



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

Press Release

Period : February 2012
Edition : 20 February 2012

Oecusse District Court orders PNTL member to pay fine of US\$ 60 for committing domestic violence

On 8 February 2012 the Oecusse District Court conducted a trial in a case of domestic violence registered as Case No. 75/PCO/2011/TDO. The crime was committed by the convicted person Batista Neno against the victim Maria Cob, in Behala Sub-Village, Bobocase Village, Sub-District Pante-Makassar, Oecusse District on 22 March 2011.

The trial of this case was led by single judge Joao Ribeiro and the Public Prosecution Service was represented by Jacinto Babo Soares, and the defendant was represented by the public defender Sebastião Amado Nheu de Almeida.

The Executive Director of JSMP, Luis de Oliveira Sampaio, stated that the Oecusse District Court once again has made an important step forward by issuing a decision to punish a perpetrator of domestic violence, in this case a member of the PNTL, who is supposed to set a good example for the community.

JSMP encourages all parties to express their appreciation to the judicial actors at the Oecusse District Court for their achievements to date.

JSMP believes that this decision also shows the public that all citizens are equal before the law as set out in Article 16 of the Timor-Leste Constitution.

The indictment of the Public Prosecutor stated that on 22 March 2011 at approximately 22:00 the victim asked the defendant to shut the door because it was late and she was worried that dogs would enter the house. However the defendant did not agree because he felt hot, then the defendant and the victim had an argument. The defendant became angry and grabbed the victim and threw her into the wall which caused her to suffer a head injury. As a result of this attack the victim was taken to the Oecusse Referral Hospital for treatment and received three stitches to her head.

The Public Prosecutor charged the defendant under Article 35 of Law No.7/2010 regarding domestic violence and Article 145.1 of the Penal Code.

In court the defendant chose to exercise his right to remain silent in accordance with Article 60 (c) of the Criminal Procedure Code. According the statement of the victim, when the incident occurred the defendant was heavily drunk. As stated in the indictment of the prosecutor, it was late at night and the victim asked the defendant to shut the door and window, however the defendant did not want to because he felt hot and this led to an argument between the victim and the defendant, and the defendant became angry and he grabbed the victim and threw her against the wall which caused the victim to suffer a head injury.

In his final recommendation of sentence the prosecutor requested for the court to order the defendant to pay a fine pursuant to Article 145 of the Penal Code.

Based on the relevant evidence presented and tested during the trial, including the statement of the victim, who actually chose to remain silent during the trial, it was found that evidence collected at the initial stage of investigation carried out by the police showed that the defendant himself had said that it was true that he had grabbed the victim and threw her into the wall and caused her to suffer a head injury.

After the court considered the evidence presented during the trial, from the victim and the previous statement of the defendant, the court found that the aforementioned statements were sufficient to order the defendant to pay a fine. Therefore the court decided to issue the defendant with a US\$ 60 fine. According to this decision the defendant is required to pay the fine within 60 days as well as having to pay court costs of US\$ 10.

Although JSMP is certain that this decision is not the only way to ensure that people don't commit domestic violence in the future, this court decision is one important element or measure amongst a range of measures that can be used to educate the public that domestic violence is a crime. Consequently, each individual who commits or is involved in the practice of domestic violence will be held accountable before the courts.

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