



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Case Summary

Suai District Court

January 2014

Summary of the trial process during the fourth week of January at the Suai District Court

Introduction

After the court actors returned from one month of annual leave (between 15 December-15 January 2014) the Suai District Court recommenced its proper functioning and conducted hearings during the fourth week of January 2014.

Although five cases were scheduled to be heard in the aforementioned court, during this period JSMP only observed two criminal cases. These two cases were both characterized as domestic violence, with one case involving attempted murder and the other case involving simple offences against physical integrity. The other three cases were adjourned (1 case of aggravated homicide, 1 case of simple offences against physical integrity and 1 case of rape).

The information below outlines the hearings conducted:

1. Crime of Attempted Homicide, Case No.250/pen/2013/TDS

Composition of judges	: Panel
Judges	: Alvaro Maria Freitas, Costâncio Barros Basmery and Pedro R. de Figuiereido
Public Prosecutor	: Benvenida Rosario da Costa
Public Defender	: João H. de Carvalho
Conclusion	: Ongoing

On 29 January 2014 the Suai District Court conducted a hearing in a case of attempted murder involving the defendant MM who allegedly committed the offence against his step child. This case allegedly occurred on 31 August 2013 in Suai District.

The public prosecutor alleged that on 31 August 2013, at approximately 7pm, the defendant used a broom to hit the victim once on the arm, took the victim into a room and poured kerosene all over the victim. Then the defendant set the victim alight with a match which caused the victim to suffer burns to the throat, shoulder and left arm. These acts caused the victim to suffer permanent disabilities. This case allegedly occurred because the defendant became angry and accused the victim of taking US\$ 20 from the defendant.

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 and articles 23 and 138 on attempted homicide.

The defendant stated that all of the facts alleged by the public prosecutor were true.

The witnesses JMM and RMC testified to the court that the defendant hit the victim and burned the victim and the two of them put out the fire that was all over the victim's body.

After hearing the two witnesses, the court proceeded to hear the final recommendations. In her final recommendations the public prosecutor requested for the court to sentence the defendant to 8 years in prison because the defendant admitted his actions and the facts were corroborated by the two witnesses.

The public defender asked the court to hand down a fair punishment against the defendant because he admitted all of the facts.

After hearing the recommendations of the parties the court adjourned the trial until 14 February 2014 at 10am to announce its decision.

2. Crime of simple offences against physical integrity, Case No.248/pen/2013/TDS

Composition of judges	: Panel
Judges	: Alvaro Maria Freitas, Costâncio Barros Basmery and Pedro R. de Figuiereido
Public Prosecutor	: Benvinda Rosario da Costa
Public Defenders	: João H. de Carvalho and Dr. Manuel Amaral
Conclusion	: Ongoing

On 29 January 2014 the Suai District Court conducted a hearing in a case of simple offences against physical integrity involving the defendant SMV who allegedly committed the offence against his wife (AB) and child (RN). This case allegedly occurred on 7 August 2013 in Bobonaro District.

The public prosecutor alleged that on 7 August 2013 at approximately 1pm the defendant was screaming and abusing the victim AB and hit the victim once in the mouth and hit the victim RN once in the back.

This case allegedly occurred because when the defendant returned from a wake at midnight and knocked on the door the victim was sound asleep and took a long time to open the door. Then the defendant committed violence against the victims.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Article 35 (b) of the Law Against Domestic Violence.

In court the defendant admitted all of the facts set out in the charges of the public prosecutor.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 1 year in prison, to be suspended for 2 years, because the defendant admitted his actions.

The public defender asked the court to hand down a lenient suspended sentence against the defendant because he admitted all of the charges.

After hearing the final recommendations from the parties the court adjourned the trial until 14 February 2014 at 9am to announce its final decision.

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