



**JUDICIALSYSTEM MONITORING PROGRAMME  
DE MONITORIZAÇÃO DO SISTEMA JUDICIAL**

## *Case Summary*

Period: June 2012  
Edition : 9 July 2012

### **Summary of the trial process at the Dili District Court in June 2012**

#### *Introduction*

In June 2012 JSMP continued its monitoring activities of trials at the Dili District Court.

During this period JSMP managed to monitor 21 cases. These cases comprised 6 cases of domestic violence, 2 of minor theft, 1 case of theft and falsification of signature, 1 case of aggravated theft, 1 case of human trafficking, 1 case of abuse of power, falsification of documents, maladministration and economic involvement in business, 1 case of falsification of documents, 2 cases of serious maltreatment, 1 case of ordinary maltreatment, 1 case of attempted murder, 1 case of aggravated murder, 1 case of robbery, 1 case of making threats and minor damage, 1 case of misuse of state property.

For these 21 cases, 8 were decided, and the other 13 are still ongoing.

Just like previous editions, this Case Summary aims to disseminate up to date information to the public about the trial process in the Dili District Court.

The following information provides a summary of each case:

#### **1. Crime of Domestic Violence, Case No. 208/C.Ord/2012/TDD.**

On 5 June 2012 the Dili District Court conducted a hearing in a case involving domestic violence which was registered as Case No. 208/C.Ord/2012/TDD. The defendant in this case (RVB) was accused of committing violence against the victim (FdS), his wife. This case allegedly occurred on 16 November 2011 in Becusi-Kraik, Becora, Dili.

The trial of this case was led by single judge Duarte Tilman. The Public Prosecution Service was represented by Luis José Landim, and the defendant was represented by public defender Manuel Exposto.

In the indictment the public prosecutor stated that on 16 November 2011 the defendant took a plastic chair and hit the victim on the head, as well as kicking and punching the victim on the back. The defendant committed this violence because the victim insulted the defendant in front of a large group of people. The victim insulted the defendant because the defendant returned home late at night at 2am and was heavily intoxicated, and he did not bring back a pig as the two of them had planned (the pig was for a ceremony to mark the death of the defendant's father).

The public prosecutor charged the defendant with Article 145 of the Penal Code as well as Article 35 of the Law against Domestic Violence.

After hearing the public prosecutor's indictment the defendant rejected some of the charges. The defendant testified that he did actually slap the victim once with force, but he didn't pick up a chair and strike the victim, and he didn't kick or punch the victim on the back. The victim testified that she was only slapped.

In his final recommendations the public prosecutor requested for the court to hand down a suspended sentence against the defendant. The public defender in his final recommendations requested for the court to provide the defendant with a warning or if not possible then a minimum suspended sentence because the children of the defendant and victim are still minors.

On that same day the court handed down a suspended sentence of 6 months imprisonment against the convicted person Rozario Vilanova Borges however it was suspended for 1 year.

## **2. Crime of Larceny, Case No. 442/C.Ord/2011/TDD**

On 6 June 2012 the Dili District Court was unable to conduct a hearing in a case of larceny which was registered as Case No.442/C.Ord/2011/TDD. The hearing was postponed because the victim and the defendant were absent even though they had received a written summons. In addition, two witnesses had not received a summons from the court.

The hearing to adjourn the trial was led by one member of the panel, namely judge Edite Palmira. The Public Prosecution Service was represented by Hipólito Santa, and the Office of the Public Defender was represented by Cância Xavier.

The trial was scheduled to continue on 18 July 2012 at 2pm.

## **3. Crime of human trafficking, Case No. 667/C.Ord/2011/TDD**

On 6 June 2012 the Dili District Court continued a trial in a case involving the crime of human trafficking which was registered as Case No. 667/C.Ord/2011/TDD. The defendant in this case ARS allegedly committed the crime against 7 victims (none of whom were identified). They came from Kupang-Indonesia. The defendant has been involved in this line of work since 2007. In this hearing the court heard testimony from the witness AP (PNTL). AP testified that at that time he was with 8 other PNTL officers and planned to capture a fugitive named Rini who was

infected with AIDS, but when they arrived at the Dragon Bar, they arrested four other people who were suspected of being victims of human trafficking, including Rini and the defendant, who were then handed over to the Dili District Police for investigation.

The trial was adjourned until 28 June 2012 at 9am.

On 28 June 2012 the Dili District Court was unable to conduct a hearing in this case. The trial was adjourned because the witness who had been summoned did not appear in court. Therefore the trial was adjourned until 6 July 2012 at 9am.

#### **4. Crime of aggravated theft, Case No. 297/C.Ord/2009/TDD**

On 6 June 2012 the Dili District Court was unable to conduct a hearing in a case of aggravated theft which was registered as Case No. 297/C.Ord/2009/TDD. The trial was adjourned because one of the three defendants was not present (did not receive a summons). The other four witnesses who had been summoned appeared in court.

The hearing to adjourn the trial was led by a panel of judges comprising Duarte Tilman, António Gomes, and António Helder do Carmo. The Public Prosecution Service was represented by José Ximenes, and the Office of the Public Defender was represented by Marcia Sarmento.

The trial was scheduled to continue on 22 July 2012 at 2pm.

#### **5. Crime of abuse of power, falsification of documents and maladministration and economic involvement in business, Case No. 580/C.Ord/2011/TDD and No.622/C.Ord/2011/TDD**

On 8 June 2012 the Dili District Court conducted a hearing to read out its final decision in a case involving abuse of power, falsification of documents, maladministration and economic involvement in business, which was registered as Case No. 580/C.Ord/2011/TDD and Case No. 622/C.Ord/2011/TDD. This trial involved 2 defendants, namely Lucia Maria Brandão Freitas Lobato and António de Araujo Freitas, relating to incidents that occurred in 2008 and 2009.

The hearing was presided over by a panel of judges comprising Edite Palmira, José Maria de Araújo and Paulo Teixeira (international). The Public Prosecution Service was represented by Felismino Cardoso, Angelina Saldanha and José Ximenes. The convicted person Lucia Maria Brandão Freitas Lobato was represented by a team of lawyers comprising Sergio de Jesus Hornai and Cância Xavier, and the defendant António de Araújo Freitas was represented by Fernando de Carvalho from the Office of the Public Defender.

After analyzing and considering the entire process the court decided to hand down a sentence of 5 years imprisonment<sup>1</sup> against the convicted person Lúcia M.B. Lobato Freitas for her involvement in the crime of economic involvement in business and acquitted her from the other charges of abuse of power and maladministration. The court also ordered the defendant to pay USD 4,350 compensation to the government and court costs of USD 300.<sup>2</sup>The court acquitted the

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<sup>1</sup>However, this case has been appealed to the Court of Appeal because the team of public defenders decided to lodge an appeal against the decision of the court of first instance.

defendant António de Araújo Freitas from the charges of the public prosecutor, namely abuse of power, falsification of documents and maladministration.

#### **6. Crime of Serious Maltreatment, Case No. 616/C.Ord/2011/TDD**

On 8 May 2012 the Dili District Court conducted a hearing to read out its final decision in a case of serious maltreatment which was registered as Case No. 616/C.Ord/2011/TDD. This case involved the convicted person Fernando Amaral (23) who alleged committed the crime against the victim Bernardo da Costa Pereira (88). The event allegedly occurred on 24 June 2011 in Becora Mota Ulun.

The hearing to announce the decision was led by a member of the panel, Judge Antonio Hélder Viana. The Public Prosecution Service was represented by Baltazar Monteiro and the convicted person was represented by public defender Marcia Maria F. Sarmento.

The indictment did not explain a clear motive for this incident, but stated that the convicted person suddenly assaulted the victim who is an old man. The convicted person hit the victim once and kicked him twice on his back and the victim fell down and he hit his head which caused the victim to suffer an injury to his forehead. Also, as a consequence of the defendant's actions, the victim was unable to perform his daily work for more than two months.

The court sentenced the convicted person to 3 years imprisonment that was suspended for 3 years. In addition the convicted person was ordered to pay compensation of \$ 375.00 to pay for the economic loss or loss of employment experienced by the victim for more than two months.

The loss was calculated at a daily rate of \$5 x 65 days, to be paid within 15 days from the when the decision carries full force of the law and if the payment is not made then the convicted person will serve the punishment of 3 years imprisonment.

#### **7. Crime of Domestic Violence, Case No. 153/C.Ord/2011/TDD**

On 11 June 2012 the Dili District Court conducted a hearing in a case involving domestic violence which was registered as Case No. 153/C.Ord/2011/TDD. The defendant AP committed violence against the victim (ZdC) who was his own child.

This hearing was presided over by single judge Ana Paula Fonseca. The Public Prosecution Service was represented by Jose Ximenes, and the defendant was represented by public defender Fernando Lopes de Carvalho.

Based on the indictment read out to the defendant, on 5 June 2011 in Bemori the defendant struck the underage victim which caused the victim to suffer bruising to his head. The indictment did not mention the reason why the defendant hit the victim. After hearing the charges against him the defendant rejected the claim that he had hit the victim.

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<sup>2</sup>Refer to JSMP Press Release, June 2012, Edition: 11 June 2012 entitled Dili District Court hands down sentence of 5 years imprisonment against the defendant Lúcia Lobato and acquits defendant António Freitas, available on the JSMP website: [www.jsmp.minihub.org](http://www.jsmp.minihub.org), under: "publications".

In his testimony the defendant stated that he didn't know about the injury to the victim's head because at that time the defendant carried the victim to the home of CRS (the victim's uncle) and it was still dark. The defendant only found out about the injury after the victim's uncle contacted him via telephone and told him about the injury.

The trial was adjourned until 18 June 2012 at 10.30 to hear testimony from the victim's representative and from witnesses. On 18 June 2012 the Dili District Court continued the trial of this case. On the aforementioned date the representative of the victim DV (victim's mother) testified to the court that the defendant had hit the victim. DV add that the defendant had often made threats and committed violence against the victim.

In response to the testimony from DV, the witness CRS stated that he didn't know about the assault committed by the defendant. The witnesses all stated that at that time the victim was staying with him in Bairopite because the defendant had gone off to work.

In regards to the victim's injury, the witness stated that the victim suffered an injury because he fell out of bed and hit the floor. The witness did not manage to inform the defendant because at the time when the defendant collected the victim, the witness was in the bathroom.

In his final recommendations the public prosecutor stated that the defendant was guilty of assaulting the victim ZdC. Therefore the prosecutor requested for the court to carefully consider the facts and issue the fairest possible decision.

The public defender in his final recommendations requested for the court to acquit the defendant because of a lack of evidence to prove that the defendant had hit the victim and caused an injury to his head.

The final decision will be announced on 2 July 2012 at 2pm.

#### **8. Crime of Domestic Violence, Case No. 548/C.ord/2011/TDD**

On 11 June 2012 the Dili District Court conducted a hearing to read out its final decision in a case involving domestic violence. This case was registered as Case No. 548/C.Ord/2011/TDD and the incident was allegedly committed by the convicted person Marcelino Salsinha against the victim Idalina Carigoria Cobaco (wife of the convicted person). The incident allegedly occurred on 6 May 2011 in Has Laran, Becora, Dili.

In his final decision the judge stated that the convicted person had admitted all of the facts as charged by the public prosecutor, namely that he had slapped the victim four times, had punched and burned the victim on her back. This incident occurred because the victim took \$10 belonging to the convicted person to buy some things.

Therefore the court decided that the actions of the convicted person fulfilled the elements of the crime as set out in Article 145 of the Penal Code as well as Article 35 of the Law Against Domestic Violence. The court handed down a sentence of 4 months imprisonment; however it was suspended for 1 year. To court did not order the convicted person to pay court costs because of his limited economic means.

### **9. Crime of Domestic Violence, Case No. 58/C.Ord/2012/TDD**

On 11 July 2012 the Dili District Court conducted a hearing in a case involving domestic violence which was registered as Case No. 58/C.Ord/2012/TDD. The defendant in this case (JBdC) was accused of committing violence against the victim (US), his wife. The alleged incident occurred on 21 January 2012 in Villa Verde, Vera-Cruz, Dili.

The trial of this case was led by single judge Antonino Gonçalves. The Public Prosecution Service was represented by Luis José Landim, and the defendant was represented by public defender Câncio Xavier.

In his indictment the public prosecutor stated that on 21 January 2012 at approximately 08.45 the defendant and the victim were fighting over a hand phone and it was damaged. The phone belonged to the defendant and at that time was being used by the victim. First the defendant asked nicely but the victim did not want to give it back. Therefore, the defendant became angry and slapped the victim once, then pushed her causing her to fall to the ground. The defendant was determined to get the phone back from the victim's pocket and ripped her pants and caused the phone to fall out and it was damaged.

The public prosecutor charged the defendant pursuant to Article 35 of the Law Against Domestic Violence.

Both parties in their testimony stated that all of the charges of the public prosecutor were true. The two of them have since reconciled.

In his final recommendations the public prosecutor requested for the court to apply a suspended sentence against the defendant for 3 years and explain the consequences of this type of sentence. In addition the prosecutor also asked the court to consider the confession of the two parties regarding the facts mentioned in the prosecutor's indictment.

Meanwhile the public defender in his final recommendation requested for the court to also consider that the two parties have a child aged just 6 who definitely needs the attention of a father figure. The public defender also asked for the court to consider the penalty of admonishment as provided in Articles 82 and 83 of the Penal Code.

The hearing to announce the final decision was scheduled for 26 June 2012 at 4pm.

On 26 June 2012 the court read out its final decision in this case. Before issuing a decision in the matter the judge informed the public prosecutor about an amendment to the article mentioned in the indictment, namely for Article 145 of the Penal Code (ordinary maltreatment) to be combined with Article 35 of the Law Against Domestic Violence.

The court decided to hand down a penalty of admonishment against the convicted person João Bosco da Cruz because the defendant was guilty of slapping the victim once and pushing the victim and causing her to fall down, based on the testimony of the two parties.

### **10. Serious Offences against Physical Integrity Case No. 613/C.ord/2011/TDD**

On 13 June 2012 the Dili District Court was unable to conduct a hearing in a case involving the crime of Serious Offences against Physical Integrity which was registered as Case No. 613/C.Ord/2011/TDD. The defendants in this case, IR and CE, were charged with committing maltreatment against the victim DM. This incident allegedly occurred on 11 June 2011 in Ermera District.

The hearing was presided over by a panel of judges comprising Edite Palmira, José Maria de Araújo and António Gomes (international). The Public Prosecution Service was represented by Felismino Cardoso, and the defendant was represented by Carlos Alberto da Silva Barbosa who was appointed by the court because there was no public defender or private lawyer giving legal representation to the defendant.

The trial was adjourned once more because the defendant IR and the witnesses summoned by the court were not present. Therefore the trial was scheduled to continue on 11 July 2012 at 4pm.

#### **11. Crime of making threats and minor property damage, Case No. 84/C.Ord/2012/TDD**

On 18 June 2012 the Dili District Court conducted a hearing in a case involving the crime of making threats and minor property damage which was categorized as domestic violence. This case was registered as Case No. 84/C.Ord/2012/TDD. The crime was allegedly committed by the defendant DM against the victim SP, his wife. The incident allegedly occurred on 8 February 2011 in Manleuana, Dili.

The hearing was presided over by Judge Jacinta Correia, the Public Prosecution Service was represented by Domingos Barreto, and the defendant was represented by public defender Olga Barreto Nunez.

The prosecutor's indictment stated that on 8 February 2011 at approximately 3pm the defendant was traveling on a motorcycle and passed the Makassar Soup Stall in Pantai Kelapa and saw the victim there. When the two of them returned home the defendant became angry at the victim and threatened the victim. In addition to making threats the defendant also smashed goods such as 1 tape recorder and a salon valued at \$ 300, 1 TV valued at \$ 200, 1 receiver valued at \$ 150, several plates valued at \$ 30 and a rack valued at \$ 10. The total value was \$ 690.

The public prosecutor charged the defendant for committing the aforementioned acts in violation of Article 157 and Article 258 of the Penal Code.

The victim testified to the court that the defendant threatened her and destroyed goods.

As this was a semi-public crime or a crime on complaint, and the two parties had already reconciled the victim requested to the judge to withdraw the complaint. Therefore, pursuant to Article 216 of the Criminal Procedure Code, the court dismissed the case.

#### **12. Crime of Attempted Murder, Case No. 35/C.Ord/2011/TDD**

On 19 June 2012 the Dili District Court conducted a hearing in a case of attempted murder registered as Case No. 35/C.Ord/2011/TDD. This case involved the defendant AB who allegedly

committed the crime of attempted murder against the victim EdS. This incident allegedly occurred on 10 April 2007.

The hearing was presided over by a panel of judges comprising José Maria de Araújo, António Gomes and Edite Palmira. The Public Prosecution Service was represented by Luis José Landim, and the defendant was represented by public defender Cândia Xavier.

The prosecutor's indictment stated that on 10 April 2007 at approximately 10pm the defendant came to the back of the victim's home and saw the victim coming out of the bathroom. When the victim and the defendant approached each other suddenly the defendant cut the left side of the victim's head. The wound received 7 stitches at the general hospital in Bidau.

As the victim and the defendant did not appear in court the court only heard testimony from the witness JdS (neighbor of the victim). In her testimony JdS stated that at that time she was with another person and heard the victim scream "Antonio has hurt me!" Then they ran towards the direction of the scream but they didn't see anyone there. The witness saw that the victim was bleeding from a head wound. After that the witness went with her husband and a crowd of people to the home of the defendant, which was 1 kilometer away. When they arrived the defendant, his wife, and their child had just woken up because they were startled by the arrival of the witness and the others.

The trial was adjourned until 3 July 2012, at 9am.

### **13. Crime of Domestic Violence, Case No. 264/C.Ord/2012/TDD**

On 19 June 2012 the Dili District Court conducted a hearing in a case involving domestic violence which was registered as Case No. 264/C.Ord/2012/TDD. The defendant AdS allegedly committed the crime against the victim RdCB, his wife. This incident allegedly occurred on 2 April 2011 in Motael, Vera-Cruz, Dili.

The hearing was presided over by single judge Jacinta Correia, the Public Prosecution Service was represented by Domingos Barreto, and the defendant was represented by public defender Olga Barreto Nunez.

In his indictment the public prosecutor stated that on 2 April 2011 at approximately 6pm the defendant hit the victim five times on the back, kicked her four times on the left leg, twice in the chest, once in the back and slapped the victim in the mouth one time. The incident occurred because the victim admonished the defendant for returning home drunk, and she told him not to get drunk again.

The public prosecutor charged the defendant with Article 145 of the Penal Code as well as Article 35 of the Law against Domestic Violence.

Before the court the defendant testified that he did not punch or kick the victim but only slapped her 3 times. The defendant admitted that he regretted his actions. The victim testified that the defendant kicked her left leg and slapped her 2 or 3 times, but he didn't hit her. The victim added that they had resolved the problem amicably.

In his final recommendations the public prosecutor requested for the court to hand down a lengthy suspended sentence against the defendant to deter domestic violence. The public defender in his final recommendations stated that the parties confirmed that violence had occurred, but the defendant regretted his actions and since the incident the defendant has not repeated his actions. Therefore the public defender requested for the court to hand down a punishment in the form of an admonishment against the defendant.

The court handed down a sentence of 6 months imprisonment against the defendant but it was suspended for 1 year, and the defendant was not required to pay court costs.

#### **14. Crime of misuse of state property and falsification of documents, Case No. 140/C.Orrd/2011/TDD**

On 26 June 2012 the Dili District Court conducted a hearing in a case involving the crime of misuse of state assets registered as Case No. 140/C.Orrd/2011/TDD. The defendant in this case was JM.

The hearing was presided over by a panel of judges comprising José Maria de Araújo, Edite Palmira and João Ribeiro. The Public Prosecution Service was represented by Baltazar Monteiro, and the defendant was represented by public defender José da Silva.

According to the schedule the trial was convened to hear testimony from one witness. In his testimony, the witness ADMP (PNTL) stated that he did not know about the training program for the VPU in Ermera District which was sponsored by the UN. At that time the witness was driving a car and taking his commander to Ermera District to attend this training. The witness himself did not attend the training. At that time the witness filled out the application for a per diem allowance but he has not received the per diem to date.

The trial will continue on 24 July at 4.30pm to hear testimony from two other witnesses.

#### **15. Crime of theft, Case No. 25/C.Orrd/2012/TDD**

On 26 June 2012 the Dili District Court was unable to conduct a hearing in a case of theft which was registered as Case No. 25/C.Orrd/2012/TDD. The defendants in this case were AdSX and VdS. They took goods belonging to the Dili District government that previously belonged to the Dili District administration during Indonesian times.

The hearing was presided over by single judge Antonio Hélder do Carmo. The Public Prosecution Service was represented by Remigia da Silva, and the defendant was represented by public defender José da Silva.

In the aforementioned trial, the public prosecutor requested to the court to contact the institutions in Dili District so they could provide an explanation about the aforementioned goods.

At the end of the hearing the judge told the defendant that if the two parties reach an agreement then the case would be closed.

#### **16. Crime of falsification of documents, Case No. 58/C.Orrd/2011/TDD**

On 26 June 2012 the Dili District Court conducted a hearing in a case registered as Case No. 58/C.Ord/2011/TDD. This case related to an incident involving the defendant AdAF in 2008.

This hearing was presided over by a panel of judges comprising Duarte Tilman, João Ribeiro, and António Gomes (international). The Public Prosecution Service was represented by Angelina Saldanha, and the defendant was represented by public defender Fernando de Carvalho.

In this hearing the court heard testimony from the witness JSM, the owner of the *SatuUnipesoal Ltd* company, who at that time gave documents to the Director (EA) of the Zooro Construction Company to take part in a tender to rehabilitate the Becora Prison in 2008.

In his testimony the witness testified that he handed over the document because the Director of the Zooro Construction Company requested it to participate in the tender. Although in the end the witness was the victim of the Zooro Construction Company, because his participation in the tender did not provide any benefit.

The trial will continue on 23 July at 2pm to hear testimony from other witnesses.

#### **17. Crime of aggravated murder, Case No. 195/C.Ord/2012/TDD**

On 26 June 2012 the Dili District Court conducted a hearing in a case of aggravated murder registered as Case No. 195/C.Ord/2011/TDD. This case involved the defendant MS who allegedly committed the crime against the victim EM in Maloa, Ailoklaran Village, Ermera District on 22 January 2009.

This hearing was presided over by a panel of judges comprising Antonio Gomes (international), Ana Paula Fonseca and Julião Fontes, (international). The Public Prosecution Service was represented by Reinato Nahak and the defendant was represented by public defender Fernando de Carvalho.

In the aforementioned hearing the court heard testimony from the 2 witnesses VS and SJS. The witness VS in his testimony stated that when he was returning from the market he saw the victim sprawled out in the river. When he arrived home the witness ordered his children to go and get the victim. The witness assumed that the victim was drunk and he didn't know that at that time the victim was dead.

The witness SJS stated that he didn't know who had killed the victim, and he didn't know the defendant.

In his final recommendations the public prosecutor referred to testimony from the witness JdS who stated that he saw the defendant and the victim walking together in the river, and then the defendant stabbed the victim repeatedly.

With reference to these facts the public prosecutor requested for the court to hand down a sentence of 10 years imprisonment against the defendant pursuant to Article 139 (a) and (j) of the Penal Code.

The public defender in his final recommendations stated that the witnesses did not provide strong evidence. The public defender stated that the witness JdS may have seen the murder, but it was from a long distance so the witness did not clearly see who had killed the victim. Therefore the

public defender requested for the court to acquit the defendant from the charges of the prosecutor.

The final decision is scheduled to be announced on 11 July 2012 at 11am.

### **18. Crime of Ordinary Maltreatment, Case No. 114/C.Ord/2012/TDD**

On 27 June 2012 the Dili District Court validated a settlement and closed a case involving ordinary maltreatment which was registered as Case No. 114/C.Ord/2012/TDD. This case involved 2 defendants, Albertina Fatima Martins and Jovita Martins, who allegedly committed the crime against Maria José Soares on 8 December 2009 in Comoro, Dom Aleixo Sub-District. The hearing to validate the agreement was presided over by single judge Antonino Gonçalves. The Public Prosecution Service was represented by Domingos Barreto. The defendant was represented by public defender Manuel Exposto.

The incident occurred because the victim threw rubbish on the road and the defendants did not accept this and an argument ensued and they pulled each other's hair and the victim's earring was damaged. In this case the public prosecutor charged the defendants pursuant to Article 145 of the Penal Code.

During the trial the court tried to negotiate a conciliation/amicable settlement between the victim and the defendants in accordance with Article 262 of the Criminal Procedure Code regarding attempts at conciliation. The victim and the defendants, who are still neighbors, chose an amicable settlement after not talking to each other for several years. The defendant was willing to pay for the earring of the victim which was valued at (Rp 2,800,000) and an additional US\$ 200. The agreement was made or accepted by the defendant on 30 June 2012.

The court validated this agreement and asked the defendants not to repeat their actions.

### **19. Crime of robbery, Case No. 169/C.Ord/2011/TDD**

On 27 June 2012 the Dili District Court conducted a hearing in a case of robbery which was registered as Case No. 169/C.Ord/2011/TDD. This case involved the defendants (father and son) LdSB and ASdS. The victim in this case was FCS (the son in law of the defendant LdSB). This incident allegedly occurred on 30 April 2007 at the Lafatik Routunda, Comoro, Dili.

This hearing was presided over by a panel of judges comprising Duarte Tilman, Ana Paula Fonseca and Antonio do Carmo. The Public Prosecution Service was represented by Nelson Carvalho and the defendant was represented by public defender José da Silva.

In his indictment the public prosecutor stated that on 30 April 2007 near the Lafatik Roundabout, Comoro the defendant ASdS together with Inácio Soares (younger brother of ASdS) robbed a minibus belonging to the victim by taking the vehicle from the driver. The two brothers committed this act at the order of their father (the defendant LdSB). After more than one year they returned the minibus to the victim. As a consequence of their actions the victim lost \$ 9.400.

In this case, the public prosecutor charged the two defendants pursuant to Article 253 of the Penal Code.

The defendant ASdS in his testimony stated that he did not join his brother in stealing the minibus. He didn't know about the robbery and suddenly saw the minibus at the home of his father in Gleno. The defendant LdSB in his testimony stated that he did not order his children to steal the minibus. His son Inácio Soares (deceased) was the one who took the minibus to Gleno.

The victim testified that he received information about the robbery from the driver of the minibus and on that day the victim reported this incident to the police.

The witness GT (driver of the aforementioned minibus) testified that at the time in question Inácio Soares together with three friends attacked and stole the minibus from him, however ASdS was not involved.

In his final recommendations the public prosecutor requested for the court to acquit the defendant ASdS. However, it was the defendant LdSB who was the one who gave the order in violation of Article 32 of the Penal Code. Therefore, the public prosecutor requested to the court to decide this matter in accordance with the evidence presented. The public defender in his final recommendations requested for the court to acquit the defendant LdSB because the main perpetrator was the deceased Inácio Soares.

The final decision is scheduled to be announced on 13 July 2012 at 9am.

#### **20. Crime of theft and falsification of documents, Case No. 113/C.Ord/2010/TDD**

On 28 June 2012 the Dili District Court adjourned the trial of a case involving the crime of theft and falsification of documents which was registered as Case No.113/C.Ord/2010/TDD. There were four defendants in this case.

This hearing was presided over by a panel of judges comprising Ana Paula Fonseca, Antonio Gomes and José de Araújo. The Public Prosecution Service was represented by Reinato Bere Nahak. The defendant was represented by Jaime Leite (international public defender).

The trial was adjourned because the defendant LdCG was in Ireland. Therefore the trial will continue on 23 August 2012 at 2.30pm. The defendant was represented by his public defender.

#### **21. Crime of Domestic Violence, Case No. 112/C.Ord/2012/TDD**

On 28 June 2012 the Dili District Court conducted a hearing in a case involving domestic violence. This case was registered as Case No. : 112/C.Ord/2012/TDD involving the defendant JdOB who allegedly committed the crime against the victim SGS, his wife. This incident allegedly occurred on 21 January 2011, in Sentru Unidade Sub-Village, Kaikoli, Dili.

The hearing was presided over by Duarte Tilman. The Public Prosecution Service was represented by Hipólito Santa. The defendant was represented by public defender Manuel Exposto.

In his indictment the public prosecutor stated that on 21 January 2011 the defendant was heavily intoxicated and suddenly slapped, hit and kicked the victim. As a result the victim felt pain all over her body. The incident occurred because the defendant suspected the victim of having a relationship with another man. The victim is currently living with her family. The public

prosecutor charged the defendant with Article 145 of the Penal Code as well as Article 35 of the Law against Domestic Violence.

In the hearing the defendant admitted his actions and expressed remorse, and also promised that he would not repeat his actions in the future. The victim in his testimony stated that during 17 years together the defendant often verbally abused her, was suspicious and finally he beat her. Therefore the victim requested for the court to hand down a severe penalty against the defendant so he would not repeat his actions.

In his final recommendations the public prosecutor requested for the court to hand down a fair sentence against the defendant in accordance with the testimony of the defendant. The public defender in his final recommendations requested for the court to hand down a sentence favorable to the defendant because until now the defendant is responsible for their five children who have been abandoned by their mother. In addition the defendant also expressed regret for his actions.

The final decision is scheduled to be announced on 10 July 2012 at 9.30am.

For more information, please contact:

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