



**JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL**

Press Release

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Defendant in case of domestic violence sentenced to fine of US\$ 90.00

On 9 February 2012 the Oecusse District Court conducted a trial in a case of domestic violence registered as Case No. 71/PCP/2011. The crime was allegedly committed by the defendant Jose da Costa Roig against his wife Lucia Nheu. This case allegedly occurred on 5 March 2011 at approximately 12.30am in Sikuli Sub-Village, Costa Village, Pante Makassar Sub-District, Oecusse District.

The trial was presided over by single judge João Riberio, while the Prosecution Service was represented by Alfonso Lopes, and the defendant was represented by Calistro Tout from the Oecusse Regional Public Defender's Office.

The Executive Director of JSMP, Luis de Oliveira Sampaio, said that "JSMP hopes that the sentence given to the defendant can be an important step to prevent the reoccurrence of violence in the future, and can provide a lesson to the community to understand that domestic violence is a crime that must be punished.

JSMP observed that in his final recommendation the public prosecutor charged the defendant with articles 2, 3 (a) and Article 35 of Law No. 07/2010, Against Domestic Violence, as well as Article 145 of the Penal Code regarding ordinary maltreatment.

It was revealed during the trial that on the 5th March 2011 at approximately 12.30am the defendant had just returned home intoxicated and entered the room. At that time the victim was changing her clothes. The defendant approached her and grabbed her pants and the victim told the defendant that he was drunk and knocked away the defendant's hand.

The defendant was unhappy with the behavior of the victim so he took a plastic chair and threw it at the victim and hit her on the thigh and caused the victim to suffer an injury. In addition, the defendant also hit the victim on the back of the head. When the defendant wanted to hit the victim again the victim screamed and at the moment her father arrived and the defendant ran away.

JSMP also observed that during the trial the defendant used his right to remain silent and did not provide any testimony to the court. However the judge explained to the victim that she was obliged to provide testimony to the court, so that the court could find evidence in relation to this crime.

Based on JSMP monitoring, it was evident that after examining the evidence and hearing the final recommendations the court immediately analyzed the facts that had been presented during the trial. The court was convinced that the defendant was guilty of committing the crime of domestic violence against the victim who was his spouse. For this crime the court punished the convicted person to a fine of US\$90 and he was also ordered to pay court costs of US\$10.00.

In accordance with the criminal procedure code the judge also offered an alternative punishment if the convicted person fails to pay the aforementioned fine, namely 60 days imprisonment.

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