 in Pante Makasar Sub-District, Oecusse District.

This case allegedly occurred because the victim went out from morning until the afternoon and ignored the instruction of the defendant to fill up the thermos with hot water. At that time, the defendant ordered the victim's older brother to go and call the victim however the victim did not come home so the defendant went himself and then the incident occurred.

Previously the public prosecutor alleged that on 13 December 2013, the defendant hit the victim on the back many times with a piece of wood and hit the victim 6 times on his two calves. These acts caused the victim to suffer pain, swelling and redness on his back and both of his calves.

Based on the facts deduced during the trial the court concluded this matter and sentenced the defendant to pay a fine of US\$ 30.

4. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 08/crime/2014/TDO

Composition of judges : Single
Judge : João Ribeiro
Public Prosecutor : Alfonso Lopez
Public Defender : Afonso de Fatima
Conclusion : Sentenced to 6 months imprisonment

On 03 April 2013 the Oecusse District Court sentenced the defendant LM to a prison sentence of 6 months after finding him guilty of committing the crime of ordinary maltreatment against his wife on 04 December 2013, in Pante Makasar, Oecusse.

The court found that the defendant was drunk and took a stone and threw it at the victim and struck her on the nape of her neck which caused the victim to suffer an injury and bleeding. Previously on 7 November and 4 December 2011 the court convicted the defendant for committing similar acts against his wife and fined him US\$ 30 and US\$ 90 respectively.

In this case the public prosecutor requested for the court to sentence the defendant to a minimum of 30 days and a maximum of 3 years in prison, because the defendant committed similar acts on 3 occasions against his wife. The public defender requested for the court to hand down a fair penalty that would not have implications on the defendant's family.

Based on the facts deduced during the trial the court concluded this matter and sentenced the defendant to 6 months in prison.

5. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 38/crime/2014/TDO

Composition of judges : Single
Judge : João Ribeiro
Public Prosecutor : Alfonso Lopez
Public Defender : Calisto Tout
Conclusion : Ordered to pay a fine of US\$ 60

On 03 April 2014 the Oecusse District Court conducted a hearing to announce its decision and sentenced the defendant JSM to a fine of US\$ 60 to be paid in daily instalments of US\$ 1.00 for 60 days. The court also stipulated an alternative punishment of 40 days jail if the defendant does not pay the aforementioned fine.

The court found the defendant guilty of committing the crime of ordinary maltreatment against his wife (RPT), on 19 October 2013, in Pante Makasar, Oecusse.

This decision was based on the testimony of the defendant who admitted that he committed the aforementioned acts against the victim.

Previously the public prosecutor alleged that the defendant slapped and kicked the victim causing the victim to suffer pain, swelling and redness to her cheek and leg. This case allegedly occurred because the victim threw out a mat that the defendant had taken from the chapel to his house.

Based on the facts deduced during the trial the court concluded this matter and sentenced the defendant to pay a fine of US\$ 60.

6. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 48/crime/2014/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Alfonso Lopez
Public Defender	: Afonso Fatima Gomes
Conclusion	: Ordered to pay a fine of US\$ 75

On 07 April 2014 the Oecusse District Court conducted a hearing to announce its decision in a case involving the defendant FT who allegedly committed ordinary maltreatment against his wife on 21 August 2013, in Passabe, Oecusse District.

The public prosecutor alleged that on 21 August 2013, at approximately 3pm, the defendant slapped the victim once across the face, punched the victim three times on the left side of her head and kicked her once on her side. These actions caused the victim to suffer pain, swelling and bleeding.

This incident allegedly occurred because the defendant had just discussed his job, however the victim responded rudely and harshly towards the defendant.

During the trial the defendant admitted all of the facts relating to the incident, however he testified that he regretted his actions.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to a fine because the defendant admitted his actions.

The public defender requested for the court to order the defendant to pay a fine because the defendant cooperated with the court and was willing to pay a fine proportional to the actions that he committed. Therefore, the public defender requested for the court to provide justice to the defendant

In the end the court ordered the defendant to pay a fine of US\$ 75 to be paid in daily instalments of US\$1.00 per day for 75 days. The court also stipulated an alternative punishment of 50 days jail if the defendant does not pay the aforementioned fine.

7. Crime of simple offences against physical integrity characterized as domestic violence – 57/crime/2014/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Alfonso Lopez
Public Defender	: Afonso Fatima Gomes
Conclusion	: Ordered to pay a fine of US\$ 75

On 7 April 2014 the Oecusse District Court heard and decided a case involving the defendant DTA who was charged with committing maltreatment against his wife (AT) on 30 October 2013 in Pante-Makassar, Oecusse.

The public prosecutor alleged that on 30 October 2013, at approximately 09:00am, the defendant slapped the victim across the face, kicked her in the back and caused the victim to suffer pain and be traumatized. This case allegedly occurred because the victim wanted to go to her parent's house because she was not happy that the defendant verbally abused the victim's mother.

During the trial the defendant admitted his actions and testified that he regretted his actions.

In his final recommendations the public prosecutor requested for the court to hand down a fair penalty against the defendant to deter similar acts from occurring in the future.

The public defender requested for the court to apply a proportional punishment because the defendant had cooperated with the court and was willing to pay a fine proportional to his actions. Therefore, the public defender requested for the court to provide justice to the defendant.

Based on the aforementioned facts the ordered the defendant to pay a fine of US\$ 75 to be paid in daily instalments of US\$1.00 per day for 75 days. The court also stipulated an alternative punishment of 50 days jail if the defendant does not pay the aforementioned fine.

8. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 50/crime/2014/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Alfonso Lopez
Public Defender	: Afonso Fatima Gomes
Conclusion	: Ordered to pay a fine of US\$ 45

On 07 April 2014 the Oecusse District Court conducted a hearing and ordered the defendant CN to pay a fine of US\$ 45, to be paid in daily instalments of US\$ 1.00 for 45 days. The court also stipulated an alternative punishment of 30 days jail if the defendant does not pay the aforementioned fine.

The court was convinced that the defendant committed the crime of maltreatment against his wife (BM).

The public prosecutor alleged that on 30 October 2013, at approximately 11:00 pm, the defendant slapped the victim on the nape of her neck and kicked her on her side causing the victim to suffer pain, dizziness and causing her to fall to the ground.

During the trial the defendant testified that he regretted the acts that he committed against the victim.

In his final recommendations the public prosecutor requested for the court to apply a fair and reasonable penalty against the defendant to deter similar acts from occurring in the future.

The public defender requested for the court to apply a proportional punishment because the defendant had cooperated with the court and was willing to pay a fine

proportional to his actions. Therefore, the public defender requested for the court to provide justice to the defendant.

After evaluating all of the facts related to this process and considering the recommendations of the prosecutor and public defender, the court decided the matter and sentenced the defendant to pay a fine of US\$ 45.

9. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 49/crime/2014/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Alfonso Lopez
Public Defender	: Afonso Fatima Gomes
Conclusion	: Ordered to pay a fine of US\$ 60

On 07 April 2014 the Oecusse District Court conducted a hearing and ordered the defendant AN to pay a fine of US\$ 60, to be paid in daily instalments of US\$ 1.00 for 60 days. In addition, the court also stipulated an alternative penalty of 40 days in prison if the defendant fails to pay the aforementioned fine.

The court found the defendant guilty of committing ordinary maltreatment against his wife.

The public prosecutor alleged that on 07 September 2013, in Pasabe Sub-District, Oecusse District, the defendant slapped the victim across the face and kicked the victim on her side causing the victim to suffer pain and trauma. This case allegedly occurred because the victim did not follow the defendant to the cemetery to clean up the gravesite, because at that time the victim had a stomach ache.

During the trial the defendant confessed and expressed regret for the acts he committed against the victim.

In his final recommendations, the public prosecutor requested for the court to hand down a fair and appropriate penalty against the defendant to deter him from reoffending in the future.

The public defender requested for the court to apply a proportional punishment because the defendant had cooperated with the court and was willing to pay a fine proportional to his actions. Therefore, the public defender requested for the court to provide justice to the defendant.

Based on the aforementioned facts the court settled the matter and ordered the defendant to pay a fine of US\$60.00.

10. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 52/crime/2014/TDO

Composition of judges : Single
Judge : João Ribeiro
Public Prosecutor : Alfonso Lopez
Public Defender : Afonso Fatima Gomes
Conclusion : Ordered to pay a fine of US\$ 75

On 08 April 2014 the Oecusse District Court conducted a hearing and ordered the defendant CMC to pay a fine of US\$ 75 to be paid in daily instalments of US\$ 1.00 for 75 days. The court also stipulated an alternative punishment of 50 days jail if the defendant does not pay the aforementioned fine.

The court found the defendant guilty of committing the crime of ordinary maltreatment against his wife (IC), on 12 October 2013, in Pasabe, Oecusse District.

Previously, the public prosecutor alleged that on 12 October 2013, at approximately 6pm, the defendant slapped the victim across the face and kicked the victim on her side causing the victim to suffer pain and swelling and redness to her face.

This case allegedly occurred because the victim left their young baby with the defendant while the victim went to attend a burial ceremony that lasted all day, and the victim only returned home in the afternoon.

During the trial the defendant admitted the facts related to his actions and demonstrated remorse for the acts he committed against the victim.

In his final recommendations the public prosecutor requested for the court to issue a fair punishment, to prevent reoccurrence of such crimes in the future.

The public defender requested for the court to apply a proportional punishment because the defendant had cooperated with the court and was willing to pay a fine proportional to his actions. Therefore, the public defender requested for the court to provide justice to the defendant.

After evaluating the facts in this case and the entire trial process, the court concluded this case and ordered the defendant to pay a fine of US\$ 60.

11. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 53/crime/2014/TDO

Composition of judges : Single
Judge : João Ribeiro
Public Prosecutor : Alfonso Lopez
Public Defender : Afonso Fatima Gomes
Conclusion : Ordered to pay a fine of US\$ 90

On 08 April 2014 the Dili District Court conducted a hearing and ordered the defendant SUL to pay a fine of US\$ 90 to be paid in daily instalments of US\$ 1.00 per day for 90 days. The court also stipulated an alternative punishment of 50 days jail if the defendant does not pay the aforementioned fine.

The court found the defendant guilty of committing the crime of ordinary maltreatment against his wife on 11 December 2013, in Pasabe Sub-District, Oecusse District.

Previously the public prosecutor alleged that on 11 December 2013, the defendant slapped the victim once across the face and kicked the victim once on the back causing the victim to suffer pain and trauma.

This case allegedly occurred because the defendant felt offended by an accusation from the victim who stated that the defendant took money from the bank but only brought home a small amount of money because the rest of it was used to go looking for women.

During the trial the defendant admitted all of the facts and demonstrated remorse for the acts he committed against the victim.

In his final recommendations, the public prosecutor requested for the court to hand down an appropriate and fair penalty against the defendant in proportion to his actions to deter the defendant from reoffending in the future.

The public defender requested for the court to apply a proportional punishment because the defendant had cooperated with the court and was willing to pay a fine proportional to his actions. Therefore, the public defender requested for the court to provide justice to the defendant.

After evaluating the facts in this case, the court concluded the matter and ordered the defendant to pay a fine of US\$ 90.

12. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 56/crime/2014/TDO

Composition of judges : Single
Judge : João Ribeiro
Public Prosecutor : Alfonso Lopez
Public Defender : Afonso Fatima Gomes
Conclusion : Ordered to pay a fine of US\$ 45

On 08 April 2014 the Oecusse District Court conducted a hearing and convicted the defendant for committing ordinary maltreatment against his wife. The court concluded the matter and ordered the defendant to pay a fine of US\$45 to be paid in daily instalments US\$ 1.00 for 45 days. The court also stipulated an alternative punishment of 30 days jail if the defendant does not pay the aforementioned fine.

After examining the evidence the court found that the defendant committed maltreatment against his wife on 15 September 2013 in Pasabe Sub-District, Oecusse District.

In relation to this case, the public prosecutor had previously alleged that on 15 September 2013, at approximately 6pm, the defendant was drunk and took a piece of wood and hit the victim on both of her calves causing the victim to suffer pain to her calves.

This case allegedly occurred because when the defendant returned from the plantation and asked the victim to give him some rice the victim answered that she had not cooked any rice and had only boiled some corn for dinner.

During the trial the defendant admitted all of the facts and demonstrated remorse for the acts he committed against the victim.

In his final recommendations, the public prosecutor requested for the court to hand down a fair and appropriate penalty against the defendant to deter him from reoffending in the future.

The public defender requested for the court to apply a proportional punishment because the defendant had cooperated with the court and was willing to pay a fine

proportional to his actions. Therefore, the public defender requested for the court to give justice to his client.

After evaluating the facts and the entire trial process, and after giving consideration to the final recommendations of the prosecutor and public defender, the court concluded this case and ordered the defendant to pay a fine of US\$ 45.

13. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 40/crime/2014/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Alfonso Lopez
Public Defender	: Calisto Tout
Conclusion	: Ordered to pay a fine of US\$ 90

On 09 April 2014 the Oecusse District Court handed down its decision and ordered the defendant JC to pay a fine of US\$90 to be paid in daily instalments of US\$1.00 for 90 days. The court also stipulated an alternative punishment of 60 days jail if the defendant does not pay the aforementioned fine.

The court decided this case based on the facts deduced during the trial and found defendant guilty of committing maltreatment against his wife on 21 August 2013, in Oe-Silo Sub-District, Oe-Cusse District.

Previously the public prosecutor alleged that on 21 August 2013 the defendant slapped the victim on her left cheek and punched the victim on the nape of her neck causing the victim to suffer pain. This case allegedly occurred when the victim was returning from a family get-together to clean up a gravesite. This case allegedly occurred because the victim was carrying their child and did not bring the defendant's rice wine.

During the trial the defendant admitted that the aforementioned facts were true and told the court that he regretted the acts that he committed against the victim.

In his final recommendations, the public prosecutor requested for the court to hand down a fair and appropriate penalty befitting the defendant's actions to deter him from reoffending against the victim or another person in the future.

The public defender requested for the court to apply a proportional punishment because the defendant had cooperated with the court and was willing to pay a fine

proportional to his actions. The public defender made his final recommendations and requested for the court to provide justice to the defendant.

After evaluating the facts and the entire trial process, and after giving consideration to the final recommendations of the prosecutor and public defender, the court concluded this case and ordered the defendant to pay a fine of US\$ 90.

14. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 41/crime/2014/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Alfonso Lopez
Public Defender	: Afonso Fatima Gomes
Conclusion	: Ordered to pay a fine of US\$ 75

On 09 April 2014 the Oecusse District Court handed down its decision and ordered the defendant AdC to pay a fine of US\$75 to be paid in daily instalments of US\$1.00 for 75 days. The court also stipulated an alternative punishment of 50 days jail if the defendant does not pay the aforementioned fine.

The court found that the defendant committed ordinary maltreatment characterized as domestic violence against his wife (SdJX) on 03 December 2013, in Pante Makasar, Oecusse District.

Previously the public prosecutor alleged that on 3 December 2013, at approximately 10pm, the defendant punched the victim once in the forehead causing swelling to the victim's forehead.

This case allegedly occurred because the victim asked about a woman who had called on the phone and requested for the defendant to not have any further contact with her. Therefore, the defendant became angry and struck the victim.

During the trial the defendant admitted the actions that he had committed against his wife. However the defendant also testified that he regretted his actions, and promised to not reoffend in the future.

In his final recommendations, the public prosecutor requested for the court to hand down a fair and appropriate penalty against the defendant to deter him from reoffending in the future. In his final recommendations the public prosecutor requested for the court to sentence the defendant to a fine.

The public defender requested for the court to order the defendant to pay a fine because the defendant cooperated with the court and was willing to pay a fine proportional to the actions that he committed. Therefore, the public defender requested for the court to provide justice to the defendant.

Based on the facts deduced during the trial and the entire process, and after considering the final recommendations of the prosecutor and the public defender, the court ordered the defendant to pay a fine of US\$ 75.

15. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 39/crime/2014/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Alfonso Lopez
Public Defender	: Afonso de Fatima and John Ndun (private lawyer)
Conclusion	: Ordered to pay a fine of US\$ 60

On 09 April 2014 the Oecusse District Court conducted a hearing in a case involving the defendant FdC who allegedly committed ordinary maltreatment characterized as domestic violence against his mother. This case allegedly occurred on 03 December 2013 in Pante-Makassar Sub-District, Oecusse District.

The public prosecutor alleged that on 3 December 2013 the defendant threw a shoe and struck the victim on her right knee causing the victim to suffer swelling and pain to her knee.

The incident occurred because the victim did not give the defendant her old age pension money to buy a pig, but rather the victim gave the money to the older brother of the defendant for the same purpose (to buy a pig).

During the trial the defendant demonstrated remorse for his actions against the victim and admitted that the acts he committed against the victim were inappropriate because the victim was his own mother.

In his final recommendations the public prosecutor requested for the court to hand down a fair penalty befitting the actions of the defendant.

The public defender requested for the court to order the defendant to pay a fine because the defendant cooperated with the court and was willing to pay a fine proportional to the actions that he committed.

After hearing the final recommendations of the prosecutor and the public defender, the court adjourned the trial until 22 April 2014 to read out its decision.

Then on 22 April 2014 the court decided this case and ordered the defendant to pay a fine of US\$ 60 to be paid in daily instalments of US\$1.00 for 60 days.

16. Crime of simple offences against physical integrity and trespass - Case No. 42/crime/2014/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Alfonso Lopez
Public Defender	: Afonso Fatima Gomes
Conclusion	: Four defendants were given a fine and defendant was acquitted

On 10 April 2014 the Oecusse District Court read out its decision against the five defendants EK, AL, CO, SST, and ET who were found guilty of committing ordinary maltreatment and trespass against the victim FT. This case allegedly occurred on 26 October 2013, in Oe-Silo Sub-District, Oecusse District.

The court found the defendant EK guilty of committing two crimes. Therefore, the court concluded the matter and ordered the defendant to pay a fine of US\$ 120 to be paid in daily instalments US\$ 1.00 for 120 days. The court also stipulated an alternative punishment of 80 days jail if the defendant does not pay the aforementioned fine.

The court found the defendant AL guilty of only one crime and therefore the court sentenced the defendant to a fine of US\$75 to be paid in daily instalments of US\$1.00 per day for 75 days. The court also stipulated an alternative punishment of 50 days jail if the defendant does not pay the aforementioned fine.

The court found the defendant CO guilty of committing two crimes. Therefore, the court ordered the defendant to pay a fine of US\$ 120 to be paid in daily instalments US\$ 1.00 for 120 days. In case the defendant fails to pay the aforementioned fine, the court also stipulated an alternative punishment of 80 days in prison.

The court found that the defendant SST also committed two crimes, and also found that the defendant was the sub-village chief. Therefore, the court ordered the defendant to pay a fine of US\$ 300 to be paid in daily instalments US\$ 1.00 for 300 days. The court also stipulated an alternative punishment of 100 days jail if the defendant does not pay the aforementioned fine.

The court found that there was insufficient evidence against the defendant ET, and therefore the court acquitted the defendant from the two crimes with which he had been charged.

Previously the prosecutor alleged that on 26 October 2013, at approximately 05:30am, the five defendants found the victim in his yard and they jointly assaulted/bashed the victim and dragged him from his yard on to the road and continued to punch and kick the victim in the head, thigh and side. These acts caused the victim to suffer pain, swelling to his thigh, and swelling and redness to his face.

The defendants assaulted the victim and his wife when they were returning from a marriage ceremony and when they were about to enter their yard.

This case allegedly occurred because the defendant SST had a personal problem with the victim relating to a work related position.

During the trial the defendant EK admitted that he entered the yard of the victim and dragged the victim outside and on to the road. Then when they got to the road the defendant punched the victim once in the face, because the victim himself dared the defendant to hit him.

Then, the defendant AL testified that at that time, the victim had kicked him first so the defendant became angry and reacted against the victim and kicked the victim once on his side. Therefore the defendant felt that he was not guilty, and testified that he did not regret the acts he committed against the victim.

The defendant CO testified that he punched the victim once in his yard. However after dragging the victim out to the main road, the defendant only held him and it was the other defendants who hit him. On the main road the defendant only asked the victim about who had an argument with their boss and the victim said that he was the one who had an argument with their boss. The defendant also expressed regret for his actions.

In addition, the defendant SST testified that regretted the acts that he committed against the victim on that day. The defendant also stated that at that time he kicked the victim once on his side and it was the others who took him out to the main road.

The defendant ET testified that he did not do anything against the victim because he was afraid and he was standing back and saw the incident from a distance.

The witness, who is the victim's wife, testified that she did not see firsthand who had hit or assaulted her husband. However the witness only saw the victim fall to the ground, so she quickly went and called other residents to help her husband. The witness also testified that prior to the incident the witness saw the defendants SST and EK at a marriage ceremony that they were attending.

In his final recommendations the public prosecutor requested for the court to hand down a fair and appropriate penalty befitting the actions of the defendant.

The public defender requested for the court to carefully consider what facts had been proven and what had not been proven because several of the defendants regretted their actions and several of them did not regret their actions. However they all admitted the facts before the court. Therefore, the public defender requested for the court to hand down a fair punishment against the defendants.

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