



Introduction

In July 2014 the Women's and Children's Justice Unit (WCJU) of JSMP continued to monitor trials of cases involving gender based violence at the Dili District Court. This edition summarizes 26 cases that were tried at the Dili District Court.

From these 26 cases, 25 were categorized as simple offences against physical integrity characterized as domestic violence and 1 case involved the crime of rape. In 5 of these cases fines were issued, in 9 cases jail sentences were handed down, however their execution was suspended, in 1 case an agreement was validated, in 3 cases the defendants were acquitted and the other 8 cases are still ongoing.

The information below outlines the cases observed:

1. Crime of simple offences against physical integrity characterized as domestic violence – Case No.286/14.TDDIL

Composition of judges : Single
Judge : Jumiatty Freitas
Public Prosecutor : Hipólito Martins Santa
Public Defender : Marcia Sarmiento
Conclusion : Ordered to pay a fine.

On 2 July 2014 the Dili District Court tried the defendant IFP for committing the crime of domestic violence against his wife in Dili.

The public prosecutor alleged that on 4 January 2013 the defendant punched the victim once on the ear and pushed the victim to the ground. These acts caused the victim to suffer pain to her ear. The motive for this incident was because the victim did not prepare lunch for the defendant.

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.

In court the defendant admitted all of the facts contained in the indictment and expressed regret for his actions and promised not to reoffend against the victim in the future. In addition, the

victim corroborated the charges of the Public Prosecutor and testified that since they have been living together, up until now, they have always had problems.

In his final recommendations, the public prosecutor considered all of the facts in relation to the confession of the defendant and the testimony of the victim. On the basis of these facts the public prosecutor requested the court to issue a suspended sentence against the defendant.

The public defender requested the court to consider the mitigating circumstances and requested the court to hand down a fair punishment.

This case was decided on 15 July 2014 and the court ordered the defendant to pay a fine of US\$60, as well as court costs of US\$ 10. The court found the defendant guilty of committing the crime of domestic violence against the victim. The court also issued an alternative punishment of 40 days imprisonment if the defendant fails to pay the fine.

2. Crime of simple offences against physical integrity characterized as domestic violence -Case No.338/14.TDDIL

Composition of judges	: Single judge
Judge	: Zulmira da Silva
Public Prosecutor	: Ivonia Maria Guterres
Public Defender	: Sebastião Amado
Conclusion	: Ongoing

On 2 July 2014 the Dili District Court tried the defendant FEMF for committing the crime of domestic violence against his wife in Dili.

The public prosecutor alleged that on 13 July 2013 the defendant struck the victim in the head with a bottle of milk and punched her once in the ear which caused the victim to suffer pain to her head and ear. The incident occurred because the victim ordered the defendant to prepare milk for their child, however the defendant did not want to, so they had an argument.

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

During the trial the defendant admitted all of the facts set out in the indictment, regretted his actions and stated that he has reconciled with the victim.

Because the defendant admitted all of the alleged facts the public prosecutor stated that it was not necessary to hear the testimony of the victim and she immediately provided her recommendation of sentence.

In her final recommendations the public prosecutor considered all of the facts based on the confession of the defendant, the remorse of the defendant and the fact that he has reconciled with

the victim. Therefore, she requested the court to sentence the defendant to 6 months in prison, suspended for 1 year. The public defender requested the court to issue a fine.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 15 July 2014, at 2pm.

3. Crime of simple offences against physical integrity, characterized as Domestic Violence - Case No.165/14.TDDIL

Composition of judges	: Single judge
Judge	: Julio Gantes
Public Prosecutor	: Ivonia Maria Guterres
Public Defender	: Manuel Exposto
Conclusion	: Ordered to pay a fine

On 2 July 2014 the Dili District Court conducted a hearing to announce its decision in a case of domestic violence involving the defendant CM who committed the offence against his wife in Dili.

The public prosecutor alleged that on 11 January 2011 the defendant punched the victim in the head and twice kicked her in the chest because the victim did not bring in the clothes that were drying outside.

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

The court concluded this process and sentenced the defendant to a fine of US\$ 90 and court costs of US\$ 20. The court also handed down an alternative punishment of 60 days in prison if the defendant does not pay the fine.

4. Crime of simple offences against physical integrity characterized as domestic violence– Case No.216/14. TDDIL

Composition of judges	: Single judge
Judge	: Zulmira da Silva
Public Prosecutor	: Matias Soares
Public Defender	: Olga Nunes
Conclusion	: Ongoing

On 7 July 2014 the Dili District Court tried the defendant LS for allegedly committing the crime of domestic violence against her child in Dili.

The public prosecutor alleged that on 7 July 2012 the defendant hit the victim in the foot and arm with a brush which caused the victim to suffer pain to her leg and arm. This case allegedly occurred because the victim verbally abused her grandmother.

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

During the trial, the defendant confirmed that she struck the victim with a brush because the victim verbally abused her grandmother. When the court asked the victim about this fact the victim confirmed that the defendant had struck her because she verbally abused her grandmother.

In his final recommendations the public prosecutor considered that all of the facts had been proven based on the confession of the defendant and the testimony of the victim, and requested the court to sentence the defendant to a fine of US \$ 45.

The public defender requested the court to consider the defendant's confession, her remorse for her actions, her responsibility for the victim and her unfavorable economic circumstances and therefore requested the court to issue an admonishment.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 18 July 2014 at 2pm.

5. Crime of simple offences against physical integrity characterized as domestic violence - Case No.423/14. TDDIL

Composition of judges	: Single judge
Judge	: Jumiaty Freitas
Public Prosecutor	: Gloria Alves
Public Defender	: Rui Manuel Guterres
Conclusion	: 6 months in prison, suspended for 1 year

On 7 July 2014 the Dili District Court tried the defendant AM for committing the crime of domestic violence against his wife in Dili.

The public prosecutor alleged that on 12 April 2011 the defendant punched the victim once on each cheek and once on her back. These actions caused the victim to suffer pain to her cheeks and to her back. This case allegedly occurred because the victim told the defendant to take the victim's mother to Bidau but the defendant did not want to and they argued.

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

During the trial the defendant admitted all of the facts set out in the indictment, regretted his actions and stated that they reconciled three days after the incident. After hearing the confession of the defendant, the court decided not to hear testimony from the victim and proceeded to hear the final recommendations.

In her final recommendations the public prosecutor considered all of the facts to have been proven, based on the confession of the defendant. Nevertheless, because the defendant regretted his actions and has reconciled with the victim, she requested the court to issue a suspended sentence against the defendant.

The public defendant requested the court to issue a lenient penalty because the defendant had cooperated with the court to find the truth, regretted his actions, has reconciled with the victim and is responsible for his family.

This case was decided on 17 July 2014 and, after evaluating the facts that had been proven during the trial, the court sentenced the defendant to 6 months in prison, suspended for 1 year.

6. Crime of simple offences against physical integrity, characterized as domestic violence - Case No.455/14. TDDIL

Composition of judges	: Single judge
Judge	: Zulmira da Silva
Public Prosecutor	: José Elu
Public Defender	: Marcia Sarmento
Conclusion	: Ongoing

On 10 July 2014 the Dili District Court tried the defendant JM for allegedly committing the crime of domestic violence against his wife in Dili.

The public prosecutor alleged that on 4 May 2013 the defendant struck the victim on the shoulder with a piece of wood and caused the victim to suffer pain. As a result of the defendant's actions, the victim took their child and ran away to Liquica on 6 May 2013. The defendant followed the victim to Liquica and twice punched the victim on the shoulder and choked her, causing swelling and pain. This case allegedly occurred because the victim did not prepare lunch.

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

During the trial the defendant admitted all of the facts listed in the indictment, expressed his regret and stated that he has reconciled with the victim. The victim testified that the defendant committed the acts described and while they were living together they always had problems and the defendant always hit her.

In his final recommendations the public prosecutor requested the court to amend Article 145 on simple offences against physical integrity to Article 154 of the Penal Code on mistreatment of a spouse. The public prosecutor believed that the actions of the defendant in this case fulfilled the elements of the crime regarding mistreatment of a spouse.

The public defender requested the court to maintain the charge of simple offences against physical integrity characterized as domestic violence against the victim. Pursuant to these facts, the public defender requested the court to issue a fair punishment.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 23 July 2014 at 2.30pm.

7. Crime of simple offences against physical integrity, characterized as domestic violence - Case No.303/14. TDDIL

Composition of judges	: Single judge
Judge	: Francisca da Silva
Public Prosecutor	: Reinato Bere Nahak
Public Defender	: Marcia Sarmiento
Conclusion	: Ongoing

On 10 July 2014 the Dili District Court tried the defendant DS for allegedly committing the crime of domestic violence against his wife in Dili.

The public prosecutor alleged that on 28 June 2013, the defendant argued with the victim and choked the victim and shoved her into a wall. These acts caused the victim to suffer pain to her neck.

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 that he choked the victim because he suspected the defendant of having an affair, the defendant regretted his actions and has reconciled with the victim. Because the defendant admitted all of the facts, the court decided to proceed to the final recommendations.

In his final recommendations the public prosecutor requested the court to apply a suspended prison sentence against the defendant because he confessed, regretted his actions and has reconciled with the victim.

In her final recommendation the public defender requested the court to uphold justice because the defendant had cooperated with the court to find the truth.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 25 July 2014, at 4pm.

8. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 206/14. TDDIL

Composition of judges	: Single
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Judge : Jacinta Correia da Costa
Public Prosecutor : Felismino Cardoso
Public Defender : Manuel Sarmento
Conclusion : Settlement was validated

On 11 July 2014 the Dili District Court tried the defendant MCA for committing the crime of domestic violence against his wife in Dili.

The public prosecutor alleged that on an unspecified date in June 2010 the defendant slapped the victim twice on the cheek and punched her several times on her body. These acts caused the victim to suffer pain to her cheek and body. The incident occurred because the defendant suspected the victim of having a relationship with another man.

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 denied the charges of the public prosecutor and said that all of the facts listed in the indictment were not true. The defendant testified that previously they had a problem but that matter had been decided by the court.

On the other hand, the victim corroborated the facts set out in the indictment of the public prosecutor and testified that this case was decided in 2011 and this case related to 2010.

In his final recommendations the public prosecutor requested the court to order the defendant to pay a fine. The public defender requested the court to issue an admonishment against the defendant.

On 21 July 2014 the court conducted a hearing and amended Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Article 35 of the Law Against Domestic Violence to the crime of simple offences against physical integrity alone because this case occurred before the Law Against Domestic Violence entered into force.

After amending the charge, the court attempted conciliation between the parties and validated an amicable agreement between the defendant and the victim.

9. Crime of rape - Case No.362/TDDIL/2014

Composition of judges :Panel of Judges
Judge : Jacinta Correia da Costa (representing a panel of judges)
Public Prosecutor : Matias Soares
Public Defender : Rui Manuel Guterres
Conclusion : Acquitted

On 11 July 2014 the Dili District Court tried the defendant MSC for allegedly committing the crime of rape against IM in Dili.

The public prosecutor alleged that on 17 July 2013 the victim was waiting for transport to go to school, the defendant was in a taxi and stopped in front of the victim and took the victim to São Miguel school. Upon arrival at São Miguel school, the gate to the school was closed, so the defendant drove to a place next to the Timor Lodge hotel. The defendant stopped the taxi and forced and threatened the victim to have sexual intercourse.

The public prosecutor charged the defendant with violating Article 171 on sexual coercion and Article 172 of the Penal Code on rape.

In court, the defendant testified that he had sexual intercourse with the victim based on mutual consent, not with the use of force. The defendant admitted that he stopped the taxi in the area of the Timor Lodge hotel, and the defendant went to the toilet but the victim waited for him in the taxi.

The defendant admitted that he had sexual intercourse with the victim five times – three times in the taxi - but the victim did not make a reaction against the defendant. The defendant also testified that prior to the incident, the defendant and the victim had sexual intercourse twice at a hotel.

Based on these facts, the court concluded that the victim was aged 17 years and the court had doubts about the charges of the public prosecutor. In addition, the court believed that the victim did not try to escape from the defendant when the defendant stopped the taxi and went to the toilet in the area of Timor Lodge. The victim did not scream when the defendant forced her to have sexual intercourse.

The court also took into consideration that the defendant and the victim had sexual intercourse three times in the taxi but the victim did not react at all against the defendant. The court had doubts because the victim was pregnant however she did not tell her parents and the defendant, and only after seven months she told her parents that the defendant got her pregnant.

Because the court had doubts about the facts listed in the indictment, the court relied on the principle of “*in dubio pro reo*” (principle that states when a fact is in doubt, the court must issue a decision in favor of the defendant).

Based on the facts revealed during the trial and applying this principle, the court decided to acquit the defendant.

10. Crime of simple offences against physical integrity characterized as domestic violence – Case No.479/14. TDDIL

Composition of judges	: Single
Judge	: Jumiati da Silva
Public Prosecutor	: Jacinto Babo
Public Defender	: Marcia Sarmiento
Conclusion	: Ordered to pay a fine

On 21 July 2014 the Dili District Court conducted a hearing to announce its decision and convicted the defendant LFA for committing domestic violence against his wife in Dili.

The public prosecutor alleged that on 21 September 2013 the defendant kicked the victim twice in the thigh and twice in the back. Then on 2 October 2013 the defendant punched the victim again on the back. These actions caused the victim to suffer pain to her thigh, back and shoulder. This case allegedly occurred because the victim suspected the defendant of having a relationship with another woman.

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.

After evaluating the facts proved during the trial, the court concluded this process and sentenced the defendant to a fine of US\$90. In addition, the court issued an alternative penalty of 60 days in prison if the defendant fails to pay the fine. The court also ordered the defendant to pay court costs of US\$10.

11. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 441/14. TDDIL

Composition of judges	: Single
Judges	: Jumiati da Silva
Public Prosecutor	: Ivonia Guterres
Public Defender	: Cândia Xavier
Conclusion	: Ordered to pay a fine

On 21 July 2014 the Dili District Court conducted a hearing to announce its decision and convicted the defendant JVA for committing the crime of domestic violence against his wife in Dili.

The public prosecutor alleged that on 2 November 2013 the defendant followed the victim to her work place and punched the victim three times in the mouth. These actions caused the victim to suffer an injury and bleeding. The incident occurred because the defendant suspected the victim of having a relationship with another man.

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

The court found the defendant guilty of punching the victim in the mouth which caused an injury and bleeding. Based on these facts, the court considered all of the circumstances in this case and ordered the defendant to pay a fine of US\$45.

The court also issued an alternative punishment of 40 days imprisonment if the defendant fails to pay the fine.

12. Crime of simple offences against physical integrity, characterized as Domestic Violence - Case No.35/2014.TDDIL

Composition of judges : Single
Judge : Julio Gantes
Public Prosecutor : Jacinto Babo
Public Defender : Sergio Paulo Dias Quintas
Conclusion : Defendant sentenced to 1 month in prison, suspended for 3 years.

On 18 July 2014 the Dili District Court tried the defendant AA for committing the crime of domestic violence against his wife in Dili.

The public prosecutor alleged that on 11 October 2012 the defendant slapped the victim across the cheek, punched the victim several times to her body and kicked the victim in the chest.

On 24 October 2014 the defendant slashed the victim's hand with a machete causing an injury and bleeding. The incident occurred because the defendant suspected the victim of having a relationship with another man.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Articles 3 and 35 of the Law Against Domestic Violence.

The trial took place without the presence of the defendant because the defendant went to Ireland after the incident. The victim's testimony corroborated the charges of the public prosecutor that the defendant did in fact commit the crime against her.

After the examination of evidence the court considered the facts and amended Article 145 of the Penal Code on simple offences against physical integrity and replaced it with the crime of the mistreatment of a spouse in accordance with 154 of the Penal Code, pursuant to Article 274 of the Criminal Procedure Code on legal qualifications.

In his final recommendations the public prosecutor considered all of the facts to have been proven, based on the testimony of the victim, and requested the court to hand down an appropriate penalty against the defendant. The public defender requested the court to impose a fair punishment.

After evaluating the facts revealed during the trial, the court concluded this process and found the defendant guilty and sentenced him to 9 months in prison for the first charge and 6 months in prison for the second charge. The two punishments were accumulated and the defendant was sentenced to one year in prison, suspended for 3 years.

**13. Crime of simple offences against physical integrity, characterized as Domestic Violence
- Case No. 336/2014/TDD**

Composition : Single
Judge : Jumiaty Freitas
Public Prosecutor : Felismino Cardoso
Public Defender : Manuel Lito Exposto
Conclusion : Defendant sentenced to 6 months in prison, suspended for 1 year.

On 3 July 2014 the Dili District Court tried the defendant JDS for allegedly committing the crime of domestic violence against his wife in Dili.

The public prosecutor alleged that on 6 June 2013 the defendant twice slapped the victim on the cheek and punched the victim twice on the back. This case allegedly occurred because the defendant and the victim argued about the defendant wanting to burn some important documents belonging to 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 Articles 1, 2, 3 and 35 of the Law Against Domestic Violence.

In court the defendant admitted all of the facts contained in the indictment and expressed regret for his actions and promised not to reoffend in the future.

In his final recommendations the public prosecutor requested the court to sentence the defendant to 6 month's jail, to be suspended for 1 year because the defendant admitted all of the facts, regretted his actions and has reconciled with the victim.

The public defender requested the court not to limit the freedom of the defendant because he had cooperated with the court to find the truth, regretted his actions, has reconciled with the victim and is responsible for his family.

After evaluating the facts proven during the trial, the court concluded this case and sentenced the defendant to 6 months in prison, suspended for 1 year, and ordered him to pay court costs of \$ 10.

**14. Crime of simple offences against physical integrity, characterized as Domestic Violence
- Case No. 380/2014/TDD**

Composition of judges : Single
Judge : Jumiaty Freitas
Public Prosecutor : José Elu
Public Defender : Rui Guterres
Conclusion : Defendant sentenced to 6 months in prison, suspended for 1 year.

On 3 July 2014 the Dili District Court tried the defendant BdA for allegedly committing the crime of domestic violence against his child in Dili.

The public prosecutor alleged that on 13 May 2013 the victim struck his younger brother with a piece of wood causing him to cry. The defendant became angry and then threw a piece of wood at the victim's back. The victim fell to the ground and the defendant continued to strike him until his nose started bleeding.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Articles 1, 2, 3 and 35 of the Law Against Domestic Violence.

In court the defendant admitted all of the facts contained in the indictment and expressed regret for his actions and promised not to reoffend against the victim in the future.

In his final recommendations the public prosecutor requested the court to sentence the defendant to 6 month's jail, to be suspended for 1 year because the defendant admitted all of the facts, regretted his actions and has reconciled with the victim.

The public defendant requested the court not to limit the freedom of the defendant because he had cooperated with the court to find the truth, regretted his actions, has reconciled with the victim and is responsible for his family.

After evaluating the facts proven during the trial, the court concluded this case and sentenced the defendant to 6 months in prison, suspended for 1 year, and ordered him to pay court costs of \$10.

**15. Crime of simple offences against physical integrity, characterized as Domestic Violence
-Case No.372/2013/TDD**

Composition of judges	: Single
Judge	: Jacinta Correia da Costa
Public Prosecutor	: Jacinto Babo
Public Defender	: Sergio Quintas
Conclusion	: 6 months imprisonment, suspended for 1 year

On 8 July 2014 the Dili District Court tried the defendant NVM for committing the crime of domestic violence against his wife in Dili.

The public prosecutor alleged that on 3 July 2012 the defendant and the victim had an argument. The defendant slapped the victim four times on her left cheek and punched her twice on the back. This case allegedly occurred because the victim suspected the defendant of having a relationship with another woman.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Articles 2 and 3 of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts set out in the charges. Therefore, the court did not need to hear testimony from the victim.

In his final recommendations the public prosecutor stated that the defendant had admitted all of the facts and expressed regret, therefore he requested the court to order the defendant to pay a fine.

The public defender argued that the defendant had confessed and regretted his actions and therefore he requested the court to hand down an appropriate penalty.

After evaluating the facts proven during the trial, the court concluded this case and sentenced the defendant to 6 months in prison, suspended for 1 year.

16. Crime of simple offences against physical integrity - Case No. 402/2014/TDD

Composition of judges	: Single
Judge	: Duarte Tilman Soares
Public Prosecutor	: Reinato Bere Nahak
Public Defender	: Fernando Lopes
Conclusion	: Defendant sentenced to 6 months in prison, suspended for 1 year.

On 8 July 2014 the Dili District Court tried the defendant EdSF for allegedly committing the crime of domestic violence against his wife in Dili.

The public prosecutor alleged that on 4 October 2012 the defendant struck the victim in the face with a piece of steel pipe and injured her. This case allegedly occurred because the defendant rang the victim numerous times but she did not answer.

The public prosecutor charged the defendant with violating Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Article 3 of the Law Against Domestic Violence.

During the trial the defendant testified that some of the facts contained in the indictment were correct and some were incorrect. The defendant denied that he struck the victim with a steel pipe, and that in fact he struck the window of the car and smashed it, and only slapped the victim's cheek twice.

In his final recommendations, the public prosecutor stated that the defendant had confessed and regretted his actions and therefore he requested the court to punish the defendant in accordance with the criminal offence committed. The public defender requested the court to apply an appropriate penalty against the defendant because he confessed and regretted his actions.

After evaluating the facts proven during the trial, the court concluded this case and sentenced the defendant to 6 months in prison, suspended for 1 year.

**17. Crime of simple offences against physical integrity, characterized as Domestic Violence
- Case No. 224/2014/TDD**

Composition of judges : Single
Judge : Francisca Cabral
Public Prosecutor : Ivonia Guterres
Public Defender : José da Silva
Conclusion : Defendant sentenced to 6 months in prison, suspended for 1 year.

On 9 July 2014 the Dili District Court tried the defendant NG for allegedly committing the crime of domestic violence against his wife in Dili.

The public prosecutor alleged that on 16 December 2013 the defendant choked the victim, and pushed her to the ground. This case allegedly occurred because the victim asked for money to buy milk for her child.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Articles 2 and 3 of the Law Against Domestic Violence.

In her final recommendations, the public prosecutor stated that the defendant had confessed and regretted his actions and therefore she requested the court to punish the defendant in accordance with the criminal offence committed. The public defender believed that the defendant had confessed and regretted his actions and therefore he requested the court to hand down an appropriate penalty against the defendant.

After evaluating the facts proven during the trial, the court concluded this case and sentenced the defendant to 6 months in prison, suspended for 1 year.

**18. Crime of simple offences against physical integrity characterized as domestic violence
– Case No.455/14/TDDIL**

Composition of judges : Single
Judge : Zulmira da Silva
Public Prosecutor : José Elo
Public Defender : Marcia Sarmiento, replacing Ruben de Carvalho (trainee).
Conclusion : Ongoing

On 24 July 2014 the Dili District Court conducted a hearing and annulled a sentence in order to amend the charge from the crime of simple offences against physical integrity to the crime of mistreatment of a spouse. After amending the charge, the court decided to conduct a new trial.

Previously the public prosecutor alleged that on 4 May 2013 the defendant struck the victim on the shoulder with a piece of wood, and punched her four times in the back because the victim did not cook. Then, on 6 May 2013 the defendant choked the victim and punched her twice on the shoulder.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Articles 3 and 35 of the Law Against Domestic Violence.

During the trial, the defendant testified that the first incident occurred in Comoro, when the defendant slapped the victim's cheek because the victim had slapped the defendant first. The second incident occurred in Liquica, however the defendant testified that he did not hit the victim or choke her. The defendant admitted that he slapped her once but with the aim of teaching her a lesson.

The victim testified that the defendant twice punched her on the shoulder and caused bruising and struck her twice on the back. In the second incident, the defendant choked her and struck her on the shoulder.

The public prosecutor believes that the examination of evidence showed sufficient evidence to amend the charge from simple offences against physical integrity to the crime of maltreatment of a spouse. Nevertheless, the public defender objected and stated that the charge could not be amended because previously the case had been decided, and the defendant should not be disadvantaged.

In his final recommendations the public prosecutor requested the court to sentence the defendant to 6 months in prison, to be suspended for 1 year and 6 months. The public defender requested the court to consider the mitigating circumstances and requested the court to hand down a fair punishment.

After evaluating the facts established during the previous trial, on 10 July 2014 the court amended Article 145 of the Penal Code on simple offences against physical integrity to Article 154 of the Penal Code on mistreatment of a spouse.

Due to this amendment, the court cancelled the hearing to announce its decision and new summons will be issued by the court for the defendant to be tried by a panel of judges in a new trial.

19. Crime of simple offences against physical integrity, characterized as domestic violence - Case No. 166/2014/TDDIL.

Composition of judges	: Single
Judge	: Jacinta Correia da Costa
Public Prosecutor	: Matias Soares
Public defender	: Rui Manuel Guterres
Conclusion	: Ongoing

On 10 July 2014 the Dili District Court tried the defendant SOC for allegedly committing the crime of domestic violence against her husband in Dili.

The public prosecutor alleged that on 10 May 2013 the defendant threw a knife on the table, injuring the victim's hand. In addition, the defendant also stabbed the victim in the arm. As the result of these acts the victim had to be treated at the Guido Valadares hospital. This case allegedly occurred because they argued about abortion and the victim had a relationship with another woman.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Article 3 and 35 (b) of the Law Against Domestic Violence.

During the trial, the defendant told the court that some of the allegations were correct and others were not. In relation to the facts that were incorrect, she said she did not injure or stab the victim. However the defendant confirmed that she did throw a knife at the victim. On the other hand, the victim testified that all of the facts set out in the indictment were correct.

In his final recommendations the public prosecutor stated that the defendant denied several facts, and that she did not stab the victim, but she threw a knife at the victim. These actions fulfilled the criteria set out in Article 145 of the Penal Code. Therefore, he requested the court to order the defendant to pay a fine of US\$ 90.

The public defender believed that the two parties had different versions regarding the facts and the defendant was a first time offender, therefore he requested the court to issue an admonishment.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 22 July 2014, at 5pm.

20. Crime of simple offences against physical integrity, characterized as domestic violence - Case No. 322/2014/TDDIL

Composition of judges	: Single
Judge	: Francisca Martins
Public Prosecutor	: Ivonia Maria Guterres
Public Defender	: Marcia Sarmento
Conclusion	: Ongoing

On 10 July 2014 the Dili District Court tried the defendant FdC for committing the crime of domestic violence against his wife in Dili.

The public prosecutor alleged that on 22 January 2013 the defendant twice punched the victim above her left eye and caused swelling. This case allegedly occurred because when the defendant was about to leave for work he saw their children eating spicy sambal and the defendant became angry, but the victim told him not to yell at their children.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Articles 3 and 35 of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts set out in the charges. As all of the facts were proven, the court decided not to hear the testimony of the victim.

In her final recommendations the public prosecutor stated that all of the facts had been proven, and she requested the court to hand down a prison sentence of 6 months, to be suspended for 1 year. In her final recommendations the public defender stated that the defendant was a first time offender and regretted his actions, and therefore she requested the court to issue a fair punishment against the defendant.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 25 July 2014, at 4pm.

21. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 66/2014/TDDIL

Composition of judges	: Single judge
Judge	: Francisca Martins
Public prosecutor	: Mateus Soares
Public Defender	: Cância Xavier
Conclusion	: Acquitted

On 11 July 2014 the Dili District Court conducted a hearing to announce its decision in a case of domestic violence involving the defendant SMSS who allegedly committed the offence against his child in Dili.

The public prosecutor alleged that at some time in September 2013 the defendant punched the victim in the head and foot and struck the victim in the back three times. This case allegedly occurred because the victim caused the younger sibling of the defendant to fall from a bicycle on the main road.

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. The defendant also told the court that he did not have the intention to injure the victim, but only to teach the victim a lesson.

In his final recommendations the public prosecutor requested the court to issue the defendant with an admonishment. The public defender requested the court to acquit the defendant.

After evaluating the facts revealed during the trial, the court concluded this matter and decided to acquit the defendant.

22. Crime of simple offences against physical integrity, characterized as domestic violence - Case No.172/2014/TDD.

Composition of judges : Single
Judge : Julio Gantes
Public Prosecutor : Jose Ello
Public Defender : Fernando de Carvalho
Conclusion : Ordered to pay a fine

On 10 July 2014 the Dili District Court conducted a hearing to announce its decision in a case of domestic violence involving the defendant ES who committed the offence against his wife in Dili.

The public prosecutor alleged that on 17 September 2011 the defendant punched the victim once on the cheek and kicked her twice on her backside. This case allegedly occurred because the victim suspected the defendant of having a relationship with another woman.

The public prosecutor charged the defendant with violating Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Articles 3 and 35(b) of the Law Against Domestic Violence.

In court the defendant admitted all of the facts contained in the indictment and expressed regret for his actions and promised not to reoffend in the future.

In his final recommendations the public prosecutor stated that the defendant admitted all of his actions, and therefore he requested the court to issue a fine of US \$90 and to order the defendant to pay court costs of US\$10. The public defender stated that the defendant admitted all of the facts, and therefore he requested the court to apply a suspended sentence against the defendant.

After evaluating the facts proven during the trial, the court concluded this process and sentenced the defendant to a fine of US\$90 and to pay court costs of US\$10. The court also issued an alternative penalty of 60 days in prison if the defendant fails to pay the fine.

23. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 426/2014/TDD

Composition of judges : Single
Judge : Zulmira da Silva
Public Prosecutor : Hipólito Santa
Public Defender : Olga Barreto
Conclusion : Sentenced to 3 months imprisonment, suspended for 2 years.

On 9 July 2014 the Dili District Court conducted a hearing to announce its decision in a case of domestic violence involving the defendant AFC who committed the offence against his wife in Dili.

The public prosecutor alleged that on 15 March 2012 the defendant punched the victim above her left eye causing swelling. This case allegedly occurred because the defendant and the victim argued about an SMS from a new telephone number which stated “*leave my husband alone*”.

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 stated that he did not punch the victim. When the court sought confirmation with the victim, she testified that the defendant punched her once and slapped her twice which resulted in swelling.

In his final recommendations the public prosecutor stated that although the defendant denied punching the victim, the prosecution maintained the facts contained in the charges and requested the court apply a suspended sentence against the defendant.

On the other hand, the public defender stated that the testimony of the victim provided during the trial did not match the facts set out in the charges, and therefore she requested the court to issue a fair punishment against the defendant.

After evaluating the facts revealed during the trial, the court concluded this case and sentenced the defendant to 3 months in prison, suspended for 2 years.

24. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 194/2013/TDD

Composition of judges	: Single
Judge	: Fransisca da Silva
Public Prosecutor	: Mateus Nessi
Public Defender	: Fernando de Cabral
Conclusion	: Ongoing

On 9 July 2014 the Dili District Court tried a case of domestic violence allegedly committed by the defendant NMQ against his wife.

The public prosecutor alleged that on 7 February 2014 the defendant slapped the right cheek of the victim four times, twice kicked her in the backside and twice in the back. This case allegedly occurred because the defendant told the victim to clean some vegetables for lunch, but the victim threw the vegetables on the ground and went to church with their children.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Articles 3 and 35 of the Law Against Domestic Violence.

In court the defendant admitted all of the facts contained in the indictment and expressed regret for his actions and promised not to reoffend in the future. The court sought confirmation about the facts from the victim and the victim confirmed that the defendant did in fact commit these acts.

In his final recommendations the public prosecutor stated that all of the facts had been proven and therefore he requested the court to sentence the defendant in accordance with Article 145 of the Penal Code.

On the other hand the public defender requested the court to consider the mitigating circumstances such as the fact that the defendant has reconciled with the victim and regretted his actions. Based on these circumstances, the public defender requested the court to hand down a fair punishment against the defendant.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 25 July 2014, at 4pm.

25. Crime of simple offences against physical integrity, characterized as domestic violence - Case No. 166/2014/TDDIL

Composition of judges	: Single
Judge	: Duarte Tilman
Public Prosecutor	: Mateus Nessi
Public Defender	: Marcia Sarmiento
Conclusion	: Sentenced to 6 months in prison, suspended for 1 year and 6 months.

On 30 July 2014 the Dili District Court conducted a hearing to announce its decision in a case of domestic violence involving the defendant JD who committed the offence against his wife in Dili. After this hearing the court immediately decided this matter.

The public prosecutor alleged that on 4 August 2010 the defendant struck the victim three times on the backside with an electrical cord and pushed the victim to the ground. These actions caused an open wound to the victim's wrist. This case allegedly occurred because the victim provoked the defendant by bringing up the defendant's past with a former girlfriend.

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.

In court the defendant admitted all of the facts contained in the indictment and expressed regret for his actions and promised not to reoffend in the future.

In his final recommendations the public prosecutor requested the court to consider that all of the facts had been proven based on the confession of the defendant, and to consider his expression of remorse, and therefore he requested the court to punish the defendant in accordance with Article 145 of the Penal Code.

In her final recommendations the public defender stated that the defendant was a first time offender and regretted his actions, and therefore she requested the court to issue a fair punishment against the defendant.

After evaluating the facts proven during the trial, the court concluded this case and sentenced the defendant to 6 months in prison, suspended for 1 year and 6 months.

26. Crime of simple offences against physical integrity, characterized as domestic violence - Case No. 110/2013/TDDIL

Composition of judges	: Single
Judge	: Ana Paula F. M. de Jesus
Public Prosecutor	: Jose Ello
Public Defender	: Ruben de Carvalho (trainee)
Conclusion	: Acquitted

On 14 January 2011 the Dili District Court tried a case of domestic violence involving the defendant MDM who allegedly committed the offence against his wife in Dili.

The public prosecutor alleged that on 4 August 2010 the defendant slapped the victim once on the cheek and struck the victim in the head once with a small piece of bamboo. This case allegedly occurred because the victim provoked the defendant by bringing up the defendant's past with a former girlfriend.

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 chose to remain silent however in the end the defendant testified that he regretted his actions and promised to the court that he would not reoffend in the future.

In his final recommendations the public prosecutor stated that the defendant chose to remain silent which meant that everything listed in the indictment had been proven. Therefore he requested the court to order the defendant to pay a fine of US\$45 and court costs of US\$10.

In his final recommendations the public defender stated that the defendant was a first time offender and regretted his actions, and therefore he requested the court to issue a fair punishment against the defendant.

After evaluating the facts revealed during the trial, the court also took into account that the victim was not present during the trial to confirm the facts listed in the indictment, so the court concluded this matter and decided to acquit the defendant.

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