



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Case Summary 2014
Suai District Court
February 2014

Summary of the trial process at the Suai District Court February 2014

Introduction

In February 2014 JSMP observed 27 cases at the Suai District Court. These cases comprised 24 criminal cases and 3 civil cases. These cases related to a range of criminal acts including 14 cases involving simple offences against physical integrity, 1 case of passive corruption, 1 case of aggravated theft, 1 case of attempted murder, 1 case of abuse of trust, 3 cases of alimony, 1 case of theft, 1 case of manslaughter, and 1 case involving crimes against flora and fauna. The other three cases all related to issues regarding the custody of children.

23 of these 27 cases have already been decided by the court. 10 cases resulted in suspended prison sentences, 1 case resulted in a fine, in 6 cases the defendants were acquitted, settlements were validated in 3 cases and the other 4 cases are ongoing.

The information below outlines the hearings conducted:

1. Crime of simple offences against physical integrity, Case No.221/pen/2013/TDS

Composition of judges	: Panel
Judges	: Alvaro Maria Freitas, Costâncio Barros Basmerly and Pedro R. de Figueiredo
Public Prosecutor	: Benvinda Rosario da Costa
Public Defender	: Marino da Cruz de Jesus (trainee lawyer)
Conclusion	: Sentenced to 1 year in prison, suspended for 2 years.

On 5 February 2014 the Suai District Court conducted a hearing and then proceeded to announce its decision in a case involving the defendant EGS. The court concluded this case and sentenced the defendant to 1 year in prison, suspended for 2 years, because the defendant was found guilty of committing the crime of simple offences against physical integrity characterized as domestic violence against her husband. This case allegedly occurred on 16 April 2013 in Suai District.

The public prosecutor alleged that on 16 April 2013, at approximately 5pm, the defendant threw a small stone at the victim's head and caused bleeding. This case allegedly occurred because the defendant did not like the victim eating at a neighbor's house.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity characterized as domestic violence and Article 35 (b) of the Law Against Domestic Violence.

In court the defendant admitted all of the facts alleged by the public prosecutor.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 2 year's imprisonment, to be suspended for 3 years, based on the evidence established during the trial.

The public defender requested for the court to issue an admonishment in accordance with Article 82 of the Penal Code against the defendant because the defendant admitted all of the facts alleged against her.

In accordance with the facts revealed during the trial and the final recommendations of the parties, the court concluded this case and sentenced the defendant to 1 year in prison, suspended for 2 years.

2. Crime of simple offences against physical integrity, Case No.228/pen/2013/TDS

Composition of judges : Single
Judge : Alvaro Maria Freitas
Public Prosecutor : Benvinda Rosario da Costa
Public Defender : Manuel Amaral (trainee lawyer)
Conclusion : Ordered to pay a fine of US\$ 50

On 11 February 2014 the Suai District Court conducted a hearing against the defendant HC who was involved in the crime of simple offences against the physical integrity of the victim MJS, which allegedly occurred on 12 June 2013, in Same District.

The public prosecutor alleged that on 12 June 2013, at approximately 6pm, the defendant hit the victim with a cassava branch on the back and arm. These actions caused the victim to suffer swelling to the back and arm.

This case allegedly occurred because the victim cleaned out the cassava planted by the defendant that had spread over into the victim's plantation.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity that carries a penalty of up to three years in prison or a fine.

During the trial, the defendant stated that at that time without the defendant's knowledge the victim suddenly cleaned out all of the cassava plants belonging to the defendant that were in the defendant's plantation.

On the other hand, the victim admitted that all of the facts corresponded with the charges and stated that it was true that he cleaned out the cassava plants because the defendant had planted the cassava in his plantation.

In her final recommendations the public prosecutor requested for the court to punish the defendant with a fine because the defendant had been proven guilty of committing the crime. The public defender asked the court to hand down a fair punishment against the defendant because he admitted all of the facts.

The court concluded this case by issuing a fine of US\$ 50.

3. Crime of simple offences against physical integrity, Case No.220/pen/2013/TDS

Composition of judges : Single
Judge : Alvaro Maria Freitas
Public Prosecutor : Benvinda da Costa Rosario

Public Defender : Manuel Amaral (trainee lawyer)

Conclusion : Sentenced to 4 months imprisonment, suspended for 1 year.

On 11 February 2014 the Suai District Court conducted a hearing and decided a case involving the defendant PB who allegedly committed the crime of simple offences against physical integrity. The court sentenced the defendant to 4 month's jail, suspended for 1 year because he was found guilty of committing the crime of simple offences against physical integrity characterized as domestic violence against his son which allegedly occurred on 4 June 2013, in Suai District.

The public prosecutor alleged that on 4 June 2013, at approximately 7pm, the defendant used a piece of wood to hit the victim twice on the ear and once on the back. This case allegedly occurred because the victim took \$10 belonging to his grandfather to buy food.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Article 35 (b) of the Law Against Domestic Violence.

During the trial, the defendant admitted that he hit the victim twice in the ear and once on the back. In addition, the victim also stated that the defendant had hit him and admitted that he did in fact take \$ 10.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 1 year in prison, to be suspended for 2 years.

The public defender requested for the court to suspend the prison sentence against the defendant and hand down a lenient penalty because the defendant reconciled with the victim, they are still living together as father and son and no more problems have occurred since that time.

Based on the final recommendations of each of the parties, the court settled this case and sentenced the defendant to 4 months in prison, suspended for 1 year.

4. Crime of passive corruption – Case No.239/pen/2013/TDS

Composition of judges : Single

Judge : Alvaro Maria Freitas

Public Prosecutor : Benvinda Rosario da Costa

Public Defender : João H. de Carvalho

Conclusion : Sentenced to 1 year in prison, suspended for 2 years and ordered to pay court costs of \$20.

On 11 February 2014 the Suai District Court conducted a trial involving the crime of passive corruption involving the defendant AD in his position of Sub-Village Chief who allegedly committed the crime against the four victims EC, AC, LN and MJ on 29 Augusts 2012 in Suai District.

The public prosecutor alleged that on 20 May 2012 the defendant used US\$320 from the “bolsa de mãe” (scholarship) provided by the Ministry of Social Solidarity for his own use, whereas the money should have been given to the victims.

The public prosecutor stated that as the Sub-Village Chief, the defendant used his position to gain a benefit from his work because he took the money from the *bolsa de mãe* program which belonged to the four recipients of the scholarship; however the four individuals had to give some money to the defendant.

In relation to this act, the public prosecutor charged the defendant for violating Article 292 of the Penal Code on passive corruption that carries a sentence of 3 - 15 years in prison.

During the trial, the defendant stated that he handed over and repaid the money that he used based on an agreement made between the defendant and the victims. In this agreement the defendant stated that the victims were willing for the money to be paid back in 1 month. In the same hearing, the victims stated that the defendant has paid back their money.

In her final recommendations the public prosecutor requested for the court to hand down a suspended sentence against the defendant, because the defendant had been proven guilty of committing the crime.

The public defender requested for the court to hand down a suspended and lenient sentence against the defendant because the defendant admitted all of the facts alleged against him.

On 25 February 2014 the Suai District Court conducted a hearing to announce its decision in this case and sentenced the defendant to 1 year in prison, suspended for 2 years because he was found guilty of committing the crime of passive corruption. The court also ordered the defendant to pay court costs of US\$ 20.

5. Crime of aggravated theft - Case No.242/pen/2013/TDS

Composition of judges : Panel

Judge : Alvaro Maria Freitas, Costãncio

B. Basmery and Argentino Lusía Nunes

Public Prosecutor : Felismino G. Cardoso

Public Defender : João H. de Carvalho and Manuel Amaral

Conclusion : A suspended prison sentence was imposed

On 11 February 2014 the Suai District Court conducted a hearing in a case of aggravated theft involving the defendants AB, JG, FGG and AG against the victim MP, on 12 July 2013, in Covalima District.

The public prosecutor alleged that on 12 July 2013, at approximately 3am, the defendant killed a buffalo belonging to the victim with a spear and then he went and called on the other defendants JG, FGG, and AG to help cut up the buffalo that he had killed.

In relation to this act, the public prosecutor charged the defendant for violating Article 252 of the Penal Code on aggravated theft that carries a sentence of 2 - 8 years in prison.

In court the defendants admitted that it was true that they had killed the buffalo belonging to the victim and were willing to provide another buffalo.

In his final recommendations the public prosecutor requested for the court to sentence the defendant AB to 3 years in prison, to be suspended for 4 years and to sentence the other defendants to 2 years in prison, suspended for 3 years, because the defendants were guilty of committing the aforementioned crime.

The public defender requested for the court to hand down a fair punishment against the defendants in accordance with all of the facts alleged against them.

On 25 February 2014 the court concluded this matter and sentenced the defendant AB to 3 years in prison, suspended for 4 years and sentenced the 3 defendants JG, FGG and AG to 2 years 6 months in prison, suspended for 3 years.

6. Crime of simple offences against physical integrity, Case No.224/pen/2013/TDS

Composition of judges : Single
Judge : Alvaro Maria Freitas
Public Prosecutor : Benvinda Rosario da Costa
Public Defender : Manuel Amaral (trainee lawyer)
Conclusion : Prison sentence of 3 months in prison,
suspended for 1 year

On 11 February 2014 the Suai District Court conducted a hearing and sentenced the defendant JS to a prison sentence of 3 months, suspended for 1 year because he was found guilty of committing the crime of simple offences against the physical integrity of the victim JCM, on 12 October 2013, in Suai District.

The public prosecutor alleged that on 12 October 2013, at approximately 9am, the defendant punched the victim in the mouth three times and kicked him in the back. These acts caused the victim to suffer swelling and bleeding from his mouth and nose.

This case allegedly occurred because the victim argued with the wife of the defendant, as well as verbally insulting the defendant. Therefore, the defendant became angry and struck the victim.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity that carries a penalty of up to three years in prison or a fine.

The witness AO, who was summoned by the court, testified that he witnessed the defendant punch and kick the victim.

In her final recommendations the public prosecutor requested for the court to sentence the defendant to 3 months in prison, suspended for 1 year, because the defendant had been proven guilty of committing the crime.

The public defender requested for the court to hand down a fair punishment against the defendant because the defendant admitted all of the facts alleged against him and regretted his actions.

The court concluded this case and sentenced the defendant to 3 months imprisonment, suspended for 1 year.

7. Crime of simple offences against physical integrity, Case No.225/pen/2013/TDS

Composition of judges : Single
Judge : Alvaro Maria Freitas
Public Prosecutor : Felismino Garcia Cardoso
Public Defender : Manuel Amaral (trainee)
Conclusion : Acquitted

On 11 February 2014 the Suai District Court conducted a hearing in a case involving simple offences against physical integrity characterized as domestic violence. This case involved the defendant LJ who allegedly committed the offence against his wife, on 30 October 2013, in Suai District.

The public prosecutor alleged that on 30 October 2013, at approximately 7pm, the defendant punched the victim twice in the cheek and pushed the victim to the ground. This case allegedly occurred because the victim punched and verbally abused the defendant at the house of the defendant's sister.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity characterized as domestic violence in conjunction with Article 35 (b) of the Law Against Domestic Violence.

During the trial, the defendant denied that he had hit the victim, however suddenly his arm made contact with the victim and she fell to the ground.

The witness EA stated that he did not witness the incident, and only saw the victim crying after the incident.

In his final recommendations the public prosecutor requested for the court to sentence the defendant with a suspended sentence.

The public defender requested for the court to hand down a lenient suspended sentence because the defendant and the victim have reconciled, are living together as husband and wife and have had no further problems.

On 25 February 2014, the court concluded this case via the mobile court in Bobonaro District and decided to acquit the defendant.

8. Crime of simple offences against physical integrity, Case No.248/pen/2013/TDS

Composition of judges	: Panel
Judges	: Alvaro Maria Freitas, Costâncio Barros Basmery and Pedro R. de Figuiereido
Public Prosecutor	: Benvinda Rosario da Costa
Public Defender	: João H. de Carvalho and Manuel Amaral
Conclusion	: Defendant given a prison sentence of 2 months jail, suspended for 1 year and ordered to pay court costs of \$ 20.

On 18 February 2014 the Suai District Court conducted a hearing in a case involving simple offences against physical integrity characterized as domestic violence, which was previously charged as maltreatment of a spouse. This case involved the defendant SMV and the victim AB and their child RN that occurred on 7 August 2013 in Bobonaro District.

The public prosecutor alleged that on 7 August 2013, at approximately 1am, the defendant screamed at and abused his wife AB and hit the victim once in the mouth. In addition, the defendant hit their child RN in the back.

This case allegedly occurred because the defendant went to a funeral wake and returned home, and then when he knocked on the door the victims were sound asleep and he had to wait a long time for them to open the door.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity characterized as domestic violence in conjunction with Article 35 (b) of the Law Against Domestic Violence.

In court the defendant stated that all of the facts alleged by the public prosecutor were true.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 1 year in prison, to be suspended for 2 years.

The public defender requested for the court to hand down a suspended and lenient prison sentence because the defendant admitted all of the facts alleged against him.

On 27 February 2014 the court concluded this process via the mobile court in Bobonaro District and sentenced the defendant to 2 months in prison, suspended for 1 year, and ordered him to pay court costs of US\$ 20.

9. Crime of Attempted Murder, Case No.250/pen/2013/TDS

Composition of judges	: Panel
Judges	: Alvaro Maria Freitas, Costâncio Barros Basmery and Pedro R. de Figueiredo
Public Prosecutor	: Benvinda Rosario da Costa
Public Defender	: João H. de Carvalho
Conclusion	: Sentenced to 12 years in prison

On 18 February 2014 the Suai District Court conducted a hearing to announce its decision in a case involving attempted murder and simple offences against physical integrity characterized as domestic violence, and handed down a penalty of 12 years in prison. This case involved the defendant MM who allegedly committed the offence against three underage victims in Suai District - Covalima.

The public prosecutor alleged that on 30 August 2013, the defendant hit three children J, E and F. After hitting the children the defendant threatened that “if her money wasn’t found by the afternoon, then the defendant would kill the three of them”. The defendant threatened the children because the three of them were accused of stealing \$20 belonging to the defendant. The defendant is the aunt of the three children because their parents live in Indonesia.

When the defendant returned from the market in the afternoon, the defendant again hit the three children and dragged the victim E into a room. The defendant then poured kerosene on the victim and set it alight with a match burning the victim’s hand, throat, face and stomach, causing injury and permanent disability, and the defendant committed simple offences against the physical integrity of the other two victims.

The public prosecutor alleged that the defendant violated Article 23 of the Penal Code on attempts to commit a crime, Article 139 on aggravated murder and Article 145 of the Penal Code on simple offences against physical integrity as well as Article 35 (b) of the Law Against Domestic Violence.

The court found all of the charges of the public prosecutor against the defendant to have been proven, including the fact that the defendant poured kerosene on the victim E and set the victim alight with the aim of killing the victim, which caused the victim to suffer injuries and permanent disability.

Based on the facts that were proven during the trial, the court concluded the case and sentenced the defendant to 12 years imprisonment.

10. Crime of simple offences against physical integrity, Case No.258/pen/2013/TDS

Composition of judges	: Single
Judge	: Pedro Raposo de Figueirera

Public Prosecutor : Felismino G. Cardoso
Public Defender : Manuel Amaral (trainee)
Conclusion : Acquitted

On 26 February 2014 the Suai District Court, via the mobile court in Bobonaro District conducted a hearing involving the defendants RB and JR who allegedly committed the crime of simple offences against the physical integrity of LS, on 11 February 2013, in Bobonaro District.

The public prosecutor alleged that on 11 February 2013, at approximately 5pm, the defendants threw stones at the victim and struck the victim on the back. This case allegedly occurred because when the victim was returning home from his rice field the youths were throwing stones at each other and the stones struck the victim on the back. The victim himself did not know who had thrown the stones at that time because there were many people.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity that carries a penalty of up to three years in prison or a fine.

Before the court, the defendants stated that the victim twisted words around so they would be punished and the victim said during the trial that he did not witness who had thrown stones at him.

In his final recommendations the public prosecutor requested for the court to punish the defendant with a fine because the defendant had been proven guilty of committing the crime. Therefore he requested for the court to acquit the two defendants.

After hearing testimony and examining the facts relating to this case, the court concluded the matter and acquitted the defendants.

11. Crime of simple offences against physical integrity, Case No.215/pen/2013/TDS

Composition of judges : Single
Judge : Alvaro Maria Freitas
Public Prosecutor : Felismino G. Cardoso
Public Defender : Domingos dos Santos
Conclusion : Sentenced to 2 years in prison, suspended for 1 year.

On 11 February 2014 the Suai District Court conducted a hearing in a case involving simple offences against physical integrity characterized as domestic violence involving the defendant OJP who allegedly committed the offence against his wife. This case allegedly occurred on 25 March 2013 in Bobonaro District.

The public prosecutor alleged that on 25 March 2013 the defendant struck the victim with the blunt part of a machete and caused the victim to suffer swelling to his shoulder.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity characterized as domestic violence in conjunction with Article 35 (b) of the Law Against Domestic Violence.

During the trial, the defendant stated that at the time of the incident he was not aware of what he was doing, because at that time he was suffering a mental illness.

The victim stated that he had struck the victim, but had only caused bruising because the victim was wearing a thick jacket.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 1 year in prison, to be suspended for 2 years. The public defender asked the court to hand down a lenient and suspended penalty against the defendant.

The court concluded this case on 27 February via the mobile court in Bobonaro District and sentenced the defendant to 2 months in prison, suspended for 1 year.

12. Crime of simple offences against physical integrity, Case No.04/pen/2013/TDS

Composition of judges : Single
Judge : Alvaro Maria Freitas
Public Prosecutor : Felismino G. Cardoso
Public Defender : Domingos dos Santos
Conclusion : Sentenced to 6 months in prison, suspended for 1 year.

On 28 February 2014, via the mobile court in Bobonaro District, the court tried and decided a case of simple offences against physical integrity characterized as domestic violence involving the defendant JDH who allegedly committed the crime against his nephew. The court proved that the defendant had committed the aforementioned crime against his nephew. Therefore, the defendant was sentenced to 6 years in prison, suspended for 1 year. This case allegedly occurred on 11 July 2013 in Bobonaro District.

The public prosecutor alleged that on 11 July 2013, the defendant hit the victim with a piece of wood causing the victim to suffer bleeding and fall to the ground. This case allegedly occurred because the defendant did not accept the victim verbally abusing him and the defendant became angry and hit the victim.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Article 35 (b) of the Law Against Domestic Violence.

During the trial, the defendant admitted that it was true that he hit the victim because he became angry at the victim. On the other hand, the victim stated that the defendant had hit him because the victim did not allow the defendant to tell her husband to fetch a table.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 1 year in prison, to be suspended for 2 years.

The public defender requested for the court to hand down a lenient suspended sentence against the defendant because he had admitted all of the facts in accordance with the crime committed.

The court concluded this case and sentenced the defendant to 6 months in prison, suspended for 1 year.

13. Crime of sexual abuse of a minor, Case No.44/pen/2012/TDS

Composition of judges : Panel
Judge : Florencia Freitas, Constancio B. Basmery and Argentino Luisa N.
Public Prosecutor : Benvinda da Costa Rosario
Public Defender : João H. de Carvalho
Conclusion : Sentenced to 6 years in prison

On 19 February 2014, the Suai District Court conducted a hearing to read out its final decision and sentence the defendant PM to 6 years in prison because he was found guilty of committing sexual violence against the victim YC who was still underage (14 years old). This case allegedly occurred on 16 October 2011 in Ainaro District.

The public prosecutor alleged that on 16 October 2011, the defendant called out to the victim and pulled her by the hand into his house in a plantation which was in the middle of the jungle, then the defendant raped the victim.

The public prosecutor charged the defendant for violating Article 172 and Article 173 of the Penal Code on sexual violence, however during the trial the charges were amended to Article 177 of the Penal Code on the sexual abuse of a minor.

Before the court, the defendant admitted all of the facts alleged against him and stated that after having sexual intercourse with the victim, the defendant gave US\$10 to the victim.

The witness IMA was summoned by the court and testified that when he walked into the room he saw the defendant having sexual intercourse with the victim.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 10 years in prison.

The public defender requested for the court to hand down a fair and lenient sentence against the defendant because he admitted all of the facts alleged against him.

After carefully examining the proceedings, the court concluded the matter and sentenced the defendant to 6 years in prison.

14. Crime of aggravated murder, Case No.249/pen/2013/TDS

Composition of judges : Panel

Judge : Costãncio B. Basmery, Dr. Pedro Raposo de Feigueiredo, and Alvaro Maria Freitas

Public Prosecutor : Antonio Tavares

Public Defender : Manuel Amaral (trainee lawyer)

Conclusion : Prison sentence of 12 years imposed

On 26 February 2014 the Suai District Court tried the defendant JC for allegedly committing the crime of homicide against the deceased AT on 10 July 2013 in Bobonaro District.

The public prosecutor alleged that on 10 July 2013, the defendant wrapped a cable around the victim's body, from his feet up to his throat, which caused the death of the victim.

The public prosecutor charged the defendant for violating Article 138 of the Penal Code on homicide that carries a sentence of 8 - 20 years imprisonment.

During the trial, the defendant stated that he did not intend to kill the victim. The defendant added that at that time he only wanted to calm down the victim who was drunk and wandering back and forth on the main road carrying a machete and spear.

The witness VC testified that he witnessed the defendant tie a cable around the victim's throat causing his death.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to at least 15 years in prison because the defendant had been proven guilty of committing the crime.

The public defender requested for the court to hand down a fair punishment against the defendant because the defendant admitted all of the facts alleged against him.

On 28 February 2014, via the mobile court in Bobonaro District, the court concluded this matter and sentenced the defendant to 12 years in prison.

15. Crime of aggravated abuse of trust, Case No.238/pen/2013/TDS.

Composition of judges : Panel

Judges : Pedro Raposo de Figueireo, Argentino Luisa Nunes,
Alvaro Maria Freitas

Public Prosecutor : Felismino Garcia Cardoso and Antonio Tavares

Public Defender : Manuel Amaral (trainee lawyer)

Conclusion : Ongoing

On 27 February 2014 the Suai District Court, via the mobile court, tried a case of abuse of trust involving the defendant JM who allegedly committed the crime against the NGO Tuba Rai Metin. This case allegedly occurred on 5 July 2012 in Bobonaro District.

The public prosecutor alleged that on 5 July 2012, the defendant who was an officer at the NGO Tuba Rai Metin used petty cash of US\$ 3,836.10 for personal use.

The public prosecutor charged the defendant for violating Article 256 of the Penal Code on abuse of trust that carries a sentence of 2 - 8 years imprisonment.

In court, the defendant admitted that he did use the money for personal use but he stated that he was prepared to pay it back within 1 year.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 3 years in jail, to be suspended for 5 years, and to pay back the money belonging to the NGO Tuba Rai Metin.

The public defender accepted the recommendation of the public prosecutor based on the facts that had been revealed during the trial.

After hearing the final recommendations of the parties, the court adjourned the trial until 14 March 2014, at 10am to announce its decision.

16. Crime of not providing alimony, Case No.214/pen/2013/TDS

Composition of judges : Single

Judge : Alvaro Maria Freitas

Public Prosecutor : Felismino Garcia Cardoso

Public Defender: Domingos dos Santos

Conclusion : Acquitted

On 26 February 2014 the Suai District Court via the mobile court in Bobonaro District, conducted a hearing in a case of alimony involving the defendant RMM who allegedly committed the offence against his wife. This case allegedly occurred on 10 September 2012 in Bobonaro District.

The public prosecutor alleged that the defendant had abandoned and had not provided for his children and did not fulfil his promise to give \$70 each month for his children.

Therefore, the public prosecutor charged the defendant with Article 225 of the Penal Code on failure to fulfil an obligation to provide alimony that carries a sentence of 2 - 8 years in prison.

However, in court the victim stated that the defendant had fulfilled his obligation, so the court decided to acquit the defendant.

17. Crime of simple offences against physical integrity, Case No.26/pen/2013/TDS

Composition of judges : Single

Judge : Florencia Freitas

Public Prosecutor : Felismino G. Cardoso

Public Defender : Duarte Lelo

Conclusion : Sentenced to 1 month in prison, suspended for 1 year.

On 28 December 2014 the Suai District Court, via the mobile court, conducted a hearing in a case involving simple offences against physical integrity characterized as domestic violence involving the defendant JT who allegedly committed the offence against his wife. This case allegedly occurred on 15 May 2012 in Bobonaro District.

The public prosecutor alleged that on 15 May 2013, the defendant kicked the victim in the chest and slapped the victim twice on the cheek causing her to fall to the ground.

This case allegedly occurred because the defendant ordered the victim to wash his clothes and clean the house however the victim was reluctant to do it, so the defendant became angry and hit the victim.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity characterized as domestic violence in conjunction with Article 35 (b) of the Law Against Domestic Violence.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 6 months in prison, to be suspended for 1 year.

The public defender requested for the court to hand down a more lenient punishment against the defendant because the defendant admitted all of the facts alleged against him.

After hearing the charges and the recommendations of the parties, and examining the facts revealed during the trial, the court then sentenced the defendant to 1 month in prison, which was suspended for 1 year.

18. Crime of simple offences against physical integrity, Case No.124/pen/2013/TDS

Composition of judges : Single

Judge : Alvaro Maria Freitas

Public Prosecutor : Antonio Tavares

Public Defender : João H. de Carvalho

Conclusion : Acquitted

On 28 February 2014 the Suai District Court via the mobile court conducted a hearing in a case involving simple offences against physical integrity involving the defendant FC and the victim NS on 19 June 2012, in Bobonaro District.

The public prosecutor alleged that on 19 June 2012 the defendant hit the victim with a plastic chair and stabbed him with a knife in the lower leg which caused the victim to suffer bleeding and injury.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity that carries a penalty of up to three years in prison or a fine.

This case allegedly occurred because the defendant was intoxicated and went to disrupt a party at the home of the victim and the acts were committed when the victim walked out to meet the defendant.

In court, the defendant stated that he was willing to pay US\$150 as compensation for the injury suffered by the victim and the victim agreed to the request of the defendant. At that time the defendant gave US\$150 to the victim.

In his final recommendations the public prosecutor requested for the court to hand down a suspended sentence against the defendant and order the defendant to pay compensation to the victim because the defendant had been proven guilty of committing the crime.

The public defender requested for the court to apply an appropriate penalty against the defendant because he confessed all of his actions and expressed remorse.

Based on the facts and the willingness of the defendant to provide compensation to the victim, the court concluded this case and acquitted the defendant.

19. Crime of theft, Case No.06/pen/2013/TDS

Composition of judges : Panel

Judges : Costãncio B. Basmerly, Pedro R. de Figueiredo and
Argentino Luisa Nunes

Public Prosecutor : Felismino Garcia Cardoso

Public Defende : Manuel Amaral

Conclusion : Acquitted

On 28 February 2014 the Suai District Court via the mobile court tried a case of theft involving the defendants AMS, RS, AMS and CBL who allegedly committed the offence against the victim BB. This case allegedly occurred on 20 July 2013 in Bobonaro District.

The public prosecutor alleged that on 20 July 2013 the defendants went and took a hand tractor from the home of the victim and took it to the home of the defendant CBL.

The public prosecutor charged the defendant for violating Article 253 of the Penal Code on theft that carries a sentence of 3 - 10 years in prison.

In court, the defendants stated that they took the hand tractor because the victim did not obey and value the customary elders when he was summoned by the customary elders to talk about customary law.

The victim testified that the defendants handed over the hand tractor in good condition.

In his final recommendations, the public prosecutor requested for the court to decide the matter. The public defender requested for the court to acquit the defendants because they admitted all of the acts that they had committed.

After hearing the recommendations of the parties, the court decided to acquit the defendants in this case.

20. Crime of simple offences against physical integrity, Case No.25/pen/2013/TDS

Composition of judges : Single

Judge : Florencia Freitas

Public Prosecutor : Felismino G. Cardoso

Public Defender : Duarte Lelo

Conclusion : Sentenced to 4 months in prison, suspended for 1 year.

On 28 February 2014 the Suai District Court, via the mobile court, conducted a hearing in a case involving simple offences against physical integrity characterized as domestic violence involving the defendant VSS who allegedly committed the offence against his wife on 12 May 2012 in Bobonaro District.

The public prosecutor alleged that on 12 May 2013, the defendant hit the victim in the forehead and bit her hand. This case allegedly occurred because the defendant argued with the victim about US\$50 to be used to hire a motorcycle, however the victim did not want to.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity characterized as domestic violence in conjunction with Article 36 (b) of the Law Against Domestic Violence.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 5 months in prison, to be suspended for 1 year.

The public defender asked the court to hand down a more lenient suspended penalty against the defendant because he admitted all of his actions.

After examining the facts revealed during the trial, together with the recommendations of the parties, the court then sentenced the defendant to 4 months in jail, suspended for 1 year.

21. Negligent Homicide, Case No.20/pen/2013/TDS.

Composition of judges : Single

Judge : Alvaro Maria Freitas

Public Prosecutor : Antonio Tavares

Public Defender : João Henrique de Carvalho

Conclusion : Acquitted

On 28 February 2014 the Suai District Court via the mobile court tried a case of negligent homicide involving the defendant TM who allegedly committed the offence against the victims CF and ZF. This case allegedly occurred on 25 May 2013 in Bobonaro District.

The public prosecutor alleged that on 25 May 2013, at approximately 8am, the defendant was riding a motorcycle and heading towards Atabae.

The defendant was startled by a horse that ran onto the road which caused the defendant to collide with the victims who were riding a motorcycle on the side of the road. This act caused the victim to suffer serious injury to the brain and heavy bleeding which caused the victim to lose consciousness at the scene of the crime. The defendant took the victim to the Maliana Referral Hospital for treatment, however the victim died because of the serious head injury.

The public prosecutor charged the defendant for violating Article 140 of the Penal Code on manslaughter that carries a penalty of 4 years in prison or a fine, as well as violating Article 145 on simple offences against physical integrity.

In court, the defendant stated that they settled the matter in accordance with customary means because the defendant and victims are related.

The victim CF testified that he saw a buffalo run onto the road which startled the defendant and caused him to swerve and collide with the two victims at the scene. CF testified that he forgave the defendant because they had settled the matter in accordance with customary tradition.

In his final recommendations the public prosecutor fully trusted the court to use its discretion to decide this case. The public defender requested for the court to hand down a fair punishment against the defendant because the defendant admitted all of the facts alleged against him.

Pursuant to the facts revealed during this case, the court then acquitted the defendant.

22. Case involving request for alimony, Case No.27/sivil/2013/TDS

Composition of judges : Single
Judge : Pedro Raposo de Figueiredo
Public Prosecutor : Felismino Garcia Cardoso
Public Defender : Manuel Amaral
Conclusion : Validated

On 28 February 2014 the Suai District Court via the mobile court tried a case of alimony for a child aged 5 years old involving PGS as the plaintiff and AN as the respondent.

The trial started with an attempt to reach conciliation between the parties and they agreed for their child to be free to visit his parents, especially on important days like Christmas and Easter and school holidays, and the defendant can take the child to play at his house, however the child cannot be forced to do so.

In this process the respondent was willing to provide US\$40 for his child every month and the money will be paid via a bank transfer in accordance with an agreement reached by the parties.

23. Case involving request for alimony, Case No.28/perdata/2013/TDS

Composition of judges : Single
Judge : Pedro Raposo de Figueiredo
Public Prosecutor : Felismino Garcia Cardoso
Public Defender : Manuel Amaral
Conclusion : Validated

On 28 February 2014 the Suai District Court via the mobile court tried a case of alimony for a child aged 6 years old involving the plaintiff AM and the respondent FMF.

In this hearing there was an attempt at conciliation and the parties agreed for their children to be free to visit their parents, especially at Christmas, Easter and school holidays, and the respondent has the right to take his child to play at his house, however the child cannot be forced to do so.

In this case, the respondent was willing to pay US\$ \$ 55 a month for his children, until they reach adulthood. The money will be transferred into an account agreed to by the parties.

24. Case involving request for alimony, Case No.36/Sivil/2013/TDS

Composition of judges : Single

Judge : Pedro Raposo de Figueiredo

Public Prosecutor : Felismino Garcia Cardoso

Public Defender : Manuel Amaral

Conclusion : Validated

On 28 February 2014, the Suai District Court via the mobile court heard a case of alimony involving MM as the plaintiff and JT as the respondent.

A hearing was conducted to attempt to reach conciliation between the parties and they agreed for their child to be free to visit his parents, especially at Christmas, Easter and on school holidays. The respondent has the right to take his child to play at his house, however the child cannot be forced to do so.

In this case the respondent agreed to provide US\$30 each month for their children until they have reached adulthood. The money will be transferred into an account agreed to by the parties.

25. Crime against flora and fauna, Case No.71/pen/2013/TDS

Composition of judges : Single

Judge : Alvaro Maria Freitas

Public Prosecutor : Antonio Tavares

Public Defender : João H. de Carvalho

Conclusion : Ongoing

On 28 February 2014 the Suai District Court, via the mobile court adjourned a trial in a case of crimes against flora and fauna involving the defendants JG, AS, and JS, that occurred in 2013, allegedly committed against the Ministry of Agriculture in Bobonaro District. The trial was adjourned because the defendants were not present.

Therefore, the court adjourned the trial until 28 May 2014, at 11am.

26. Crime of simple offences against physical integrity, Case No.88/pen/2013/TDS

Composition of judges : Single

Judge : Alvaro Maria Freitas

Public Prosecutor : Antonio Tavares

Public Defender : João H. de Carvalho

Conclusion : Ongoing

On 28 February 2014 the Suai District Court, via the mobile court, conducted a hearing in a case involving simple offences against physical integrity characterized as domestic violence involving the defendant ND who allegedly committed the offence against AS in Bobonaro District.

The trial of this case was adjourned until 28 May 2014 at 9am because the defendant was not present.

27. Crime of simple offences against physical integrity, Case No.02/pen/2013/TDS

Composition of judges : Single

Judge : Alvaro Maria Freitas

Public Prosecutor : Antonio Tavares

Public Defender : João H. de Carvalho

Conclusion : Ongoing

On 28 February 2014 the Suai District Court adjourned a trial of simple offences against physical integrity involving the defendant ML who allegedly committed the offence against the victim A in Bobonaro District.

Just like the previous two cases mentioned above, the court adjourned the trial because the defendant was not present. Therefore a new date for the trial was set for 28 May 2014, at 10am.

For more information, please contact:

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