



Case Summary

The Suai District Court

July 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 Suai District Court

1. Total cases monitored by JSMP: 47

Article	Case Type	Number of cases
Article 145 of the Penal Code (PC) as well as Articles 2, 3, 35, 36 of the Law Against Domestic Violence	Simple offences against physical integrity characterized as domestic violence (Article 2 on the concept of domestic violence, Article 3 on family relationships, Article 35 on different types of domestic violence and Article 36 on domestic violence as a public crime)	17
Article 154 of the PC as well as Articles 2, 3, 35(a) and 36 of the Law Against Domestic Violence	Mistreatment of a spouse	2
Article 177 of the PC	Sexual abuse of a minor	1
Articles 171 and 173(d) of the Penal Code	Aggravated sexual coercion	2
Articles 23 and 138 of the Penal Code	Attempted homicide	1

Article 138 of the PC	Homicide	1
Article 140 of the PC	Manslaughter	2
Article 141 of the PC	Termination of Pregnancy	1
Article 225 of the PC	Failure to fulfil an obligation to provide food assistance	4
Article 252.1 (a & e) of the Penal Code	Aggravated larceny	2
Article 251 of the PC	Larceny	1
Article 258 of the PC	Property damage	2
Article 266 of the PC	Fraud	1
Article 145 of the PC	Simple offences against physical integrity	6
Article 316 of the PC	Smuggling	3
Article 157 of the PC	Threats	1
Total		47

2. Total number of decisions monitored by JSMP: 32

Type of Penalty	Number of cases
Prison sentence	3
Suspension of execution of a prison sentence (Article 68 of the PC)	14
Suspension of a prison sentence with conditions (Article 69 of the PC)	1
Fine (Article 67 of the PC)	1
Validated withdrawal of complaint (Article 262 of the CPC)	11
Acquitted	2
Total	32

3. Total cases adjourned based on JSMP monitoring: 5

Reason for adjournment	Number of cases
Victim and witness not present	1
Defendant and victim not present	1
Total	2

4. Total ongoing cases based on JSMP monitoring: 10

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

1. Crime of aggravated sexual coercion

Case No. : 0087/16.BBMLV
Composition of the Court : Panel
Judges : Florensia Freitas, Nasson Sarmiento, and Samuel da Costa Pacheco
Prosecutor : Ricardo Leite Godinho
Public Defender : Manuel Amaral
Type of Penalty : Acquitted

On 3 July 2017 the Suai District Court conducted a hearing to announce its decision in a case of sexual coercion involving the defendant MP who allegedly committed the offence against the victim MNA, who was aged 16, in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 15 June 2016 the defendant went to the victim's house and from the defendant's window saw the victim straightening her hair. The defendant asked the victim for some cold water to drink so the victim told the defendant to just go and get it from inside the house. The defendant went into the victim's house and got some cold water to drink. The defendant told the victim that if the victim wanted to straighten her hair at a salon the defendant would give her money, but the victim refused. At that time the victim and her nephew were home alone because the other members of the victim's family had all gone to Dili and the victim's nephew was in the bathroom having a shower.

Even though the victim refused, the defendant again asked the victim if she wanted money or not, so the defendant went to his house to get some money. The victim still did not want the money and asked the victim what the money was for.

Not long after the defendant went to his house, he came back to the victim's house with US\$100 which he intended to give to the victim. However the victim still refused to accept the money and asked the defendant why he wanted to give her money. The defendant responded that he just wanted to give her the money.

In addition, the defendant also promised the victim he would not also give the victim more money when he received his salary. The victim still did not accept the money and stood up so she could fill a thermos with hot water. When the victim stood up to walk away the defendant followed her from behind and grabbed the victim on her side. The victim did not like this and immediately told the defendant that she did not want the defendant to grab her on the body. The victim filled up the thermos with hot water and continued to straighten her hair, and while she was straightening her hair the defendant tried to grab the victim on her left breast but did not manage to do so because the victim knocked his hand away. As a result of these acts the

victim felt afraid and traumatised. The defendant also asked the victim not to tell his wife or her family.

At that time the victim and her nephew were home alone because the other members of the victim's family had all gone to Dili and the victim's nephew was having a shower.

The prosecutor accused the defendant of violating Article 171 of the PC on sexual coercion which carries a penalty of 2 to 8 years in prison and for violating Article 173 (d) of the PC on aggravation because the victim was aged less than 17.

Presentation of evidence

During the trial the defendant partially confessed to the facts set out in the indictment that he did go to the victim's house and asked the victim for some cold water. However the defendant denied that he took some money to give to the victim and did not have any ill intent towards the victim. The defendant stated that he did grab the victim on her side but not with ill intent but just grabbed her like a younger sibling because they are neighbours. The defendant also stated that he was a first time offender. The victim corroborated the charges of the public prosecutor and stated that the defendant had ill intent towards the victim.

Final recommendations

The public prosecutor believed that the defendant was guilty of committing the crime against the victim based on the facts set out in the indictment. Therefore the prosecutor requested for the court to impose a suspended prison sentence on the defendant.

Meanwhile, the public defender requested for the court to acquit the defendant because he believed that the actions of the defendant did not fulfil the requirements of the crime of sexual coercion.

Decision

After evaluating the facts produced during the trial, the court found the defendant was not guilty of committing the crime of sexual coercion against the victim. Based on this conclusion the court acquitted the defendant from the charges of the public prosecutor.

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

Case No.	: 0078/17.CVSUI
Composition of the Court	: Single Judge
Judge	: Argentino Luisa Nunes
Prosecutor	: Napoleão da Silva
Public Defender	: Albino de Jesus Pereira
Type of Penalty	: 1 year in prison, suspended for 2 years

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

Charges of the Public Prosecutor

The public prosecutor alleged that on 4 October 2017 the defendant choked the victim and took a piece of wood and struck the victim on the right shoulder which caused serious swelling and pain. The defendant then choked the victim, pushed the victim on the ground and sat on the victim's back. These acts caused the victim to suffer pain to her back and severe pain to the back of her neck. The defendant suspected the victim of having a romantic relationship with another man, so they argued and then he committed the assault.

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) and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant partially confessed to the facts and said he did not sit on the victim's back but acknowledged that he choked the victim on the front and back of her neck and took a piece of wood and struck the victim because the victim had first taken a chair and struck the defendant and grabbed a knife to stab the defendant.

The victim maintained the facts set out in the indictment of the public prosecutor. The victim also stated that she did not first commit acts against the defendant as described by the defendant to the court and did not take a chair to strike him or grab a knife to stab him.

Final recommendations

The public prosecutor stated that the defendant partially confessed to the facts set out in the indictment. Therefore, even though the defendant regretted his actions and was a first time offender, the prosecutor requested for the court to apply a prison sentence of two years, suspended for three years to generally deter the defendant from repeating such acts in the future.

In addition, the public defender requested for the court to impose a suspended prison sentence because the defendant regretted his actions and was a first time offender.

Decision

After evaluating these facts the court found the defendant guilty of committing the crime based on the facts set out in the indictment. The court concluded the matter and sentenced the defendant to 1 year in prison, suspended for 2 years, and ordered the defendant to pay court costs of US\$20.

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

Case No. : 0063/17.CVSUI
Composition of the Court : Single Judge
Judge : Argentino Luisa Nunes
Prosecutor : Ricardo Leite Godinho
Public Defender : Albino de Jesus Pereira
Type of Penalty : Fine of US\$ 60.00

On 9 July 2018 the Suai District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant CMM who allegedly committed the offence against his wife in Covalima District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 11 September 2017, at approximately 6pm, the defendant punched the victim once in the throat, and twisted her body so she fell to the ground. When the victim fell to the ground, the defendant grabbed her two legs and dragged her along the ground. These acts caused the victim to suffer an injury and swelling to her back.

Previously, the victim had asked the defendant about some rope to climb up a tree to make a cut in the tree for palm wine but the defendant told the victim that she didn't need to know about the rope. The victim was not happy with the defendant's response to her question, so the victim took some beans in a woven basket and tipped them on the ground, so they argued and the assault occurred.

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) 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, the defendant also stated that he regretted his actions. The defendant also stated that he has reconciled with the victim and promised to the court that in the future he will not repeat such crimes against the victim or other person.

The victim maintained all of the facts in the indictment and confirmed the statement of the defendant that they have reconciled and since the incident the defendant has not hit her.

Final recommendations

The public prosecutor maintained the charges because he believed that the defendant was guilty of committing the crime against the victim, therefore the prosecutor requested for the court to impose an adequate penalty on the defendant.

The public defender requested for the court to apply a fair punishment against the defendant, with consideration of the mitigating circumstances because the defendant confessed, regretted his actions, was a first time offender and promised not to reoffend against the victim in the future.

Decision

The court found the defendant guilty of committing the crime against the victim based on the facts set out in the indictment. Based on the facts that were proven the court ordered the defendant to pay a fine of US\$60.00 through daily instalments of US\$ 0.50 for 120 days. The court also ordered the defendant to pay court costs of US\$10.00. If the defendant does not pay this fine then he will be sent to prison for 60 days as an alternative punishment.

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

Case No.	: 0020/17.ANMBS
Composition of the Court	: Single Judge
Judge	: Samuel da Costa Pacheco
Prosecutor	: Matias Soares
Public Defender	: Manuel Amaral
Type of Penalty	: 4 months in prison, suspended for 1 year

On 10 July 2018 the Suai District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant CdS who allegedly committed the offence against his wife in Ainaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 30 December 2017 the defendant took a long branch measuring almost 70cm, and struck the victim five times on her left shoulder, back, right leg and left leg. The defendant only stopped the assault when his mother intervened and impeded him. These acts caused the victim to suffer bruises and swelling to the parts of the body that were struck.

The incident occurred when the victim told the defendant to wash their child's cloth nappies before going to the market but the defendant did not do it. Therefore they argued in front of a neighbour's house, and then the defendant went home to fetch a branch to beat 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 as well as Articles 2, 3 (a), 35 (b) 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, the defendant also stated that he regretted his actions. However, the defendant also stated that they have reconciled and are living together as husband and wife.

In addition, the victim reinforced the facts set out in the indictment and confirmed that she has reconciled with the defendant and until now the defendant has not beaten her again.

Final recommendations

The prosecutor believed that the defendant had been found guilty of committing the crime and therefore in the interest of deterrence the public prosecutor requested for the court to sentence the defendant to 6 months in prison, suspended for 1 year.

The public defender requested for the court to apply an appropriate punishment against the defendant because he confessed all of the facts, regretted his actions, was a first time offender, and promised not to reoffend against the victim in the future.

Decision

After evaluating all of the facts that had been proven the court found the defendant guilty of committing the crime against the victim based on the facts set out in the indictment. Therefore, the court concluded this matter and sentenced the defendant to 4 months in prison, suspended for 1 year.

5. Crime of sexual abuse against a minor

Case No.	: 0024 /15.CVZML
Composition of the Court	: Panel
Judges	: Florensia Freitas, Samuel da Costa Pacheco and Nasson Sarmiento
Prosecutor	: Ricardo Leite Godinho
Public Defender	: Albino de Jesus Pereira
Type of Penalty	: 18 years in prison

On 12 July 2018 the Suai District Court announced its decision in a case of sexual abuse of a minor involving the defendant JA who allegedly committed the offence against the victim who was only aged 12 in Covalima District¹.

¹ This case was retried because a member of the panel passed away before signing the decision in this case.

Charges of the Public Prosecutor

The public prosecutor alleged that at some time in 2015 the victim was watching television at the defendant's home. The defendant called out to the victim and lied by saying he would put some potion on her hair to make it long and therefore the defendant took the victim into his plantation at the base of the fence. However, the defendant then removed the victim's pants, laid down some clothes on the ground, covered the victim's mouth and had sexual intercourse with the victim. The defendant threatened the victim and told her not to tell anyone else. This act caused the victim to suffer heavy bleeding and she couldn't walk properly.

On the very next evening the victim went to watch television again at the defendant's house, but the defendant was waiting for the victim on the road and dragged the victim into a plantation. The defendant put a sack on the ground and laid the victim on the sack and had sexual intercourse with the victim.

On the third and fourth evenings the defendant again took advantage of the dark when the victim went to watch television at the defendant's house, and also took advantage of the fact that his wife was not home, and the defendant called out to the victim and had sexual intercourse with the victim. After having sex, the defendant told the victim to watch television at his house.

Then on 4 December 2015 at approximately 11:00pm the victim was watching television and the defendant's wife was asleep in the room. The defendant's wife witnessed (although not clearly) the defendant carry the victim into the room and have sexual intercourse with the victim. However, the defendant's wife was not brave enough to ask about it because she was afraid that the defendant would commit a crime against her because previously the defendant had often committed crimes against his wife.

Around the 16th December 2015, when the defendant was not at home, the defendant's wife asked the victim about the incident because she suspected that the defendant carried the victim into the bedroom. At that time the victim told the defendant's wife that the defendant carried her into the bedroom and told the victim to remove her pants to have sexual intercourse. This matter was only reported to the police when the defendant committed domestic violence against his wife on 19 December 2015. At that time the defendant's wife not only made a complaint to the police about the case of domestic violence², but the defendant's wife also made a complaint about a case of rape against the victim.

The public prosecutor accused the defendant of violating Article 177.1 of the PC on sexual abuse of a minor which carries a penalty of 5-20 years in prison, together with Article 41 of the PC on continuous crime.

² The case of domestic violence against his wife is still being processed. The police took the initiative to first process the case involving sexual abuse against the victim because they considered that the victim was still a minor.

Presentation of evidence

During the trial the defendant denied the facts alleged by the prosecutor against him and stated that he did not have sexual intercourse with the victim. The defendant acknowledged that he grabbed and squeezed the victim's breast and also grabbed her vagina. The defendant also stated that this case had been resolved in accordance with East Timorese culture and defendant gave US\$1,250 to the victim and her family.

The victim confirmed the charges of the prosecutor but stated that the sexual intercourse actually took place on eight occasions. The victim added that the second to the eighth incidents did not include threats and the victim herself wanted to watch television at the home of the defendant. Also, the victim also confirmed the testimony of the defendant that this case had been resolved in accordance with East Timorese culture and the defendant gave US\$1,250 to the victim and her family.

The witness JdR, as the wife of the defendant, testified that she did not witness the sexual intercourse, but she found out about this case when she was suspicious one night when the victim carried the victim to a bedroom and then she asked the victim, and the victim told her that the defendant had sexual intercourse with her. After this, because the defendant also committed the crime of domestic violence against the witness, she made a complaint about the domestic violence and the sexual abuse committed against the victim. Then the witness took the victim to hospital and the doctor conducted a medical exam and reported that there were signs of the sexual intercourse experienced by the victim.

Final recommendations

The public prosecutor stated that the defendant committed the crime against the victim. Therefore, based on the victim's statement and medical report, the public prosecutor requested for the court to impose a prison sentence of six years against the defendant.

The public defender stated that the defendant did not have sexual intercourse with the victim, and only grabbed her breasts and vagina. Therefore the public defender stated that the defendant's actions did not fulfil the requirements of the crime of sexual abuse of a minor. Therefore the public defender requested for the court to impose a fair and proportional penalty against the defendant.

Decision

After evaluating the facts produced during the trial, the court found that the defendant was guilty of having sexual intercourse with the victim on eight occasions. The court did not find evidence that the defendant used force and threats against the victim when having sexual intercourse with her, and the court referred to the victim's testimony that the defendant did not use force and threats. The court also evaluated the facts the victim continued to watch television on

consecutive evenings after these incidents. However, because the victim was a minor (aged 12) the court concluded this matter and sentenced the defendant to 18 years in prison.

6. Crime of simple offences against physical integrity

Case No. : 0006/18.CVMCT
Composition of the Court : Single Judge
Judge : Samuel da Costa Pacheco
Prosecutor : Ricardo Leite Godinho
Public Defender : Albino de Jesus Pereira
Type of Penalty : Validating withdrawal of complaint

On 12 July 2018 the Suai District Court attempted conciliation in a case of simple offences against physical integrity involving the defendant Jezinho Celestino do Carmo who allegedly committed the offence against the victim Americo Moniz, in Maukatar Sub-District, in Covalima District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 8 April 2018 the defendant approached the victim and used his left hand to grab the victim by the shirt and used his right hand to punch the victim in the mouth and kicked the victim once on his side which caused the victim to fall to the ground. These acts caused the victim to suffer an injury and heavy bleeding from the mouth. The defendant committed this crime because the defendant did not accept that the victim had cut down the defendant's plants.

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 victim wanted to withdraw his complaint on the condition that the defendant would compensate the victim for his suffering with a payment of US\$100. The defendant did not agree with this amount and only wanted to give US\$50. However, the victim maintained the demand for US\$100, so finally the defendant agreed to this amount and stated that he regretted his actions. The defendant also promised not to repeat his behaviour in the future.

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 property damage

Case No. : 0010/17.CVSLL
Composition of the Court : Single Judge
Judge : Nasson Sarmento
Prosecutor : Matias Soares
Public Defender : Fransisco Caetano Martins
Type of Penalty : Prison sentence of 1 year, suspended for 1 year and 6 months

On 16 July 2018 the Suai District Court announced its ruling in a case of property damage involving the defendants MdR, VX, QdS, OdF, DM, CA and AdC against Manuel Amaral (the victim) in Covalima District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 2 June 2017, at 9am, when the victim was feeding some buffaloes, the victim realised that some buffaloes were missing. Therefore at noon the victim and his wife went looking for the buffaloes that were missing and only found them at 4.00pm. At that time the victim and his wife saw the defendants cutting up the victim's buffalo in Talilaran. The defendants had put a noose close to the victim's plantation near the place where buffaloes went in and out of their pen.

On 7 June 2017 the victim saw the defendants again cutting up one of the victim's buffaloes marked as Ulu and with long ears. Another buffalo had not yet been cut up by the defendants and was tied up. Therefore, the victim and his son took a buffalo and tied it to their house.

The public prosecutor alleged that the defendants have already stolen 20 of the victim's buffaloes since 2013 with a total value of US\$8,000.

The public prosecutor alleged that the defendant violated Article 252 of the Penal Code on aggravated larceny that carries a maximum penalty of 3 year in prison or a fine.

Presentation of evidence

During the trial the defendants denied all of the facts and stated that the buffaloes that they lassoed were not marked as Ulu, as claimed by the victim. The defendants also stated that the buffaloes belonged to the defendant MdR and they did not know about the victim's buffaloes. The victim maintained the facts set out in the indictment of the public prosecutor.

The witness FM, who was the neighbour of the defendant MdR, testified that the defendant MdR has buffaloes, but not as many as the victim. In relation to the buffaloes killed by the defendants, the witness testified that he did not have any knowledge.

Final recommendations

The public prosecutor believed that the defendants committed the crime based on the facts set out in the indictment. Therefore, the prosecutor requested for the court to impose an effective penalty against the defendants of five years in prison including asking the defendants to compensate the victim for a buffalo that the defendant's had killed.

The public defender requested for the court to acquit the defendants from the charges because the buffalo killed by the defendants did not have a brand mark as claimed by the victim and the 20 buffaloes that went missing had not been stolen by the defendants. Therefore the public defender stated that the defendant's actions did not fulfil the requirements of the crime of aggravated larceny.

Decision

After evaluating all of the facts, the court amended the charge from Article 252 of the Penal Code to Article 258 of the Penal Code on property damage that carries a penalty of 3 years in prison or a fine. The court stated that the defendants' actions did not fulfil the requirements of the crime of aggravated larceny because the defendants did not know that the buffalo that they had lassoed belonged to the victim. However, to deter the defendants from repeating their actions in the future, the court imposed a prison sentence of one year, suspended for one year and six months.

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

Case No.	: 0155/17. PDSUA
Composition of the Court	: Single Judge
Judge	: Argentino Luisa Nunes
Prosecutor	: Ricardo Leite Godinho
Public Defender	: Albano Maia (trainee lawyer)
Type of Penalty	: Acquitted

On 17 July 2018 the Suai District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant CB (father)

and LCB (daughter) who allegedly committed the offence against the victim (wife and mother) in Covalima District.

Charges of the Public Prosecutor

The public prosecutor stated that the defendant CB and the victim had been husband and wife and then separated. On 27 September 2017, at 7pm, the victim went to the defendant's home. At that time the defendant LCB, who is the victim's daughter and is already married, told the victim that the place where they were living did not belong to the victim, but was the result of her father's hard work. Therefore, the victim responded to the defendant LCB by saying *"Are you the mother, or am I the mother. You are stealing the house from me"*.

The defendant did not accept this and took a dish and threw it at the victim but missed. When the victim approached to hit the defendant, suddenly the defendant CB came from behind and hit the victim three times on the back and the victim fell to the ground. Then the defendant LCB ripped the victim's clothes. These acts caused the victim to suffer pain to her body, and she had difficulty breathing. In addition, the defendant CB was subject to a suspended prison sentence in another case involving the crime of property damage.

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, as well as Articles 2, 3(a), 35(b) and 36 of the Law Against Domestic Violence, as well as 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

During the trial the defendants denied all of the allegations that they hit the victim. The defendant CB stated that when he returned from his plantation he saw the defendant LCB crying. The defendant asked why she was crying and the defendant LCB responded that the victim had hit her. The defendant also stated that he did not take any action against the victim because he was subject to a suspended prison sentence. Therefore he went to his neighbour's house (AB) and just spent some time there.

The defendant LCB stated that the victim hit her and grabbed her so she grabbed the victim's by her clothes to get away. The defendant also stated that she had no intention of hitting the victim because the victim was her mother.

The victim maintained the facts set out in the indictment and stated that prior to this problem she and the defendant were separated.

The witness AB testified that the defendant did go to the other house and suddenly the victim went and slapped the defendant.

Final recommendations

The public prosecutor gave consideration to the facts set out in the indictment and the victim's testimony. Based on these considerations, the public defender requested for the court to impose a fair penalty against the defendants.

The public defender requested for the court to acquit the defendant CB and the defendant LCB from the charges of the public prosecutor because he believed that the defendants did not commit the crime against the victim.

Decision

After evaluating all of the facts, the court acquitted the defendant CB and the defendant LCB from the charges of the public prosecutor because the court found that the defendants did not commit any crimes against the victim.

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

Case No.	: 0193/16.PDSUA
Composition of the Court	: Single Judge
Judge	: Florensia Freitas
Prosecutor	: Napoleão da Silva Soares
Public Defender	: Albano Maia (trainee lawyer)
Type of Penalty	: Withdrawal of complaint

On 24 July 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 AdS who allegedly committed the offence against his wife in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that in 2015 the defendant and the victim argued and the defendant left the house and never returned and did not provide alimony for his child who is 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

During the trial the defendant acknowledged his actions and promised that he would fulfil his obligation to provide alimony for his child. The defendant was willing to give US\$30 every month for his child. The victim agreed with this amount and wanted to withdraw her complaint against the defendant.

Final recommendations

The public prosecutor and public defender accepted the agreement between the two parties and decided to acquit the defendant.

Decision

Based on the amicable agreement between the parties and the defendant's promise to fulfil his obligation to provide alimony for his child and the victim's request to withdraw the matter, and the court endorsed this agreement.

10. Crime of simple offences against physical integrity

Case No. : 0011/18.PDSUA
Composition of the Court : Single Judge
Judge : Samuel da Costa Pacheco
Prosecutor : João Marques
Public Defender : Albino de Jesus Pereira
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 DFC who allegedly committed the offence against his girlfriend in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 2 February 2017 the defendant took a billiard cue and struck the victim on the knee and hand which caused pain and swelling to her knee and hand.

Previously, the victim went to the defendant's home and asked the defendant about a woman who the defendant had picked up and driven past the victim's house. The defendant told the victim that he was driving his friend. When they were discussing this the defendant received a telephone call and told the victim to go away. Therefore they argued and the assault occurred.

Then on 28 November 2017, at the Maliana Market, the victim and her aunty (MI) went to eat some meatballs at a restaurant and saw the defendant and a woman also eating meatballs at that restaurant. Therefore, the victim questioned the defendant and the defendant said that the woman was his girlfriend and grabbed the victim's arm to pull her up. The victim did not accept this and slapped the defendant once on his right cheek. The defendant also slapped the victim twice on her left cheek, choked the victim and dragged the victim from the restaurant. The defendant slapped the victim across her right cheek and told the victim that she should not embarrass him. These acts caused the victim to suffer pain and swelling to her cheek and throat.

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 victim was willing to withdraw her complaint on the condition that the defendant should compensate her embarrassment with a payment of US\$100. The defendant agreed with this request and gave US\$ 100 to the victim. The defendant regretted his actions and promised not to commit any further crimes against victim or other person in the future.

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. Crime of simple offences against physical integrity

Case No.	: 0009/17.BBBBV
Composition of the Court	: Single Judge
Judge	: Benjamin Barros
Prosecutor	: Napoleão da Silva Soares
Public Defender	: Albano Maia (private trainee lawyer)
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 Luis Gomes who allegedly committed the offence against Longuinhos de Jesus Gouveia in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 13 September 2017 the victim, who is a teacher, was returning from school and when he passed in front of the defendant's home, the defendant asked the victim "why did you tell the students to get stones from my plantation". The victim told the defendant that this large group of students sometimes get rocks from the wrong place. After

responding the victim continued walking home. However, the defendant followed the victim from behind.

When the victim saw the defendant following him, the victim asked the defendant to sit together and talk about it nicely and if the children took the wrong stones, then they could give them back. But the defendant told the victim "If I kill you, no-one will stop me". After making this statement the defendant took a broom and struck the victim on his left cheek with the handle and struck him once on the shoulder and caused pain and swelling to the victim's cheek 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.

Presentation of evidence

Before progressing to the presentation of evidence, the judge may seek to reach conciliation between the defendant and victim.

During this attempted conciliation the victim was willing to withdraw his complaint because the defendant promised not to make threats or beat the victim. In addition, the defendant also apologised to the victim. The defendant also agreed with the victim's request to withdraw the matter.

During this attempted conciliation the victim was willing to withdraw the complaint because the defendant apologised to the victim and regretted his mistake. In addition, the defendant promised not to commit any further crimes against victim or other person in the future.

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. Crime of homicide

Case No.	: 0083/16 .CVSUI
Composition of the Court	: Panel
Judges	: Florensia Freitas, Nasson Sarmiento, and Samuel da Costa Pacheco
Prosecutor	: Napoleão Soares
Public Defender	: Manuel Amaral

Type of Penalty : 14 years in prison

On 24 July 2018 the Suai District Court, through the mobile court in Bobonaro District, announced its decision in a case of homicide involving the defendant Eusebio dos Santos and the victim Octavia Moniz, in Covalima District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 17 July 2016, at approximately 12.00 midnight, the victim rang the defendant to meet her behind the victim's house. When they met, the victim told the defendant that she was five months pregnant and the defendant needed to take responsibility. However, the defendant told the victim that it wasn't that the defendant didn't want to take responsibility, but the victim's mother and father didn't want the defendant to have a romantic relationship with the victim. Therefore they argued and the victim grabbed the defendant's hand and chest. The defendant punched the victim once in the chest and this caused the victim to fall to the ground and strike her head on a rock, resulting in heavy bleeding and she died at the scene.

The public prosecutor alleged that the defendant violated Article 138 of the Penal Code on homicide that carries a maximum penalty of 12-25 years in prison.

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 he was a first time offender.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime of homicide against the victim and requested for the court to sentence the defendant to 16 years in prison.

The public defender requested for the court to modify the charge from Article 138 of the Penal Code to Article 146 of the Penal Code on serious offences against physical integrity pursuant to Article 147 of the Penal Code and Article 19 of the Penal Code on aggravation due to results. In addition, the public defender requested for the court to impose a fair penalty on the defendant because the defendant regretted his actions and was a first time offender.

Decision

After evaluating all of the facts, the court found the defendant guilty of committing the crime based on the facts set out in the indictment. Based on the facts that were proven, the court concluded this matter and sentenced the defendant to 14 years in prison.

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

Case No. : 0109/17. BBMLV
Composition of the Court : Single Judge
Judge : Samuel Pacheco
Prosecutor : Matias Soares
Public Defender : Domingos dos Santos (private trainee lawyer)
Type of Penalty : 1 year in prison, suspended for 1 year

On 24 July 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 LH who allegedly committed the offence against his daughter in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that on the evening of 12 November 2017 the defendant told the victim to get his bank book from the victim's mother who was living at his grandparents' house. Because it was dark already the victim did not return and only came back the next morning. When she arrived home the defendant was angry and slapped the victim twice on her right cheek and left cheek. The defendant also took a cable and struck the victim many times on the shoulder and choked the victim's throat until the victim lost her voice.

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) and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant partially confessed by saying that he did not choke the victim but he did acknowledge the other facts. In addition, the victim corroborated the defendant's statement and stated that she had forgiven the defendant and the defendant had not hit the victim and her younger siblings since then.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim. The public prosecutor stated that the defendant as a father needs to look after his children. Therefore, to deter the defendant from committing any further crimes against the victim in the future, the public prosecutor requested for the court to sentence the defendant to 1 year in prison, suspended for 1 year.

The public defender requested for the court to apply a fair punishment against the defendant, because the defendant confessed, regretted his actions and promised not to reoffend against the victim in the future. In addition, the victim also forgave the defendant.

Decision

After evaluating all of the facts that had been proven, the court found the defendant guilty of committing the crime based on the facts set out in the indictment. Based on the facts that were proven, the court sentenced the defendant to 1 year in prison, suspended for 1 year, and also ordered the defendant to pay court costs of US\$ 25.

14. Crime of making threats

Case No. : 0070/16.BBMLV
Composition of the Court : Single Judge
Judge : Florensia Freitas
Prosecutor : João Marques
Public Defender : Albano Maia (private trainee lawyer)
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 making threats involving the defendant Domingos Pereira who allegedly committed the offence against his sister in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 24 April 2016 the victim and her sister-in-law argued because the victim asked her sister-in-law to tell her younger sister to clean up a child's faeces on the oven and sink. When the defendant came back from his plantation and heard information from his wife about the argument between the victim and the defendant's wife the defendant took a machete and a piece of wood and chased the victim but did not catch her. The defendant threatened the victim by saying that if he caught her he would cut the victim in two. The defendant's comments made the victim feel afraid and uncomfortable.

The public prosecutor alleged that the defendant violated Article 157 of the Penal Code on making threats with that carries a maximum penalty of 1 year 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 victim was willing to withdraw her complaint because the defendant promised not to make any more threats against the victim. The defendant apologised to the victim and agreed with the victim's request to withdraw the complaint.

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.

15. Crime of aggravated sexual coercion

Case No. : 1339/11.PDSUA
Composition of the Court : Panel
Judges : Florensia Freitas, Nasson Sarmento, and Samuel da Costa Pacheco
Prosecutor : Matias Soares
Public Defender : Manuel Amaral
Type of Penalty : Prison sentence of 6 years

On 26 July 2018 the Suai District Court, through the mobile court, announced its decision in a case of seksual coercion involving the defendant ATB and the victim EMC that allegedly occurred in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 1 July 2011 the defendant, who was the Director of a Pre-Secondary School, told students to get some rocks to help the church with a house construction program. After gathering the rocks the defendant called out to the victim to look at the condition of the road so they could pile up some rocks at that location. The victim followed the instruction and looked at the road, as she was told to do by the defendant. At that time the victim felt like she needed to urinate so she found a place to urinate.

The public prosecutor alleged that when victim took off her pants to urinate the defendant came from behind and hugged the victim and grabbed her sexual organs and performed oral sex. The victim pushed the defendant away from her, but the defendant did not go away. The defendant only went away when the victim lied and said someone was watching them.

This act caused the victim to feel pain and swelling to her sexual organs. The victim did not go to school for three days.

The prosecutor accused the defendant of violating Article 171 of the PC on sexual coercion which carries a penalty of 2 to 8 years in prison and for violating Article 173 (d) of the PC on aggravation because the victim was aged less than 17.

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 he was a first time offender and promised not to reoffend in the future. The victim maintained the facts set out in the indictment of the public prosecutor.

Final recommendations

The public prosecutor requested for the court to impose a prison sentence of six years against the defendant because the defendant was a school director or educator who should have not committed such a crime against his student.

The public defender requested for the court to impose a suspended prison sentence against the defendant after considering the mitigating circumstances such as the defendant confessed, regretted his actions, and was a first time offender and promised not to reoffend in the future.

Decision

After evaluating all of the facts, the court found the defendant guilty of committing the crime based on the facts set out in the indictment. Based on the facts that were proven, the court concluded this matter and sentenced the defendant to 6 years in prison.

16. Crime of failure to fulfil an obligation to provide food assistance

Case No.	: 0170/17.PDSUA
Composition of the Court	: Single Judge
Judge	: Nasson Sarmiento
Prosecutor	: Napoleão da Silva Soares
Public Defender	: Fernando da Costa (private trainee lawyer)
Type of Penalty	: Withdrawal of complaint

On 26 July 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 DMG who allegedly committed the offence against his wife in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that in June 2017 the defendant left the home and since then he has never provided alimony for the basic needs of his child who is 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 two parties.

During this attempted conciliation the victim decided to withdraw the complaint against the defendant on the condition that the defendant must provide alimony for their children. The defendant, who is unemployed, was willing to give alimony of US\$ 15.00 every month for his child. The victim agreed with this amount and wanted 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 agreement made by the parties and the victim's request to withdraw the complaint, the court validated the settlement on the condition that the defendant must keep his promise in accordance with the agreement made by the two parties before the court.

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

Case No.	: 0071 /15. BBMLV
Composition of the Court	: Single Judge
Judge	: Nasson Sarmiento
Prosecutor	: Napoleão da Silva Soares
Public Defender	: Albano Maia (trainee lawyer)
Type of Penalty	: 3 months in prison, suspended for 1 year

On 26 July 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 JdJ who allegedly committed the offence against his wife in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 29 September 2016, at 7pm, the defendant kicked the victim once on the right side of her ribcage which caused pain and swelling. Previously, the defendant and the victim argued because the defendant did not want to be with the victim anymore and told the victim to return to Manatuto to be with her mother but the victim did not want to. Therefore, they argued until the defendant physically assaulted 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 as well as Articles 2, 3 (a), 35 (b) 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, the defendant also stated that he regretted his actions. The defendant also stated that he was a first time offender. In addition, the victim reinforced the facts set out in the indictment and confirmed that she has reconciled with the defendant and until now the defendant has not beaten her again.

Final recommendations

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

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

Decision

After evaluating the facts produced during the trial, the court found the defendant guilty of all of the charges set out in the indictment of the public prosecutor. Based on this evidence, and after considering all of the circumstances, the court sentenced the defendant to 3 months in prison suspended for 1 year and ordered him to pay court costs of US\$ 10.00.

18. Crime of termination of pregnancy

Case No.	: 0007/16.BLLT
Composition of the Court	: Single Judge
Judge	: Nasson M.B. Sarmiento
Prosecutor	: Napoleão Soares da Silva
Public Defender	: Escolástico da Costa N. Maia (private trainee lawyer)
Type of Penalty	: Prison sentence of 1 year and 6 months, suspended for 2 years and 6 months

On 26 July 2018 the Suai District Court, through the mobile court in Bobonaro District, announced its ruling in a crime of termination of pregnancy (abortion) involving the defendants AB and IMG, in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that the defendant AB has a wife and the other defendant was a widow. The two defendants were in a romantic relationship since 2005 and their families did

not know about their relationship. In 2016 the female defendant became pregnant and they decided to abort the baby. Therefore on 20 June 2016 the two defendants went to the male defendant's plantation and the male defendant pushed on the female defendant's stomach until she suffered heavy bleeding. The female defendant went home and gave birth to a stillborn baby.

The public prosecutor alleged that the male defendant violated Article 141.2 of the Penal Code on termination of pregnancy that carries a maximum penalty of 3 years in prison.

Presentation of evidence

During the trial the two defendants confessed to their actions and stated that they regretted their actions. The two defendants also stated that they were in a romantic relationship and at that time the female defendant was six months pregnant, and because they were too embarrassed to tell their family they sought a way to terminate the baby that the female defendant was carrying. The male defendant pushed on the female defendant's stomach and one week later the female defendant had a miscarriage.

Final recommendations

The public prosecutor stated that the two defendants were guilty of committing the crime in accordance with the charges. Therefore, even though the two defendants regretted their actions, the male defendant has eight children and the female defendant has two children, so the prosecutor requested for the court to impose a prison sentence of two years, suspended for three years, against the defendants.

Meanwhile the public defender requested for the court to impose a lenient penalty on the two defendants, because they fully confessed to the facts set out in the indictment, regretted their actions and are responsible for their children.

Decision

The court found the defendants guilty of committing the crime based on the facts set out in the indictment. Therefore, the court imposed a prison sentence of one year and six months against the two defendants, suspended for two years and six months.

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

Case No.	: 0006/16.BBBBV
Composition of the Court	: Single Judge
Judge	: Samuel Pacheco
Prosecutor	: Matias Soares
Public Defender	: Domingos dos Santos (private trainee lawyer)
Type of Penalty	: 1 year in prison, suspended for 1 year

On 26 July 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 AM who allegedly committed the offence against his wife in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 2 October 2016, at approximately 9am, the defendant slapped the victim twice on her left cheek, lifted the victim up from under her armpits and threw her on the ground. Previously, the defendant was angry because the victim came home late after bringing back some betel nut leaves to rub on their sick child.

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) and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant confessed the facts set out in the indictment and stated that they had resolved the problem in accordance with East Timorese custom. The defendant stated that they have separated and the defendant gave a cow and US\$1,000 to the victim's family. The victim's family gave a traditional cloth (*tais*), one sack of rice and a packet of biscuits.

The victim maintained the facts set out in the indictment and stated that she and the defendant have separated.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim, and although they have separated it is necessary to deter the defendant from committing any further crimes against the victim or other person in the future, so the public prosecutor requested for the court to sentence the defendant to 1 year in prison, suspended for 2 years.

The public defender requested for the court to impose a suspended prison sentence against the defendant but a lesser penalty than that recommended by the prosecutor because the defendant regretted his actions, promised that he would not commit any further crimes against victim in the future and because the defendant has separated from the victim.

Decision

After evaluating the facts, the court found the defendant guilty of committing the crime based on the facts set out in the indictment. Based on the facts that were proven, the court sentenced the

defendant to 1 year in prison, suspended for 1 year, and also ordered the defendant to pay court costs of US\$ 10.

20. Crime of simple offences against physical integrity

Case No. : 0037/17.BBMLV
Composition of the Court : Single Judge
Judge : Samuel Pacheco
Prosecutor : Matias Soares
Public Defender : Escolástico da Costa N. Maia (private trainee lawyer)
Type of Penalty : Withdrawal of complaint

On 26 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 Moises Bere Mau Natalino who allegedly committed the offence against Longuinhos Carvalho in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 14 May 2017, at approximately 5pm, the defendant did not say anything, grabbed the victim's shirt, lifted up the victim and punched the victim once in the forehead and the victim fell to the ground. When the victim fell to the ground the defendant kned the victim in the back and punched the victim twice in the head, twice in the back and kicked the victim once on his left side. Previously, at approximately 4.00pm the victim put some water on his rice field and was waiting there. After one hour the defendant went and committed the crime against the victim. After the incident the victim went and received treatment at the Maliana Hospital.

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 victim wanted to withdraw the complaint against the defendant because the defendant regretted his actions. The defendant also apologised to the victim and promised not to commit any further crimes against the victim in the future.

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.

21. Crime of simple offences against physical integrity and property damage

Case No. : 0030/17.CVSUI
Composition of the Court : Single Judge
Judge : Samuel da Costa Pacheco
Prosecutor : Napoleão da Silva Soares
Public Defender : Albano Maia (private trainee lawyer)
Type of Penalty : Validating withdrawal of complaint

On 27 July 2018 the Suai District Court, through the mobile court in Bobonaro District, attempted conciliation in a case of simple offences against physical integrity and property damage involving the defendant Amaro Martins da Silva who allegedly committed the offence against Acasio da Silva in Covalima District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 18 April 2017 the victim was travelling in a car from Dili to Suai, and when they arrived at Camanasa Village the victim met with the defendant who was riding a motorcycle. The victim sounded his horn to get the defendant to give way to the victim to pass but the defendant did not give way. The defendant stopped his motorcycle and got off the motorcycle and punched the victim many times in the head, cheek and ear. In addition, the defendant smashed the right hand side mirror of the car. These acts caused swelling to the victim's head and ear.

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 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 this attempted conciliation the victim was willing to withdraw the complaint on the condition that the defendant must pay for his suffering and the smashed mirror to the value of

US\$200. The defendant agreed with the victim's request and stated that he regretted his actions and promised not to commit any further crimes in the future against the victim or other person.

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 characterized as domestic violence

Case No. : 0124 /16. BBMLV
Composition of the Court : Single Judge
Judge : Nasson Sarmiento
Prosecutor : João Marques
Public Defender : Albano Maia (trainee lawyer)
Type of Penalty : 1 year in prison, suspended for 1 year

On 27 July 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 ASM who allegedly committed the offence against his wife in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 29 September 2017 at 3pm the defendant punched the victim once on her right hip, and the victim fell to the ground. Previously, the defendant forced the victim and her mother to return to Ermera because her mother had recovered from an illness. However, the victim refused because the victim said her mother was not well yet so they argued and the defendant committed the crime 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 as well as Articles 2, 3 (a), 35 (b) and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant confessed that he hit the victim as alleged in the indictment but now they have reconciled and the defendant has not hit the victim since then. The defendant also stated that he regretted his actions and was a first time offender. In addition, the victim confirmed the facts set out in the indictment and stated that they have been living peacefully as husband and wife until now.

Final recommendations

The public prosecutor stated that the defendant was found guilty of committing the crime against the victim and now they have reconciled. However, to educate members of the community to avoid such crimes, the prosecutor requested for the court to impose a prison sentence of 6 months, suspended for 1 year.

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

Decision

After evaluating the facts produced during the trial, the court found the defendant guilty of committing the crime against the victim. Based on the facts that were proven, and the circumstances surrounding the crime, the court sentenced the defendant to 1 year in prison, suspended for 1 year, and also ordered the defendant to pay court costs of US\$ 10.

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

Case No.	: 0038 /17. BBMLV
Composition of the Court	: Single Judge
Judge	: Samuel da Costa Pacheco
Prosecutor	: João Marques
Public Defender	: Albino de Jesus Pereira
Type of Penalty	: 6 months in prison, suspended for 1 year

On 27 July 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 AdS who allegedly committed the offence against his wife in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 26 May 2017 the defendant used a belt to strike the victim four times on the shoulder which caused swelling. Previously, the defendant told the victim to go for a check-up at the hospital but the victim did not go and went back to Kailako.

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) and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant confessed that he had struck the victim four times with a belt. However, the defendant regretted his actions. The defendant also stated that he was a first time offender. In addition, the victim maintained and confirmed the facts set out in the indictment.

Final recommendations

The public prosecutor stated that the defendant was found guilty of committing the crime against the victim. For this reason the public 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 of US\$ 25.

The public defender requested for the court to apply a fair punishment against the defendant, with consideration of the mitigating circumstances because the defendant confessed, regretted his actions, has reconciled with the victim.

Decision

After evaluating the facts the court found the defendant guilty of committing the crime against the victim. Therefore, the court concluded the matter and sentenced the defendant to 6 months in prison, suspended for 1 year, and ordered the defendant to pay court costs of US\$ 25.

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

Case No.	: 0092/15.BBMLV
Composition of the Court	: Single Judge
Judge	: Samuel da Costa Pacheco
Prosecutor	: Matias Soares
Public Defender	: Tomasia Maria de Deus (trainee lawyer)
Type of Penalty	: Withdrawal of complaint

On 27 July 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 JdC who allegedly committed the offence against his wife and child, in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that in 2015 the defendant left the home and since then he never provided alimony for his child who is 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

During this attempted conciliation the victim decided to withdraw the complaint against the defendant on the condition that the defendant must provide alimony for their children. The defendant agreed with this request and was willing to provide US\$25.00 every month for his child and the victim agreed with this amount.

Final recommendations

The public prosecutor and public defender accepted the agreement between the two parties and decided to acquit the defendant.

Decision

Based on the agreement made by the parties and the victim's request to withdraw the complaint, the court validated the settlement on the condition that the defendant must keep his promise in accordance with the agreement made by the two parties before the court.

25. Crime of failure to fulfil an obligation to provide food assistance

Case No. : 0025/18.PDSUA
Composition of the Court : Single Judge
Judge : Samuel da Costa Pacheco
Prosecutor : Napoleão da Silva Soares
Public Defender : Manuel Amaral
Type of Penalty : Withdrawal of complaint

On 27 July 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 BR who allegedly committed the offence against his wife and child, in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that did not provide alimony for his child who is a minor since he left the home in 2016.

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

During the trial the defendant stated that he was willing to give US\$50 every month for his child. The victim agreed with this amount and wanted 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 amicable agreement between the parties and the defendant's promise to fulfil his obligation to provide alimony for his child and the victim's request to withdraw the matter, and the court endorsed this agreement.

26. Crime of manslaughter

Case No. : 0030/17.BBSTR
Composition of the Court : Single Judge
Judge : Florensia Freitas
Prosecutor : João Marques
Public Defender : Escolástico da Costa C. N. Maia (trainee private lawyer)
Type of Penalty : 2 years in prison, suspended for 3 years, and civil compensation

On 27 July 2018 the Suai District Court, through the mobile court in Bobonaro District, announced its ruling in a case of manslaughter involving the defendant Delfin Jeremias and the victim Adelino de Fatima Fernandes, in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 23 June 2017, at approximately 1.45pm, the defendant was driving an Isuzu vehicle with the number plate 56.4805, from Kailaku to Bobonaro. The defendant picked up supporters from the Fretilin Party. When they arrived in Maliana in front of a shop the defendant collided with the victim who was riding a motorcycle. The defendant heard the supporters in the car shouting that a person had died and the defendant was afraid and got out of the car and handed himself into the Maliana Police Station. Then the police immediately confiscated the car that the defendant had been driving.

In relation to this incident, the defendant's boss gave US\$4,000 and two cows to the family of the deceased but the family of the deceased did not accept this and wanted US\$8,000.

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

Presentation of evidence

During the trial the defendant confessed all of the facts and stated that he had been driving a car for five years.

The witness Gilberto Borges who was the owner of the car testified that when he heard that the defendant had collided with the victim and killed him, the witness used his own initiative to give US\$4,000 and two cows to the family of the victim, but they did not want to accept it and

asked for US\$8,000. The witness added that now he is willing to give US\$2,000 and two cows to the family of the victim.

The witness who was the victim's wife testified that she did not accept the US\$4,000 and the two cows because the defendant who collided with the victim and killed him did not attend the wake. However, the witness added that now she is willing to accept US\$2,000 and two cows that the car owner promised to give.

Final recommendations

The public prosecutor believed that the defendant was guilty of committing the crime of manslaughter against the victim and even though the defendant regretted his actions, the prosecutor requested for the court to sentence the defendant to 2 years in prison, suspended for 3 years.

The car that had been confiscated and held at the Maliana police station will be given back when the defendant fulfilled his promise to give US\$2,000 and two cows to the family of the deceased.

Also, the public defender requested for the court to impose a suspended prison sentence on the defendant, but more lenient than the sentence recommended by the prosecutor. The public defender requested for this penalty because the defendant expressed regret and the defendant had no intention to collide with the victim.

Decision

After evaluating all of the facts the court found the defendant guilty of committing the crime of colliding with the victim and killing him. Therefore, the court imposed a prison sentence of 2 years against the defendant, suspended for three years, with the condition that the defendant, through his boss, must give US\$2,000 and two cows to the victim's wife.

27. Crime of larceny

Case No.	: 0125/17.PDSU
Composition of the Court	: Single Judge
Judge	: Florensia Freitas
Prosecutor	: Matias Soares
Public Defender	: Fernando da Costa (trainee lawyer)
Type of Penalty	: 6 months in prison, suspended for 1 year

On 27 July 2018 the Suai District Court, through the mobile court in Bobonaro District, announced its decision in a case of larceny involving the defendant Domingos Goveia Lopes who allegedly committed the offence against the victim Maria Supriyati in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor stated that the defendant and the victim separated. On 1 June 2017, at 4.00pm, the defendant went to the victim's house and went inside. The public prosecutor alleged that the defendant took the victim's Nokia telephone valued at US\$18.00 without the victim's knowledge.

The public prosecutor alleged that the defendant violated Article 251 of the Penal Code on larceny that carries a maximum penalty of three years in prison or a fine.

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 he intended to take the victim's telephone to look at the victim's photos with other men. The defendant also stated that he gave the telephone back but the victim did not want to accept this. Therefore, the defendant gave US\$20 to the victim.

In addition, the victim also confirmed the facts set out in the indictment of the prosecutor and requested for the court to prohibit the defendant from making problems at the victim's house because the defendant always caused problems.

Final recommendations

The prosecutor stated that the defendant was guilty of committing the crime alleged by the prosecutor against the defendant. Therefore, even though the defendant regretted his actions, to deter the defendant from committing any further crimes against the victim 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 requested for the court to apply a fair punishment against the defendant, because the defendant confessed, regretted his actions and promised not to reoffend against the victim in the future.

Decision

After evaluating the facts produced during the trial, the court found the defendant guilty of committing the crime based on the facts set out in the indictment. It was also proved that the defendant gave US\$20 to the victim to buy a new telephone. Based on this evidence, the court concluded the matter and sentenced the defendant to 6 months in prison, suspended for 1 year, and ordered him to pay court costs of US\$10.

28. Crime of simple offences against physical integrity

Case No. : 0017/14.BBBBV

Composition of the Court : Single Judge

Judge : Florensia Freitas
Prosecutor : Napoleão Soares da Silva
Public Defender : Albano Maia (private trainee lawyer)
Type of Penalty : Withdrawal of complaint

On 27 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 defendants Lorencu da Cruz, Guido Celestino and Sebastiao Gonçalves who allegedly committed the offence against Cornelio dos Santos in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 2 November 2017, at approximately 7pm, the victim was drinking wine at his house. The defendant Lorencu, the village chief, invited the victim to continue drinking with their friend named Sabino. The victim said to the defendant that the defendant was a leader, but he was stupid for telling the victim to drink more alcohol.

After making these comments the defendants took a piece of wood and struck the victim on the forehead, struck him on the arm, struck the victim once on the knee and the victim fell to the ground. When the victim fell to the ground, the defendants struck his body many times and dragged the victim onto the road and the victim lost consciousness. After that the victim woke up by himself and received treatment at hospital.

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 victim wanted to withdraw the complaint against the defendants. The defendants also apologised to the victim and stated that they regretted their actions. The defendants also promised not to commit any further crimes against the victim in the future.

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.

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

Case No. : 0018/17.BBCLC
Composition of the Court : Single Judge
Judge : Florensia Freitas
Prosecutor : João Marques
Public Defender : Abilio Soares da Costa (private trainee lawyer)
Type of Penalty : 6 months in prison, suspended for 1 year

On 27 July 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 AS who allegedly committed the offence against his wife in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 17 September 2017, at approximately 1pm, the defendant punched the victim once on the back of the neck and punched the victim once on her left hip. As a result of this act the victim was treated at the Kailaku clinic.

Previously, the victim was holding their child and the defendant took off his clothes and threw them on the victim. The victim took these clothes and threw them back at the defendant's shoulder, so the defendant asked the victim that victim if she had thrown the clothes. The victim told the defendant that she did not, and she was just joking. However, the defendant told the victim that she was crazy. The victim did not accept this and threw the defendant's telephone on the ground and broke it, so the defendant committed this crime 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 as well as Articles 2, 3 (a), 35 (b) 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, the defendant also stated that he regretted his actions. The defendant also stated that one week after this even they reconciled. In addition, the defendant stated that he did not hit the victim again. The victim confirmed the facts set out in the indictment of the prosecutor and stated that the defendant provided for the six of them.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim. Therefore, to deter the defendant from committing any further crimes against the victim 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 requested for the court to apply a fair punishment against the defendant, because the defendant confessed, regretted his actions and promised not to reoffend against the victim in the future. In addition, the defendant and the victim have reconciled and they have five children.

Decision

After evaluating all of the facts, the court found the defendant guilty of committing the crime based on the facts set out in the indictment. Based on this evidence the court sentenced the defendant to 6 months in prison suspended for 1 year and ordered him to pay court costs of US\$ 10.00.

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

Case No.	: 0002/16.BBMLV
Composition of the Court	: Single Judge
Judge	: Florensia Freitas
Prosecutor	: João Marques
Public Defender	: Escolástico da Costa N. Maia (private trainee lawyer)
Type of Penalty	: 6 months in prison, suspended for 1 year

On 27 July 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 SdS who allegedly committed the offence against his wife in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 2 January 2015, at approximately 11.30am, the defendant slapped the victim three times on the cheek, neck and back.

Previously, the victim told the defendant to carry their child who had a stomach ache, but the defendant did not want to. In addition, the victim asked the defendant for US\$10 but the defendant did not provide it. Therefore, the victim got angry and slapped their oldest son in the head and the defendant committed the crime 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 as well as Articles 2, 3 (a), 35 (b) 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, the defendant also stated that he regretted his actions. The defendant also stated that he has reconciled with the victim and since the incident the defendant has not hit the victim. In addition, the victim confirmed the facts set out in the indictment of the prosecutor and stated that the defendant provides for his family.

Final recommendations

The public prosecutor requested for the court to sentence the defendant to 6 months in prison, suspended for 1 year, as a way to deter the defendant from committing any further crimes against the victim in the future.

The public defender requested for the court to apply a fair punishment against the defendant, because the defendant confessed, regretted his actions and promised not to reoffend against the victim in the future. In addition, the defendant and the victim have reconciled and they have two children who need the defendant to be around.

Decision

After evaluating the facts that were proven in this case, the court found the defendant guilty of committing the crime as alleged in the indictment and sentenced the victim to six months in prison, suspended for one year.

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

Case No.	: 0007/17.BBCLC
Composition of the Court	: Single Judge
Judge	: Florensia Freitas
Prosecutor	: João Marques
Public Defender	: Tomasia Maria de Deus (private trainee lawyer)
Type of Penalty	: 6 months in prison, suspended for 1 year

On 27 July 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 AI who allegedly committed the offence against his wife in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 16 July 2017, at approximately 4am, the defendant pulled the victim's hair and threw the victim the ground. The defendant kicked the victim on the left side of her stomach, pulled the victim's hair and slapped her twice on her right and left cheeks. Previously, the defendant drank alcohol with a friend and the two of them had a fight. So, the victim and her family tried to separate the defendant and his friend, but the defendant assaulted 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 as well as Articles 2, 3 (a), 35 (b) 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, the defendant also stated that he regretted his actions. The defendant also promised not to repeat his behaviour in the future. Also, the defendant stated that they managed to resolve their problem in accordance with East Timorese custom and the defendant gave one *belak* (traditional necklace) and a buffalo to the victim's family. The victim's family gave a pig to the defendant's family.

In addition, the victim confirmed the facts set out in the indictment and stated that they are living as husband and wife, have five children and the defendant has not repeated his crime against the victim.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim and therefore he asked for the court to sentence the defendant to 6 months in prison, suspended for 1 year. The public prosecutor stated that such a penalty could deter the defendant from repeating such actions against the victim in the future.

The public defender requested for the court to apply a fair punishment against the defendant, with consideration of the mitigating circumstances such as the defendant confessed, regretted his actions and promised not to reoffend against the victim in the future.

Decision

After evaluating the facts produced during the trial, the court found the defendant guilty of committing the crime based on the facts set out in the indictment. Based on the evidence the court sentenced the defendant to 6 months in prison, suspended for 1 year.

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

Case No. : 0065/17.BBMLV
Composition of the Court : Single Judge
Judge : Florensia Freitas
Prosecutor : João Marques
Public Defender : Escolástico da C. N. Maia
Type of Penalty : 6 months in prison, suspended for 1 year

On 27 July 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 LH who allegedly committed the offence against his wife in Bobonaro District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 18 July 2017, at approximately 9pm, the defendant slapped the victim once on her right cheek and took a wooden chair and struck the victim on the back of the head. These acts caused an injury and bleeding. Previously, the victim, the defendant and their son were watching the news on TVTL. At that time the victim and the defendant spoke about their son's issue. After she said this, the defendant and the victim had a disagreement so the defendant committed the crime 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 as well as Articles 2, 3 (a), 35 (b) 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, the defendant also stated that he regretted his actions. Also, the defendant stated that they managed to resolve their problem in accordance with East Timorese custom and the defendant gave one buffalo to the victim's family. The victim maintained the facts set out in the indictment of the public prosecutor and stated that they have reconciled.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim. Even though they have reconciled and resolved this case through East Timorese culture, to deter the defendant from committing such acts against the victim in the future the public prosecutor requested for the court to impose a fine of US\$90 against the defendant. This fine is to be paid in daily instalments of US\$1.00 for 90 days. The public prosecutor requested for the court to sentence the defendant with an alternative punishment of three days in prison if he fails to pay this fine.

The public defender requested for the court to apply a fair punishment against the defendant, because the defendant confessed, regretted his actions and promised not to reoffend against the victim in the future. In addition, the public defender also stated that the defendant and victim have reconciled and resolved this case through East Timorese culture and the defendant has to provide for seven children.

Decision

After evaluating all of the facts that were proven, the court found the defendant guilty of committing the crime based on the facts set out in the indictment. For this reason he the court decided to impose a prison sentence of 6 months, suspended for 1 year against the defendant.

For more information, please contact:

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