



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN SISTEMA JUDISIÁRIU

Case Summary
Baucau District Court
March 2018

Affirmation: 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 Baucau District Court

1. Total cases monitored by JSMP: 30

Article	Case Type	Number of cases
Article 145 of the Penal Code (PC) and Articles 2, 3 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	11
Article 145 of the PC	Simple offences against physical integrity	5
Article 154 of the PC	Mistreatment of a spouse	5
Articles 172 and 173 of the Penal Code	Rape	2
Article 177 of the PC	Sexual abuse of a minor	2
Article 146 of the PC	Serious offences against physical integrity	1
Article 140 of the PC	Manslaughter	1

Article 138 of the PC	Homicide	1
Article 217 of the PC	Crime against flora or fauna	1
Article 207 of the PC	Driving without a licence	1
Total		30

2. Total decisions monitored by JSMP: 23

Type of decision	Number of cases
Prison sentence (Article 66 of the PC)	2
Suspension of execution of a prison sentence (Article 68 of the PC)	9
Suspension of execution of a prison sentence with rules of conduct (Article 70 g) of the PC	1
Fine (Article 67 of the PC)	6
Validating withdrawal of complaint	4
Acquitted	1
Total	23

3. Total ongoing cases based on JSMP monitoring: 7

B. Descriptive summary of the decisions handed down in cases that were monitored by JSMP;

1. Crime of simple offences against physical integrity characterized as domestic violence

Case No. : 0078/17. CBCV
Composition of the Court : Single Judge
Judge : Hugo da Cruz Pui
Prosecutor : Domingos Goveia Barreto
Public Defender : Antonio Fernandes

Type of Penalty : Fine

On 6 March 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MFP who allegedly committed the offence against his wife in Baucau District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 3 November 2017 at 2pm the defendant kicked the victim twice in the back, kicked her once on her left arm and punched her once on the back of her neck. As a result of this act the victim was treated at PRADET Baucau.

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 2, 3, 35 and 36 of the Law Against Domestic Violence.

Presentation of evidence

The defendant confessed all of the facts set out in the indictment, said he has regretted his actions, has reconciled with the victim, and promised not to reoffend against the victim. The victim maintained all of the facts in the indictment but she also stated that the defendant has not hit her since that time.

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. To deter the defendant from committing any further crimes in the future, 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, was a first time offender, and has reconciled with the victim. Therefore he requested for the court to impose a fair penalty on the defendant, to deter the defendant from reoffending in the future.

Decision

The court concluded this matter and ordered the defendant to pay a fine of US\$ 30 to be paid in daily instalments of 50 cents for 60 days. The court also imposed an alternative penalty of 20 days in prison if the defendant does not pay this fine.

2. Crime of simple offences against physical integrity

Case No. : 0078/17. BCBCV
Composition of the Court : Single Judge
Judge : Hugo da Cruz Pui
Prosecutor : Domingos Goveia Barreto
Public Defender : Antonio Fernandes
Type of Penalty : Validating withdrawal of complaint

On 6 March 2018 the Baucau District Court attempted conciliation in a case of simple offences against physical integrity involving the defendant Gaspar Caetano Ximenes who allegedly committed the offence against the victim Evangelina da Costa, in Bahamori Village, Venilale Sub-District, Baucau District.

Charges of the Public Prosecutor

The prosecutor alleged that on 4 December 2017 at 7pm the defendant told the victim to go to the defendant's home, but the victim said "*I don't want to because you have a wife and child.*" However, the defendant forced the victim to go there and the victim agreed to go to his house. On the way the defendant called his first wife to come and meet him and the victim on the road. The defendant's wife met with the defendant and victim on the road and swore at the victim. Therefore the victim and the defendant's wife had an argument and in the end the defendant punched the victim twice in the forehead and kicked the victim twice on her back.

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 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.

3. Crime of simple offences against physical integrity characterized as domestic violence

Case No.	: 0022/17.VQOSSU
Composition of the Court	: Single Judge
Judge	: Antonio Fonseca
Prosecutor	: Domingos Goveia
Public Defender	: Sidonio M. Guterres
Type of Penalty	: 5 months in prison, suspended for 1 year

On 6 March 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MR who allegedly committed the offence against her husband in Viqueque District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 9 April 2017 at 8pm the defendant took a machete and slashed the victim three times on the hand. The first and second attempts did not harm the victim but the third time the victim suffered an injury and bleeding. Then the victim's nephew, who is a nurse, treated the victim's injury.

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 2, 3, 35 and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the examination of evidence the defendant confessed all of the facts set out in the indictment, regretted her actions and has reconciled with the victim. The victim maintained all of the facts in the indictment and stated that he has reconciled with the defendant.

Final recommendations

The prosecutor believed that the defendant was guilty of committing the crime against the victim based on the defendant's statement and the confirmation of the victim. For this reason he maintained the charges against the defendant and requested for the court to impose a prison sentence of 4 months, suspended for 1 year.

The public defender requested for the court to impose a lenient penalty against the defendant because the defendant confessed, has reconciled with the victim, and regretted her actions.

Decision

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

4. Crime of simple offences against physical integrity

Case No.	: 0027/17.VQSIC
Composition of the Court	: Single Judge
Judge	: Antonio Fonseca
Prosecutor	: Domingos Goveia Bareto
Public Defenders	: Marcal J. Gama (Trainee Lawyer) Maria Angela Fernandes (Trainee Lawyer)
Type of Penalty	: Validating withdrawal of complaint

On 8 May 2018 the Baucau District Court attempted conciliation in a case of simple offences against physical integrity involving the defendant Marcos Soares who allegedly committed the offence against his cousin the victim Jererino Pinto, in Fatudere Village, Viqueque Sub-District, Viqueque District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 27 November 2013 at 6pm the defendant punched the victim once in the back, punched him once in the forehead and kicked him four times on the back. This incident occurred because the victim spoke to the defendant when he was hitting his niece. The victim told the defendant “*the kid came here on holidays, if you punch and kick her, who is going to treat her injuries ...*” so 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 this attempted conciliation the defendant apologised to the victim and the defendant and the victim have already reconciled. The defendant stated that he regretted his actions and promised not to commit such crimes 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.

5. Crime of mistreatment of a spouse

Case No.	: 0381/11. PDBAU
Composition of the Court	: Panel
Judges	: Jose Escurial José Gonsalves Jose Quintão
Prosecutor	: Domingos Goveia Barreto
Public Defender	: Jose Maria Guterres
Type of Penalty	: 2 years in prison, suspended for 2 years

On 13 March 2018 the Baucau District Court conducted a hearing to announce its decision in a case of mistreatment of a spouse involving the defendant JF who allegedly committed the offence against his wife in Viqueque District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 26 June 2011 the defendant followed the victim to her brother's house and took an umbrella and hit the victim four times on her back, punched the victim three times in the head and kicked her many times all over her body.

Previously on 3 March 2011 the defendant punched the victim 3 times on her back and the victim fell to the ground. The defendant then kicked the victim many times in the back, and after this incident the victim ran away to her brother's house for 1 month.

The public prosecutor alleged that the defendant violated Article 154 of the Penal Code on the mistreatment of a spouse that carries a prison sentence of 2 - 6 years in prison 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, and stated that he was a first time offender. The defendant also told the court that the victim passed away in August 2012, because she suffered from epilepsy. But before the victim passed away, they had 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. To deter the defendant from committing such crimes against another person in the future, the public prosecutor requested for the court to sentence the defendant to 2 years in prison, suspended for 2 years.

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. In addition, before the victim died they reconciled, the defendant promised that he would not hit any family member or other person in the future. 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 2 years in prison, suspended for 2 years.

6. Crime of driving without a license

Case No.	: 0136/16. BCSTR
Composition of the Court	: Single Judge
Judge	: José Gonsalves
Prosecutor	: Ivonia Maria Guterres
Public Defender	: Grigorio de Lima
Type of Penalty	: Fine

On 13 March 2018 the Baucau District Court announced its decision in a case of driving unlicensed involving the defendant Simplicio Armando Mendonça who allegedly committed the

offence against the State of Timor-Leste in Shoulder Village, Baucau Vila Sub-District, Baucau District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 8 December 2016 at 2pm the defendant was driving a pick-up truck on a public road at 40/km and in front of the Baucau Cathedral he collided with a person. When the police conducted a check it was discovered that the defendant did not have a licence.

The public prosecutor alleged that the defendant violated Article 207 of the Penal Code on driving without a licence that carries a maximum penalty of two years in prison or a fine.

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 defendant stated that now he has a licence.

Final recommendations

The public prosecutor stated that the defendant confessed all of the facts in the indictment, and the defendant should have had a driver's licence. But he didn't have one and he was driving a large vehicle and was involved in an accident. Therefore he requested for the court to impose a fine against the defendant.

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 and after the incident the defendant immediately obtained a driving licence. Therefore he requested for the court to impose a fair penalty against the defendant.

Decision

The court concluded this matter and ordered the defendant to pay a fine of US\$ 45 to be paid in daily instalments of 50 cents for 90 days, as well as court costs of US \$ 10. The court also imposed an alternative penalty of 60 days in prison if the defendant does not pay this fine.

7. Simple offences against physical integrity characterized as domestic violence

Case No.	: 0092/17. PDBAU
Composition of the Court	: Single Judge
Judge	: Hugo da Cruz Pui
Prosecutor	: Ivonia Maria Guterres
Public Defender	: Sidonio Maria Sarmento
Type of Penalty	: Fine

On 13 March 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MIdS who allegedly committed the offence against her husband in Viqueque District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 8 September 2017, at 10am, the defendant took a machete to slash the victim, but did not succeed because the victim's younger sibling grabbed the machete from the defendant but then the defendant bit the victim on his right arm, elbow and shoulder.

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 and 35 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant stated that the victim had grabbed her by the head with great force so the defendant committed the acts against the victim. The defendant stated that she bit the victim's arm and did not bite the victim's elbow and shoulder. The defendant also stated that she regretted her actions and promised that in the future she would not commit any crimes against the victim and has reconciled with the victim. 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 during the examination of evidence the defendant denied some of the facts in the indictment, even though the victim confirmed these facts. For this reason she requested for the court to impose a prison sentence of 6 months, suspended for 1 year.

The public defender stated that the defendant confessed the acts that she committed, regretted her actions, was a first time offender, and has reconciled with the victim. Therefore he requested for the court to use its conviction to impose the correct penalty.

Decision

After evaluating the facts produced during the trial, the court concluded this matter and ordered the defendant to pay a fine of US\$ 22.50 to be paid in daily instalments of US\$ 0.50 for 45 days. The court also imposed an alternative penalty of 30 days in prison if the defendant does not pay this fine.

8. Crime of simple offences against physical integrity

Case No.	: 0023/17. VQVQQ
Composition of the Court	: Single Judge
Judge	: Jose Quintão
Prosecutor	: Ivonia Maria Guterres
Defence	: Americo Luis Freitas Belo (Private Lawyer)
Type of Penalty	: Fine

On 13 March 2018 the Baucau District Court conducted a hearing to announce its decision in a case of simple offences against physical integrity involving the defendant Duarte de Araújo and the victim Jose de Araújo who is the younger sibling of the defendant, that allegedly occurred in Umawain-kraik Village, Viqueque Sub-District, Viqueque District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 4 September 2017, at 6pm, the victim visited his sick mother. When the victim arrived at his mother's house he was sitting down and talking with his relatives and suddenly the defendant who was suspected of being heavily drunk swore at the victim's wife, and took off on a motorcycle at great speed and collided with the victim and the victim fell onto a bamboo bench. As a result of this act the victim suffered pain to his chest and an injury to his knee.

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

During the trial the defendant stated that at the time of the incident he was drunk and did not know what he was doing. When he was at the police station the police told him he had collided with the victim. After the incident the defendant went looking for the victim to reconcile but the victim did not want to. The defendant stated that he was a first time offender, regretted his actions and he would not commit any further crimes against the victim.

The victim stated that at that time the defendant arrived on a motorcycle at great speed and stopped in front of the victim so the victim grabbed the handlebars and the defendant accelerated and collided with the victim and he fell onto a bamboo bench. During the incident the defendant also fell down and the victim fell onto a bamboo bench and suffered an injury to his knee.

The witness Joana Pinto, who is a neighbour, testified that the defendant came from Beobe and swore at the victim's wife. The witness saw the motorcycle go past and strike the victim who fell onto a bamboo bench, and the defendant also fell off the motorcycle.

Final recommendations

The public prosecutor stated that during the examination of evidence the defendant stated that he was drunk and didn't know what he was doing, and then he swore at the victim's wife and the defendant took off and collided with the victim who was standing there, meaning that the defendant knew what he was doing. For this reason she requested for the court to impose a apply prison sentence of 6 months, suspended for 2 years.

The public defender stated that the defendant confessed all of the facts set out in the indictment, regretted his actions, was a first time offender and wanted to reconcile with the victim, but the defendant did not want to. Therefore he requested for the court to admonish the defendant.

Decision

The court concluded this matter and ordered the defendant to pay a fine of US\$ 7.50 to be paid in daily instalments of 50 cents for 15 days. The court also imposed an alternative penalty of 10 days in prison if the defendant does not pay this fine.

9. Crime of simple offences against physical integrity characterized as domestic violence

Case No. : 0043/17. VQSIC
Composition of the Court : Single Judge

Judge : Antonio Fonseca
Prosecutor : Domingos Goveia Barreto
Public Defender : Sidonio M. Sarmento
Type of Penalty : 1 month and 15 days in prison, suspended for 1 year with rules of conduct

On 13 March 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant JS who allegedly committed the offence against his wife in Viqueque District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 5 September 2017, at 8pm, the defendant slapped the victim once above her left eye, the victim fell to the ground and the her eye struck some cement and she suffered an injury to her 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 Article 2, 3, 35 and 36 of the Law Against Domestic Violence.

Presentation of evidence

The defendant confessed all of the facts set out in the indictment, said he has regretted his actions, has reconciled with the victim, and promised not to reoffend against his relatives or other person. The victim maintained all of the facts in the indictment but also stated that since the incident the defendant has not hit her.

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 she requested for the court to impose a prison sentence of 4 months, suspended for 1 year.

The public defender stated that the defendant confessed all of the facts set out in the indictment, regretted his actions, was a first time offender, and has reconciled with the victim. Therefore he requested for the court to impose a fine 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 month and 15 day in prison, suspended for 1 year and the court also ordered the defendant to periodically report to the court once a month for 2 months.

10. Crime of Rape

Case No. : 0015/17. LASIC
Composition of the Court : Panel
Judges : Jose Quintão
: Afonso Carmona
: Hugo da Cruz Pui

Prosecutor : Gustavo da Silva
Public Defender : Antonio Fernandes
Type of Penalty : Acquitted

On 15 March 2018 the Baucau District Court conducted a hearing to announce its decision in a case of rape involving the defendant AM who allegedly committed the offence against the victim MR in Lautem District.

Charges of the Public Prosecutor

The public prosecutor alleged that on an unspecified date, at some time during the month of October 2016, at about 1am, (prior to the incident) the defendant sent a message to the victim that the defendant wanted to have sexual intercourse with the victim, but the victim did not want to and the defendant tried to influence the victim and the victim responded that she wanted to have sexual intercourse with the defendant.

Then on an unspecified evening in October 2016 the victim and the defendant had sexual intercourse once behind a toilet near a banana plantation. Three days later, at 1am, the defendant went to the victim's house near the victim's room and the defendant threw a stone at the victim's room, so the victim came outside and he had sexual intercourse with the victim.

Also three days later, still in the month of October 2016, at 1am the defendant sent a message to the victim to have sexual intercourse again, but the victim refused because they had just had sexual intercourse three days before. However the defendant said "if you don't want to then tomorrow you have to give back all of my money and telephone". Then the defendant came to the victim's house, called out to the victim and victim came out and met with the defendant. When the victim was about to go back inside, the defendant yanked the victim backwards and screamed in an unpleasant manner, punched the victim and the victim kicked the defendant so the defendant did not manage to have sexual intercourse with the victim.

After this (in October 2016) on the morning of an unspecified date the defendant sent a message to the victim and said "tonight let's have sexual intercourse" but victim said she didn't want to. Therefore the defendant told the victim "if you don't want to then you have to give back all of my money and telephone". Therefore the victim said she would have sexual intercourse with the defendant and the defendant gave US\$10.00 to the victim.

After this, on an unspecified date in October 2016, at 10am, the defendant sent a message to the victim asking her to meet the defendant behind the house. Then the victim met the defendant behind his house and had sexual intercourse inside the toilet.

The public prosecutor alleged that the defendant violated Article 172 of the Penal Code on rape that carries a maximum penalty of 5-15 years in prison and Article 35 of the Penal Code on joinder of crimes.

Presentation of evidence

During the trial the defendant stated that the sexual intercourse took place because the defendant and the victim both consented. The defendant did not force the victim, because they were in a

romantic relationship. The defendant also gave money to the victim and purchased 3 telephones and gave them to the victim. They stopped their romance because the older brothers of the victim became angry. The victim confirmed the facts in the indictment, namely that the relationship took place as described in the charges of the public prosecutor.

Final recommendations

The public prosecutor maintained the charges because the prosecutor stated that the defendant was guilty of committing the crime of rape against the victim. Therefore he requested for the court to use its conviction to impose the correct penalty.

The public defender stated that the charges against the defendant did not fulfil the requirements of the crime set out in Article 172 of the Penal Code. For this reason he requested for the court to acquit the defendant from these charges.

Decision

After evaluating the facts that were proven during the trial, the court found the defendant not guilty of committing the crime of rape against the victim, because the sexual relations were always based on consent and the defendant did not force the victim and they were in a romantic relationship. Based on these considerations the court concluded the matter and acquitted the defendant.

11. Crime of sexual abuse against a minor

Case No.	: 0010/17. VQWTL
Composition of the Court	: Panel
Judges	: Antonio Fonseca : Hugo da Cruz Pui : Jose Escurial
Prosecutor	: Domingos Goveia
Public Defender	: Jose Maria Guterres
Type of Penalty	: 8 years in prison and civil compensation for the victim

On 15 March 2017 the Baucau District Court announced its decision in a case of sexual abuse of a minor involving the defendant BS (neighbour) who allegedly committed the offence against the victim aged 3 in Viqueque District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 11 April 2017, at 4.00pm, the victim and her older sister were playing and suddenly the defendant went into the dining room where the victim and her older sister were playing. When she heard the defendant's voice the victim's mother told the victim's older sister to pour a cup of coffee and give it to the defendant. When the victim's older sister left the defendant and the victim alone in the house, the defendant forced the victim into the bedroom and committed sexual abuse against the victim.

The public prosecutor alleged that the defendant violated Article 177 of the Penal Code on sexual abuse of a minor that carries a maximum penalty of 5-15 years in prison.

Presentation of evidence

During the trial the defendant confessed all of the facts in the indictment, the defendant also stated that after the incident occurred the defendant and his family wanted to talk to the victim's family to resolve the matter in accordance with East Timorese culture and obtain an amicable agreement. The defendant apologised and gave civil compensation of US\$ 1,500 to the victim. The defendant also stated that he was a first time offender and regretted his actions.

Final recommendations

The public prosecutor maintained the charges because during the examination of evidence the defendant confessed all of the facts and believed that the defendant was guilty of committing the crime of sexual abuse of a minor. Therefore he requested for the court to impose a prison sentence of 15 years against the defendant.

The public defender stated that the defendant confessed all of the facts in the indictment and this matter had been resolved in accordance with East Timorese culture. The defendant also stated that he regretted his actions, gave civil compensation to the victim and was a first time offender. The defence also considered the age of the defendant who is 85 years old and is an elderly person. Therefore he requested for the court to impose a fair penalty against the defendant.

Decision

After evaluating the facts produced during the trial, the Court found the defendant guilty of committing the crime of sexual abuse against a minor aged 3 years old. However, in sentencing the court also considered the mitigating circumstances, namely the defendant's age of 85 which makes him an elderly person, as well as the civil compensation of US\$1,500.00 given to the victim. Based on these considerations, the court concluded this matter and sentenced the defendant to 8 years in prison.

12. Crime of simple offences against physical integrity

Case No.	: 0062/17. BCBCV
Composition of the Court	: Single Judge
Judge	: Antonio Fonseca
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Cristovao Nuno Ximenes
Type of Penalty	: Validating withdrawal of complaint

On 15 March 2018 the Baucau District Court attempted conciliation in a case of simple offences against physical integrity involving the defendants Januario da Silva and Angelmo Cardozo Freitas who allegedly committed the offence against the victim Inacio Boavida, in Gariuai Village, Baucau Vila Sub-District, Baucau District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 13 October 2017, at 8am, the defendant was riding a motorcycle to Baucau, and suddenly without a clear motive the defendants stopped the victim's motorcycle. The defendant Januario da Silva Gusmão struck the victim once in the head with an

electrical cable and the defendant Angelmo Cardozo Freitas struck the defendant once in the head with an electrical cable and caused the victim to suffer pain and swelling to his head.

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 266 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, because they had lived in the same village ever since they were young. 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.

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

Case No.	: 0008/17. VQWCB
Composition of the Court	: Single Judge
Judge	: Hugo da Cruz Pui
Prosecutor	: Domingos Goveia Barreto
Public Defender	: Antonio Fernandes
Type of Penalty	: 3 months in prison, suspended for 1 year

On 21 March 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant EF who allegedly committed the offence against his wife in Viqueque District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 7 April 2017 at 11pm the defendant kicked the victim three times in the back and kicked her once on the back of the neck.

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 2, 3, 35 and 36 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 has reconciled with the victim, 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 public prosecutor stated that during the examination of evidence the defendant confessed the acts he committed and the victim confirmed the facts about the defendant's actions. However, the public defender stated that the defendant was a first time offender and regretted his behaviour. For this reason he requested for the court to impose a prison sentence of 3 months, suspended for 1 year.

In addition, the defence also emphasized that the defendant confessed his actions, regretted his actions, was a first time offender and the defendant has reconciled with the victim, and this was the first time in his life that he had hit 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 3 months in prison, suspended for 1 year.

14. Crime of simple offences against physical integrity characterized as domestic violence

Case No.	: 0079/17. BCBCV
Composition of the Court	: Single Judge
Judge	: Afonso Carmona
Prosecutor	: Ivonia Maria Guterres
Public Defender	: Sidonio M. Sarmento
Type of Penalty	: 6 months in prison, suspended for 1 year

On 23 March 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant RAM who allegedly committed the offence against his wife in Baucau District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 7 November 2017 at 4pm the defendant used a branch from a coffee plant to strike the victim twice on her left buttock. The defendant then tried to strike the victim again on the buttocks but the victim resisted and she was struck on the right elbow and shoulder.

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 2, 3, 35 and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant confessed all of the facts set out in the indictment, has reconciled with the victim, regretted his actions, and promised not to reoffend against his wife or any other relative in the future. The victim maintained all of the facts in the indictment but she also stated that she has reconciled with the defendant and since the incident the defendant has not hit her.

Final recommendations

The public prosecutor stated that the defendant confessed all of the facts in the indictment, was a first time offender, regretted his actions, has reconciled with the victim, however she requested for the court to deter the defendant from repeating such acts in the future. For this reason she requested for the court to impose a apply prison sentence of 6 months, suspended for 2 years.

The defence also emphasised that the defendant confessed all of the facts in the indictment, regretted his actions, was a first time offender and the defendant has reconciled with the victim, the defendant promised not to commit any further crimes against his relatives in the future. 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 6 months in prison, suspended for 1 year.

15. Crime of simple offences against physical integrity characterized as domestic violence

Case No.	: 0018/17. BCLGA
Composition of the Court	: Single Judge
Judge	: Afonso Carmona
Prosecutor	: Ivonia M. Guterres
Public Defender	: Antonio Fernandes
Type of Penalty	: 1 year in prison, suspended for 3 years

On 23 March 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant FEX who allegedly committed the offence against his wife in Baucau District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 13 November 2017, at 3pm, the defendant swore at and punched the victim many times in the head and face, the defendant also punched the victim in the eye and the victim suffered swelling and bruising to her eye. The defendant punched the victim again in the head three times and on her left cheek and the victim suffered swelling and bruising to her 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 as well as Article 2, 3, 35 and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant stated that at the time of the incident the defendant slapped the victim four times on her left and right cheeks and stated that he did not strike the victim many

times on the head and face, and did not punch the victim in the cheek and eye. The defendant also stated that she had initially thrown a stone and it struck the defendant above the eye and caused bleeding. The victim stated that the defendant slapped her twice on the right cheek and slapped her twice on the left cheek, the victim threw a rock at the defendant, but the defendant grabbed the victim's hand and the rock struck the defendant above the eye and caused bleeding.

Final recommendations

The public prosecutor stated that during the presentation of evidence the defendant denied some of the facts, but the defendant continued to commit physical assaults against the victim. For this reason she requested for the court to impose a prison sentence of 1 year, suspended for 3 years against the defendant.

The public defender stated that that the defendant admitted the facts related to the acts he committed and the victim also confirmed the statement of the defendant. 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 in prison, suspended for 3 years.

16. Crime of simple offences against physical integrity characterized as domestic violence

Case No.	: 0029/17. VQOSU
Composition of the Court	: Single Judge
Judge	: Hugo da Cruz Pui
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Jose Maria Guterres
Type of Penalty	: Fine

On 26 March 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant AdS who allegedly committed the offence against his daughter in Viqueque District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 17 October 2017, at 11pm, the defendant took a branch 1 metre in length and struck the victim once on her right thigh and 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 as well as Article 2, 3, 35 and 36 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 has reconciled with the victim, regretted his actions, and promised not to reoffend against his relatives in the future. The victim confirmed all of the facts in the indictment but she also stated that the defendant has not hit her since that time.

Final recommendations

The public prosecutor stated that the defendant confessed all of the facts in the indictment, was a first time offender, regretted his actions, has reconciled with the victim, however he requested for the court to deter the defendant from repeating such acts in the future. For this reason he requested for the court to impose a apply prison sentence of 3 months, suspended for 1 years.

The public defender stated that the defendant confessed all of the facts set out in the indictment, regretted his actions, was a first time offender, and has reconciled with the victim. Therefore he requested for the court to impose a fair penalty against the defendant.

Decision

The court concluded this matter and ordered the defendant to pay a fine of US\$ 22.50 to be paid in daily instalments of 50 cents for 45 days. The court also imposed an alternative penalty of 30 days in prison if the defendant does not pay this fine.

17. Crime of simple offences against physical integrity characterized as domestic violence

Case No.	: 0073/17. BCBCV
Composition of the Court	: Single Judge
Judge	: Hugo da Cruz Pui
Prosecutor	: Ivonia Maria Guterres
Public Defender	: Antonio Fernandes
Type of Penalty	: 4 months in prison, suspended for 1 year

On 21 March 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant SMF who allegedly committed the offence against his wife in Baucau District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 23 October 2017, at 7pm, the defendant slapped the victim twice on the back of the head, grabbed the victim by the back of the neck and threw her on the ground and caused the victim to lose consciousness for approximately one hour. The victim woke up and went to lie down next to her young child, and the defendant was outside talking, so the victim got up and went outside and the defendant yanked the victim's hair and kicked the victim once in the back.

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 2, 3, 35 and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant confessed all of the facts in the indictment, stated that after the incident the victim stayed at a shelter for one week and after one week they reconciled. The defendant was a first time offender, regretted his actions and now they are living together with the victim's parents. The victim confirmed all of the facts in the indictment, the victim also stated that previously they lived with the defendant's parents, but after the victim returned from the shelter, together with the defendant and the children they went to live with the victim's parents.

Final recommendations

The public prosecutor stated that the defendant confessed all of the facts set out in the indictment, stated that the defendant committed the assaults against the victim, was a first time offender and regretted his actions. Therefore to prevent the defendant from repeating such actions in the future the public prosecutor requested for the court to sentence the defendant to 6 months in prison, suspended for 2 years.

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 use its conviction to impose the correct penalty.

Decision

Based on the facts that were produced during the trial, the court concluded the matter and sentenced the defendant to 4 months in prison, suspended for 1 year.

18. Crime of simple offences against physical integrity characterized as domestic violence

Case No.	: 0015/17. VQOSU
Composition of the Court	: Single Judge
Judge	: Jose Quintão
Prosecutor	: Domingos Goveia
Public Defender	: Grigorio de Lima
Type of Penalty	: Fine

On 27 March 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity involving the defendant RdC who allegedly committed the offence against his wife in Viqueque District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 14 July 2017 at 9am the defendant slapped the victim twice on the left cheek, punched the victim once on her left arm and kicked the victim once in the 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 Article 2, 3, 35 and 36 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 has reconciled with the victim. The victim maintained all of the facts in the indictment but stated that since the incident the defendant has not hit her.

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 month, suspended for 3 years.

The public defender stated that the defendant confessed what he had done and regretted his actions, and he was a first time offender, and has reconciled with the victim. Therefore he requested for the court to impose a fair penalty against the defendant.

Decision

The court concluded this matter and ordered the defendant to pay a fine of US\$ 15 to be paid in daily instalments of 50 cents for 30 days. The court also imposed an alternative penalty of 20 days in prison if the defendant does not pay this fine.

19. Crime of serious offences against physical integrity

Case No.	: 0007/17. BCBCV
Composition of the Court	: Panel
Judges	: Jose Quintão : Antonio Fonseca : Jose Escurial
Prosecutor	: Gustavo da Silva
Public Defender	: Jose Maria Guterres
Type of Penalty	: 3 years in prison, suspended for 3 years for each defendant, and compensation for the victim

On 28 March 2018 the Baucau District Court announced its decision in a case of serious offences against physical integrity involving the defendants Gilberto Nunes Hornai and Mario dos Santos Pereira who allegedly committed the offence against the victim Mateus dos Santos Ribeiro at Secondary School No. II Vila Nova, Baucau.

Charges of the Public Prosecutor

The public prosecutor alleged that on 12 December 2016, at 10am, inside their school the defendant Gilberto Nunes Hornai kicked the victim once on his right thigh. Meanwhile the defendant Mario dos S. Pereira stabbed the victim once in the chest with a piece of steel and stabbed the victim once on the right side of the chest, and caused the victim to suffer an injury to his chest requiring three stitches and an injury to the right side of his chest requiring four stitches. The incident occurred when the students were waiting to hear about their final exam results, so they moved a table to the main room and when they moved the table where the defendant Gilberto Nunes Hornai was sitting it struck the victim's foot and then they argued and the two defendants committed the act against victim.

The public prosecutor alleged that the defendant violated Article 146 of the Penal Code on simple offences against physical integrity.

Presentation of evidence

During the trial the defendant Gilberto N. Hornai confessed all of the facts in the indictment. Meanwhile the defendant MdSR stated that when the defendant Gilberto and the victim argued the defendant Mario dos Santos Ribeiro (Mario) were talking, but the victim asked the defendant (Mario) if he wanted to interfere and then pushed the defendant Mario, so the defendant took a 6mm piece of steel and stabbed the victim once in the chest. The victim confirmed all of the facts in the indictment; the victim also stated that after the incident the victim spent one night at the Baucau Referral Hospital.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime of serious offences against physical integrity against the victim based on the partial confession of the defendants and the statement of the victim. Therefore he requested for the court to use its conviction to order the defendants to pay civil compensation to the victim.

The public defender stated that the defendants should be charged separately for the crime committed, because the defendant Gilberto N. Hornai kicked the victim once on the right thigh and therefore the public defender requested for the court to acquit this defendant because the parties had reached an amicable agreement. Meanwhile the defendant Mario dos Santos Ribeiro stated that he stabbed the victim once in the chest. Therefore he requested for the court to provide justice for this defendant.

Decision

The court concluded this matter and sentenced the defendant Gilberto N. Hornai to 3 years in prison suspended for 3 years and the defendant Mario d. S. Ribeiro was sentenced to 3 years in prison suspended for 3 years and the two defendants were ordered to pay civil compensation to the victim totalling US\$1,000.

20. Crime of mistreatment of a spouse

Case No.	: 0043/17.BCBCV
Composition of the Court	: Panel
Judges	: Jose Quintão : Antonio Fonseca : Hugo da Cruz Pui
Prosecutor	: Luis Hernani Rangel
Public Defender	: Antonio Fernandes
Type of Penalty	: 3 years in prison, suspended for 6 months

On 22 March 2018 the Baucau District Court conducted a hearing to announce its decision in a case of mistreatment of a spouse involving the defendant CdS who allegedly committed the offence against his wife in Baucau District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 2 July 2017, at 7.15pm, the defendant punched the victim twice in the mouth, which caused an injury and bleeding to the victim's mouth. The defendant then kicked the victim 5 times in the back and choked the victim 3 times which caused the victim to suffer severe pain to her back and throat.

On 15 May 2017 at 7pm the defendant punched the victim 3 times on the right side of her forehead and caused the victim to suffer an injury and bleeding and the victim fell to the ground. After the incident the victim's older brother carried the victim and laid her down on the bed, and the victim did not make a complaint because they resolved the matter in accordance with East Timorese custom.

On 7 February 2017 at 7pm the defendant grabbed the victim's hair and pulled her backwards. Previously on 5 November 2016 at 8am the defendant punched the victim many times in the forehead and kicked the victim many times in the back, which caused the victim to suffer pain, swelling and bruising to her forehead and back.

The public prosecutor alleged that the defendant violated Article 154 of the Penal Code on the mistreatment of a spouse that carries a prison sentence of 2 - 6 years in prison as well as Articles 2, 3(a), 35 (b) of the Law Against Domestic Violence.

Presentation of evidence

During the trial, the defendant used his right to remain silent. The victim maintained all of the facts in the indictment and stated that she has separated from the defendant.

Final recommendations

The public prosecutor stated that even though the defendant chose to remain silent, the victim confirmed all of the facts in the indictment and it had been proven that the defendant mistreated his spouse during their time together and did not demonstrate any regret. For this reason the public prosecutor requested for the court to impose a prison sentence on the defendant.

The public defender stated that during the trial the defendant chose to remain silent, but the victim maintained all of the facts set out in the indictment. 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 3 months in prison, suspended for 6 months.

21. Crime of Manslaughter

Case No.	: 0095/12. PDBAU
Composition of the Court	: Single Judge
Judge	: Afonso Carmona
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Jose Maria Guterres
Type of Penalty	: 2 years in prison, suspended for 2 years

On 27 March 2018 the Baucau District Court, through the mobile court in Manatuto District, conducted a hearing to announce its decision in a case of manslaughter involving the defendant Miguel Guterres and the victim Nelson J. L. Freitas, in Vemasse Village, Vemasse Sub-District, Baucau District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 29 January 2012 at 8am the victim was riding a mega pro motorcycle and taking his wife from their home to Baucau to attend a lecture at UNPAZ in Baucau. When he was negotiating a curve in the road near Wailiakama, a Sun Flower bus driven by the defendant appeared in front, and the victim's wife shouted out to the victim that there was a vehicle ahead and the victim did not manage to brake and the vehicle struck the motorcycle and the victim was tossed from the motorcycle and suffered injuries to his leg, head and heavy bleeding. An ambulance took the victim from the scene of the accident to the Baucau Referral Hospital, but the victim passed away at the hospital.

The public prosecutor alleged that the defendant violated Article 140 of the Penal Code on manslaughter that carries a maximum penalty of 4 years in prison or a fine.

Presentation of evidence

During the trial the defendant confessed all of the facts in the indictment, the defendant also stated that together with his boss he helped the victim's family pay for the funeral ceremony by giving them US\$5,000. The defendant and the victim's family have reconciled, the defendant regretted his actions and was a first time offender.

Final recommendations

The public prosecutor maintained the charges and believed that the defendant had been careless and struck the victim who died in hospital. Therefore he requested for the court to impose a suspended sentence against the defendant.

The public defender stated that the defendant confessed all of the facts set out in the indictment, helped with the funeral ceremony, regretted his actions and was a first time offender. Therefore he requested for the court to impose a fair penalty against the defendant.

Decision

Based on the facts that were produced during the trial, the court concluded the matter and sentenced the defendant to 2 years in prison, suspended for 2 years.

22. Crime of mistreatment of a spouse

Case No.	: 0006/14.MNNTB.
Composition of the Court	: Panel
Judges	: Afonso Carmona Antonio Fonseca José Goncalves
Prosecutor	: Gustavo da Silva
Public Defender	: Jose Maria Guterres

Type of Penalty : 3 years in prison, suspended for 3 years

On 28 April 2018 the Baucau District Court, through the district court in Manatuto District, conducted a hearing to announce its decision in a case of mistreatment of a spouse involving the defendant JP who allegedly committed the offence against his wife in Manatuto District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 5 May 2014, at 7pm, the defendant choked the victim, and slammed the victim's head against a tree. Previously in March 2014 the defendant punched and kicked the victim many times on her body.

The public prosecutor alleged that the defendant violated Article 154 of the Penal Code on the mistreatment of a spouse that carries a prison sentence of 2 - 6 years in prison 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 defendant also stated that after the incident he apologised to the victim at Fokupers, but the victim did not accept and asked for a separation. The victim confirmed all of the facts in the indictment and stated that she did not want to live with the defendant, because the defendant always suspected the victim of having another man and always assaulted the victim.

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 prison sentence of 3 years, suspended for 3 years against the defendant.

The public defender stated that the defendant was guilty of committing the crime against the victim, but the defendant confessed, regretted his actions, and tried to apologise to the victim but the victim did not want to accept it. Therefore he requested for the court to also consider the mitigating circumstances and requested a fair penalty.

Decision

Based on the facts that were produced during the trial and after considering all of the circumstances surrounding this crime, the court concluded the matter and sentenced the defendant to 3 years in prison, suspended for 3 years and ordered the defendant to pay court costs of US\$40.00.

23. Crime of simple offences against physical integrity

Case No. : 0271/13. PDBAU
Composition of the Court : Single Judge
Judge : Afonso Carmona
Prosecutor : Gustavo da Silva
Public Defender : Jose Maria Guterres

Type of Penalty : Validating withdrawal of complaint

On 28 March 2018 the Baucau District Court, through the district court in Manatuto District, conducted a hearing to attempt conciliation in a case of simple offences against physical integrity involving the defendants Marciano Dos Reis da Costa, Costantino Martins da Costa and Jacinto Carvalho da Costa and the victim João Paulo da Costa in Manatuto Sub-District, Manatuto District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 13 June 2013, at approximately 11pm, the victim and his cousin Manuel da Costa went to a ceremony at the St. Antonio Padroeiro Church in Manatuto. Suddenly the three defendants approached the victim and argued with the victim without a clear reason. The defendants beat the victim and punched the victim in the head, back and throat. The defendant Marciano dos Reis took a knife and stabbed the victim in the right side of his hand and caused the victim to suffer pain and swelling to his head, throat and an injury to his right hand.

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 the attempted conciliation the defendant apologised to the victim, and stated that they resolved the matter in accordance with East Timorese culture, the defendant regretted his actions and promised not to commit any other crimes against the victim or other person in the future. 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.

For more information, please contact:

Luis de Oliveira Sampaio
Executive Director of JSMP
Email: luis@jsmp.tl
info@jsmp.tl