



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

Case Summary 2014
Suai District Court
April 2014

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

Introduction

In April 2014 JSMP continued to conduct monitoring activities at the Suai District Court. During this Period JSMP managed to observe 18 criminal cases from a total of 30 cases that were heard by the Suai District Court during April 2014. These cases included the trials conducted by the mobile court in Same-Manufahi District.

These 18 cases comprised 5 cases of simple offences against physical integrity characterized as domestic violence, 4 cases of simple offences against physical integrity, 1 case of aggravated abuse of trust, 1 case of mistreatment against a spouse and termination of pregnancy, 4 cases of aggravated theft, 1 case of aggravated rape and termination of pregnancy, 1 case of ordinary fraud, and 1 case of participation in a riot.

The court has heard and decided 16 of these 18 cases, and the other 2 cases are ongoing.

Whilst monitoring these cases JSMP observed that the court has demonstrated really positive developments in relation to upholding the law. The court heard a case of aggravated sexual abuse and termination of pregnancy and handed down a punishment of 15 years in prison against the step father who committed the offences against his step daughter. JSMP believes that this sentence is proportional to the actions of the defendant, because as a father the defendant has full responsibility to protect his children, unfortunately the defendant himself raped his own step daughter.

JSMP hopes that this decision will serve as a lesson for the community to avoid all forms of sexual abuse in the domestic sphere. JSMP also welcomes the decision of the court that ordered the defendant to pay compensation of US\$1,500 to the victim. This is the most concrete and positive step forward in repairing the suffering and harm suffered by the victim as a result of the defendant's actions. This also serves as a lesson for society that when a person commits sexual violence and domestic violence in particular, that person will pay a hefty price. The defendant will be tried by a court, and will be held responsible for the crime committed and will pay a large amount of compensation to the victim that has been harmed as a result of that criminal act.

In addition, JSMP also notes a really positive development in relation to the facts revealed during the trial. In this case, although the defendant denied the allegations that the defendant used force and threats to have sexual intercourse with the victim, and this statement was corroborated by the victim that the sexual intercourse was not the result of force or violence, the court still convicted the defendant. This is a very positive development in cases involving the sexual abuse of children because

the court believes that in cases of sexual abuse against minors the consent of the victim is irrelevant and should not be given any legal consideration.

The information below outlines the cases observed:

1. Crime of simple offences against physical integrity characterized as domestic violence – Case No.49/pen/2014/TDS

Composition of judges : Single
Judge : Florencia Freitas
Public Prosecutor : Benvinda da Costa Rosario
Public Defender : Manuel Amaral (trainee)
Conclusion : Sentenced to 6 months in prison, suspended for 1 year.

On 4 April 2014 the Suai District Court conducted a trial and announced its decision in this case and sentenced the defendant SL to 6 months in prison, suspended for 1 year. The court found the defendant guilty of committing the crime of simple offences against the physical integrity of his wife, on 4 November 2013 in Suai District.

The public prosecutor alleged that on 4 November 2013, at approximately 5pm, the defendant pushed and tossed the victim into a wall causing the victim to suffer swelling to her eye and finger. The incident occurred because the victim lent money to her younger without the knowledge of the defendant.

In relation to these acts, 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 described in the indictment of the public prosecutor. The defendant also testified before the court that he regretted his actions.

In addition, the victim also corroborated the facts listed in the indictment of the public prosecutor.

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

The public defender requested for the court to hand down a lenient suspended sentence because the defendant and the victim have reconciled, are living together as husband and wife and have had no further problems.

2. Crime of simple offences against physical integrity, Case No.16/pen/2014/TDS

Composition of judges : Single
Judge : Pedro R. de Figueireido
Public Prosecutor : Benvinda da Costa Rosario
Public defender : João H. de Carvalho
Conclusion : Ongoing

On 7 April 2014 the Suai District Court tried a case involving simple offences against physical integrity allegedly committed by the defendant DP against the victim DPG on 19 July 2013, in Suai District.

The public prosecutor alleged that on 19 July 2013 the defendant slapped the victim with a plastic table on the victim's back causing the victim to suffer swelling. The incident occurred because the victim did not respect a customary elder when he was speaking. Therefore, the defendant became angry and threw the plastic table at the victim's back.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity that carries a penalty of up to three years in prison or a fine.

During the trial the defendant testified that he did not throw the object at the victim but he kicked the table and it did not hit the victim.

Nevertheless, the victim continued to maintain and corroborate the facts listed in the charges of the public prosecutor.

In her final recommendations the public prosecutor requested for the court to sentence the defendant to 2 years in prison, however in the form of a suspended sentence.

The public defender requested for the court to hand down a penalty of 6 months in prison suspended for 1 year because the defendant threw the plastic table at the victim's back.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 22 April 2014, at 9am.

3. Crime of simple offences against physical integrity, Case No.129/pen/2014/TDS

Composition of judges	: Single
Judge	: Florencia Freitas
Public Prosecutor	: Benvinda da Costa Rosario
Public Defender	: Manuel Amaral (trainee)
Conclusion	: Sentenced to 7 months in jail, suspended for 1 year and ordered to pay court costs of US\$30

On 9 April 2014 the Suai District Court via the mobile court in Ainaro District tried and convicted the defendants AdS and AdSC to 7 months in prison, suspended for 1 year. The defendants were found guilty of committing the crime of simple offences against the physical integrity of the victims JAM and AM, on 19 December 2012 in Ainaro District.

The public prosecutor alleged that on 19 December 2012, at approximately 9.30 am, the defendants AdS and AdSC argued with the victim JAM because a horse belonging to the victim kicked to death a horse belonging to the defendants; however the victim did not want to replace it.

At that time, AM who is the child of AM, came and continued the argument with the defendants. Therefore the defendants became angry and one of the defendants (AdS) took a rock and threw it at AM striking him on his right cheek. These acts caused the victim to suffer an injury to his cheek and the victim suffered bleeding and had to receive 4 stitches. In addition, the defendant AdSC

took a piece of wood and hit the victim (AM) twice on the thigh and hit the victim once on the head with a rock. These acts caused the victim AM to suffer an injury to his head that required two stitches. JAM who was with him at that time was not hit.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity that carries a penalty of up to three years in prison or a fine.

Based on the aforementioned facts, the court concluded the matter and handed down a sentence of 7 months imprisonment that was suspended for 1 year, and ordered the defendant to pay court costs of US\$ 30.

4. Crime of simple offences against physical integrity characterized as domestic violence – Case No.52/pen/2014/TDS

Composition of judges : Single
Judge : Florencia Freitas
Public Prosecutor : Benvinda da Costa Rosario
Public Defender : Manuel Amaral (trainee)
Conclusion : Sentenced to 6 months in jail, suspended for 1 year and ordered to pay court costs of US\$ 20

On 9 April 2014 the Suai District Court tried and then decided this case and sentenced the defendant AS to 6 months in prison, suspended for 1 year, and also ordered the defendant to pay court costs of US\$ 20. The court found that the defendant had committed the crime of simple offences against the physical integrity of his wife, on 11 January 2014 in Ainaro District.

The public prosecutor alleged that on 2 September 2012 the defendant slapped the victim once on the cheek and choked the victim causing the victim to suffer swelling.

During the trial the defendant admitted the facts and testified that he regretted the actions committed against his wife.

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 (b) of the Law Against Domestic Violence.

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. This recommendation was based on the evidence presented that shows that the defendant had committed the crime charged by the public prosecutor.

The public defender requested for the court to hand down a penalty of 6 months in prison, suspended for 1 year, because the defendant and the victim have reconciled, are living together as husband and wife, and have had no further problems.

Based on the facts deduced during the trial, the court decided this matter and sentenced the defendant to 6 months in prison, suspended for 1 year.

5. Crime of simple offences against physical integrity characterized as domestic violence – Case No.55/pen/2014/TDS

Composition of judges : Single
Judge : Pedro R. de Figueiredo
Public Prosecutor : Antonio da Silva Tavares
Public Defender : Manuel Amaral (trainee)
Conclusion : Sentenced to 1 year in prison, suspended for 1 year

On 9 April 2014 the Suai District Court tried and convicted the defendant AR to 1 year in prison, suspended for 1 year. The court found the defendant guilty of committing the crime of simple offences against the physical integrity of his wife, on 17 February 2014 in Suai District.

The public prosecutor alleged that on 17 February 2014, the defendant struck the victim's fingers with a piece of wood and caused the victim to suffer swelling to her fingers. The incident occurred because the defendant suspected the victim of hiding his machete.

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.

During the trial the defendant admitted the facts and testified that he regretted the acts he committed against his wife.

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.

The public defender requested for the court to hand down a penalty of 6 months in prison, suspended for 1 year, because the defendant and the victim have reconciled, are living together as husband and wife and have had no further problems.

The court concluded this case and sentenced the defendant to 1 month in prison, suspended for 1 year.

6. Crime of aggravated abuse of trust -Case No.02/pen/2011/TDS

Composition of judges : Panel
Judges :Costãncio Barros Basmery, Argentino Luisa Nunes and Alvaro Maria Freitas
Public Prosecutors : Benvinda da C. Rosario, Antonio Tavares
Public Defenders : Manuel Amaral, João H. de Carvalho
Conclusion : Sentenced to 3 months in prison, suspended for 5 years.

On 9 April 2014 the Suai District Court announced its decision against the defendant Amandio da Silva and sentenced him to 3 years in prison, suspended for 5 years for committing an abuse of trust against the State on 20 October 2009 in Ainaro District.

The public prosecutor alleged that on 20 October 2009 the defendant, who was the Village Chief, used US\$ 6,000 for his own purposes that was supposed to be used for the Community Development Forum from the Ministry of Agriculture and Forestry. The money was used to buy a buffalo and was given to the Aituto Village, in particular several sub-villages, namely: Airakalau, Betulala, Lihintutu and Aihou.

The public prosecutor charged the defendant for violating Article 257 of the Penal Code on abuse of trust that carries a sentence of 2 - 8 years imprisonment.

During the examination of evidence the court found that the defendant also committed the crime of falsification of documents pursuant to Article 303 of the Penal Code. Therefore, the court decided these two cases together and sentenced the defendant to 3 months imprisonment, suspended for 5 years.

7. Crime of maltreatment against a spouse and termination of pregnancy - Case No.181/pen/2013/TDS

Composition of judges	: Panel
Judges	: Florencia Freitas, Alvaro Maria Freitas, Argentino Luisa Nunes
Public Prosecutor	: Benvinda da C. Rosario.
Public Defender	: João H. de Carvalho
Conclusion	: Sentenced to 6 years in prison and ordered to pay a fine of US\$ 30.

On 19 April 2014 the Suai District Court sentenced the defendant EFA to 6 years in prison because he was found guilty of committing the crime of mistreatment against a spouse which resulted in a miscarriage. This case allegedly occurred on 25 and 26 January and 19 March 2012 in Ainaro District.

The court found that the defendant punched and kicked his wife numerous times and caused the victim to suffer a miscarriage. Nevertheless, during the trial the defendant denied several of the facts that he punched and kicked the victim. The defendant admitted that he often argued with the victim and only slapped her. These facts were contradictory so the court checked with the victim and the victim maintained and confirmed the facts listed in the charges and now the victim and the defendant are living separately.

Previously, the public prosecutor alleged that the defendant violated Article 154 of the Penal Code on the mistreatment of a spouse and Article 141 on termination of pregnancy and Article 35 (b) of the Law Against Domestic Violence.

Based on the aforementioned facts, the court concluded the matter and handed down a sentence of 6 months imprisonment and ordered the defendant to pay court costs of US\$ 30.

8. Crime of aggravated theft - Case No.38/pen/2013/TDS

Composition of judges	: Panel
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Judges	:Costâncio B Basmery, Alvaro Maria Freitas,Argentino Luisa Nunes
Public Prosecutor	: Benvinda da Costa Rosario
Public Defender	: Manuel Amaral (trainee)
Conclusion	: One defendant sentenced to 6 years in prison and the other defendants were given suspended sentences

On 9 April 2014 the Suai District Court conducted a hearing to announce its decision and sentenced the defendant GMA 6 to years in prison, whilst the other defendants RL, AMM and FCM were sentenced to 6 months in prison, suspended for 1 year.

The court found that the defendant committed the crime of aggravated theft on 26 April 2013 in Ainaro District and the penalties handed down were based on the involvement of each of the defendants.

Previously, the public prosecutor alleged that on 26 April 2013 the defendant GMA sold a Honda Super Fit motorcycle, Honda Mega Pro motorcycle and Honda GL Pro motorcycle to the defendants RL, AMM, FCM. These motorcycles did not have any documents. The police managed to confiscate the motorcycles and they are now at the Ainaro police station. One of the motorcycles has been given back to its owner.

The public prosecutor charged the defendant for violating Article 252 of the Penal Code on aggravated theft that carries a sentence of 2 - 8 years in prison.

In court, the defendants RL, AMM and FCM testified that they purchased the motorcycles from the defendant GMA.

In his final recommendations, the public prosecutor requested for the court to sentence the defendants RL, AMM and FCM to a prison term however she asked for term to be suspended, and also recommended for the defendant GMA to serve years 6 in prison because he was the one who sold motorcycles to the other defendants.

The public defender requested for the court to hand down a fair punishment against the defendants because they admitted the facts set out in the charges.

After considering these facts and the recommendations of the public prosecutor and the public defender, the court concluded this case and sentenced the defendant GMA to 6 years in prison and sentenced the defendants RL, AMM and FCM to 6 months in prison, suspended for 1 year.

9. Crime of sexual abuse and termination of pregnancy -Case No.48/pen/2014/TDS

Composition of judges	: Panel
Judges	: Costâncio Barros Basmery (representing the panel of judges)

Public Prosecutor : Benvinda da Costa Rosario
Public Defender : João H. de Carvalho
Conclusion : Sentenced to 15 years in prison and ordered to pay compensation to the victim of US\$1,500

On 9 April 2014 the Suai District Court read out its decision and sentenced the defendant MA to 15 years in prison and ordered him to pay compensation of US\$1,500 to the victim. The court found the defendant guilty of committing sexual abuse against his step daughter who was 16 years old. This case allegedly occurred on 24 August 2013 in Ainaro District.

The public prosecutor alleged that on 24 August 2013 the defendant threatened the victim with a machete and forced the victim to have sexual intercourse with him.

The public prosecutor charged the defendant with violating Article 172 and 173 on aggravated rape as well as Article 141 of the Penal Code on termination of pregnancy.

During the trial the defendant denied the facts contained in the indictment and testified that they had sexual intercourse based on mutual consent. The defendant added that he did not use any sharp weapons to threaten the victim. Even so, the defendant regretted his actions.

On the other hand, the victim also testified that she was not threatened by the defendant and the defendant had sexual intercourse with the victim 4 times and the last time caused the victim to suffer a miscarriage.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to more than 14 years in prison.

The public defender requested for the court to apply a fair penalty because the defendant regretted his actions.

After evaluating the facts and circumstances relating to this case, the court concluded this matter and sentenced the defendant to 15 years in prison and also sentenced the defendant to pay compensation to the victim. This sentence is one year higher than the sentence recommended by the public prosecutor, who had previously requested for the court to sentence the defendant to 14 years in prison.

10. Crime of aggravated theft - Case No.230/pen/2013/TDS

Composition of judges : Panel
Judges : Alvaro Maria Freitas, Costácio Barros Basmery, and Argentino Luisa Nunes
Public Prosecutor : Benvinda da Costa Rosario
Public Defender : Manuel Amaral (trainee)
Conclusion : Trial adjourned

On 9 April 2014 the Suai District Court adjourned the trial of aggravated theft allegedly involving the defendant CLD and the victim AP on 19 April 2010 in Suai District.

The court adjourned the trial of this case because the defendant did not appear in court, although the court had already issued an official summons to the defendant. Therefore, the court adjourned the trial until 22 April 2014, at 7am.

11. Crime of simple offences against physical integrity characterized as domestic violence - Case No.40/pen/2014/TDS

Composition of judges : Single
Judge : Alvaro Maria Freitas
Public Prosecutor : Antonio da Silva Tavares
Public Defender : Manuel Amaral (trainee)
Conclusion : Sentenced to 1 month in prison, suspended for 1 year.

On 28 April 2014 the Suai District Court via the mobile court in Manufahi District tried and convicted the defendant DC to 1 month in prison, suspended for 1 year. The court found the defendant guilty of committing the crime of simple offences against the physical integrity of his wife, on 6 August 2013 in Manufahi District.

The public prosecutor alleged that on 6 August 2013 the defendant punched the victim on the right side of her head with a piece of bamboo which caused the victim to require three stitches to her head. This case allegedly occurred because the victim was suspicious and did not like it when the defendant continuously danced with their niece at a party.

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 (b) of the Law Against Domestic Violence.

During the trial the defendant admitted that all of the facts were true and testified that he regretted the acts he committed against his wife.

Nevertheless, the victim continued to maintain and corroborate the facts listed in the charges of the public prosecutor.

In his final recommendations the public prosecutor requested for the court to hand down an appropriate penalty against the defendant. The public defender also requested for the court to consider the charges of the public prosecutor, because the defendant and the victim have reconciled, are once again living together as husband and wife and have had no further problems.

Based on the evidence produced during the trial, the court concluded this case and sentenced the defendant to 1 month in prison, suspended for 1 year.

12. Crime of simple offences against physical integrity characterized as domestic violence – Case No.41/pen/2014/TDS

Composition of judges :Single
Judge : Alvaro Maria Freitas
Public Prosecutor : Antonio da Silva Tavares
Public Defender : Manuel Amaral (trainee)
Conclusion : Sentenced to 1 month in prison, suspended for 1 year.

On 28 April 2014 the Suai District Court via the mobile court in Manufahi District tried and sentenced the defendant AR to 1 month in prison, suspended for 1 year. The court found the defendant guilty of committing the crime of simple offences against the physical integrity of his wife, on 3 August 2014 in Manufahi District.

The public prosecutor alleged that on 3 August 2013 the defendant slapped the right cheek of the victim causing the victim to suffer swelling to her cheek. The incident occurred because the victim did not want to carry their child, so the defendant became angry and slapped the victim.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity characterized as domestic violence in conjunction with Article 35 (b) 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 for the court to hand down an appropriate penalty against the defendant. The public defender also agreed with the charges of the public prosecutor because the defendant and the victim have reconciled, are once again living together as husband and wife and have had no further problems.

Based on the evidence produced during the trial, the court concluded this case and sentenced the defendant to 1 month in prison, suspended for 1 year.

13. Crime of aggravated theft - Case No.204 /pen/2012/TDS.

Composition of judges : Panel
Judge : Costãncio B Basmery, Alvaro Maria Freitas, Pedro Raposo de Figueiredo
Public Prosecutor : Antonio da Silva Tavares
Public Defender : Manuel Amaral (trainee)
Conclusion : Sentenced to 2 years in prison, suspended for 3 years

On 28 April 2014 the Suai District Court, via the mobile court in Manufahi District, tried a case involving the defendants TM, JCN, FC and JA, and then proceeded to announce its decision and sentence them to 2 years 6 months in prison, suspended for 3 years, after finding them guilty of committing aggravated theft against the State on 9 November 2009 in Manufahi District.

The public prosecutor alleged that on 9 November 2009 at approximately 9pm, the defendants dismantled 41 pieces of water pipe that were being used to channel water to the community in Betanu Village. The defendants JCN, FC, and JA dismantled the water pipe to be sold to the defendant TM who has a shop. The pipe has been confiscated and is now at the Manufahi District police station.

The public prosecutor charged the defendants for violating Article 252 of the Penal Code on aggravated theft that carries a sentence of 2 - 8 years in prison.

The defendant TM testified that he bought the pieces of water pipe from the defendants and he didn't know where the defendants got it. The other three defendants confessed and testified that they dismantled the pipe and sold it to the defendant TM.

In his final recommendations the public prosecutor requested for the court to punish the defendants with a suspended sentence.

The public defender requested for the court to acquit the defendant TM because he didn't know that the pipe had been stolen by the defendants. In relation to the other defendants, the public defender requested for the court to apply a suspended sentence because they admitted the facts alleged by the public prosecutor.

The court concluded this matter and sentenced the defendants to 2 years 6 months in prison, suspended for 3 years.

14. Crime of simple offences against physical integrity - Case No.100/pen/2013/TDS

Composition of judges : Single

Judge : Alvaro Maria Freitas

Public Prosecutor : Antonio da Silva Tavares

Public Defender : João Henrique de Carvalho

Conclusion : Sentenced to 4 months in prison, suspended for 1 year.

On 29 April 2014, the Suai District Court via the mobile court in Manufahi District, conducted a hearing and read out its decision against the defendant ADR and sentenced him to 4 months in jail, suspended for 1 year. The court found the defendant guilty of committing the crime of simple offences against the physical integrity of the victim RDC, on 3 October 2013 in Manufahi District.

The public prosecutor alleged that on 3 October 2013, the defendant hit the victim once on the nape of his neck which caused the victim to suffer swelling and pain. The incident occurred because the victim went to buy some goods at a kiosk and called out in a loud and noisy manner, so the defendant followed the victim and verbally abused him and hit him.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity that carries a penalty of up to three years in prison or a fine.

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 punish the defendant with a suspended sentence.

The public defender requested for the court to apply an appropriate penalty against the defendant because he confessed and regretted his actions.

Based on the facts and the entire case, the court concluded this matter and sentenced the defendant to 4 months in prison, suspended for 1 year.

15. Crime of aggravated theft - Case No.21 /pen/2014/TDS.

Composition of judges : Panel

Judges :Costãncio B Basmery, Argentino Luisa Nunes,Pedro Raposo de Figueiredo

Public Prosecutor : Benvinda da Costa Rosario

Public Defender : Manuel Amaral (trainee)

Conclusion : Sentenced to 6 months in prison, suspended for 3 years.

On 29 April 2014 the Suai District Court via the mobile court in Manufahi District conducted a hearing and then read out its decision in a case involving the defendant CSN and sentenced him to 6 months in prison, suspended for 3 years. The court found the defendant guilty of committing the crime of aggravated theft against the State in November 2009 in Same District.

Previously, the public prosecutor alleged that on 15 November 2009 at 11.00pm the defendant dismantled 42 pieces of water pipe that was being used to channel water to the community in Betanu. The defendant dismantled the water pipe with the aim of selling it. The police managed to find the water pipe at the home of the defendant. The water pipe has been confiscated and is now at the Same-Manufahi police station.

The public prosecutor charged the defendant for violating Article 252 of the Penal Code on aggravated theft that carries a sentence of between 2 - 8 years in prison.

During the trial the defendant admitted his actions in accordance with the facts contained in the indictment of the public prosecutor.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 3 years in prison, suspended for 3 years.

The public defender requested for the court to hand down a lenient suspended sentence against the defendant because he admitted the facts set out in the charges of the public prosecutor.

After evaluating all of the facts in this case, the court concluded the matter and sentenced the defendant to 6 months in prison, suspended for 3 years.

16. Crime of Ordinary Fraud - Case No.252/pen/2013/TDS

Composition of judges : Single
Judge : Alvaro Maria Freitas
Public Prosecutor : Antonio da Silva Tavares
Public Defender : Manuel Amaral (trainee)
Conclusion : Validated

On 28 April 2014 the Suai District Court via the mobile court in Manufahi District conducted a hearing, and validated a settlement, in a case of simple fraud involving the defendant JAT and the victims BT, MP, TP, MC, MP, ADC, JB and AC on 16 December 2010 in Manufahi District. The court validated the settlement of this case because the defendant promised to return the victims' money. On the other hand, the victims also agreed to the pledge of the defendant and they all forgave the defendant.

The public prosecutor stated that on 16 December 2010 the defendant asked each person to give US\$30 with the aim of campaigning for the *Partai Popular Timor*. At that time, the defendant promised the victims that he would give back US\$ 3,000 to each victim however this promise was never realized.

In relation to this crime, the public prosecutor charged the defendant for violating Article 251 of the Penal Code on simple fraud.

During the trial the defendant admitted the facts set out in the indictment and testified that he regretted his actions and promised to return the money to the victims.

Based on these facts and the apology of the defendant in court, in the end the court concluded this matter and validated the settlement.

17. Crime of simple offences against physical integrity - Case No.253/pen/2013/TDS

Composition of judges : Single
Judge : Costancio Barros Basmerly
Public Prosecutor : Antonio da Silva Tavares
Public Defender : Manuel Amaral (trainee)
Conclusion : Validated

On 28 April 2014 the Suai District Court via the mobile court in Manufahi District validated a settlement in a case involving the crime of simple offences against physical integrity committed by the defendant JCT, because the victim forgave the defendant and wanted to withdraw this case.

The public prosecutor alleged that the defendant committed the crime of simple offences against the physical integrity against the victim when a religious ceremony was taking place (*SalibPemuda/Kruz Joven*) in 2013. The public prosecutor charged the defendant with violating Article 145 of the Penal Code on simple offences against physical integrity.

Based on the request of the victim to withdraw the case, the court decided the matter and validated a settlement in this case.

18. Crime of participation in a riot -Case No.39/pen/2014/TDS

Composition of judges : Single

Judge :Alvaro Maria Freitas

Public Prosecutor : Antonio da Silva Tavares

Public Defender : Manuel Amaral (trainee)

Conclusion : Sentenced to 4 months in jail, suspended for 1 year and 6 months

On 28 April 2014 the Suai District Court via the mobile court in Manufahi District conducted a hearing and then read out its decision in a case of participation in a riot involving the defendants EFC, JdC, JT, JdS, TS, CdCF, and ST, who allegedly committed the offence against the victim JP. The court concluded this matter and sentenced each of the defendants to 4 months in prison, suspended for 1 year 6 months, because the defendants were found guilty of committing the aforementioned criminal act on 20 October 2013 in Manufahi District.

The public prosecutor alleged that on the evening of 20 October 2013 the defendants threw stones at the victim's head, and as a result the victim required three stitches. The incident occurred because the defendants became angry when the victim provoked the situation.

The public prosecutor charged the defendant with violating Article 190 on participation in a riot.

During the trial, the defendants denied the facts and testified that they did not throw stones at the victim because at that time there were many people there. On the other hand the victim testified that he did not know or see who had thrown stones at him on the incident that occurred that night.

The witnesses AD and FA testified that they did not see or know who had thrown stones at the victim on the night of the incident.

In his final recommendations the public prosecutor requested for the court to hand down an appropriate penalty against the defendant. The public defender requested for the court to acquit the defendants from all charges.

Although there was no evidence indicating the involvement of the defendants, the court concluded this matter and sentenced the defendant to 4 months in prison, suspended for 1 year 6 months.

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