



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN SISTEMA
JUDISIÁL



CASE SUMMARY | GENDER BASED VIOLENCE

August 2013

In August 2013 the Women's Justice Unit (WJU) of JSMP continued its monitoring of cases of gender based violence heard by the Dili District Court.

In this edition we discuss three cases observed at the Dili District Court. This is a short case summary because at the start of August 2013 all of the court actors had a judicial recess for two weeks.

These cases comprised 1 case of rape, 1 case of simple offences against physical integrity characterized as domestic violence and 1 case involving the sexual abuse of a minor.

In each of these cases final recommendations were given by the respective public prosecutors and public defenders and final decisions will be announced on the date set by the court.

The information below outlines the hearings conducted:

1. Crime of rape, Case No.124/2013/TDD

Judges : Duarte Tilman, José Maria de Araujo, Julmira da Silva
Public Prosecutor : Vicente Britis
Public Defender : Jose da Silva
Court clerk : Julio Ribeiro
Conclusion : Adjourned until 5 September 2013.

On 22 August 2013 the Dili District Court conducted a hearing to hear the final recommendations of the public prosecutor in a case involving the rape of a minor. This case involved the defendant L who allegedly committed rape against the victim CdN in Ermera.

The public prosecutor alleged that at some time in 2012 the victim was heading to a plantation to clean some weeds. At that time the defendant followed the victim from behind, choked her, covered her mouth and threw her on the ground and used force to have sexual intercourse with the victim.

In relation to these actions the public prosecutor charged the defendant for violating Article 172 of the Penal Code on rape.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 7 year's imprisonment. The public defender asked the court to hand down a fair punishment against the defendant.

After hearing the recommendations of the parties, the court decided to adjourn the trial until 5 September 2013 to announce its final decision.

2. Crime of simple offences against physical integrity, characterized as Domestic Violence, Case No.0194/2013/TDDIL

Judge : Jacinta Correia da Costa
Public Prosecutor : Jose Elu (trainee prosecutor)
Public defender : Jonas Henrique Costa (trainee lawyer)
Court clerk : Julio Nunes.
Conclusion : Adjourned until 6 September 2013

On 29 August 2013 the Dili District Court conducted a trial in a case involving simple offences against physical integrity involving FSV who allegedly committed the offence against his spouse MGL. This case allegedly occurred in Dili on 5 July 2010.

The public prosecutor alleged that on 5 July 2010 the defendant slapped the victim once on the left cheek and punched the victim once in the right eye. This act caused the victim to fall down and the victim landed stomach first on a sofa and suffered pain to her abdomen.

After the victim fell down the defendant went to get a piece of wood to hit the victim, however the uncle of the victim blocked him and took the wood out of the defendant's hand.

This case allegedly occurred because the victim asked for the key to the motorcycle to go to the shops, however the defendant did not hand it over because the victim was pregnant, but the victim insisted and then the defendant became angry and committed the aforementioned violence against the victim.

Based on these facts the public prosecutor charged the defendant for violating Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Articles 2, 3 (d) and 35 of the Law Against Domestic Violence.

During the trial the defendant used his right to remain silent as provided for in Article 60 of the Criminal Procedure Code. The victim testified that the defendant did in fact slap her and hit her once on the right eye.

In his final recommendations the public prosecutor requested for the court to hand down a suspended prison sentence against the defendant. The lawyer for the defendant requested for the court to hand down a fair punishment against the defendant.

After hearing the final recommendations of the parties, the court decided to adjourn the trial until 6 September 2013 to announce its final decision.

3. Sexual abuse of a minor, Case No.70/2013/TDD

Judge : Anoninho Gonçalves, Paulo Duarte Texeira (international judge), Jacinta Correia da Costa
Public Prosecutor : Nelson de Carvalho
Public Defender : Titania Sequera Lemos (international public defender)
Court clerk : Julio Nunes.
Conclusion : Adjourned until 10 September 2013.

On 22 August 2013 the Dili District Court conducted a trial in a case involving sexual abuse committed by the defendant JM against the victim TMP.

This case allegedly occurred in Ermera. The public prosecutor alleged that in 2011 the parents of the victim went to church and the defendant went to buy some eggplants at the home of the victim and at that time the victim was alone. The defendant made threats and committed sexual abuse against the victim.

Then on 27 March 2012 when the victim was again alone in the house the defendant made more threats and had sexual intercourse with the victim.

In relation to these acts, the public prosecutor charged the defendant for violating Article 177 of the Penal Code on sexual abuse of a minor as well as Article 35.1 of the Penal Code on joinder of crimes because the defendant committed the same crime on several occasions.

During the trial the court cross examined the victim and the defendant because the facts were contradictory.

During the cross examination the defendant and the witness testified that the defendant went to participate in the election when the incident occurred. However when documents from CNE were checked it was apparent that the defendant did not participate in the presidential elections.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 11 year's imprisonment. On the other hand the public defender requested for the court to hand down a fair sentence against the defendant because the testimony of the victim and the defendant were contradictory.

After hearing the final recommendations, the court decided to adjourn the trial to announce its final decision on 10 September 2013.

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