



Case Summary
Baucau District Court
March 2019

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

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

A. Summary of the trial process at the Baucau District Court

1. Total cases monitored by JSMP: 32

Article	Case Type	Total
Article 145 of the Penal Code (PC) as well as Articles 2, 3, 35(b) and 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)	23
Article 154 of the PC	Mistreatment of a spouse	4
Article 20 of Law No. 5/2017 on bladed weapons	Bladed weapons	2
Article 146 of the PC	Serious offences against physical integrity	1
Article 140 of the PC	Manslaughter	1
Article 263 of the PC	Arson	1
Total		32

2. Total decisions monitored by JSMP: 23

Decision	Total
Suspension of execution of a prison sentence (Article 68 of the PC)	16
Suspension of execution of a prison sentence (Article 68 of the PC) with rules of conduct (Article 70 g) of the PC	1
Suspension of execution of a prison sentence (Article 68 of the PC) and civil compensation	1
Fine (Article 67 of the PC)	3
Penalty of admonishment	1
Acquittal	1
Total	23

3. Total ongoing cases based on JSMP monitoring: 9

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

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

Case No. : 0003/18. BCBCV
Composition of the Court : Single Judge
Judge : Afonso Carmona
Prosecutor : Remizia de Fatima da Silva
Defence : Sidonio M. Sarmiento
Decision : Penalty of admonishment

On 5 March 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant LS who allegedly committed the offence against her husband in Manatuto District.

Charges of the public prosecutor

The public prosecutor alleged that on 13 October 2018, at 10:00am, the defendant suspected the victim of having another wife, so they argued and the defendant kicked the victim once in his chest and punched the victim once in the mouth which caused an injury and bleeding. Then the victim received treatment at the Manatuto Health Centre.

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 to all of the facts in the indictment and stated that at that time the defendant asked the victim "*While we have been living together as wife and husband have you been with another woman?*" When he heard the defendant make this statement the victim responded with "*Go and look for another man*", so the defendant committed the assault against the victim. The defendant also stated that she regretted his actions even though they are now separated, and she was a first time offender.

Meanwhile, the victim confirmed the facts set out in the indictment and added that the defendant asked the victim if he had another wife. Therefore the victim told the defendant "*No, you are my only wife*". After the victim responded with these words the defendant kicked him three times in the chest and punched the victim once in his mouth which caused an injury and bleeding. In addition, the victim confirmed the testimony of the defendant that they are now separated because the defendant does not want to live with the victim.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant and the statement of the victim during the trial. The prosecutor stated that this was the first time she had charged a woman for the crime of domestic violence because often men assaulted women. Because the defendant and the victim decided to live separately, the prosecutor requested for the court to issue an admonishment against the defendant.

Meanwhile, the public defender requested for the court to impose a fair penalty because the defendant confessed all of the facts. The defendant and the victim are living separately because the defendant was waiting for the victim to approach her and ask her to live with him as husband and wife, but the victim did not go to the defendant's home. The defendant regretted her 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 and all of the mitigating circumstances, namely that the defendant confessed, regretted her actions, and was a first time offender, the court issued an admonishment against the defendant.

2. Crime of arson

Case No.	: 0039/18. BCSIC
Composition of the Court	: Panel
Judges	: Jose Quintão, Antonio Fonseca and Hugo da Cruz Pui
Prosecutor	: Gustavo A. M. da Silva

Public Defender : Antonio Fernandes
Decision : Acquittal

On 5 March 2019 the Baucau District Court announced its decision in a case of arson involving the defendant Domingos da Costa Ribeiro and the victim Nicolau Borges da Silva, in Triloka Village, Baucau District.

Charges of the public prosecutor

The public prosecutor alleged that on 22 June 2018, at 1:20pm, the victim and his wife were clearing their yard on the side of their house. At the same time the defendant was cleaning his yard and burning rubbish and the flames spread to the victim's sacred house. The victim managed to save a sacred sword and a sacred spear. Meanwhile other sacred belongings and goods could not be saved. The victim suffered a loss of no more than US\$ 5,000.

The public prosecutor alleged that the defendant violated Article 263 of the Penal Code on the crime of arson that carries a maximum penalty of 2-8 years in prison.

Presentation of evidence

During the trial, the defendant acknowledged that he was cleaning four sections of his plantation and burning rubbish. However, suddenly the victim yelled out that the flames had spread to their sacred house. The defendant was shocked and together with other families helped to get the victim's belongings from the sacred house, such as crockery, cutlery, mats, cups, buckets and planks of wood. The defendant also saw the victim grab a sword, a spear and a purse. The defendant stated that his plantation and the victim's sacred house are approximately 70 metres apart, with a road running down the middle. The defendant burnt the south side of his plantation but the flames spread to the north side of the sacred house, however at that time there were no strong winds.

Meanwhile, the victim stated that at that time the victim and his wife were in their plantation and heard a person yelling out that their sacred house was on fire. Then the victim ran into the sacred house and took a sacred sword and a sacred spear. The victim stated that the defendant together with other families helped to save some goods but some other goods were completely burnt by the fire. The victim emphasised that it cost approximately US\$4,600 to build the sacred house. Although the victim did not witness who was responsible for the fire, the victim suspected the defendant had lit the fire because prior to the incident the defendant was burning rubbish on his plantation at a distance of approximately 50 metres.

The witness Izilda Liborio Sarmiento, a neighbour, testified that when she returned home after washing clothes near the defendant's plantation, she heard someone yell out and saw that the

house was on fire. The witness did not know or see who had lit the fire, but the witness together with other families helped to remove the victim's belongings.

The witness Adriano da Silva, a neighbour, testified that he ran to the scene and saw that the house was completely burned down. The witness did not know who had set fire to the victim's sacred house.

Final recommendations

The prosecutor maintained the facts set out in the indictment and based on the examination of evidence believed that the defendant was guilty of committing the alleged crime because at that time the defendant was burning grass on his plantation which caused the fire that destroyed the victim's traditional house. The prosecutor stated that this incident was the result of the defendant's behaviour. Therefore, the public prosecutor requested for the court to use its discretion to convict the defendant.

The public defender stated that that the defendant confirmed that he was burning grass on his plantation and there was no wind but suddenly the victim yelled out that his sacred house was on fire. Then the defendant was concerned and demonstrated his solidarity with the victim by helping to save some of the victim's goods. In addition, nobody stated that the sacred house caught on fire because of the defendant's actions. Therefore, the defendant's actions did not fulfil the requirements of the alleged crime. Based on these considerations, the public defender requested for the court to use its conviction to decide this matter.

Decision

After evaluating all of the facts, the court found the defendant not guilty of committing the crime against the victim based on the facts set out in the indictment of the prosecutor and the facts established during the trial. Based on these considerations and the facts that were proven, the court concluded the matter and acquitted the defendant.

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

Case No.	: 0006/18. LALRO
Composition of the Court	: Single Judge
Judge	: Hugo da Cruz Pui
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Jose M. Guterres
Decision	: Fine of US\$ 30

On 7 March 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant CdC who allegedly committed the offence against his wife in Lautem District.

Charges of the public prosecutor

The public prosecutor alleged that on 22 September 2018 at 12 midday the defendant kicked the victim twice on her left side which caused pain and swelling. In addition, the defendant also swore at the victim. Then the victim made a complaint to the police and received treatment at the Lautem Health Centre. The incident occurred when the victim asked the defendant for money to pay a debt.

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 stated that the victim asked him for money to pay a debt and the defendant gave the money to the victim but the victim asked him again so the defendant assaulted the victim. The defendant also stated that he has reconciled with the victim and since the incident the defendant has not hit the victim. The defendant was a first time offender and before the court he promised not to commit the same crime against the victim or other family members in the future. Meanwhile, the victim confirmed the facts set out in the indictment and rejected the defendant's statement who claimed that they have reconciled, because the victim said they have not yet reconciled and now they are separated. The victim added that she still loves the defendant but the defendant did not go looking for the victim to reconcile. In addition, the defendant's family also did not accept the victim as the defendant's wife.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim because the defendant confessed to all of the facts in the indictment and the victim confirmed the facts set out in the indictment. For this reason the prosecutor requested for the court to impose a prison sentence of four months, suspended for 1 year.

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

Decision

After evaluating all of the facts, the court found that the defendant committed the crime based on the facts set out in the indictment. Based on the facts that were proven, the court concluded this matter and ordered the defendant to pay a fine of US\$ 30 to be paid in daily instalments of US 50 cents for 60 days. The court also imposed an alternative penalty of 40 days in prison if the defendant does not pay this fine.

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

Case No. : 0105/18. BCBCV
Composition of the Court : Single Judge
Judge : Ersilia de Jesus
Prosecutor : Remizia de Fatima da Silva
Public Defender : Antonio Fernandes
Decision : 7 months in prison, suspended for 1 year and 6 months

On 8 March 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant EP who allegedly committed the offence against his wife in Baucau District.

Charges of the public prosecutor

The public prosecutor alleged that on 16 July 2018, at 12pm, the defendant and the victim argued because the victim told the defendant to collect some firewood. Then the defendant punched the victim twice above the eye and caused swelling and redness, and kicked the victim four times in the back and punched the victim twice on her right shoulder. After this incident the victim told the sub-village chief and then made a complaint to the police.

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 his actions and stated that at that time he was tired because he had just returned from a sacred house. However, the victim forced the defendant to go and collect firewood and the victim keep on talking so the defendant assaulted the victim. The defendant also stated that he regretted his actions and after the incident they reconciled and they are still living together as husband and wife. The defendant was a first time offender and has 8 children.

Meanwhile, the victim confirmed the facts set out in the indictment and stated that until now the defendant has not hit the victim again and they are living together as husband and wife. The victim also stated that she recovered her health after one week.

Final recommendations

The prosecutor stated that the defendant was guilty of committing the crime against the victim and argued that victim is supposed to remind the defendant to collect firewood for sale because their livelihood depends on selling firewood. Actually the defendant should have used other

means to resolve this simple problem and should not have used physical force against the victim. The defendant's behaviour fulfilled the elements of the alleged crime. Based on these considerations, 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 fair penalty against the defendant, based on the consideration that the defendant confessed, regretted his actions, and was a first time offender. The defendant also reconciled with the victim and the defendant supports his family by selling firewood.

Decision

After evaluating all of the facts, the court found that the defendant committed the crime based on the facts set out in the indictment. Based on the facts that were proven and all of the mitigating circumstances, namely that the defendant confessed, regretted his actions, has reconciled with the victim, and was a first time offender, the court imposed a prison sentence of 7 months against the defendant, suspended for 1 year and 6 months.

5. Crime of Manslaughter

Case No.	: 0016/18.MNSTR
Composition of the Court	: Single Judge
Judge	: Ersilia de Jesus
Prosecutor	: Remizia de Fatima da Silva
Public Defender	: Sidonio M. Sarmento
Decision	: 1 year in prison, suspended for 2 years, and civil compensation of US\$3,000

On 8 March 2019 the Baucau District Court conducted a hearing to announce its decision in a case of manslaughter involving the defendant Teofilio Pinto and the victim Lourenco Soares that allegedly occurred in Manatuto District.

Charges of the public prosecutor

The public prosecutor alleged that on 18 May 2018, at 10am, the defendant was driving a yellow truck bearing the number plate 51-458 TIs from Dili to Uatulari at normal speed. The defendant was taking his wife and a child. When they arrived in Manatuto near the salt production area, the victim was crossing the road. The defendant sounded the horn and yelled out but the truck struck the victim who fell down and was shaking on the road. The defendant got out of the truck and jumped over the victim's body seven times so the victim wouldn't die, but the victim actually died.

When he saw that the victim was dead, the defendant, together with his wife and child, got on a bus heading from Baucau to Dili to hand himself over to the Manatuto police but on the way they met with the police so the defendant handed himself over to the police who took him to the Manatuto police station. The defendant made an agreement with the family of the victim in relation to this incident, that firstly the defendant would give US\$2,000 and a pig to the victim's family. Then for the funeral ceremony and the 6 month anniversary of the death, the defendant would give another US\$1,500 and a buffalo. Meanwhile, for the ceremony to end the mourning period, the defendant would give another US\$1,500 and a pig.

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

Presentation of evidence

During the trial the defendant fully confessed to all of the facts in the indictment and stated that the defendant was driving the vehicle at 70 kilometres per hour and when the front of the car was level with the victim the victim suddenly started crossing the road and the defendant was startled. For this reason the defendant swerved and the vehicle slid into a gutter and the defendant saw the victim fall on the road. In relation to the agreement between the defendant and the victim's family, the defendant stated that he gave US\$2,000 and a pig. The defendant was supposed to give a buffalo at the ceremony to end the mourning period but he decided not to do so because based on the agreement if the defendant complied with the conditions the case would not be taken to court, but in reality this case ended up at the court. In addition, the defendant's truck, that he needs to make a living, is still at the Manatuto Police Station.

The witness Julia Soares, who is the victim's wife, testified that she was at home and the victim left to check on his buffalo. Suddenly she heard a vehicle strike the victim killing him instantly. When the witness and other families arrived at the scene they saw that the victim was already dead and his head was split open and broken hip. Meanwhile, the witness Filomena da Silva, who is the defendant's wife, chose the right to remain silent.

Final recommendations

The public prosecutor stated that the defendant confessed to all of the facts in the indictment and stated that the defendant was driving the vehicle at a higher speed than normal. In addition, there were no unfavourable conditions because it was nice weather and the road was in good condition. Therefore, he requested for the court to impose a suspended sentence against the defendant and to order the defendant to pay civil compensation based on his economic capacity.

The public defender requested for the court to apply a more lenient sentence against the defendant, and to return the vehicle to the defendant and for the court to use its discretion to determine civil compensation. The public defender stated that the defendant confessed to all of

the facts in the indictment, regretted his actions, and stated that nobody wanted the accident to occur, and the defendant had been driving the vehicle for a long time and this was his first accident and the defendant was a first time offender.

Decision

After evaluating all of the facts, the court found that the defendant committed the crime based on the facts set out in the indictment. Based on the facts that were proven and all of the mitigating circumstances, namely that the defendant confessed the alleged facts, regretted his actions, has reconciled with the family of the victim, was a first time offender, the court concluded the matter and imposed a prison sentence of one year against the defendant, suspended for one year, and ordered him to pay civil compensation of US\$3,000 to the victim (the remaining amount that the defendant has not yet paid to the family of the victim) as well as court costs of US\$20. The court also decided to return the defendant's vehicle.

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

Case No. : 0008/18.VQWTL
Composition of the Court : Single Judge
Judge : Ersilia de Jesus
Prosecutor : Remizia de Fatima da Silva
Defence : Grigorio de Lima
Decision : Prison sentence of 1 year, suspended for 2 years and 6 months

On 8 March 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant CdC who allegedly committed the offence against his wife in Viqueque District.

Charges of the public prosecutor

The public prosecutor alleged that on 16 March 2018, at 6pm, the victim was in Afaloikai and the defendant rang the victim to tell the victim to go to Vikeke-Vila, but the victim did not want to go. The defendant again called and at 1am the defendant went to meet the victim at the home of the victim's grandmother where the victim was going to sleep. When the defendant arrived he immediately struck the victim four times in the head and punched the victim once above the eye. Then the defendant went in to the kitchen and the victim used this opportunity to flee from the scene.

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 and stated that he regretted his actions. The defendant also stated that he was a first time offender. Regarding his relationship with the victim, the defendant stated that he has not yet reconciled with the victim. In addition, the confirmed the facts set out in the indictment and also stated that they are no longer living together as husband and wife because the victim fears the behaviour of the defendant.

Final recommendations

The public prosecutor requested for the court to sentence the defendant to nine months in prison, suspended for 6 months because the defendant confessed all of the facts in the indictment. In addition, the victim maintained the facts set out in the indictment. The court found the defendant guilty of committing the crime against the victim.

The public defender requested for the court to impose a fair penalty against the defendant because the defendant confessed, regretted his actions and was a first time offender. In addition, the defendant tried to continue living together with the victim but the victim did not want to live together with the defendant.

Decision

After evaluating all of the facts, the court found that the defendant committed the crime based on the facts set out in the indictment. Based on the facts that were proven and all of the mitigating circumstances, namely that the defendant confessed, regretted his actions, and was a first time offender, the court imposed a prison sentence of one year against the defendant, suspended for 2 years and six months, and ordered the defendant to pay court costs of US\$20.

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

Case No.	: 0165/18.BCBCV
Composition of the Court	: Single Judge
Judge	: Hugo da Cruz Pui
Prosecutor	: Remizia de Fatima da Silva
Public Defender	: Antonio Fernandes
Decision	: 6 months in prison, suspended for 1 year

On 12 March 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant LdC who allegedly committed the offence against his wife in Baucau District.

Charges of the public prosecutor

The public prosecutor alleged that on 3 December 2018, at 10am, without justification, the defendant grabbed the victim and threw her on the ground. This act caused the victim to strike

her forehead on a rock and suffer an injury. The defendant also took a rock and struck the victim once in the head, took a piece of pipe and tried to strike the victim on her side but missed because the victim moved away. After the incident the victim received treatment at PRADET in Baucau.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Articles 2, 3 (a), 35 (b) and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant stated that their child was crying over another child's toys and the victim got angry at the defendant because she thought that the defendant had hit their child, so the defendant assaulted the victim. However, now they have reconciled and he has not hit the victim since then. The defendant was a first time offender and before the court he promised not to commit the same crime against the victim or other family members in the future. In addition, the victim reinforced the facts set out in the indictment and confirmed that she has reconciled with the defendant and the defendant has not hit her again. The victim also stated that it took nearly one week for her to recover from her injuries.

Final recommendations

The prosecutor stated that the defendant confessed all of the facts in the indictment and these facts were confirmed by the victim. The victim received treatment at PRADET and was given medicine and only recovered after nearly one week. Based on the medical report and photos in the case file, it was proven that the defendant committed the crime against the victim. For this reason the prosecutor requested for the court to impose a prison sentence of 9 months, suspended for 1 year and 6 months against the defendant.

The defence stated that the defendant confessed all of the facts set out in the indictment and regretted his actions. The defendant also was a first time offender and has not hit the victim since then. The public defender argued that it is important that they have already reconciled so they can look after their children's future. Therefore he requested for the court to impose a fair penalty against the defendant.

Decision

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 and all of the mitigating circumstances, namely that the defendant confessed, regretted his actions, has reconciled with the victim, and was a first time offender, the court imposed a prison sentence of six months against the defendant, suspended for 1 year.

8. Crime of mistreatment of a spouse

Case No. : 0012/18. BCBCV
Composition of the Court : Panel
Judges : Afonso Carmona, Jose Gonçalves and Ersilia de Jesus
Prosecutor : Luis H. Rangel da Cruz
Public Defender : Jose M. Guterres
Decision : Prison sentence of 2 year and 6 months, suspended for 3 years

On 12 March 2019 the Baucau District Court conducted a hearing to announce its decision in a case of mistreatment of a spouse involving the defendant CdCB who allegedly committed the offence against his wife in Baucau District.

Charges of the public prosecutor

The public prosecutor alleged that on 22 January 2018, at 9pm, the defendant returned from Dili and knocked on the door of the house. When she heard the knock on the door the victim told her child to open the door. When the defendant went inside the defendant became angry at the victim and said that *“When you are here you are always causing problems”*. The victim told the defendant *“You don't want to look after the children, I have to beg others to be able to feed the children”*. After hearing the response of the victim, the defendant struck the victim once on the back which caused pain and swelling.

Then on the morning of 23 January 2018 the defendant told the victim to go back to her parents but the victim told the defendant *“I can go back, but the traditional elders need to deliberate before I go back”*.

Previously, in October 2017, at 8am, the defendant kicked the victim many times in the stomach and on the next day, the defendant slapped the victim once on her right cheek and caused pain and swelling.

The public prosecutor alleged that the defendant violated Article 154 of the Penal Code on the mistreatment of a spouse that carries a prison sentence of 2 years to 6 years prison as well as Articles 2, 3 and 35 (a) and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant completely confessed to the facts set out in the indictment and stated that he committed these acts against the victim because when the defendant was working in Dili, the victim always argued with the defendant's parents and burned their child with a cigarette. Even so the defendant regretted his actions, has reconciled with the victim and promised not to commit such acts in the future. The defendant also stated that he was a first time offender.

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 stated that the defendant was guilty of committing the crime against the victim and stated that the defendant's behaviour fulfilled the elements of the crime of mistreatment of a spouse. Based on these considerations, the public prosecutor requested for the court to sentence the defendant to 2 years in prison, suspended for 3 years.

The public defender requested for the court to impose a fair penalty against the defendant because the defendant confessed, regretted his actions and was a first time offender. In addition, the defendant is the breadwinner.

Decision

After evaluating all of the facts, the court found that on 22 January 2018 at 9pm the defendant struck the victim in the back which caused swelling. The court found that on 23 January 2018 the defendant told the victim to go back to her parents and in October 2017 at 8am the defendant kicked the victim many times in the stomach and over the next few days the defendant slapped the victim once on her right cheek which caused swelling.

Based on the facts that were proven and all of the mitigating circumstances, namely that the defendant confessed, regretted his actions, was a first time offender and has reconciled with victim, the court imposed a prison sentence of 2 years and 3 months against the defendant, suspended for 3 years, and ordered the defendant to pay court costs of US\$20.

9. Crime of mistreatment of a spouse

Case No.	: 0008/18. BCVMS
Composition of the Court	: Panel
Judges	: Afonso Carmona, Jose Gonçalves and Ersilia de Jesus
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Jose M. Guterres
Decision	: Prison sentence of 2 years and 6 months, suspended for 2 years and 6 months

On 12 March 2019 the Baucau District Court conducted a hearing to announce its decision in a case of mistreatment of a spouse involving the defendant SdS who allegedly committed the offence against his wife in Baucau District.

Charges of the public prosecutor

The public prosecutor alleged that on 3am on 4 May 2018 the victim was asleep and the defendant smashed the victim's phone. The victim got out of bed and the defendant insulted the victim and slapped her twice on the cheek. Then the defendant punched the victim once in the face.

Then on 5 May 2018 at 9pm the victim and her sister in law argued and the defendant choked the victim and threw her on the ground. When the victim fell on the ground the defendant stomped on the victim. The victim received treatment at the Vemasse Health Centre and made a complaint. When the victim and the defendant were living together the defendant always suspected that the victim was in a romantic relationship with another man and always assaulted the victim.

The public prosecutor alleged that the defendant violated Article 154 of the Penal Code on the mistreatment of a spouse that carries a prison sentence of 2 years to 6 years prison as well as Articles 2, 3 and 35 (a) and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant totally confessed to the facts set out in the indictment and stated that on the evening of 4 May 2018 the defendant went fishing in the ocean in his boat until 3am. At that time the defendant rang the victim but victim's phone was always busy. When the defendant returned home and asked the victim about his issue they had an argument. Then the defendant took the victim's sim card and put it in his mobile phone and not long after a man rang the victim's number and when the defendant received the call the person hung up and the defendant suspected that this person was the victim's boyfriend. The defendant also stated that he regretted his actions and was a first time offender. They are now separated and the victim is with another man. The defendant and the victim have three children, one is living with the defendant and two are living with the victim.

Meanwhile, the victim completely confirmed the facts set out in the indictment and confirmed the statement of the defendant that now they are not living together and one child is living with the defendant and the other two are living with the victim.

Final recommendations

The public prosecutor stated that the defendant confessed to all of the facts in the indictment and confirmed the victim's statement that now they are living separately because the defendant always physically assaulted the victim. Based on the production of evidence, the defendant was found guilty of mistreating the victim. For this reason the prosecutor requested for the court to impose a prison sentence of 2 years, suspended for 3 years against the defendant.

The public defender requested for the court to impose a fair penalty against the defendant because the defendant confessed, regretted his actions and was a first time offender. In addition, the defendant wanted to reconcile with the victim but the victim was with another man.

Decision

After evaluating all of the facts the court found that on 4 May 2018 at 3am the defendant returned from the ocean and had an argument with the victim because her telephone was always busy. The court found that the defendant mistreated the victim, slapped the victim twice on the cheek and punched the victim once in the face. Then on 5 May 2018 at 9pm the defendant choked the victim, threw her on the ground and stomped on the victim and the victim had an argument with her sister in law.

Based on the facts that were proven and all of the mitigating circumstances, namely that the defendant confessed, regretted his actions, was a first time offender and has reconciled with victim, the court imposed a prison sentence of 2 years and 6 months against the defendant, suspended for 2 years, and ordered the defendant to pay court costs of US\$40.

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

Case No.	: 0042/18. VQWCB
Composition of the Court	: Single Judge
Judge	: Ersilia de Jesus
Prosecutor	: Domingos Gouveia Barreto
Public Defender	: Antonio Fernandes
Decision	: 5 months in prison, suspended for 1 year

On 14 March 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant GdSS who allegedly committed the offence against his wife in Viqueque District.

Charges of the public prosecutor

The public prosecutor alleged that on 28 October 2018 at 8:00am, when the defendant returned home the victim asked the defendant "*You are always out, you never stay at home*". Then, the defendant and the victim argued and the defendant swore at the victim. At the same time the defendant told the victim, who was aged two, to pick up some rubbish. The defendant did not agree and punched the victim twice on her left cheek, punched the victim once on her right cheek and threw the victim on the ground.

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 acknowledged his behaviour and stated that he had returned home late. He stated that he assaulted the victim because he did not agree with the victim telling their child aged two to perform work. The defendant regretted his actions, and the defendant stated that from the time that he established his family in 2015 this was the first time he had hit the victim and he has not hit the victim since. The defendant is a farmer with one child. The victim maintained all of the facts in the indictment but also stated that since the incident the defendant went to ask the victim to come home and has not hit her since then. The victim stated that she received treatment at the Watucabau Health Centre.

Final recommendations

The public prosecutor stated that the defendant confessed to all of the facts in the indictment but considering the high number of domestic violence crimes occurring across the entire territory, the public prosecutor requested for the court to strongly deter the defendant's behaviour and educate the entire community to reduce domestic violence crimes in the future. For this reason the public prosecutor requested for the court to impose a prison sentence of 6 months, suspended for 1 year.

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

Decision

After evaluating all of the facts, the court found that on 28 October 2018 at 8:00am the defendant and the victim argued because defendant returned home late. The court found that the defendant punched the victim twice on her left cheek, punched the victim once on her right cheek and threw the victim on the ground because the victim told their child to take out the rubbish. Based on the facts that were proven and the mitigating circumstances the court sentenced the defendant to 5 months in prison, suspended for 1 year, and ordered him to pay court costs of US\$ 10.

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

Case No.	: 0033/18. VQWCB
Composition of the Court	: Single Judge
Judge	: Ersilia de Jesus
Prosecutor	: Domingos Goiveia Barreto
Public Defender	: Antonio Fernandes
Decision	: 3 months in prison, suspended for 1 year

On 14 March 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant CdCX who allegedly committed the offence against his wife in Viqueque District.

Charges of the public prosecutor

The public prosecutor alleged that on 29 August 2018 at 10pm the defendant punched the victim three times in the back and punched her four times on the back of the neck. Before the incident the victim yelled out to the defendant to say something to the defendant's sister who argued and swore at the victim about their child, in front of many family members.

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 stated that they were attending a ceremony relating to the death of a brother in law and many people were at their house. When the defendant saw the victim arguing with her sister in law, the defendant was embarrassed and assaulted the victim. However the defendant regretted his actions and has not repeated his actions. The defendant is a farmer and he stated that since he established his family in 2014 this was the first time the defendant hit the victim. The defendant regretted his actions and promised not to commit any further crimes against the victim in the future.

Meanwhile, the victim confirmed the facts set out in the indictment and stated that she was not satisfied with her sister in law who wasn't very old and had sworn at the victim. That is why the victim yelled at the defendant so he would teach his sister how to behave, but the defendant did not do so, but rather assaulted the victim. The victim stated that she received treatment at the Watucabau Health Centre. However, the victim also confirmed the defendant's statement that until now the defendant has not hit the victim again.

Final recommendations

The public prosecutor stated that the defendant confessed to all of the facts in the indictment but considering the increasing number of domestic violence crimes in Baucau jurisdiction the prosecutor requested for the court to impose a prison sentence of six months against the defendant, suspended for one year. The public prosecutor said that the sentence can deter the defendant from such acts and educate all members of the community to reduce domestic violence crimes.

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, and promised not to reoffend against the victim in the future. In addition, the victim and child need the defendant to look after them in his capacity of husband and father.

Decision

After evaluating all of the facts, the court found that on 29 August 2018, at 10pm, the victim and her sister in law argued about her child and the defendant struck the victim three times on her back and four times on the back of her neck. Based on the facts that were proven and the mitigating 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.

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

Case No.	: 0092/18. LASIC
Composition of the Court	: Single Judge
Judge	: Hugo da Cruz Pui
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Antonio Fernandes
Decision	: 6 months in prison, suspended for 1 year

On 18 March 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant AdC who allegedly committed the offence against his wife in Lautem District.

Charges of the public prosecutor

The public prosecutor alleged that on 5 November 2018, at 7am, the defendant slapped the victim once on her ear, and slapped her three times on the back. The defendant took a piece of wood and struck the victim many times on the back and also on the back of her neck, arm and shoulder. Then the victim made a complaint to the Lautem Police Station and received treatment at the Lautem Health Centre.

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 he committed the assault because the victim argued with the defendant's mother and the victim also kept rice in the bedroom because she wanted to eat separately. However, the defendant regretted his actions and went and found the victim in a shelter and in front of the two families they reconciled and the defendant has not hit the victim since. The defendant also stated that he was a

first time offender. Meanwhile, the victim confirmed the facts set out in the indictment and confirmed the defendant's statement that he went and found the victim in the shelter and asked her to come home, and she reconciled with the defendant in front of the two families and the defendant has not hit the victim again.

Final recommendations

The public prosecutor stated that the defendant should have sought another alternative to resolve the problem between the victim and the defendant's parents, rather than committing a crime to resolve a problem. The defendant confessed his behaviour and this is not an issue of reconciliation with the victim but rather how to deter the defendant from resolving a problem by committing a crime. For this reason the public prosecutor requested for the court to impose a prison sentence of 6 months, suspended for 1 year.

Meanwhile, the public defender stated that the defendant confessed to all of the facts in the indictment, regretted his actions and also mentioned that the problem emerged because the victim wanted to eat separately and put rice in the bedroom. According to East Timorese culture the victim was behaving in a greedy manner. In addition, when the victim was staying in a shelter the defendant used his own initiative to go and ask the victim to come home. Therefore, the public defender requested for the court to impose a fair sentence to guarantee the livelihood of the defendant and the victim in the future.

Decision

After evaluating all of the facts the court found that the defendant slapped the victim once on her ear, and slapped her three times on the back. The defendant took a piece of wood and struck the victim many times on the back and also on the back of her neck, arm and the shoulder. The court also found that when the victim was staying in a shelter the defendant asked the victim to come home. Based on the facts that were proven, including all of the circumstances, the court sentenced the defendant to 6 months in prison, suspended for 1 year.

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

Case No.	: 0012/17.VQSIC
Composition of the Court	: Single Judge
Judge	: Jose Quintão
Prosecutor	: Domingos Goiveia Barreto
Defence	: Antonio Fernandes
Decision	: 3 months in prison, suspended for 1 year

On 19 March 2019 the Baucau District Court 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 Viqueque District.

Charges of the public prosecutor

The public prosecutor alleged that on 19 March 2017 at 11:00 am the victim was returning from the rice field and was angry at his children because they did not go and help him in the rice field. Because he was dissatisfied with this misunderstanding the defendant grabbed the victim and threw her on the ground, then struck her three times on the back and kicked the victim once in the back.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Articles 2, 3 (a), 35 (b) and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant totally confessed to all of the facts and stated that they reconciled in front of their two families. The defendant is a farmer and a first time offender. In addition, the victim reinforced the facts set out in the indictment and confirmed that she reconciled with the defendant in front of their families and until now the defendant has not repeated his behaviour.

Final recommendations

The public prosecutor stated that the defendant in his capacity as a husband was supposed to find a way to resolve the misunderstanding in the home rather than using violence to resolve his problem. Given the defendant's poor behaviour towards his family, the public prosecutor requested for the court to impose a prison sentence of three months against the defendant, suspended for one year.

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, and promised not to reoffend against the victim in the future. In addition, the defendant has five children who need the defendant's care.

Decision

After evaluating all of the facts, the court found that the defendant grabbed the victim and threw the victim on the ground. Then the defendant struck her three times in the back and kicked the victim once in the back. Based on the facts that were proven during the trial, the court concluded the matter and sentenced the defendant to 3 months in prison, suspended for 1 year.

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

Case No. : 0024/18.VQSIC

Composition of the Court : Single Judge

Judge : Jose Quintão

Prosecutor : Domingos Goiveia Barreto
Defence : Antonio Fernandes
Decision : 2 months in prison, suspended for 1 year

On 19 March 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant LMF who allegedly committed the offence against his wife in Viqueque District.

Charges of the public prosecutor

The public prosecutor alleged that on 26 June 2018 the victim rang her father in Dili saying that she was going to travel to Dili. The defendant appeared and without justification struck the victim twice about the left and right eyes and kicked the victim once in the back. These acts caused the victim to suffer swelling to her eyes and her back.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine 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 to his behaviour and stated that he committed the assault because he suspected the victim of ringing another man. The defendant regretted his behaviour and has reconciled with the victim. In addition, the defendant stated that he is a builder and each year he receives US\$150. The defendant was a first time offender. 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 prosecutor stated that the defendant committed the crime against the victim and argued that deterrence is important because domestic violence crimes are prevalent. For this reason the public prosecutor requested for the court to impose a prison sentence of 2 months, suspended for 1 year.

The public defender requested for the court to impose a fair penalty against the defendant because the defendant confessed, regretted his actions and has reconciled with the victim. In addition, while they were living together this was the first time the defendant offended against the victim.

Decision

The court found that the defendant punched the victim twice above her left and right eyes and kicked the victim once in the back which caused swelling. The court concluded this matter and imposed a prison sentence of 2 months, suspended for 1 year against the defendant.

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

Case No. : 0018/18. VQOSU
Composition of the Court : Single Judge
Judge : Ersilia de Jesus
Prosecutor : Domingos G. Barreto
Public Defender : Jose M. Guterres
Decision : 6 months in prison, suspended for 1 year and 6 months

On 22 March 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant GPG who allegedly committed the offence against his wife in Viqueque District.

Charges of the public prosecutor

The public prosecutor alleged that on 2 August 2018, at 21:30, the victim caught the defendant calling his girlfriend and the victim asked the defendant about it. The defendant told the victim “*You have no right to ask me*”. Then they argued and the defendant slapped the victim many times on her right and left cheeks, punched the victim once in the mouth and struck the defendant on the back of the head and threw the victim on the ground and kicked her many times in the back.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Articles 2, 3 (a), 35 (b) and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant confessed to his actions and stated that he rang a male friend, not a female. The defendant also stated that after the incident the victim went to stay with her parents and after one week the defendant spoke with her family and took the victim home. The defendant regretted his actions. This was the first time he hit the victim and has not hit the victim again. Meanwhile, the victim confirmed the facts and stated that until now the defendant has not repeated his behaviour. The victim received treatment at the Ossu Health Centre.

Final recommendations

The public prosecutor requested for the court to sentence the defendant to 6 months in prison, suspended for 1 year, to deter the defendant from repeating his actions in the future, because the defendant and victim had only been living together for a year.

The public defender requested for the court to fair impose a fair sentence against the defendant because even though the defendant is young, he knew his responsibilities, for example he went looking for the victim to reconcile. Until now the defendant has not hit the victim again and the defendant was a first time offender.

Decision

After evaluating all of the facts, the court found that the defendant and the victim argued because the victim believed that the defendant had rang another woman. The court found that the defendant slapped the victim many times on the right and left cheeks, punched the victim once in the mouth and struck her three times in the head. The court also found that the defendant threw the victim on the ground and kicked her many times in the back. Therefore, the court concluded the matter and sentenced the defendant to 6 months in prison, suspended for 1 year and six months, and ordered the defendant to pay court costs of US\$ 10.

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

Case No. : 0009/17.MNLLA
Composition of the Court : Single Judge
Judge : Afonso Carmona
Prosecutor : Remizia de Fatima da Silva
Public Defender : Jose M. Guterres
Decision : 3 months in prison, suspended for 1 year

On 22 March 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant AdC who allegedly committed the offence against his wife in Manatuto District.

Charges of the public prosecutor

The public prosecutor alleged that on 7 September 2017 at 3pm the defendant slapped the victim twice on her right cheek, punched the victim once in the back, and the victim fell to the ground. Then the defendant slapped her again on the left cheek and dragged the victim along the ground.

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 and 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 a family member or other person. 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 confessed all of the facts, therefore the prosecutor requested for the court to impose a prison sentence of three months, suspended for one year, to educate the defendant in the future.

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

Decision

The public prosecutor alleged that on the defendant slapped the victim twice on her right cheek, punched the victim once in the back, and the victim fell to the ground. The court found that when the victim fell down, the defendant slapped her once on the left cheek and dragged the defendant along the ground. Based on the facts that were proven during the trial, the court concluded the matter and sentenced the defendant to 3 months in prison, suspended for 1 year.

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

Case No.	: 0021/18. VQOSU
Composition of the Court	: Single Judge
Judge	: Hugo da Cruz Pui
Prosecutor	: Domingos Goiveia Barreto
Public Defender	: Antonio Fernandes
Decision	: Fine of US\$ 60.

On 25 March 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant CXA who allegedly committed the offence against his first wife in Viqueque District.

Charges of the public prosecutor

The public prosecutor alleged that on 11 October 2018, at 10am, the defendant took a small rock and threw it at the victim's left leg which caused pain and swelling. Prior to the incident, the defendant was inside and heard the victim and the defendant's second wife (DdS) arguing about their buffaloes being tied up in close proximity and as a result the two buffaloes had fought with each other.

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 they reconciled in front of their families, and he regretted his actions and has not hit the victim again. The defendant also stated that he has built two houses for his two wives that are 10 metres apart. The defendant also stated that he was a first time offender.

Meanwhile, the victim confirmed all of the facts in the indictment and stated that since they got together in 1990, they never had a problem but when the defendant took a second wife some problems emerged. The victim stated that the defendant has not hit the victim again.

Final recommendations

The public prosecutor stated that the defendant confessed to all of the facts and to prevent such crimes occurring in the future, because the defendant has two wives and many children, the prosecutor requested for the court to impose a prison sentence of six months against the defendant, suspended for one year.

The public defender stated that even though the defendant has two wives and six children, this was the first time the defendant committed a simple physical assault against the victim. The defendant also stated that he regretted his actions and has reconciled with the victim. Therefore the public defender requested for the court to impose a fair penalty against the defendant.

Decision

After evaluating all of the facts, the court found that the defendant committed the crime based on the facts set out in the indictment. Based on the facts that were proven, the court concluded this matter and ordered the defendant to pay a fine of US\$ 60 to be paid in daily instalments of US 50 cents for 120 days. The court also imposed an alternative penalty of 80 days in prison if the defendant does not pay this fine.

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

Case No.	: 0077/17. PDBAU
Composition of the Court	: Single Judge
Judge	: Antonio Fonseca
Prosecutor	: Remizia de Fatima da Silva
Public Defender	: Jose M. Guterres
Decision	: 3 months in prison, suspended for 1 year, with rules of conduct

On 26 March 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant NC who allegedly committed the offence against his wife in Viqueque District.

Charges of the public prosecutor

The public prosecutor alleged that on 15 August 2017, at 8pm, the victim went to watch television at his uncle's house, and the defendant turned up drunk and immediately hit the victim on her left cheek and punched the victim once above her right eye which caused swelling.

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 totally confessed to the facts set out in the indictment and stated that this case was resolved before the community authorities and as a consequence they were living separately. However, the defendant compensated the victim's injuries by handed over US\$20 and one pig. The defendant also stated that he regretted his actions and was a first time offender. Meanwhile, the victim confirmed the facts set out in the indictment and confirmed the defendant's statement.

Final recommendations

The public prosecutor stated that even though they are living separately, to deter the defendant from committing any crimes against another person, the prosecutor requested for the court to impose a prison sentence of six months against the defendant, suspended for one year.

In addition, the public defender requested for the court to impose a fair penalty on the defendant because the defendant and the victim are living separately, the defendant regretted his actions and was a first time offender.

Decision

The court found that the defendant was drunk and he punched the victim once on her left cheek and punched the victim once above her right eye, which caused swelling. Based on the facts that were proven during the trial and the mitigating circumstances, the court concluded the matter and sentenced the defendant to 3 months in prison, suspended for 1 year. The court also imposed rules of conduct on the defendant to periodically appear at the court once a month for three months.

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

Case No. : 0023/18. VQSIC

Composition of the Court : Single Judge
Judge : Hugo da Cruz Pui
Prosecutor : Domingos Goiveia Barreto
Public Defender : Antonio Fernandes
Decision : Fine of US\$ 60.

On 27 March 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant DF who allegedly committed the offence against his wife in Viqueque District.

Charges of the public prosecutor

The public prosecutor alleged that on 8 September 2018, at 8:00am, the victim told the defendant to get some papaya to feed the pig. But the defendant did not listen so the victim swore at the defendant. The defendant did not accept this and slapped the victim once on her right cheek. Because the victim kept on swearing, the defendant struck the victim once more on her right shoulder which caused the victim to fall to the ground.

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 and stated that the defendant regretted his behaviour and until now has not hit the victim again. The defendant was a first time offender and the defendant is a driver with a monthly salary of US\$ 240. Meanwhile, the victim confirmed all of the facts in the indictment and stated that they established a family in 2009 and have two children, and this was the first time that the defendant hit the victim.

Final recommendations

The public prosecutor stated that domestic violence crimes are being tried every day in the courts, therefore the prosecutor requested for the court to impose a prison sentence of three months against the defendant, suspended for one year. However, if a fine was to be imposed, then the prosecutor requested for the court to consider the defendant's income.

The public defender stated that the defendant confessed all of the facts set out in the indictment and demonstrated regret because he reconciled with the victim. Also, until now he has not hit the victim or the children. Therefore the public defender requested for the court to impose a fair penalty against the defendant.

Decision

After evaluating all of the facts, the court found that the defendant committed the crime based on the facts set out in the indictment. Based on the facts that were proven, the court concluded this matter and ordered the defendant to pay a fine of US\$ 60 to be paid in daily instalments of \$ 0.50 for 120 days. The court also imposed an alternative penalty of 40 days in prison if the defendant does not pay this fine.

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

Case No. : 0028/18.BCLGA
Composition of the Court : Single Judge
Judge : Jose Escurial
Prosecutor : Luis H. Rangel da Cruz
Public Defender : Jose M. Guterres
Decision : 3 months in prison, suspended for 1 year

On 27 March 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant DS who allegedly committed the offence against his wife in Baucau District.

Charges of the public prosecutor

The public prosecutor alleged that on 18 September 2018, at 8:00am, the defendant returned home and without saying anything immediately struck the victim twice on the back of her neck which caused pain. The victim ran away and the defendant chased her and caught her. Then he punched the victim once in the back.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Articles 2, 3 (a), 35 (b) and 36 of the Law Against Domestic Violence.

Presentation of evidence

The defendant totally confessed to the facts set out in the indictment and stated that now they are not living together because the victim was with another man. The defendant also stated that he regretted his actions and was a first time offender. Meanwhile, the victim confirmed the facts set out in the indictment and confirmed the defendant's statement.

Final recommendations

The public prosecutor requested for the court to impose a prison sentence of three months against the defendant, suspended for one year, to deter the defendant from committing any crimes against another person.

In addition, the public defender requested for the court to impose a fair penalty on the defendant because the defendant and the victim are living separately, the defendant regretted his actions and was a first time offender. In addition, the defendant provides for their children.

Decision

After evaluating all of the facts, the court found that the defendant punched the victim twice in the back of the neck and when the victim ran away and the defendant caught her, the defendant struck the victim again on her back. The court concluded this matter and imposed a prison sentence of 3 months, suspended for 1 year against the defendant.

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

Case No.	: 0008/18.BCBGA
Composition of the Court	: Single Judge
Judge	: Jose Escurial
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Jose M. Guterres
Decision	: 3 months in prison, suspended for 1 year

On 27 March 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant JSR who allegedly committed the offence against his wife in Baucau District.

Charges of the public prosecutor

The public prosecutor alleged that on 28 August 2018, at 12pm, the defendant went into a kiosk and damaged some cotton used to make traditional woven cloth (*tais*). Then, the defendant pushed the victim into a wall which caused the victim to suffer an injury to her right shoulder. The defendant took a piece of wood used to make woven cloth (*tais*) and struck the victim on her right hand and caused swelling. The defendant kicked the victim once in her knee which caused pain.

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 and 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. Meanwhile, the victim confirmed the facts set out in the indictment and confirmed the defendant's statement.

Final recommendations

The public prosecutor requested for the court to sentence the defendant to 3 months in prison suspended for 1 year to prevent the defendant from repeating his actions in the future.

The public defender requested for the court to impose a fair penalty against the defendant because the defendant confessed, regretted his actions, has reconciled with the victim, and this was the first time he had hit the victim.

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 of the prosecutor. Based on the facts that were proven, including all of the circumstances, the court concluded the matter and sentenced the defendant to 3 months in prison, suspended for 1 year.

22. Crime of using a bladed weapon and crime of simple offences against physical integrity

Case No.	: 0001/18. MNLCL
Composition of the Court	: Panel
Judges	: Afonso Carmona, Jose Gonçalves and Ersilia de Jesus
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Antonio Fernandes
Decision	: Prison sentence of 2 year and 6 months, suspended for 3 years

On 27 March 2019 the Baucau District Court tried a case of using a bladed weapon and simple offences against physical integrity involving the defendant João Carceres and the victim Agostinho Malaka Carceres, a neighbour, that allegedly occurred in Lacle Sub-District, Manatuto District.

Charges of the public prosecutor

The public prosecutor alleged that on 4 January 2018, at approximately 3pm, the defendant took a double stick and struck the victim on his left shoulder which caused swelling. The defendant took a crow bar and threw it at the victim's hand which caused an injury. The defendant went inside and took an arrow to fire at the victim but did not manage to do so because the police intervened.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity¹ that carries a maximum penalty of three years in prison or a fine as well as Article 20 of Law No. 5/2017 on bladed weapons.

¹ Crime of simple offences against physical integrity is categorised as a semi-public crime, so therefore before going to trial the court attempted conciliation between the parties. Therefore during the attempted conciliation the victim

Presentation of evidence

The defendant used his right to remain silent. The victim stated that at that time the defendant was drunk and the defendant told the victim to take the children home but the victim refused and the victim slapped the defendant. Then the defendant took a double stick and struck the victim, threw a crow bar at the victim, and took an arrow but the defendant did not fire the arrow because many people were at the scene. The defendant also stated that after the incident they approached each other to reconcile in front of the community authorities.

Final recommendations

The public prosecutor requested for the court to sentence the defendant to 3 years in prison to prevent the defendant from repeating his actions. Meanwhile, the public defendant requested a fair sentence for the defendant because the arrow did not belong to the defendant but rather to the victim and at that time the defendant did not fire the arrow at the victim.

Decision

After evaluating all of the facts, the court found that the defendant grabbed an arrow to shoot at the victim but did not fire it because there were many people at the scene. Based on the facts that were proven and all of the mitigating circumstances, namely that the defendant reconciled with the victim, and was a first time offender, the court imposed a prison sentence of two months against the defendant, suspended for 3 years.

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

Case No.	: 0171/18.BCBCV
Composition of the Court	: Single Judge
Judge	: Jose Quintão
Prosecutor	: Gustavo A. M. da Silva
Public Defender	: Antonio Fernandes
Decision	: 6 months in prison, suspended for 1 year

On 28 March 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant DF who allegedly committed the offence against his wife in Baucau District.

Charges of the public prosecutor

The public prosecutor alleged that on 6 December 2018, at 8:00am, the defendant took a chair and struck the victim in the chest and caused swelling. The defendant took a hoe to strike the victim but did not manage to do so because the victim grabbed the defendant tightly.

withdrew the complaint against the defendant so the court endorsed the agreement between the parties, and the court continued with the trial of the crime relating to the use of a bladed weapon.

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 completely confessed to all of the facts and regretted his actions. The defendant has reconciled with the victim and promised not to reoffend in the future. The victim maintained all of the facts in the indictment but stated that since the incident the defendant has not hit her.

Final recommendations

The public prosecutor requested for the court to use its conviction to convict the defendant, because even though the courts have convicted many offenders for crimes of domestic violence these crime continue to increase.

Also, the public defender requested for the court to impose a fair penalty against the defendant because the defendant confessed all of the facts in the indictment, regretted his actions, has reconciled with the victim, and was a first time offender.

Decision

After evaluating all of the facts, 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 during the trial and the mitigating circumstances, the court concluded the matter and sentenced the defendant to 6 months in prison, suspended for 1 year.

For more information please contact:

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