



## *Introduction*

In August 2014 the Women's and Children's Justice Unit (WCJU) continued to monitor cases involving gender based violence in the Dili District Court and Baucau District Court. This edition summarizes 14 cases that were tried at the Dili District Court and Baucau District Court.

From these 14 cases, 12 were categorized as simple offences against physical integrity characterized as domestic violence, 1 case involved the mistreatment of a spouse, and 1 case involved sexual violence.

From these cases, 1 case resulted in a prison sentence, 7 cases resulted in suspended jail sentences, 2 cases resulted in acquittals and another 4 cases are ongoing.

In relation to one case involving incest, that was registered as Case No. 37/2014/TDDIL, JSMP believes that the relevant government institutions should develop a strategy of comprehensive intervention to prevent the crime of incest which is spreading in the community. This includes amending the current provisions set out in the Penal Code and a national campaign to increase awareness about the negative impact of incest and to identify the root causes of incest to develop a comprehensive and satisfactory national strategy.

Also, in Case No. 166/2014/TDB JSMP observed that the court was not consistent in its application of Article 68 of the Penal Code because the suspended sentence did not reflect the minimum and maximum sentences set out in the law. Article 68(1) of the Penal Code states that the court can suspend the execution of a prison that does not exceed three years, for a period of between one and five years, to be counted from the time the final decision was rendered.

JSMP hopes that the court will be consistent in its application of provisions within the Penal Code and the applicable procedure code and avoid inconsistencies in practice.

The following information provides a detailed summary of the trial of each of these cases:

### **1. Crime of rape - Case No. 37/14.TDDIL**

Composition of judges : Panel of Judges  
Judge : Antonino Gonçalves

Public Prosecutor : Reinato Bere Nahak  
Public Defender : Manuel Exposto  
Conclusion : Sentenced to imprisonment

On 19 August 2014 the Dili District Court conducted a hearing to announce its decision and sentenced the defendant SE to 12 years in prison after he was found guilty of committing the crime of sexual abuse against his niece in Ermera District. The court also applied temporary detention against the defendant whilst awaiting a decision carrying the full force of the law, in the event that an appeal is lodged against the decision of the court of first instance.

The court found that the defendant committed these crimes on three occasions in 2008. The defendant committed the acts against the victim by tying her hands and feet to a bed, removing her clothing and committing sexual violence against the victim who was 17 years old.

Then in 2009, the defendant had sexual intercourse twice with the victim in the afternoon when the victim's parents were not home.

The court found all of the alleged facts proven, based on the confession of the defendant, the statement of the victim and available documents.

The public prosecutor charged the defendant for violating Article 287 of the Indonesian Penal Code on sexual relations with a person under the age of 15.

After the examination of evidence, the court amended the charge from Article 287 to Article 285 of the Indonesian Penal Code on rape and Article 172 of the Timor-Leste Penal Code on rape and aggravation in accordance with 173 (d) of the Timor-Leste Penal Code.

After examining the facts revealed during the trial, the court found that the defendant committed the crime on five occasions against the victim.

Pursuant to these facts, the court concluded this process and sentenced the defendant to 12 years in prison in accordance with Article 285 of the Indonesian Penal Code with the rationale that the Indonesian Penal Code is more favorable to the defendant in accordance with Article 4 (2.a) of the Timor-Leste Penal Code on the applicability of the law over time.

In accordance with the Timor-Leste Penal Code, the accumulated penalty would be 14 years in prison, however in accordance with the Indonesian Penal Code the accumulated penalty would be 12 years in prison. Therefore, the court handed down a penalty of 12 years in prison against the defendant.

The court did not order the defendant to pay civil compensation, however stated that such compensation would depend on the family's willingness to settle the dispute along traditional lines.

## **2. Mistreatment of a spouse, Case No. 175/14.TDDIL**

Composition of judges	: Panel of Judges
Judges	: Antonino Gonçalves, Fancisca Cabral, Jumiaty Freitas
Public Prosecutor	: Reinato Bere Nahak
Public Defender	: Cândia Xavier
Conclusion	: Ongoing

On 21 August 2014 the Dili District Court tried the defendant JA for allegedly committing the crime of domestic violence against his wife in Dili District.

The public prosecutor alleged that on 22 December 2013 the defendant slapped the victim twice on the cheek and punched the victim once on her thigh. The incident occurred because the defendant suspected the victim of having an illicit relationship with another man.

On 2 February 2014 the defendant threw the victim to the ground and slapped her twice on the cheek. These acts caused the victim to suffer pain and swelling to her cheek and all over her body.

The public prosecutor charged the defendant for violating Article 154 of the Penal Code regarding mistreatment of a spouse.

During the trial the defendant testified that he only slapped the victim, but did not kick or throw the victim to the ground, he regretted his actions and has reconciled with the victim.

On the other hand, the victim testified that the defendant committed physical violence against her as stated in the indictment of the public prosecutor, however they have reconciled. The victim himself forgave the defendant for his actions.

In his final recommendations the public prosecutor maintained the charges and requested for the court to punish the defendant for committing the aforementioned criminal offence.

The public defender requested for the court to consider the testimony of the defendant that he only slapped the victim, did not kick her or throw her to the ground, he regretted his actions and is responsible for this family, and therefore he requested a lenient sentence.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 9 September 2014, at 5pm.

## **3. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 220/14.TDDIL**

Composition of judges : Single judge  
Judge : Jacinta Correia da Costa  
Public Prosecutor : Ivonia Maria Guterres  
Public Defender : Marçal Mascarinhas  
Conclusion : Ongoing

On 25 August 2014 the Dili District Court tried the defendant MSC for allegedly committing the crime of domestic violence against his wife in Liquica District.

The public prosecutor alleged that on 27 January 2014, without a clear motive, the defendant pulled the victim's hair, slapped her cheek twice, pinned her to the bed and banished her from the house. These acts caused the victim to suffer pain to her cheek and head.

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 denied the allegations and stated that he did not slap the victim, or pin the victim to the bed, and did not banish her from the house. The defendant testified that he only pulled the victim's hair because previously the defendant had woken up the victim and asked her to boil some water to bathe their baby, but the victim refused. Therefore, the defendant became angry and pulled the victim's hair, the defendant also testified that he regretted his actions.

The victim testified that the defendant pulled her hair, slapped her and pinned her to the bed and banished her from the house. In addition, the victim corroborated her statement that the defendant always threatened to kill her. The victim is living in temporary accommodation in Dili and has decided to divorce the defendant.

In his final recommendations, the public prosecutor considered all of the facts to have been proven based on the confession of the defendant and the corroborating testimony of the victim, and she requested for the court to sentence the defendant to 1 year in prison, suspended for 2 years.

The public defender stated that the charges of the public prosecutor had not been proven, because the testimony of the defendant differed from the testimony of the victim and there were no witnesses. Therefore, the public defender requested for the court to hand down a lenient punishment.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 1 September 2014, at 5pm.

**4. Crime of simple offences against physical integrity characterized as domestic violence  
– Case No. 285/14.TDDIL**

Composition of judges : Single judge  
Judge : Jacinta Correia da Costa  
Public Prosecutor : Felismino Cardoso  
Public Defender : José da Silva  
Conclusion : Ongoing

On 26 August 2014 the Dili District Court tried the defendant MX for allegedly committing the crime of domestic violence against his wife in Dili District.

The public prosecutor alleged that on 20 November 2012 the victim came back from buying vegetables and without a clear motive the defendant slapped the victim in the eye and kicked her leg causing her to fall in a river and injure her leg.

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 listed in the indictment and testified that he regretted his actions. The defendant also testified that this incident occurred when they were dating and this case has been decided by the court.

In addition, the victim also confirmed that the incident occurred when they were dating and was decided by the court last year.

Although the defendant and the victim testified that this case was decided by the court last year, the court was presented with two charges that occurred on different dates. The first incident allegedly occurred on 20 November 2012 and was decided by the court. However, the second incident occurred on 20 March 2013, so the court decided to continue with the trial.

After hearing testimony from the defendant and the victim, the court scheduled a hearing to hear final recommendations on 9 September 2014 at 4pm.

**5. Crime of simple offences against physical integrity characterized as domestic violence  
– Case No. 432/14.TDDIL**

Composition of judges : Single judge  
Judge : Francisca Cabral  
Public Prosecutor : Ivonia Maria Guterres  
Public Defender : Cândia Xavier  
Conclusion : Defendant sentenced to 1 year in jail, suspended for 2 years.

On 5 September 2014 the Dili District Court tried the defendant AA for committing the crime of domestic violence against his wife in Dili District.

The public prosecutor alleged that on 27 February 2014 the defendant punched the victim twice in the forehead and twice on the back of the neck. This case allegedly occurred because the defendant requested money from the victim to lend to his friend; however the victim said that she didn't have any money. The defendant then became angry and went into the bedroom and pulled out clothing from inside the cupboard. These actions caused the victim to suffer pain and swelling to her forehead and the back of her neck.

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, 3 and 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. Therefore the court decided not to hear the testimony of the victim because the defendant had already confessed.

In his final recommendations the public prosecutor stated that the mitigating circumstances were the confession of the defendant, his expression of regret, he was a first time offender and has reconciled with the victim. However to prevent similar crimes in the future the public prosecutor requested for the court to sentence the defendant to 6 months in prison, to be suspended for 1 year.

The public defender stated that the defendant confessed, regretted his actions, was a first time offender, has reconciled with the victim, and therefore he requested for the court to sentence the defendant to 6 months in prison, suspended for 6 months.

After evaluating the facts that were proven in the trial, the court found the defendant guilty of committing the crime against the victim and therefore the court concluded the matter and sentenced the defendant to 1 year in prison, suspended for two years and ordered the defendant to pay court costs of US\$20.

**6. Crime of simple offences against physical integrity characterized as domestic violence  
– Case No. 0209/2013/TDB.**

Composition of judges : Single judge  
Judge : Antonio Fonseca  
Public Prosecutor : Luis Hernani da Cruz  
Public Defender : Grigorio de Lima  
Conclusion : Sentenced to 4 months in prison, suspended for 1 year.

On 25 August 2014, the mobile court sitting at the Baucau District Court tried a case of domestic violence allegedly committed by the defendant DLHS against his wife in Manatuto District.

The public prosecutor alleged that on 17 April 2013 the defendant hit the victim once on the shoulder, kicked her once on the shoulder and slapped her on the cheek once. These actions caused the victim to suffer pain and swelling to her shoulder, cheek and waist. This case allegedly occurred because the defendant and the victim argued over some coffee that had been provided by the victim for the defendant to drink after returning from the plantation, however it was spilled by the children.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Article 2(a) and 35 (b) of the Law Against Domestic Violence.

During the trial the defendant confessed and testified that all of the facts contained in the indictment were correct. However the defendant also stated that a day after the incident, they immediately reconciled.

Because the defendant admitted all of the facts stated in the indictment, the public prosecutor decided not to hear the testimony of the victim and the witness.

In his final recommendations the public prosecutor considered the mitigating circumstances such as the fact that the defendant was a first time offender and regretted his actions. On the other hand, the public defender requested for the court to apply a prison sentence of 6 months, suspended for 1 year. The defendant is a farmer and does not have the economic capacity to pay a fine, so he requested for the court to hand down a suspended prison sentence.

The public defender confirmed that all of the facts had been proven, that the defendant was a first time offender, expressed remorse, and therefore he requested for the court to apply an appropriate sentence against the defendant.

After evaluating the facts proven during the trial, the court concluded this case and sentenced the defendant to 4 months in prison, suspended for 1 year.

**7. Crime of simple offences against physical integrity characterized as domestic violence –  
Case No. 0169/2012/TDB**

Composition of judges : Single judge  
Judge : Antonio Fonseca  
Public Prosecutor : Luis Hernani Rangel da Cruz  
Public Defender : Grigorio de Lima  
Conclusion : Sentenced to 4 months in prison, suspended for 1 year.

On 25 August 2014 the Baucau District Court, through the mobile court in Manatuto, tried the defendant JMdS for allegedly committing the crime of domestic violence against his wife in Manatuto District.

The public prosecutor alleged that on 28 March 2012 the defendant punched the victim in the eye and slapped her once on the cheek, causing the victim to suffer swelling and pain. This case allegedly occurred when they were eating dinner and the defendant requested for the victim to get some drinking water, however the victim complained and then antagonized 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 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 and expressed regret for his actions. The defendant also testified that after the incident they entered into an amicable agreement, and the defendant gave a woman's *tais* (traditional cloth), a goat and two meters of cloth. In addition, the victim also gave a man's *tais* valued at US\$ 20.

The court sought confirmation with the victim about the amicable agreement and the victim told the court that they have reconciled and now they are living again. Referring to the proven facts, the court decided not to hear witness testimony.

In his final recommendations the public prosecutor considered that all of the facts had been proven and the defendant had regretted his actions. Therefore he requested for the court to issue a fine against the defendant.

The public defender stated that the defendant was a first time offender, regretted his actions and the victim testified that they have reconciled. Therefore he requested for the court to hand down a fair penalty against the defendant.

After evaluating the facts proven during the trial, the court concluded this case and sentenced the defendant to 4 months in prison, suspended for 1 year.

**8. Crime of simple offences against physical integrity, characterized as Domestic Violence  
- Case No. 0530/2013/TDB**

Composition of judges : Single judge  
Judge : Antonio Fonseca  
Public Prosecutor : Luis Hernani Rangel da Cruz  
Public Defender : Grigorio de Lima  
Conclusion : Defendant sentenced to 5 months in jail, suspended for 1 year.

On 26 August 2014 the Baucau District Court, via the mobile court in Manatuto District, tried the defendant DDS for allegedly committing domestic violence against his father in Manatuto District.

The public prosecutor alleged that on 5 November 2013 the defendant struck the victim in the knee and shoulder with a plastic chair which caused pain and swelling to his body. This case allegedly occurred because of a misunderstanding about water.

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 would not commit any violence against the victim in the future. The victim stated that they reconciled on 31 December 2013, and since then the defendant has not committed violence against the victim.

In his final recommendations the public prosecutor considered that the defendant had admitted all of the charges, so he requested for the court to hand down a suspended prison sentence.

The public defender stated that the defendant had admitted all of the facts, regretted his actions and therefore he requested for the court to hand down a fair penalty against the defendant.

After evaluating the facts proven during the trial, the court concluded this case and sentenced the defendant to 5 months in prison, suspended for 1 year.

**9. Crime of ordinary offences against physical integrity characterized as domestic violence - Case No. 0092/2013/TDB.**

Composition of judges : Single judge  
Judge : Antonio Fonseca

Public Prosecutor : Luis Hernani Rangel da Cruz  
Public Defender : Gregório de Lima  
Conclusion : Ongoing

On 26 August 2014 the Baucau District Court, through the mobile court in Manatuto District, tried the defendant JMdS for allegedly committing the crime of domestic violence against his wife in Manatuto District.

The public prosecutor alleged that on 17 January 2013 the defendant struck the victim in the mouth, head and eye. These acts caused the victim to suffer pain and swelling to her mouth, head and eye. This case allegedly occurred because the defendant and the victim had a difference of opinion about the defendant's illness.

The public prosecutor charged the defendant for violating 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 confirmed all of the facts contained in the indictment and promised not to reoffend in the future.

In addition, the victim corroborated the facts listed in the indictment. Nevertheless, the victim also added that on 22 June 2014 the defendant slapped her on the right cheek because she woke up the defendant to ask him to buy some cake to take to the rice field and give to the workers who were harvesting the rice.

In relation to this new fact, based on Article 273 of the Criminal Procedure Code on non-substantial amendments to the facts set forth in the indictment, the public prosecutor requested for the court to replace Article 145 with Article 154 of the Penal Code on mistreatment of a spouse.

Pursuant to this amendment, the public prosecutor requested for the court to sentence the defendant to 2 years in prison suspended for 3 years, to ensure that the defendant would not reoffend in the future.

The public defender requested for the court to consider the mitigating circumstance such as the fact that the defendant is a first time offender, expressed remorse, confessed and has reconciled with the victim, and therefore he requested to the court to hand down a fair penalty against the defendant.

After hearing the final recommendations from the parties, the court considered the new fact that was established during the trial and the presiding judge believed that a single judge was unable to decide the matter, pursuant to Article 14 of the Criminal Procedure Code on the competency of a

panel of judges. Therefore, a panel of judges will read out its decision on 3 September 2014 at the Baucau District Court at 2pm.

**10. Crime of simple offences against physical integrity, characterized as Domestic Violence  
- Case No. 0047/2013/TDB.**

Composition : Single judge  
Judge : Antonio Fonseca  
Public Prosecutor : Luis Hernani Rangel da Cruz  
Public Defender : Grigorio de Lima  
Conclusion : Sentenced to 6 months in prison, suspended for 1 year.

On 27 August 2014 the Baucau District Court, through the mobile court in Manatuto District, tried the defendant MA for allegedly committing the crime of domestic violence against his wife in Manatuto District.

The public prosecutor alleged that on 11 January 2013 the defendant kicked the victim once in the back, punched her in the head several times, and punched her in the face and eye. This violence caused the victim to suffer pain and swelling to the parts of the body where she experienced the physical violence. This case allegedly occurred because the defendant and the victim argued about some goods in the home.

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, regretted his actions and stated that he regretted his actions. However, the court still sought confirmation with the victim and the victim testified that the defendant committed the aforementioned acts.

In his final recommendations the public prosecutor considered that everything listed in the indictment had been proven. However, because the defendant expressed regret and was a first time offender, he requested for the court to hand down a penalty of 6 months in prison, suspended for 1 year.

The public defender believed that the defendant was a first time offender, regretted his actions, and therefore he requested for the court to hand down a fair 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.

**11. Conclusion, Case No. 0220/2011/TDB.**

Composition of judges : Single judge  
Judge : Antonio Fonseca  
Public Prosecutor : Luis Hernani Rangel da Cruz  
Public Defender : Grigorio de Lima  
Conclusion : Sentenced to 6 months in prison, suspended for 1 year.

On 27 August 2014 the Baucau District Court, through the mobile court in Manatuto District, tried the defendant BS for allegedly committing the crime of domestic violence against his wife in Manatuto District.

The public prosecutor alleged that on 17 March 2011 the defendant slapped the victim once on the cheek, kicked her twice in the abdomen and punched her once in the back, which caused the victim to suffer pain to her abdomen and back.

This case allegedly occurred because the defendant was unhappy when he heard the victim telling the defendant's brother to get out of the bedroom so the victim could put their small child to sleep.

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 all of the facts listed in the indictment were true, regretted his actions and promised not to reoffend in the future. When the court sought confirmation about the facts from the victim regarding the confession of the defendant, the victim confirmed that they have reconciled.

In his final recommendations the public prosecutor considered all of the facts to have been proven based on the confession of the defendant. Nevertheless, to prevent domestic violence in the future, he requested for the court to hand down a penalty of 6 months in prison, suspended for 1 year.

The public defender stated that with consideration to the mitigating factors, such as the fact the parties have reconciled and the defendant expressed regret, he requested for the court to hand down a fair 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.

**12. Crime of simple offences against physical integrity characterized as domestic violence –  
Case No. 0093/2012/TDB.**

Composition of judges : Single judge

Judge : Antonio Fonseca  
Public Prosecutor : Luis Hernani Rangel da Cruz  
Public Defender : Grigorio de Lima  
Conclusion : Acquitted

On 27 August 2011 the Baucau District Court, through the mobile court in Manatuto District, tried the defendant MSRP for allegedly committing the crime of domestic violence against his wife in Manatuto District.

The public prosecutor alleged that on 12 February 2012 the defendant struck the victim on her left arm and chest with a piece of wood and threw it at the victim's shoulder, causing the victim to lose consciousness and fall to the ground.

This case allegedly occurred when the victim called their uncle to deal with a buffalo that had got into a plantation. On the way the victim met with the defendant who was drunk and asked the victim where she was going and without a clear reason 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 Articles 3 and 35 of the Law Against Domestic Violence.

During the trial the defendant testified that all of the facts listed in the indictment were true and the defendant also expressed remorse for his actions.

In his final recommendations the public prosecutor considered that all of the facts listed in the indictment had been proven, the defendant regretted his actions and was a first time offender. Therefore, the public defender requested for the court to hand down a prison sentence of 1 year, suspended for 1 year and 6 months.

The public defender confirmed that all of the facts had been proven, that the defendant was a first time offender, expressed remorse, and therefore he requested for the court to hand down an appropriate sentence against the defendant.

After evaluating the facts proven during the trial, the court concluded this case and sentenced the defendant to 8 months in prison, suspended for 1 year.

### **13. Crime of ordinary offences against physical integrity characterized as domestic violence - Case No. 166/2014/TDB**

Composition of judges : Single judge  
Judge : Antonio Fonseca  
Public Prosecutor : Luis Hernani Rangel da Cruz  
Public Defender : Grigorio de Lima

Conclusion : Sentenced to 2 months in prison, suspended for 6 months.

On 27 August 2014 the Baucau District Court, through the mobile court in Manatuto, tried the defendant LS for allegedly committing domestic violence against her husband in Manatuto District. The trial progressed to the announcement of the court's decision

The public prosecutor alleged that on 26 April 2013 the defendant scratched the victim's neck and threw a piece of wood at the back of the victim's neck causing an injury. This case allegedly occurred because they argued about some traditional practices from the olden days.

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 promised not to reoffend in the future.

In his final recommendations the public prosecutor considered that the defendant had admitted all of the charges, so he requested for the court to hand down a prison sentence of 4 years, suspended for 1 year.

The public defender argued that the defendant was a first time offender, expressed remorse, and therefore he requested for the court to hand down an appropriate sentence against the defendant.

After evaluating the facts proven during the trial, the court concluded this case and sentenced the defendant to 2 months in prison, suspended for 6 months.

#### **14. Crime of simple offences against physical integrity, characterized as Domestic Violence - Case No. 110/2013/TDB.**

Composition of judges : Single judge  
Judge : Antonio Fonseca  
Public Prosecutor : Luis Hernani Rangel da Cruz  
Public Defender : Grigorio de Lima  
Conclusion : Acquitted

On 28 August 2011 the Baucau District Court, through the mobile court in Manatuto District, tried the defendant DS for allegedly committing the crime of domestic violence against his wife in Manatuto District.

The public prosecutor alleged that on 24 August 2011 the defendant kicked the victim once in the back and caused the victim to suffer pain. The violence occurred because they argued and had a misunderstanding about the defendant's illness.

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 regretted his actions. In relation to the confession of the defendant, the court decided not to hear testimony from the victim.

In his final recommendations the public prosecutor believed that all of the charges had been proven, the defendant regretted his actions, was a first time offender, and therefore he requested to the court to hand down a prison sentence of 6 months, suspended for 1 year.

The public defender stated that the defendant was a first time offender, expressed remorse, and therefore he requested for 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.

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