



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Case Summary
Oecusse District Court
June 2014

Summary of the trial process at the Oecusse District Court June 2014

Introduction

In June 2014 JSMP observed 12 cases from a total of 30 cases heard at the Oecusse District Court. From the 12 cases observed by JSMP, 11 cases were characterized as crimes of domestic violence and the other case involved a defendant who allegedly committed the crime of making threats and failure to provide alimony for his three children and wife. In addition, the court also validated settlements in 12 cases because the parties agreed to withdraw their complaints and the trials in 6 cases were adjourned because the parties did not appear.

From the 12 cases observed by JSMP, the court concluded each matter by handing down a fine. Therefore from the 30 cases heard by the Oecusse District Court during the month of June a total of 24 cases were resolved.

JSMP observed that the Oecusse District Court continued to prioritize cases involving domestic violence. This progress is evident from the cases heard by the court, of which the majority were dealt with at the start of 2014.

Although there were positive developments in prioritizing cases involving domestic violence, JSMP has some concerns in relation to the penalties handed down by the court in cases of domestic violence. JSMP has recommended numerous times that fines are not the best choice of penalty for cases involving domestic violence, because they will continue to place an economic burden on families.

JSMP believes that almost all of the families living in rural areas face serious difficulties in meeting their day to day needs. In those families residing in rural areas, women or wives are the ones who work hard to find money to pay for their day to day needs. Therefore, when their hard-earned money has to be paid back to the State to atone for the actions of defendants, this will make their lives even harder, and female victims will suffer even more.

With this reality in mind, JSMP recommends that the court prioritize civil compensation to victims rather than paying a fine to the State.

The following information summarizes the trials of the completed cases:

1. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 89/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\$ 80.

On 2 June 2014 the Oecusse District Court conducted a hearing for a case of simple offences against physical integrity involving the defendant AT who allegedly committed the offence against his wife. This case occurred on 27 March 2014 in Pante-Makassar Sub-District.

The public prosecutor alleged that on 27 March 2014, at 6pm, the defendant punched the victim in her left eye, pulled her hair and threw her on the ground. These acts caused the victim to suffer pain to her eye and bruising to her head. This case occurred because the victim did not answer when the defendant called her from his workplace.

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.

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 the court to issue an appropriate and fair fine against the defendant.

The public defender requested for the court to issue an appropriate fine because the defendant had cooperated during the trial and they parties have reconciled.

The court concluded this process on 12 July 2014 and ordered the defendant to pay a fine of US\$80 in daily instalments of US\$1 for 80 days. The court also stipulated an alternative punishment of 50 days jail if the defendant does not pay the fine.

2. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 92/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\$ 80.**

On 2 June 2014 the Oecusse District Court conducted a hearing in a case of simple offences against physical integrity involving the defendant AM who committed the offence against his wife (LC) on 3 February 2013 in Passabe, Oecusse.

The public prosecutor alleged that on 3 February 2013, at 4pm, the defendant took a piece of wood and struck the victim on her back and calf. These actions caused the victim to suffer swelling to her right calf and pain to her back. This case occurred because the victim did not stop their child who wanted to follow the defendant to the home of his brother.

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.

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 the court to issue an appropriate fine against the defendant. The public defender agreed with the recommendation of the prosecutor because at that time the defendant immediately reconciled with the victim.

After hearing the recommendations of the parties, the court adjourned the trial until 16 June 2014 to announce its decision. The court concluded this matter and ordered the defendant to pay a fine of US\$80, to be paid in daily instalments of US\$1 for 80 days. The court also stipulated an alternative punishment of 50 days jail if the defendant does not pay the fine.

3. Crime of simple offences against physical integrity, Case No. 84/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\$ 150.**

On 2 June 2014 the Oecusse District Court conducted a trial in a case of simple offences against physical integrity involving the defendant JQ who allegedly committed the offence against his wife (DR). This case occurred on 14 February 2014 in Pante Makasar Sub-District.

The public prosecutor alleged that on 14 February 2014, at 8pm, the defendant slapped the victim three times on her left cheek and choked her. These acts caused the victim to suffer

pain and swelling to her cheek and neck. This case occurred because the victim used US\$20, so the defendant became angry and tipped over two jerry cans and then struck the victim.

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.

During the trial the defendant admitted all of the charges against him and expressed regret.

In his final recommendations the public prosecutor requested the court to hand down an appropriate penalty pursuant to Article 145 of the Penal Code.

The public defender requested the court to consider the mitigating circumstances such as the fact that the defendant had expressed regret, cooperated with the court and the parties have reconciled.

On 13 June 2014 the court conducted a hearing to announce its decision in this case and issued a fine of US\$150, to be paid in daily instalments of US\$1 for 150 days. In addition, the court also stipulated an alternative punishment of 100 days jail if the defendant does not pay the fine.

4. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 95/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 3 June 2014 the Oecusse District Court conducted a hearing in a case of simple offences against physical integrity involving the defendant MU who committed the offence against his wife (JQ). This case occurred on 4 March 2014 Passabe Sub-District.

The public prosecutor alleged that in March 2014, at 6pm, the defendant slapped the left cheek of the victim and choked her. These acts caused the victim to suffer pain and swelling to her cheek and neck. This case occurred because the defendant was unhappy with the victim who asked for money to buy betel nut for people coming to their home to buy their buffalo meat.

In relation to these acts, the public prosecutor charged the defendant with violating Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Article 35 of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts set out in the charges and expressed regret for his actions.

In his final recommendations the public prosecutor requested the court to issue an appropriate and fair fine against the defendant. The public defender agreed with the recommendations of the public prosecutor and also requested the court provide justice for the defendant.

On 17 June 2014 the court concluded this matter and ordered the defendant to pay a fine of US\$60 in daily instalments of \$1 for 60 days. In addition, the court also stipulated an alternative punishment of 40 days jail if the defendant does not pay the fine.

5. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 96/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 3 June 2014 the Oecusse District Court conducted a hearing in a crime of simple offences against physical integrity involving the defendant BSM who committed the offence against his wife. This case occurred on 21 February 2014 in Pante-Makassar Sub-District.

The public prosecutor alleged that on 21 February 2014, at 7pm, the defendant hit the victim on the right side of her head. The victim fled to a neighbor's house, and the defendant followed her and choked her and yanked the victim by the arm and she fell to the ground. The defendant then stomped on the victim's cheek while she was on the ground. These actions caused the victim to suffer pain and injury to her leg, right arm and back. This case occurred because the victim told the defendant not to use water in a jerry can to bathe with, so they had an argument and the defendant struck the victim.

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.

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 the court to hand down a fair penalty pursuant to Article 145 of the Penal Code on simple offences against physical integrity.

The public defender requested the court to provide justice for the defendant because he expressed regret and the defendant had cooperated with the court.

On 19 June 2014 the court concluded this matter and ordered the defendant to pay a fine of US\$90 to be paid in daily instalments of US\$1 for 90 days. The court also stipulated an alternative penalty of 60 days jail if the defendant does not pay the fine.

6. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 98/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 4 June 2014 the Oecusse District Court tried the defendant EB for committing the crime of simple offences against physical integrity against his wife. This case occurred on 6 April 2014 in Pante Makasar Sub-District, Oecusse.

The public prosecutor alleged that on 6 April 2014, at 2pm, the defendant punched the victim once on the ear and knocked her unconscious. These actions caused the victim to receive treatment in hospital. This case occurred because the victim asked a lot of questions about some palm wine that had been put in a sack and stored in a bed.

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.

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 the court to issue an appropriate and fair fine against the defendant. The public defender requested the court to issue an appropriate fine because the defendant had cooperated with the court and the parties have reconciled.

The court concluded this matter on 20 July 2014 and ordered the defendant to pay a fine of US\$ 90, in daily instalments of US\$1 for 90 days. The court also stipulated an alternative punishment of 60 days jail if the defendant does not pay the fine.

7. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 88/crime/2014/TDO

Composition of judges : Single

Judge : João Ribeiro

Public Prosecutor : Alfonso Lopez

Public Defender : Afonso F. Gomes

Conclusion : Ordered to pay a fine of US\$ 60.

On 4 June 2014 the Oecusse District Court tried the defendant FS for committing the crime of simple offences against physical integrity against his wife. This case occurred on 30 March 2014 in Pante-Makassar Sub-District.

The public prosecutor alleged that on 30 March 2014, at 8pm, the defendant got drunk and threw a plastic glass at the victim's stomach, squashed her head and fingers of her right hand with a table leg. These actions caused the victim to suffer pain and an injury to her fingers. In addition, the defendant also broke the glass of a wardrobe. This case allegedly occurred because the defendant was annoyed when he heard the victim and his mother talking about giving the victim's bride price to her family (the victim's parents).

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.

During the trial the defendant admitted all of the facts set out in the charges and expressed regret for his actions.

In his final recommendations the public prosecutor requested the court to hand down an appropriate penalty pursuant to Article 145 of the Penal Code.

The public defender requested the court to issue an appropriate fine because the defendant had cooperated with the court and the parties have reconciled.

On 20 June 2014 the court concluded this matter and ordered the defendant to pay a fine of US\$60 in daily instalments of US\$1 for 60 days. In addition, the court also stipulated an alternative punishment of 40 days jail if the defendant does not pay the fine.

8. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 83/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 4 June 2014, the Oecusse District Court conducted a hearing in case of simple offences against physical integrity involving defendant MJC (son of the victim) and MV (sister of the victim) against the victim FC. This case occurred on 24 September 2013 in Pante-Makassar Sub-District.

The public prosecutor alleged that on 24 September 2013, at 8am, the defendant MJC kicked his mother three times in the chest, once in the stomach and once on her thigh, causing the victim to fall to the ground. This case allegedly occurred because MV, who is the defendant's aunt, spread information that the defendant's mother was a witch (with supernatural powers). Because of this, the defendant felt embarrassed and committed violence against the victim.

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.

During the trial the defendant admitted all of the facts set out in the indictment, and expressed regret for the actions he committed against the victim.

In his final recommendations the public prosecutor requested the court to issue a fine pursuant to Article 145 of the Penal Code.

The public defender requested the court to consider the mitigating circumstances, such as the fact that the defendant had cooperated with the court and has reconciled with the victim.

Then on 3 June 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 for 60 days. The court also stipulated an alternative punishment of 40 days jail if the defendant does not pay the fine.

In relation to the defendant MV, the court issued a fine of US\$ 45 to be paid in daily instalments of US\$ 1 for 45 days. The court also stipulated an alternative punishment of 30 days jail if the defendant does not pay the fine.

9. Crime of making threats and failure to provide alimony Case No. 85/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 4 June 2014 the Oecusse District Court tried the defendant JM for committing the crime of making threats and failure to provide alimony to the MST who was his ex-wife. This case occurred on 16 March 2013 in Nitibe Sub-District, Oecusse District.

The public prosecutor alleged that on 16 March 2013 the defendant threatened the victim and abandoned the victim for one year (failed to provide alimony). The defendant married another woman.

During the trial the defendant admitted all of his actions and regretted the acts he committed against the victim.

The public prosecutor charged the defendant for violating Article 225 of the Penal Code on the crime of failure to provide alimony and Article 157 of the Penal Code on making threats.

In his final recommendations the public prosecutor requested the court to hand down an appropriate penalty against the defendant, in accordance with the charges.

The public defender requested the court to provide justice for the defendant and requested for the court to consider the defendant's expression of remorse for his actions and his cooperation with the court.

On 13 June 2014 the court concluded this matter and ordered the defendant to pay a fine of US\$60 in daily instalments of \$1 for 60 days. The court also stipulated an alternative punishment of 40 days jail if the defendant does not pay the fine.

10. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 87/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\$ 80.

On 12 June 2014 the Oecusse District Court conducted a hearing in a crime of simple offences against physical integrity committed by the defendant SB against his wife VB. This case occurred on 25 February in Pante Makasar Sub-District.

The public prosecutor alleged that on 25 February 2014 the defendant kicked the victim in the chest causing her to fall to the ground. The defendant choked the victim and stomped on her neck. This case occurred because the defendant and the victim argued about the defendant's salary, because he never gave it to the victim.

The public prosecutor was charged by the public prosecutor with violating Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Article 35 of the Law Against Domestic Violence.

During the trial the defendant admitted all of the alleged facts and stated that he regretted his actions.

In his final recommendations the public prosecutor requested the court to hand down an appropriate penalty pursuant to Article 145 of the Penal Code.

The public defender requested the court to consider the mitigating circumstances, such as the fact that the defendant had cooperated with the court during the trial. Based on these facts the public defender requested the court to provide justice for the defendant.

On 16 June 2014 the court concluded this matter and ordered the defendant to pay a fine of US\$80 in daily instalments of \$1 for 80 days. The court also stipulated an alternative punishment of 50 days jail if the defendant does not pay the fine.

11. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 100/crime/2014/TDO

Composition of judges : Single
Judge : João Ribeiro
Public Prosecutor : Alfonso Lopez
Public Defender : Afonso Fatima Gomes
Conclusion : Ongoing

On 16 June 2014 the Oecusse District Court conducted a hearing in a case of simple offences against physical integrity committed by the defendant LS against his wife and child (MB and EC). This case occurred on 28 August 2013 in Pante Makasar.

The public prosecutor alleged that on 28 August 2013, at midnight, the defendant twice struck the victim EC on the hand and kicked the victim MB in the right eye. In addition, the defendant pulled his wife (MB) by her hair and threw her to the ground, punched her in the head numerous times and stomped on her neck. These actions caused the victim EC to suffer pain and the victim MB suffered injuries, bruising and swelling to her face. This case occurred because the two victims did not feed the buffaloes and refused to follow what the defendant ordered them to do.

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.

During the trial, the defendant admitted the facts and expressed regret for the acts he committed against the two victims.

In his final recommendations the public prosecutor requested the court to hand down an appropriate penalty pursuant to Article 145 of the Penal Code.

The public defender requested the court to consider the actions of the defendant and mitigating circumstances such as his expression of remorse during the trial.

On 30 June 2014 the court concluded this matter and ordered the defendant to pay a fine of US\$75 in daily instalments of \$1 for 75 days. The court also stipulated an alternative punishment of 50 days jail if the defendant does not pay the fine.

**12. Crime of simple offences against physical integrity characterized as domestic violence –
Case No. 101/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 16 June 2014 the Oecusse District Court tried the defendant MT for committing the crime of simple offences against physical integrity against his wife. This case occurred on 7 April 2014 in Pante-Makassar Sub-District.

The public prosecutor alleged that on 7 April 2014 the defendant was drunk and punched the victim in the face and caused her to fall to the ground. The defendant choked the victim, kicked her left hand and scratched the victim's back.

These actions caused the victim to lose consciousness and suffer swelling to her face, bleeding from her ear, an injury to her hand and bleeding to her back. This case occurred because the defendant was drinking palm wine from morning until nighttime so the victim hit the defendant once in the head. After he received the punch, the defendant became angry and punched the victim.

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.

During the trial the defendant admitted all of the charges against him and expressed regret.

In his final recommendations the public prosecutor requested the court to hand down an appropriate and fair penalty pursuant to Article 145 of the Penal Code.

The public defender requested the court to consider the expression of remorse from the defendant and requested the court to hand down a fair punishment.

On 30 June 2014 the court concluded this matter and ordered the defendant to pay a fine of US\$75 in daily instalments of \$1 for 75 days. The court also stipulated an alternative punishment of 50 days jail if the defendant does not pay the fine.

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