



## Case Summary

### The Suai District Court

January 2018

**Statement:** The following case summaries set out the facts and the proceedings of cases before the court based on JSMP's independent monitoring, and the testimony given by the parties before the court. This information does not reflect the opinions of JSMP as an institution.

JSMP strongly condemns all forms of violence, especially against women and vulnerable persons. JSMP maintains that there is no justification for violence against women.

#### A. Summary of the trial process at the Suai District Court

##### 1. Total cases monitored by JSMP: 36

Article	Type of Case	Number of cases
Article 145 of the Penal Code and Articles 2 and 35 (b) of the Law Against Domestic Violence (LADV)	Simple offences against physical integrity characterized as domestic violence and types of offences categorised as domestic violence	13
Article 145 of the PC	Simple offences against physical integrity	11
Article 146 of the PC	Serious offences against physical integrity	1
Article 225 of the PC	Failure to fulfil an obligation to provide food assistance	3
Article 258 of the PC	Property damage	3
Articles 177 & 145 (PC)	Sexual abuse against a minor , simple	1

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	offences against physical integrity	
Article 157 of the PC	Threats	2
Articles 145 and 157 of the Penal Code	Simple offences against physical integrity and threats	1
Article 272	Aggravated receipt of stolen goods	1
<b>Total</b>		<b>36</b>

## 2. Total number of decisions monitored by JSMP: 28

Type of decision	Number of cases
Suspension of execution of a prison sentence (Article 68 of the PC)	10
Prison sentence (Article 66 of the PC)	1
Validated withdrawal of complaint (Article 262 of the CPC)	15
Fine (Article 67 of the PC)	1
Acquitted	1
<b>Total</b>	<b>28</b>

## 3. Total cases adjourned based on JSMP monitoring: 5

Reason for adjournment	Number of cases
Defendant and victim not present	5
<b>Total</b>	<b>5</b>

## 4. Total ongoing cases based on JSMP monitoring: 3

### B. Descriptive summary of decisions handed down in cases monitored by JSMP:

#### 1. Aggravated receipt of stolen goods

Case No. : 0028/16.BBBGD

Composition of the Court : Panel

Judges : Nasson Sarmiento

Constáncio Barros Basmerly  
Samuel da Costa Pacheco  
Prosecutor : Matias Soares  
Public Defender : Fransisco Caetano Martins  
Type of Penalty : Acquitted

On 19 January 2018 the Suai District Court announced its decision in a case of aggravated receipt of stolen goods involving the defendants Saturnino Freitas and Juliano who allegedly committed the offence against the State of Timor-Leste in Bobonaro District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 7 October 2016 at approximately 9.30am, a joint team comprising the Batugade Police Station and the Border Force Unit (UPF) searched a car in the vicinity of the Nubadak Boder Force Unit. During the search it was discovered that the defendants had engaged in the illegal importation of kerosene in the aforementioned area. Also, they were found in possession of 490 litres of kerosene.

The Border Police Unit searched the goods to be further investigated. The Border Police (UPF) suspected that the defendants purchased the kerosene from an unknown person who brought the kerosene into the territory of Timor-Leste through an illegal channel. Kerosene is subsidised in Indonesia for its citizens and may not be sold on to someone else.

The public prosecutor alleged that the defendants violated Article 272 of the Penal Code on the crime of aggravated receipt of stolen goods that carries a prison sentence of 2 - 8 years in prison.

### **Presentation of evidence**

During the trial the defendants stated that they purchased the kerosene near the border however they purchased it from people selling kerosene on the side of the road in the national territory of Timor-Leste. The defendants also didn't know where the kerosene came from because they purchased it from someone who was selling it inside Timor-Leste.

### **Final recommendations**

The public prosecutor requested for the court to examine the circumstances that had been presented during the trial, and to give careful consideration and to impose an adequate penalty in this case.

The public defender requested for the court to acquit the defendants from the charges, because the actions of the defendants did not fulfil the requirements of the crime of aggravated receipt of stolen goods because the defendants purchased kerosene that had already been sold within the national territory of Timor-Leste.

## **Decision**

After evaluating the facts proven during trial, the court found that there were no relevant facts relating to the charges against the defendants. For this reason the court acquitted the defendant from these charges.

## **2. Crime of simple offences against physical integrity**

Case No. : 0011/17.BBCLC  
Composition of the Court : Single Judge  
Judge : Benjamin Barros  
Prosecutor : Napoleão Soares  
Public Defender : Manuel Amaral  
Type of Penalty : Validating withdrawal of complaint

On 24 July 2018 the Suai District Court, through the mobile court in Bobonaro District, attempted conciliation in a case of simple offences against physical integrity involving the defendant Leonito dos Santos who allegedly committed the offence against the victim Imelda da Costa Soares in Bobonaro District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 29 August 2017 the defendant threw a piece of wood that struck the victim on the back and threw a clump of dirt that struck the victim on the back of the neck and caused the victim to suffer pain and swelling to her back and the back of her neck. This incident occurred when the victim and her friend were collecting cow manure in the defendant's cow pen to put on some soil for planting vegetables. Suddenly the defendant appeared and swore at the victim and committed the acts against the victim.

### **Presentation of evidence**

During this attempted conciliation, the defendant apologised to the victim and stated that he regretted his actions and told the court that he would provide compensation of US\$20 to the victim for her suffering. The victim agreed and requested for the court to withdraw the complaint against the defendant.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine.

### **Final recommendations**

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

## **Decision**

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the court decided to validate the settlement.

### **3. Crime of simple offences against physical integrity**

Case No. : 0096/15.BBMLV  
Composition of the Court : Single Judge  
Judge : Argentino Luisa Nunes  
Prosecutor : Napoleão Soares  
Public Defender : Manuel Amaral  
Type of Penalty : Validating withdrawal of complaint

On 24 January 2018 the Suai District Court, through the mobile court in Bobonaro District, attempted conciliation in a case of simple offences against physical integrity involving the defendant Caetano Soares G. who allegedly committed the offence against his sister-in-law Aquelina Barreto in Bobonaro District.

#### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 12 May 2016 the defendant slapped the victim once on her right cheek and dragged the victim outside the house and caused the victim to suffer pain to her cheek. The incident occurred when the victim argued with the defendant's mother and the victim was going to hit her husband who is the defendant's younger brother who was ill, so the defendant did not accept this and committed the acts against the victim.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine.

#### **Presentation of evidence**

Before progressing to the presentation of evidence, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and victim.

During the attempted conciliation the defendant apologised to the victim, and stated that he regretted his actions because they are neighbours. The victim agreed and requested for the court to withdraw the complaint against the defendant.

#### **Final recommendations**

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

### **Decision**

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the court decided to validate the settlement.

### **4. Crime of simple offences against physical integrity characterized as domestic violence**

Case No. : 0018/17.BBMLV  
Composition of the Court : Single Judge  
Judge : Samuel da Costa Pacheco  
Prosecutor : Napoleão Soares  
Public Defender : Albino de Jesus Pereira  
Type of penalty : 6 months in prison, suspended for 1 year

On 25 January 2018 the Suai District Court, through the mobile court in Bobonaro District, attempted conciliation in a case of simple offences against physical integrity involving the defendant SL who allegedly committed the offence against his wife in Bobonaro District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 4 April 2017, at approximately 1pm, the defendant hit the victim twice on her right thigh, hit the victim on her right arm and caused the victim to suffer an injury to her arm and swelling to her thigh.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity as well as Articles 2, 3 and 35(b) of the Law Against Domestic Violence.

### **Presentation of evidence**

During the trial the defendant confessed all of the facts set out in the indictment, regretted his actions and declared that he was a first time offender. The victim confirmed and maintained the facts set out in the indictment of the public prosecutor.

### **Final recommendations**

The public prosecutor stated that all of the facts had been proven based on the confession of the defendant and the testimony of the victim. For this reason he requested for the court to impose a prison sentence of 1 year, suspended for 1 year.

The public defender stated that the defendant confessed all of the facts set out in the indictment, regretted his actions and was a first time offender

Therefore he requested for the court to impose a fair penalty against the defendant.

### **Decision**

After evaluating the facts that were proven during the trial, the court concluded the matter and sentenced the defendant to 1 year and six months in prison, suspended for 1 year and ordered him to pay court costs of US\$ 20.

### **5. Crime of simple offences against physical integrity**

Case No.	: 0012/17.BBCLC
Composition of the Court	: Single Judge
Judge	: Nasson Sarmiento
Prosecutor	: Matias Soares
Public Defender	: Albino de Jesus Pereira
Type of Penalty	: Validating withdrawal of complaint

On 25 January 2018 the Suai District Court, through the mobile court in Bobonaro District, attempted conciliation in a case of simple offences against physical integrity involving the defendant Imelda Mota Soares who allegedly committed the offence against the victim Anabela Coli Mau in Bobonaro District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 29 August 2017 the victim was sitting down and eating betel nut and suddenly the defendant appeared behind the victim and grabbed the victim by the throat and threw the victim on the ground. The victim got up and the defendant grabbed the victim by the head and threw her on the ground and grabbed the victim by the ear and one of the victim's earrings was damaged and her sarong was ripped. This act caused the victim to suffer damage to her earring and her sarong was ripped, valued at US \$13.00.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine.

### **Presentation of evidence**

Before progressing to the presentation of evidence, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and victim.

During this attempted conciliation the defendant apologised to the victim and was willing to pay for the goods that were damaged valuing US\$30. The victim agreed with this request and asked for the court to withdraw her complaint against the defendant.

### **Final recommendations**

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

### **Decision**

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the court decided to validate the settlement.

## **6. Crime of simple offences against physical integrity**

Case No.	: 0011/17.BBBLB
Composition of the Court	: Single Judge
Judges	: Samuel da Costa Pacheco
Prosecutor	: Napoleão Soares
Public Defender	: Albino de Jesus Pereira
Type of Penalty	: Validating withdrawal of complaint

On 25 January 2018 the Suai District Court, through the mobile court in Bobonaro District, attempted conciliation in a case of simple offences against physical integrity involving the defendant Lucas dos Santos who allegedly committed the offence against the victim Agostinho Soares in Bobonaro District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 11 June 2017 the defendant punched the victim once on the left cheek and kicked the victim seven times on the back and hit the victim three times on the back and caused the victim to suffer pain and swelling to the victim's back. The incident occurred because the defendant accused the victim of stealing the defendant's goat and the victim responded that the defendant's goat got into the victim's garden and ate all of the victim's crops. Therefore the defendant got angry and committed the acts against the victim.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine.

### **Presentation of evidence**



Before progressing to the presentation of evidence, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and victim.

During the attempted conciliation the defendant apologised to the victim, and stated that he regretted his actions and promised not to commit any other crimes against the victim in the future. The victim agreed and requested for the court to withdraw the complaint against the defendant.

### **Final recommendations**

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

### **Decision**

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the court decided to validate the settlement.

## **7. Crime of simple offences against physical integrity characterized as domestic violence**

Case No.	: 0006/16.BBATB
Composition of the Court	: Single Judge
Judge	: Samuel da Costa Pacheco
Prosecutor	: Napoleão Soares
Public Defender	: Albino de Jesus Pereira
Type of Penalty	: 8 months in prison, suspended for 1 year

On 25 January 2018 the Suai District Court, through the mobile court in Bobonaro District, announced its decision in a case of simple offences against physical integrity involving the defendant DS who allegedly committed the offence against his wife in Bobonaro District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 22 September 2016 the defendant kicked the victim twice in the back and this caused the victim to fall to the ground and lose consciousness.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Articles 2, 3(a) and 35(b) of the Law Against Domestic Violence.

### **Presentation of evidence**

During the trial the defendant confessed all of the facts set out in the indictment, expressed remorse for his actions and was a first time offender. The victim maintained the facts set out in the indictment of the public prosecutor.

### **Final recommendations**

The public prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant and the statement of the victim. For this reason he requested for the court to impose a apply prison sentence of 1 year, suspended for 1 year against the defendant.

The public defender requested for the court to admonish the defendant, because the defendant confessed all of the facts set out in the indictment, regretted his actions and was a first time offender.

### **Decision**

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

## **8. Crime of simple offences against physical integrity characterized as domestic violence**

Case No.	: 0053/17.BBMLV
Composition of the Court	: Single Judge
Judge	: Nasson Sarmento
Prosecutor	: João Marques
Public Defender	: Albino de Jesus Pereira
Type of penalty	: 6 months imprisonment, suspended for 1 year and 6 months

On 25 January 2018 the Suai District Court, through the mobile court in Bobonaro District, announced its decision in a case of simple offences against physical integrity involving the defendant MML who allegedly committed the offence against his wife in Bobonaro District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 1 July 2017 the defendant punched the victim many times in the back, punched the victim once above the eye and caused the victim to fall to the ground. The defendant then punched the victim once on the left cheek and grabbed both of the victim's arms and dragged her inside the house.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity as well as Articles 2, 3(a) and 35(b) of the Law Against Domestic Violence.

## **Presentation of evidence**

During the trial the defendant stated that the facts set out in the indictment were all true and the defendant also stated that he regretted his actions. The victim maintained the facts set out in the indictment of the public prosecutor.

## **Final recommendations**

The public prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant and the statement of the victim. For this reason he requested for the court to impose a apply prison sentence of 8 months, suspended for 1 year and 6 months, as well as an order for the defendant to pay court costs.

The public defender requested for the court to impose a fair penalty against the defendant because the defendant confessed and regretted his actions.

## **Decision**

After evaluating the facts that were proven during the trial, the court concluded the matter and sentenced the defendant to six months in prison, suspended for 1 year and 6 months, and ordered him to pay court costs of US\$ 20.

## **9. Crime of failure to fulfil an obligation to provide food assistance**

Case No.	: 0124/17.PDSUA
Composition of the Court	: Single Judge
Judge	: Samuel da Costa Pacheco
Prosecutor	: Napoleão Soares
Public Defender	: Albino de Jesus Pereira
Type of Penalty	: Validating withdrawal of complaint

On 26 January 2018 the Suai District Court, through the mobile court in Bobonaro District, announced its decision in a case of failure to fulfil an obligation to provide food assistance involving the defendant CRH who allegedly committed the offence against his wife in Bobonaro District.

## **Charges of the Public Prosecutor**

The public prosecutor alleged that on 23 May 2016 the defendant argued with victim and left the house and never gave alimony for his child who is still a minor.

The public prosecutor alleged that the defendant violated Article 225 of the Penal Code on failure to provide food assistance that carries a maximum penalty of 3 years in prison or a fine.

## **Presentation of evidence**

Before progressing to the presentation of evidence, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and victim.

During this attempted conciliation the defendant stated that he was willing to pay US\$25.00 every month for their child. The victim agreed and requested for the court to withdraw the complaint against the defendant.

## **Final recommendations**

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

## **Decision**

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the court decided to validate the settlement.

## **10. Crime of failure to fulfil an obligation to provide food assistance**

Case No.	: 0019/17.BBCLC
Composition of the Court	: Single Judge
Judge	: Nasson Sarmiento
Prosecutor	: Napoleão Soares
Public Defender	: Albino de Jesus Pereira
Type of Penalty	: Validating withdrawal of complaint

On 26 January 2018 the Suai District Court, through the mobile court in Bobonaro District, announced its decision in a case of failure to fulfil an obligation to provide food assistance involving the defendant UHM who allegedly committed the offence against his wife in Bobonaro District.

## **Charges of the Public Prosecutor**

The public prosecutor alleged that on 21 January 2016 the defendant abandoned the victim and their child and left the house and never provided alimony for his child who is still a minor.

The public prosecutor alleged that the defendant violated Article 225 of the Penal Code on failure to provide food assistance that carries a maximum penalty of 3 years in prison or a fine.

## **Presentation of evidence**

Before progressing to the presentation of evidence, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and victim.

During this attempted conciliation the defendant stated that he was willing to pay US\$20 every month for their child. The victim agreed and requested for the court to withdraw the complaint against the defendant.

### **Final recommendations**

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

### **Decision**

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the court decided to validate the settlement.

### **11. Property damage**

Case No.	: 0011/16.BBATB
Composition of the Court	: Single Judge
Judge	: Nasson Sarmiento
Prosecutor	: Napoleão Soares
Public Defender	: Albino de Jesus Pereira
Type of Penalty	: Validating withdrawal of complaint

On 26 January 2018 the Suai District Court, through the mobile court in Bobonaro District, attempted conciliation in a case of simple offences against physical integrity involving the defendant Carmelito Abrao who allegedly committed the offence against the victim Carmelita Sabina in Bobonaro District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 9 November 2016 the defendant went to the home of the victim with an arrow and told the victim that he (the defendant) was looking for the victim's husband. The victim responded that her husband was very drunk and was asleep so the defendant became angry and smashed the victim's satellite dish and the victim suffered a loss of US\$150.

The public prosecutor alleged that the defendant violated Article 258 of the Penal Code on property damage with that carries a maximum penalty of three years in prison or a fine.

### **Presentation of evidence**

Before progressing to the presentation of evidence, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and victim.

During this attempted conciliation, the defendant apologised to the victim, regretted his actions and provided compensation to the victim of US\$150 to replace the goods damaged by the defendant. The victim agreed and requested for the court to withdraw the complaint against the defendant.

### **Final recommendations**

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

### **Decision**

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the court decided to validate the settlement.

### **12. Property damage**

Case No.	: 0041/16.BBMLV
Composition of the Court	: Single Judge
Judge	: Nasson Sarmiento
Prosecutor	: Napoleão Soares
Public Defender	: Albino de Jesus Pereira
Type of Penalty	: Validating withdrawal of complaint

On 26 January 2018 the Suai District Court, through the mobile court in Bobonaro District, attempted conciliation in a case of simple offences against physical integrity involving the defendant Agustinho Loko Tai who allegedly committed the offence against the victim Manuel Mali Loko Gomes in Bobonaro District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 13 May 2017 the defendant pulled down the victim's pig pen because the defendant and the victim argued about a land border.

Then on 14 May 2017 the defendant pulled down the victim's kitchen and put all of the belongings from the kitchen outside. These acts caused the victim to suffer a loss of US\$650.

The public prosecutor alleged that the defendant violated Article 258 of the Penal Code on property damage with that carries a maximum penalty of three years in prison or a fine.

### **Presentation of evidence**

Before progressing to the presentation of evidence, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and victim.

During this attempted conciliation the defendant apologised to the victim and was willing to pay for the goods he damaged. The victim agreed and requested for the court to withdraw the complaint against the defendant.

### **Final recommendations**

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

### **Decision**

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the court decided to validate the settlement.

### **13. Crime of simple offences against physical integrity characterized as domestic violence**

Case No.	: 0033/17.BBMLV
Composition of the Court	: Single Judge
Judge	: Nasson Sarmiento
Prosecutor	: Napoleão Soares
Public Defender	: Albino de Jesus Pereira
Type of Penalty	: 6 months in prison, suspended for 1 year

On 26 January 2018 the Suai District Court, through the mobile court in Bobonaro District, announced its decision in a case of simple offences against physical integrity involving the defendant AR who allegedly committed the offence against his wife in Bobonaro District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 7 May 2017 the defendant pushed the victim onto a chair and pulled the victim's hair and threw her on the cement which caused the victim to suffer an injury, swelling and bleeding.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Articles 2, 3(a) and 35(b) of the Law Against Domestic Violence.

### **Presentation of evidence**

During the trial the defendant confessed all of the facts set out in the indictment, the defendant also stated that he regretted his actions. The victim maintained the facts in the indictment that the

defendant pushed her onto a chair and pulled her hair and threw her on the cement and she suffered an injury, swelling and bleeding.

### **Final recommendations**

The public prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant and the statement of the victim. For this reason he requested for the court to impose a apply prison sentence of 6 months, suspended for 1 year, as well as an order for the defendant to pay court costs.

The public defender requested for the court to impose a lenient penalty against the defendant because the defendant confessed all of the facts in the indictment, and regretted his actions.

### **Decision**

After evaluating the facts that were proven during the trial, the court concluded the matter and sentenced the defendant to 1 year and six months in prison, suspended for 1 year and ordered him to pay court costs of US\$ 20.

### **14. Simple offences against physical integrity characterized as domestic violence**

Case No.	: 0009/17.BBBLB
Composition of the Court	: Single Judge
Judge	: Samuel da Costa Pacheco
Prosecutor	: Napoleão Soares
Public Defender	: Albino de Jesus Pereira
Type of Penalty	: 1 year in prison, suspended for 1 year

On 26 January 2018 the Suai District Court, through the mobile court in Bobonaro District, announced its decision in a case of simple offences against physical integrity involving the defendant JM who allegedly committed the offence against his wife FP and his child AC Bobonaro District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 3 June 2017 the defendant slapped his child AC once on the left arm and slapped his wife FP once on the left cheek and kicked and punched the victim above the eye.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Articles 2, 3(a), 35 (b) of the Law Against Domestic Violence.

### **Presentation of evidence**



During the trial the defendant confessed all of the facts set out in the indictment, the defendant also stated that he regretted his actions. The victim maintained all of the facts in the indictment, but they also stated that they have reconciled with the defendant.

### **Final recommendations**

The public prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant and the statement of the victim. For this reason he requested for the court to impose a apply prison sentence of 1 year and 6 months against the defendant, suspended for 2 years.

The public defender requested for the court to impose a lenient penalty against the defendant because the defendant regretted his actions and was a first time offender.

### **Decision**

After evaluating the facts that were proven during the trial, the court concluded the matter and sentenced the defendant to 1 year in prison, suspended for 1 year.

## **15. Crime of simple offences against physical integrity**

Case No.	: 0004/17.BLLT
Composition of the Court	: Single Judge
Judge	: Nasson Sarmiento
Prosecutor	: Napoleão Soares
Public Defender	: Albino de Jesus Pereira
Type of Penalty	: Validating withdrawal of complaint

On 26 January 2018 the Suai District Court, through the mobile court in Bobonaro District, attempted conciliation in a case of simple offences against physical integrity involving the defendants Gaspar Afonso and Matilda da Costa (husband and wife) who allegedly committed the offence against their niece Valentina Ili in Bobonaro District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 6 August 2017 the defendant Gaspar Afonso punched the victim once on the right cheek and the defendant Matilda da Costa punched the victim once on the right cheek. This assault caused the victim to fall to the ground. When the victim stood up the defendant Matilda then punched the victim on her left cheek and caused the victim to suffer pain and swelling to her cheek. The incident occurred when the victim asked for money from her husband who had already separated from with victim, and the victim's husband responded that there was no money because the victim had taken another man. At that time the defendants Gaspar Afonso and Matilda da Costa who were the uncle and aunty of the victim were also

present. The defendants also told the victim that she had no right to ask for money from her first husband because she had married another man. After saying these things to the victim they immediately beat the victim.

The public prosecutor alleged that the defendants violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine.

### **Presentation of evidence**

Before progressing to the presentation of evidence, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and victim.

During this attempted conciliation the defendants apologised to the victim and wanted to reconcile with the victim. They also stated that they regretted their behaviour. The victim agreed and requested for the court to withdraw the complaint against the defendants.

### **Final recommendations**

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

### **Decision**

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the court decided to validate the settlement.

## **16. Crime of simple offences against physical integrity**

Case No.	: 0022/17. BBMLV
Composition of the Court	: Single Judge
Judge	: Samuel da Costa Pacheco
Prosecutor	: Napoleão Soares
Public Defender	: Albino de Jesus Pereira
Type of Penalty	: Validating withdrawal of complaint

On 26 January 2018 the Suai District Court, through the mobile court in Bobonaro District, attempted conciliation in a case of simple offences against physical integrity involving the defendant Pasquela Gutteres Serano who allegedly committed the offence against the victim João Baptista in Bobonaro District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 5 April 2017 the defendant yanked the victim by his left cheek and hand, and this caused the victim to suffer an injury and bleeding. The incident occurred because the defendant and victim argued about a land boundary and therefore the defendant committed this act against the victim.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine.

### **Presentation of evidence**

Before progressing to the presentation of evidence, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and victim.

During the attempted conciliation the defendant apologised to the victim, and stated that he regretted her actions and promised not to commit any other crimes against the victim in the future. The victim agreed and requested for the court to withdraw the complaint against the defendant.

### **Final recommendations**

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

### **Decision**

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the court decided to validate the settlement.

## **17. Crime of simple offences against physical integrity**

Case No.	: 0018/15.BBMLV
Composition of the Court	: Single Judge
Judge	: Nasson Sarmiento
Prosecutor	: João Marques
Public Defender	: Fransisco Caetano Martins
Type of Penalty	: 30 days in prison, suspended for 1 year

On 25 January 2018 the Suai District Court, through the mobile court in Bobonaro District, announced its decision in a case of simple offences against physical integrity involving the defendant MdA who allegedly committed the offence against AdJ<sup>1</sup> in Bobonaro District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 14 February 2015 the victim was playing with his friends and the victim took a nail (steel) and poked his friend in the thigh. The victim's friend started crying and told his mother, so the defendant took a piece of wood and struck the victim three times on the left cheek. These acts caused the victim to suffer pain to the cheek.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine.

### **Examination of evidence**

During the trial the defendant confessed all of the facts set out in the indictment, the defendant also stated that she regretted her actions. The victim maintained the facts set out in the indictment of the public prosecutor.

### **Final recommendations**

The public prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant and the statement of the victim. For this reason the prosecutor requested for the court to impose a prison sentence of 30 days in prison, suspended for 1 year.

The public defender requested for the court to impose a lenient penalty against the defendant because the defendant regretted his actions and was a first time offender.

### **Decision**

After evaluating the facts that were proven during the trial, the court concluded the matter and sentenced the defendant to 30 days in prison, suspended for 1 year.

## **18. Simple offences against physical integrity characterized as domestic violence**

Case No. : 0072/16.BBMLV  
Composition of the Court : Single Judge  
Judge : Samuel da Costa Pacheco

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<sup>1</sup> The defendant and victim are related as mother and son, but when the case occurred the defendant was living separately with her child because the defendant had separated from the victim's father, and had remarried with another man, and therefore the prosecutor charged the defendant under the Law Against Domestic Violence.

Prosecutor : João Marques  
Public Defender : Fransisco Caetano Martins  
Type of Penalty : 6 months in prison, suspended for 1 year

On 24 January 2018 the Suai District Court, through the mobile court in Bobonaro District, announced its decision in a case of simple offences against physical integrity characterised as domestic violence, involving the defendant HCL who allegedly committed the offence against his wife in Bobonaro District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 8 May 2016, at 12pm, the defendant took a cushion and struck the victim and pushed it down on the back of the victim's neck and as a consequence the victim dropped the bowl full of rice she was carrying. Then the defendant slapped the victim four times on her left and right cheeks and punched the victim once on the back and caused the victim to fall to the ground and the defendant stood on the victim's stomach.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Articles 2, 3(a) and 35(b) of the Law Against Domestic Violence.

### **Presentation of evidence**

During the trial the defendant confessed all of the facts set out in the indictment and stated that he regretted his actions, and promised not to reoffend against the victim in the future. The victim maintained the facts in the indictment and stated that she has reconciled with the defendant.

### **Final recommendations**

The prosecutor stated that the defendant was guilty of committing the crime based on the facts set out in the indictment. As a husband the defendant was supposed to protect victim who is his wife. To deter the defendant from committing such crimes in the future, the prosecutor requested for the court to impose a apply prison sentence of 6 months, suspended for 1 year, as well as an order for the defendant to pay court costs.

The public defender stated that the defendant confessed all of the facts set out in the indictment, regretted his actions and promised that in the future he would not commit any crimes against the victim. Therefore he requested for the court to impose a fair penalty against the defendant.

### **Decision**

After evaluating the facts that were proven during the trial, the court concluded the matter and sentenced the defendant to 1 year and six months in prison, suspended for 1 year and ordered him to pay court costs of US\$ 20.

### **19. Simple offences against physical integrity characterized as domestic violence**

Case No. : 004/17.BBBLB  
Composition of the Court : Single Judge  
Judge : Samuel da Costa Pacheco  
Prosecutor : João Marques  
Public Defender : Fransisco Caetano Martins  
Type of Penalty : 6 months in prison, suspended for 1 year

On 24 January 2018 the Suai District Court, through the mobile court in Bobonaro District, announced its decision in a case of simple offences against physical integrity characterised as domestic violence, involving the defendant ABM who allegedly committed the offence against his wife in Bobonaro District.

#### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 25 March 2017 at 4.00pm, the defendant took a piece of wood and struck the victim once on the back, kicked the victim once in the stomach and caused the victim to fall to the ground and the victim's head struck a rock and she suffered bleeding.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Articles 2, 3(a) and 35(b) of the Law Against Domestic Violence.

#### **Presentation of evidence**

During the trial the defendant confessed all of the facts in the indictment. The defendant also stated that six months after the incident they reconciled and they resolved the matter in accordance with East Timorese custom. The defendant stated that he regretted his actions and promised that in the future he would not commit any crimes against the victim. The victim maintained the facts in the indictment and stated that the problem has been resolved and they have reconciled.

#### **Final recommendations**

The public prosecutor stated that the defendant had been proven guilty of committing the crime against the victim based the confession of the defendant and the testimony of the victim. Therefore, to deter the defendant from committing any further crimes against the victim, the

public prosecutor requested for the court to sentence the defendant to 6 months in prison, suspended for 1 year.

The public defender stated that the defendant confessed all of the facts set out in the indictment, regretted his actions and promised that in the future he would not commit any crimes against the victim. For this reason he requested for the court to impose a prison sentence of 3 months, suspended for 1 year.

### **Decision**

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

## **20. Simple offences against physical integrity characterized as domestic violence**

Case No.	: 0026/16.BBCLC
Composition of the Court	: Single Judge
Judge	: Nasson M. B. Sarmiento
Prosecutor	: Matias Soares
Public Defender	: Fransisco Caetano Martins
Type of Penalty	: 6 months in prison, suspended for 1 year

On 24 January 2018 the Suai District Court, through the mobile court in Bobonaro District, announced its decision in a case of simple offences against physical integrity characterised as domestic violence, involving the defendant ATM who allegedly committed the offence against his wife in Bobonaro District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 30 October 2016, at 5pm, the defendant took a piece of bamboo and struck the victim twice on the left and right arms. This act caused the victim to suffer pain and swelling to her arms.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Articles 2, 3(a) and 35(b) of the Law Against Domestic Violence.

### **Presentation of evidence**

During the trial the defendant confessed all of the facts in the indictment. The defendant stated that he regretted his actions and promised that in the future he would not commit any crimes against the victim. The victim maintained the facts set out in the indictment of the public prosecutor.

### **Final recommendations**

The public prosecutor stated that the defendant was guilty of committing the crime as alleged in the indictment and therefore he requested for the court sentence the defendant to 1 year in prison, suspended for 1 year.

The public defendant stated that the defendant confessed all of the facts in the indictment, regretted his actions, was a first time offender and promised that he would not commit any further crimes against victim in the future. For this reason he requested for the court to impose a prison sentence of 3 months, suspended for 1 year.

### **Decision**

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

### **21. Crime of simple offence against physical integrity**

Case No. : 0114/16.BBMLV  
Composition of the Court : Single Judge  
Judge : Nasson M. A. Sarmiento  
Prosecutor : João Marques  
Public Defender : Fransisco Caetano Martins  
Type of Penalty : Validating withdrawal of complaint

On 24 January 2018 the Suai District Court, through the mobile court in Bobonaro District, attempted conciliation in a case of simple offences against physical integrity involving the defendant Julio who allegedly committed the offence against the victim Mariano Viegas Amaral in Bobonaro District.

### **Charges of the Public Prosecutor**

The prosecutor alleged that on 3 September 2016, at 11.15am, the defendant punched the victim twice on the right side of his mouth. This incident occurred when the defendant saw the victim with a motorcycle at the Maliana roundabout, and the defendant was unhappy with the victim because the victim was taking the defendant's wife to a minibus. Therefore the defendant stopped the victim and asked him "*why are you taking my wife to the minibus...?*" and before the victim had responded the defendant's question, the defendant punched the victim in the mouth.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine.

### **Presentation of evidence**



Before progressing to the presentation of evidence, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and victim.

During the attempted conciliation the defendant apologised to the victim, and stated that he regretted his actions and promised not to commit any other crimes against the victim in the future. The victim agreed and requested for the court to withdraw the complaint against the defendant.

### **Final recommendations**

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

### **Decision**

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the Court decided to validate the settlement.

## **22. Crime of simple offences against physical integrity**

Case No.	: 0013/17.BBMLV
Composition of the Court	: Single Judge
Judge	: Samuel da Costa Pacheco
Prosecutor	: João Marques
Public Defender	: Fransisco Caetano Martins
Type of Penalty	: Validating withdrawal of complaint

On 24 January 2018 the Suai District Court, through the mobile court in Bobonaro District, attempted conciliation in a case of simple offences against physical integrity involving the defendant Agusta da Conceicao Martins who allegedly committed the offence against the victim Julia de Jesus in Bobonaro District.

### **Charges of the Public Prosecutor**

The prosecutor alleged that on 6 March 2017, at 6pm, the victim left home to go and feed her pig, suddenly the defendant appeared and pulled the victim's hair from behind and this caused the victim to fall to the ground. The defendant then punched the victim once on her right arm.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine.

### **Presentation of evidence**

Before progressing to the presentation of evidence, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and victim.

During the attempted conciliation the defendant apologised to the victim, and stated that she regretted her actions and promised not to commit any other crimes against the victim in the future. The victim agreed and requested for the court to withdraw the complaint against the defendant.

### **Final recommendations**

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

### **Decision**

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the court decided to validate the settlement.

## **23. Crime of property damage**

Case No. : 0061/17.BBMLV  
Composition of the Court : Single Judge  
Judge : Nasson M.B. Sarmento  
Prosecutor : Matias Soares  
Public Defender : Albino de Jesus Pereira  
Type of Penalty : Validating withdrawal of complaint

On 25 January 2018 the Suai District Court, through the mobile court in Bobonaro District, attempted conciliation in a case of simple offences against physical integrity involving the defendant Gilberto Goncalves Brito who allegedly committed the offence against the victims Carlos dos Santos and Filipe Barreto Lopes in Bobonaro District.

### **Charges of the Public Prosecutor**

The prosecutor alleged that on 27 June 2017, at 7.30am, the victim Carlos dos Santos received a phone call from his wife that one of the newly constructed columns of their house had been torn down. On the same day the victim Carlos dos Santos and his family together with two tradesmen went to the scene and four of the newly built columns had been torn down by the defendant. This act caused the victims a loss of US\$100. Also, the defendant cut up and destroyed crops belonging to the victim Filipe Barreto Lopes such as mango, mahogany and teak trees.

The public prosecutor alleged that the defendant violated Article 258 of the Penal Code on property damage that carries a maximum penalty of three years in prison or a fine.

### **Presentation of evidence**

Before progressing to the presentation of evidence, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and victim.

During the attempted conciliation the defendant apologised to the victims, and promised not to commit any other crimes against the victims in the future. The defendant was also willing to provide compensation to the victims of \$100 for each victim to pay for the goods that he damaged.

### **Final recommendations**

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

### **Decision**

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the court decided to validate the settlement.

### **24. Crime of failure to fulfil an obligation to provide food assistance**

Case No. : 0021/16. BBMLV  
Composition of the Court : Single Judge  
Judge : Argentino Luisa Nunes  
Prosecutor : Matias Soares  
Public Defender : Manuel Amaral  
Type of Penalty : Validating withdrawal of complaint

On 24 January 2018 the Suai District Court, through the mobile court in Bobonaro District, attempted conciliation in a case of simple offences against physical integrity involving the defendant TBP who allegedly committed the offence against the victim RT in Bobonaro District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that, the defendant and the victim were husband and wife and had one child aged 1. At some time since December 2015 the defendant has not returned home. The defendant has the obligation to provide alimony to his wife and child, but the defendant did not do this for several years.

The public prosecutor alleged that the defendant violated Article 225 of the Penal Code on failure to provide food assistance that carries a maximum penalty of 3 years in prison or a fine.

### **Presentation of evidence**

Before progressing to the presentation of evidence, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and the victim.

During this attempted conciliation, the defendant apologised to the victim and promised to give US\$50 every month for their child, via the victim's mother, because now the child is living with her grandmother (victim's mother).

### **Final recommendations**

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

### **Decision**

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the court decided to validate the settlement.

## **25. Crime of simple offences against physical integrity and threats**

Case No.	: 0018/16.BBBLB
Composition of the Court	: Single Judge
Judge	: Benjamin Barros
Prosecutor	: Matias Soares
Public Defender	: Manuel Amaral
Type of Penalty	: Validating withdrawal of complaint

On 25 January 2018 the Suai District Court, through the mobile court in Bobonaro District, attempted conciliation in a case of simple offences against physical integrity involving the defendant Octaviano Egido, who is the father-in-law, who allegedly committed the offence against the victim Saturnino Barreto, his son-in-law in Bobonaro District.

### **Charges of the Public Prosecutor**

The prosecutor alleged that on 29 July 2016, at approximately 11:30pm, the defendant choked the victim and said *“If I see you on the road in the future I will kill you.”* This incident occurred because the defendant and the victim argued because the victim always came home late at night drunk.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Article 157 of the Penal Code on threats that carries a maximum penalty of one year or a fine.

### **Presentation of evidence**

Before progressing to the presentation of evidence, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and victim.

During the attempted conciliation the defendant apologised to the victim, and promised not to commit any other crimes against the victim in the future, and also gave civil compensation of US\$100 to the victim. This money was paid via the PNTL in Balibo who gave it to the victim, because the police will provide a receipt to the court.

### **Final recommendations**

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

### **Decision**

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the Court decided to validate the settlement.

## **26. Simple offences against physical integrity characterized as domestic violence**

Case No.	: 0028/16.BBMLV
Composition of the Court	: Single Judge
Judge	: Samuel da Costa Pacheco
Prosecutor	: João Marques
Public Defender	: Fransisco Caetano Martins
Type of Penalty	: 4 months in prison, suspended for 1 year

On 24 January 2018 the Suai District Court, through the mobile court in Bobonaro District, announced its decision in a case of simple offences against physical integrity characterised as domestic violence, involving the defendant VM who allegedly committed the offence against his wife in Bobonaro District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 8 February 2016, at 8:30am, the defendant kicked the victim once in the back and kicked the victim on her left hand.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Articles 2, 3(a) and 35(b) of the Law Against Domestic Violence.

### **Presentation of evidence**

During the trial the defendant confessed all of the facts in the indictment, the defendant also stated that when the incident occurred the defendant was very drunk. The defendant stated that he regretted his actions and promised that in the future he would not commit any crimes against the victim. The victim maintained the facts in the indictment and stated that she has reconciled with the defendant and has forgiven him.

### **Final recommendations**

The public prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant and the statement of the victim. Therefore, to deter the defendant from committing any further crimes in the future, the public prosecutor requested for the court to sentence the defendant to 5 months in prison, suspended for 1 year.

The public defender stated that the defendant confessed all of the facts set out in the indictment, regretted his actions and promised that in the future he would not commit any crimes against the victim. For this reason he requested for the court to impose a apply prison sentence of 3 years, suspended for 1 year against the defendant.

### **Decision**

After evaluating the facts that were proven during the trial, the court concluded the matter and sentenced the defendant to 4 months, suspended for 1 year and ordered him to pay court costs of US\$ 20.

## **27. Simple offences against physical integrity characterized as domestic violence**

Case No.	: 0131/16.BBMLV
Composition of the Court	: Single Judge
Judge	: Argentino Luisa Nunes
Prosecutor	: Matias Soares
Public Defender	: Manuel Amaral
Type of Penalty	: Fine

On 25 January 2018 the Suai District Court, through the mobile court in Bobonaro District, announced its decision in a case of simple offences against physical integrity characterised as domestic violence, involving the defendant DL who allegedly committed the offence against his wife in Bobonaro District.

### **Charges of the Public Prosecutor**

The prosecutor alleged that on 8 October 2016, at 12 midnight, the defendant punched the victim once on her cheek and caused the victim to suffer pain and swelling to her cheek. Prior to this incident the defendant and victim were living separately, but now they are living together again.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Articles 2, 3(a) and 35(b) of the Law Against Domestic Violence.

### **Presentation of evidence**

During the trial the defendant confessed all of the facts set out in the indictment and stated that he regretted his actions, and promised not to reoffend against the victim in the future. The victim maintained all of the facts in the indictment and stated that she has reconciled with the defendant.

### **Final recommendations**

The public prosecutor stated that the defendant had been proven guilty of committing the crime against the victim based the confession of the defendant. Actually the defendant is the victim's husband and he is supposed to protect his wife. Therefore, to deter the defendant from committing any further crimes against the victim, the public prosecutor requested for the court to sentence the defendant to 1 year in prison, suspended for 1 year and 6 months.

The public defender stated that the defendant confessed all of the facts set out in the indictment, regretted his actions and promised that in the future he would not commit any crimes against the victim. For this reason he requested for the court to impose a penalty that does not limit the defendant's freedom.

### **Decision**

The court concluded the matter and ordered the defendant to pay a fine of US\$ 80 to be paid in daily instalments of US\$ 1 for 80 days as well as court costs of US\$ 10. The court also imposed an alternative penalty of 40 days in prison if the defendant does not pay this fine.

## **28. Crimes of sexual abuse against a minor, simple offences against physical integrity**

Case No.	: 0139/14.BBMLV
Composition of the Court	: Panel
Judges	: Florensia Freitas : Argentino Luisa Nunes : Samuel da Costa Pacheco
Prosecutor	: Matias Soares
Public Defender	: Manuel Amaral
Type of Penalty	: Prison sentence

On 25 January 2018 the Suai District Court, through the mobile court in Bobonaro District, announced its decision in a case of sexual abuse against a minor characterised as domestic

violence, involving the defendant DP who allegedly committed the offence against his stepdaughter in Bobonaro District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on an unspecified date and month during 2014, the victim returned from school and was watching television on the veranda. The defendant asked the victim to climb onto the bed and massage the defendant's back and the victim did not want to, but the defendant forced the victim by saying "*Are you going to climb up on the bed or not...?*" Then the defendant grabbed the victim and then used force to squeeze and grope the victim's breasts. When the defendant grabbed the victim's breasts she screamed and the defendant used his other hand to cover the victim's mouth, and struck the victim on the legs with a branch from a guava tree.

The public prosecutor alleged that the defendant violated Article 177 of the Penal Code on sexual abuse against a minor that carries a maximum penalty of 5-15 years in prison and Article 145 of the Penal Code on simple offences against physical integrity as well as Article 35(a) of the Law Against Domestic Violence.

### **Presentation of evidence**

During the trial the defendant confessed all of the facts in the indictment, and stated that the victim has been living with the defendant ever since the victim's mother started a relationship with the defendant. The defendant also stated that he regretted his actions. The victim confirmed and maintained the facts set out in the indictment of the public prosecutor.

### **Decision<sup>2</sup>**

After evaluating the facts produced during the trial, the court found the defendant guilty of committing the crime of sexual abuse of a minor and the crime of simple offences against physical integrity against the victim and the court imposed a prison sentence of 5 years against the defendant for these two crimes.

For more information, please contact:

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<sup>2</sup> JSMP did not monitor the examination of evidence and final recommendations in this case because the hearing was closed to the public.