



## SUMMARY OF CASES INVOLVING GENDER BASED VIOLENCE

MAY 2014

In May 2014 the Women's and Children's Justice Unit (WCJU) continued its monitoring of cases involving gender based violence in the Dili and Oecusse district courts.

This edition summarizes 23 cases that were heard at these courts. These cases comprised 18 cases from the Dili District Court and 5 cases from the Oecusse District Court.

From these 23 cases, 16 involved simple offences against physical integrity characterized as domestic violence, 2 cases involved failure to provide alimony, 3 cases involved the mistreatment of a spouse and 2 cases involved the sexual abuse of a minor.

Suspended sentences were issued in 5 cases, admonishments were issued in 2 cases, 3 cases resulted in fines, prison sentences were handed down in 2 cases, and 11 cases are still ongoing.

In Case No. 84/crime/2014/TDO, based on the facts described in the indictment, physical violence was committed on three consecutive days, indicating that the defendant committed mistreatment against his wife. JSMP believes that the public prosecutor should have determined the charges based on the facts relating to the crime committed by the defendant. In addition, the court should have selected and chosen an appropriate penalty to prevent the reoccurrence of the same crime in the future.

On the other hand, JSMP applauds the court for Case No. 644/2012/TDD because in addition to handing down a prison sentence, the court also ordered the defendant to pay compensation to the victim. Based on JSMP monitoring to date, in general the courts have not included orders to pay compensation to victims. JSMP believes that in cases like this it is really important to give compensation to the victim because child victims and the families suffer as the result of defendants' actions.

The following information summarizes each of the 23 cases:

### **1. Crime of mistreatment of a spouse - Case No. 73/2014/TDD**

Composition of judges : Panel of Judges  
Judges : Duarte Tilman, Hugo da Cruz Pui, Zulmira da Silva  
Public Prosecutor : Luis Hernani Rangel  
Public Defender : Marçal Mascarinhas  
Conclusion : Sentenced to 6 months in prison, suspended for 1 year and 6 months.

On 2 June 2014 the Dili District Court conducted a hearing to announce its decision in a case of mistreatment of a spouse involving the defendant PPdCC in Dili District.

The public prosecutor alleged that on 12 January 2014 the defendant pulled the hair of the victim, punched her on the forehead, tried to poke the victim in the eye with his finger and pushed the victim to the ground. These actions resulted in the victim's hand coming into contact with a piece

of glass and causing an injury. This case allegedly occurred because the defendant requested the victim to have sexual intercourse, but the victim refused.

The public prosecutor charged the defendant with violating Article 154 of the Penal Code regarding mistreatment of a spouse.

During the trial the defendant confessed and testified that the facts contained in the indictment were correct. The defendant also regretted his actions and testified that he had reconciled with the victim. On the other hand, the victim also confirmed the facts that were raised during the trial.

In his final recommendations the public prosecutor alleged that the defendant was guilty of committing the crime of mistreatment of a spouse and therefore requested the court to sentence the defendant to 2 years 6 months in jail, suspended for 4 years.

The public defender believed that this case did not fulfil the elements of the crime regarding the mistreatment of a spouse. Therefore, he requested for the court to amend the charge to simple offences against physical integrity in accordance with Article 145 of the Penal Code and to sentence the defendant to a lenient penalty.

After evaluating the facts established during the trial, the court found that the above actions did not fulfil the elements of the crime of mistreatment of a spouse and sentenced the defendant to 6 months in prison, suspended for 1 year 6 months.

## **2. Crime of simple offences against physical integrity characterized as domestic violence, Case No. 101/2014/TDD**

Composition of judges	: Single judge
Judge	: Francisca Cabral
Public Prosecutor	: Lidia Soares
Public Defender	: Ruben de Carvalho (trainee)
Conclusion	: Ongoing

On 15 May 2014 the Dili District Court tried the defendant FS for committing the crime of domestic violence against his wife in Dili District.

The public prosecutor alleged that on 19 November 2013 the defendant punched the victim in the chest and shoulder, pulled her hair and threw her on the ground causing the victim to suffer swelling and pain to her chest, shoulder and head.

This allegedly occurred because the victim requested money from the defendant to take their sick child to the hospital, but the defendant said that there was no money.

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

During the trial the defendant confessed and confirmed all of the facts set out in the indictment, testified that he regretted his actions and that he has reconciled with the victim.

In her final recommendations the public prosecutor stated that the defendant was guilty of committing the crime and therefore she requested the court to sentence the defendant to 6 months in prison, to be suspended for 1 year.

The public defender believed that the defendant had confessed, regretted his actions and is responsible for this family, and therefore he requested for the court to hand down an appropriate penalty.

After hearing the final recommendations of the parties, the court adjourned the trial until 10 June 2014, at 3pm to announce its decision.

**3. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 95/2014/TD Dili**

Composition of judges	: Single judge
Judge	: Zulmira da Silva
Public Prosecutor	: Hipólito Santa
Public Defender	: Laura Lay
Conclusion	: Ongoing

On 15 May 2014 the Dili District Court tried the defendant JSP for committing the crime of domestic violence against his mother in Dili District.

The Public Prosecutor alleged that on 1 March 2013 the defendant was drunk and slapped the cheek of the victim and threatened to kill the victim with a machete.

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 of the Law Against Domestic Violence.

During the trial the defendant testified that he verbally abused the victim but he did not slap or threaten her. However, the victim corroborated that the defendant was drunk and pulled her hair, slapped her cheek and threatened her.

The witness JSG testified that she did not see the defendant slap or threaten the victim but when the witness awoke she heard the victim and the defendant having an argument.

In his final recommendations the public prosecutor maintained the charges and confirmed that the defendant was guilty of committing the crime against the victim and requested the court to sentence the defendant in accordance with the crime he committed.

The public defender stated that she doubted the evidence produced during the trial and therefore requested for the court to acquit the defendant.

After hearing the final recommendations of the parties, the court adjourned the trial until 30 May 2014 at 2pm to announce its decision.

**4. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 145/2014/TD Dili**

Composition of judges	: Single judge
Judge	: Antonio Helder do Carmo
Public Prosecutor	: Hipólito Santa
Public Defender	: Marcia Sarmiento
Conclusion	: Sentenced to 5 months in prison, suspended for 2 years.

On 16 May 2014 the Dili District Court tried the defendant JSV for committing the crime of domestic violence against his wife in Dili District.

The public prosecutor alleged that on 26 February 2012 the defendant returned home from work in a drunken state and punched the victim in the ear causing her to suffer dizziness and she fell to the ground.

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 of the Law Against Domestic Violence.

During the trial the defendant chose to remain silent and when the court sought confirmation from the victim and the witness AS, they corroborated the facts set out in the indictment.

The victim testified that in 1999 the defendant also punched the victim but she did not lodge a complaint, but since the incident in February 2012 they have been separated.

In his final recommendations the public prosecutor considered that the defendant was guilty of committing this crime and requested the court to sentence the defendant in accordance with the severity of the crime.

The public defender also considered that although the defendant had used his right to remain silent, based on the testimony of the victim and the witness the alleged facts had all been proven. However, the public defender requested for the court to consider the mitigating circumstances and hand down a lenient penalty.

After evaluating the facts established during the trial, the court decided to sentence the defendant to 5 months in prison, suspended for 2 years.

**5. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 219/2013/TD Dili**

Composition of judges : Single judge  
Judge : Julio Gantes  
Public Prosecutor : Amrozio Rangel  
Public Defender : Marcia Sarmento  
Conclusion : Sentenced to 1 year in prison, suspended for 2 years.

On 16 May 2014 the Dili District Court tried the defendant JdCS for committing the crime of domestic violence against his wife in Dili District.

The public prosecutor alleged that on 17 September 2012, the defendant punched the victim in the chest, ear and back. These acts caused the victim to suffer bruising and pain to her chest, ear and back. This case allegedly occurred because the victim went to process a Birth Certificate and was late getting home.

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 of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts set out in the indictment, regretted his actions and stated that he has reconciled with the victim. Because the defendant admitted the facts the public prosecutor stated that it was not necessary to hear the testimony of the victim.

In his final recommendations the public prosecutor stated that the defendant confessed, regretted his actions and has reconciled with the victim, and therefore he requested the court apply a suspended jail sentence of 2 years against the defendant.

The public defender considered that the defendant had cooperated well with the court, expressed regret and has reconciled with the victim, and therefore she requested the court to hand down a fair penalty.

After examining the facts revealed during the trial, the court concluded this case and sentenced the defendant to 1 month in prison, suspended for 2 years.

#### **6. Crime of mistreatment of a spouse - Case No. 432/2013/TD Dili**

Composition of judges : Panel of Judges  
Judge : Antonio H. do Carmo (representing the panel of judges)  
Public Prosecutor : Jose Landim  
Public Defender : Sergio P Dias Quintas  
Conclusion : Sentenced to 3 years in prison, suspended for 4 years.

On 22 May 2014 the Dili District Court conducted a hearing to announce its decision in a case of mistreatment of a spouse involving the defendant DdJP, in Dili District.

The public prosecutor alleged that on 25 May 2013 the defendant punched and kicked the victim causing the victim to suffer pain and swelling to her body. On 20 June 2013 the defendant strangled and threatened that he would stab the victim with a knife because the defendant suspected that the victim had a relationship with another man. These acts caused the victim to suffer pain to her neck and trauma.

The public prosecutor charged the defendant for violating Article 154 of the Penal Code regarding mistreatment of a spouse.

During the trial the defendant admitted all of the facts set out in the charges that were also corroborated by the testimony of the victim and witness. Nevertheless, the defendant himself testified that he regretted his actions.

After evaluating the facts established during the trial, the court decided to sentence the defendant to 3 years in prison, suspended for 4 years.

#### **7. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 435/2013/TD Dili**

Composition of judges : Single judge  
Judge : Ana Paula Fonseca Monteiro  
Public Prosecutor : Luis Hernani Rangel  
Public Defender : José da Silva  
Conclusion : Sentenced to 1 month in prison, suspended for 2 years.

On 22 May 2014 the Dili District Court tried the defendant TCMB for committing the crime of domestic violence against his wife in Ermera District.

The public prosecutor alleged that on 14 May 2012 the defendant punched the victim in the head and slapped her cheek, twisted her arm causing her to suffer pain and swelling to her back and cheek and her arm was injured. This case allegedly occurred because the victim stopped the defendant when he was hitting their child.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Articles 2 and 35 of the Law Against Domestic Violence.

During the trial the defendant confessed and testified that the facts laid out in the indictment were all true. The defendant also expressed remorse for his actions and testified that they have reconciled. Because the defendant admitted the facts voluntarily the public prosecutor stated that it was not necessary to hear the testimony of the victim.

In his final recommendations the public prosecutor stated that the defendant was guilty of committing the crime of domestic violence, therefore he requested the court to hand down a fine against the defendant.

The public defender stated that the defendant had confessed, expressed his actions, has reconciled with the victim and has no income to pay a fine, therefore he requested the court to issue the defendant with an admonishment.

After examining the facts that had been proven during the trial, the court concluded this case and sentenced the defendant to 1 month in prison, suspended for 2 years.

**8. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 154/2014/TD Dili**

Composition of judges	: Single judge
Judge	: Francisca Cabral
Public Prosecutor	: Gloria Alves (international)
Public Defender	: Laura Lay
Conclusion	: Ongoing

On 27 May 2014 the Dili District Court tried the defendant MMS for committing the crime of domestic violence against his wife in Dili District.

The public prosecutor alleged that on 18 January 2013 the defendant punched the victim in the eye and kicked her in the back because the victim woke up late and did not prepare breakfast for the defendant. These actions caused the victim to suffer a swollen eye and pain to her back.

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 of the Law Against Domestic Violence.

During the trial the defendant confessed and testified that the facts laid out in the indictment were all true. The defendant also regretted his actions and has reconciled with the victim.

Because the defendant admitted all of the facts the public prosecutor told the court that it was not necessary to hear witness testimony.

In the allegations the public prosecutor stated that the defendant was guilty of committing the crime of domestic violence, therefore she requested the court to apply a suspended jail sentence for 1 year to prevent the same crime from reoccurring in the future.

The public defender stated that the defendant had admitted the facts, regretted his actions and is responsible for his family, and therefore she requested the court to issue an admonishment.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 4 June 2014, at 3pm.

**9. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 495/2013/TD Dili**

Composition of judges : Single judge  
Judge : José Maria de Araujo  
Public Prosecutor : Ivonia Maria Guterres  
Public Defender : Fernando L. de Carvalho  
Conclusion : Ongoing

On 27 May 2014 the Dili District Court tried the defendant MF for committing the crime of domestic violence against his wife in Aileu District.

The public prosecutor alleged that on 13 April 2013 the defendant slapped the victim across the cheek and kicked her in the back. These actions caused the victim to suffer pain to her cheek and swelling to her shoulder. The incident occurred because the victim punished their young child and made him kneel on the floor.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Articles 2 and 35 of the Law Against Domestic Violence.

During the trial the defendant confessed and testified that the facts laid out in the indictment were all true. The defendant expressed his regret, has reconciled with the victim and promised not to reoffend in the future.

The court sought confirmation with the victim and the victim testified that they have reconciled and she forgave the defendant.

In her final recommendations the public prosecutor stated that the defendant was guilty of committing domestic violence and therefore requested the court to sentence the defendant to 6 months in prison, suspended for 1 year.

The public defender agreed with the recommendation of the public prosecutor, because the defendant had cooperated with the court to find the truth.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 11 June 2014, at 3pm.

**10. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 570/2013/TDD**

Composition of judges : Single judge  
Judge : José M. de Araújo  
Public Prosecutor : Lidia Soares  
Public Defender : José da Silva  
Conclusion : Ongoing

On 27 May 2014 the Dili District Court tried the defendant CS for committing the crime of domestic violence against his daughter in Ermera.

The public prosecutor alleged that on 12 July 2012 the defendant slapped the victim on the back with a shoe, slapped her on the back and kicked her leg. These acts caused the victim to feel pain to her back, cheek and swelling to her leg.

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 of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts set out in the indictment, regretted his actions and stated that he will not commit the same crime in the future against the victim or another person.

In her final recommendations the public prosecutor considered that the defendant had cooperated with the court to find the truth, regretted his actions and promised not to reoffend against the victim or another person. Therefore, the court should sentence the defendant to 6 months in prison, to be suspended for 1 year.

The public defender concluded that the defendant had demonstrated good behavior and is responsible for his family, so he requested for the court to issue an admonishment. After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 10 June 2014, at 3pm.

**11. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 237/2014/TD Dili**

Composition of judges	: Single judge
Judge	: Antonio Helder do Carmo
Public Prosecutor	: Hipólito Santa
Public Defender	: Laura Lay
Conclusion	: Court issued an admonishment

On 28 May 2014 the Dili District Court tried the defendant GFC and his wife HM for committing the crime of domestic violence against their younger sister in Dili District.

The public prosecutor alleged that on 28 October 2013, the defendant GFC punched the victim in the chest, kicked her on her side, threw a shoe at her head and the defendant HM pulled the victim's hair. These actions caused the victim to suffer pain to her chest and waist, and swelling to her head. The incident occurred because the victim accused the child of the two defendants of stealing the victim's shoes.

The public prosecutor alleged that the defendants violated Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Articles 2, 3 and 35 of the Law Against Domestic Violence.

During the trial, both of the defendants admitted that the facts listed in the indictment were all true, regretted their actions and testified that the defendants have reconciled with the victim. In addition, the victim testified that they have reconciled and she has forgiven them. In his final recommendations the public prosecutor stated that the two defendants admitted the alleged facts, have reconciled with the victim, and therefore he requested the court to issue a fair penalty.

The public defender believed that because the defendants admitted and regretted their actions, have reconciled with the victim and are responsible for their family, therefore she requested the court to issue a lenient penalty against the two defendants.





PRADET for one night. The incident occurred because the defendant was hungry and the vegetables were not ready.

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 of the Law Against Domestic Violence.

During the trial, the defendant admitted all of the facts contained in the indictment and expressed his regret and promised not to reoffend in the future.

Because the defendant admitted the alleged facts the public prosecutor stated that it was not necessary to hear the testimony of the victim.

In his final recommendations the public prosecutor stated that the defendant was guilty of committing the crime of domestic violence, therefore he requested the court to issue a fair penalty against the defendant.

The public defender requested the court to issue a fair punishment against the defendant because the defendant admitted all of the facts, expressed regret, is responsible for his family and has eight children.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 9 June 2014, at 10am.

**14. Crime of failure to provide alimony characterized as family neglect - Case No. 80/Crime/2014/TDO**

Composition of judges	: Single judge
Judge	: João Ribeiro
Public Prosecutor	: Alfonso Lopez
Public Defender	: Calisto Tout
	: João Dun (private lawyer)
Conclusion	: Ongoing

On 27 May 2014 the Oecusse District Court tried a criminal case involving failure to provide alimony to the victim and her child in Oecusse District.

The public prosecutor alleged that on 15 May 2013 the defendant took the clothes of the victim and gave them to the victim's family. In June 2013 the defendant took her two oldest children to live separately from the victim and their youngest child. From July 2013, the two older children lived with the defendant and the younger child lived with the victim. The defendant and the victim have been separated for 1 year and the defendant has not provided any alimony for the young child and the mother.

The public prosecutor charged the defendant for violating Article 225 of the Penal Code on the crime of failure to provide alimony.

The indictment stated that defendant had been convicted by the Oecusse District Court for committing domestic violence. The court sentenced the defendant to a fine of US\$75 in August 2013.

During the trial the defendant denied the facts set out in the indictment. The court sought confirmation with the victim and the victim gave testimony that corresponded with the facts stated in the indictment.

The defendant also testified during the trial that he was willing to care for his children however he wanted to divorce the victim.

The witness LC who is the older brother of the victim testified that the victim and her young child are living with the witness, however he doesn't have the capacity to provide for them because of his limited economic means.

In his final recommendations the public prosecutor referred to the facts that had been established, and the circumstances of the defendant, and requested the court to issue the defendant with a fine and order him to take responsibility for the victim and his child.

The public defender referred to the facts that had been established, the existing circumstances that had been corroborated by the witness and the victim, and the willingness of the defendant to care for his children, and therefore requested for the court to issue a fair punishment.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 12 June 2014, at 9am.

#### **15. Crime of ordinary offences against physical integrity characterized as domestic violence - Case No. 78/Crime/2014/TDO**

Composition of judges	: Single judge
Judge	: João Ribeiro
Public Prosecutor	: Alfonso Lopez
Public Defender	: Calisto Tout
	: João Dum (private lawyer)
Conclusion	: Ongoing

On 27 May 2014 the Oecusse District Court tried the defendant FT for committing the crime of domestic violence against his wife in Oecusse District.

The public prosecutor alleged that on 29 August 2013 the defendant and the victim went to Sono Masse, however because there were not enough saucepans the victim was taken on a motorcycle by a person to get a saucepan. The defendant was angry because the victim did not tell him, and when they returned home, the defendant slapped the victim twice on the ear causing the victim to suffer pain and become unconscious.

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 of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts set out in the indictment, testified that the defendant was a first time offender, has reconciled with the victim, regretted his actions and promised not to reoffend in the future.

Because the defendant admitted all of the alleged facts the public prosecutor stated that it was not necessary to hear the testimony of the victim.

In his final recommendations the public prosecutor requested the court to apply a fair penalty, to prevent the high prevalence of domestic violence in Oecusse District.

In his final recommendations the public defender stated that the defendant had confessed and regretted his actions, was a first time offender, and therefore he requested the court to issue a fair punishment.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 9 June 2014, at 11.30am.

**16. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 84/Crime/2014/TDO**

Composition of judges	: Single judge
Judge	: João Ribeiro
Public Prosecutor	: Alfonso Lopez
Public Defender	: Calisto Tout
	: João Dum (private lawyer)
Conclusion	: Ongoing

On 28 May 2014 the Oecusse District Court tried the defendant JQ for committing the crime of domestic violence against his wife in Oecusse District.

The public prosecutor alleged that on 14 February 2014 the defendant slapped the victim once on her left cheek. On 15 February 2014 the defendant again slapped the victim's cheek and the same thing happened on 16 February 2014, and the defendant removed the victim's clothing and threw her all over the place and again slapped the victim. This case allegedly occurred because they argued about the proceeds of selling palm wine.

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 of the Law Against Domestic Violence.

Because the defendant admitted all of the alleged facts the public prosecutor stated that it was not necessary to hear the testimony of the victim.

During the trial the public prosecutor testified that the defendant was guilty of committing the crimes against the victim, regretted his actions and was a first time offender, therefore he requested the court to issue a fine.

In his final recommendations the public defender concluded that the defendant admitted all of the facts, regretted his actions, had reached a traditional settlement, and therefore he requested the court to apply an appropriate penalty against the defendant so the defendant could change his behavior.

After hearing the final recommendations of the parties, the court adjourned the trial until 13 June 2014, at 9am to announce its decision.

**17. Crime of failure to provide alimony characterized as neglect, as well as making threats - Case No. 85/Crime/2014/TDO**

Composition of judges	: Single judge
Judge	: João Ribeiro
Public Prosecutor	: Alfonso Lopez
Public Defender	: Calisto Tout

: João Dum (private lawyer)

Conclusion : Ongoing

On 29 May 2014 the Oecusse District Court tried the defendant JM for committing the crime of failure to provide alimony. This case occurred in Oecusse District.

The public prosecutor alleged that at some time during March 2013, the defendant left the victim and married another woman and for one year did not provide any money or food. They tried to resolve their problem three times before the Sub-Village Chief however the defendant did not want to cooperate.

The public prosecutor charged the defendant for violating Article 225 of the Penal Code on the crime of failure to provide alimony. The court amended the charges to include Article 157 of the Penal Code regarding the crime of making threats.

On 13 February 2013 the defendant borrowed US\$ 200 and did not return the money. The person who lent the money went to the victim and asked for the money so the victim went and verbally abused the defendant. However at that time the defendant became angry and took a piece of wood and threatened to hit the victim if she did not be quiet.

During the trial the defendant testified that he had married another woman in May 2013 and did not provide for the victim but had left the house, 11 buffalo, 3 goats, a kiosk and food in the house.

During the trial the victim denied that she had received alimony from the defendant and asked the defendant to live with his second wife so the victim could live in peace.

The witness AE testified that the victim and the defendant argued over the US\$200 that the defendant had borrowed.

In his final recommendations the public prosecutor requested the court to acquit the defendant from the crime of failing to provide alimony because based on the facts that had been revealed, the victim did not need alimony from the defendant. In relation to the crime of making threats, the public prosecutor requested for the court to issue a fair punishment.

In his final recommendations the public defender requested the court to acquit the defendant from the crime of failure to provide alimony and the crime of making threats because he believed that the charges had not been proven.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 13 June 2014, at 9.30am.

**18. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 246/2014/TDDIL**

Composition of judges : Single judge  
Judge : Ana Paula Fonseca  
Public Prosecutor : Jacinto Babo  
Public Defender : Marçal Mascarinhas  
Conclusion : The court issued a fine

On 8 May 2014 the Dili District Court conducted a hearing to announce its decision against the defendant SS for committing the crime of domestic violence against his wife in Dili District.

The public prosecutor alleged that on 1 April 2011 the defendant punched the victim above the eye, slapped her left and right cheeks causing her to suffer a bloody nose and a black eye. At that time the victim was 8 months pregnant. The incident occurred because the victim did not like the defendant getting drunk all the time.

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 of the Law Against Domestic Violence.

During the trial the defendant testified that the facts laid out in the indictment were all true. Therefore, the Public Prosecutor decided that it wasn't necessary to hear testimony from the victim.

In his final recommendations the public prosecutor stated that the defendant had admitted all of the facts and therefore requested the court to order the defendant to pay a fine.

In his final recommendations the public defender stated that the defendant was a first time offender and regretted his actions, and therefore he requested the court to issue a fair punishment against the defendant.

After examining all of the facts established during the trial, the court concluded this case and ordered the defendant to pay a fine of US\$90.

**19. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 69/2014/TDDIL**

Composition of judges	: Single judge
Judge	: Ana Paula Fonseca
Public Prosecutor	: Ivonia Guterres
Public Defender	: Marcia Sarmiento
Conclusion	: Ordered to pay a fine

On 2 May 2014 the Dili District Court tried the defendant NdC for committing the crime of domestic violence against his wife in Dili District.

The public prosecutor alleged that on 9 May 2014 the defendant punched the victim on the right side of her face, punched her once on the back and choked her. This case allegedly occurred because the defendant always came home at midnight which caused them to have arguments.

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 of the Law Against Domestic Violence.

During the trial the defendant chose to remain silent, and when the court sought confirmation with the victim she testified that the charges of the public prosecutor were all true.

In his final recommendations the public prosecutor requested the court to sentence the defendant to 6 months in prison, to be suspended for 1 year. Meanwhile, the public defender requested the court to hand down an appropriate, fair and balanced penalty.

The court informed the public prosecutor and public defender about the time period for the decision and the two parties agreed to disregard the provisions on the time and to progress to the announcement of the decision.

After hearing from the public prosecutor and public defender, the court ruled that all of the facts had been proven, and decided to order the defendant to pay a fine of US\$60 and court costs of US\$ 20.

**20. Crime of ordinary offences against physical integrity characterized as domestic violence - Case No. 558 /2013TDDIL**

Composition of judges : Single judge  
Judge : Hugo da Cruz Pui  
Public Prosecutor : Lidia Soares  
Public Defender : José da Silva  
Conclusion : The court issued a fine

On 2 May 2014 the Dili District Court conducted a hearing in a case involving the crime of domestic violence allegedly committed by the defendant SdJ against his wife in Ermera District.

The public prosecutor alleged that on 9 September 2013 the defendant used a branch from a coffee plant to strike the victim on the back, leg and arm and he also verbally abused the victim. This case allegedly occurred because the victim did not go and check on a goat and release the goat that was tied up and had got tangled up in its tether.

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

During the trial, the defendant stated that they have reconciled, expressed regret for his actions and promised not to reoffend in the future.

In her final recommendations the public prosecutor requested the court to convict the defendant for the criminal offences he committed so that the defendant can change his behavior. On the other hand, the public defender requested the court to issue an admonishment.

After evaluating the facts revealed during the trial, the court concluded this matter and ordered the defendant to pay a fine of US\$ 45.

**21. Mistreatment of a spouse - Case No. 76//2014/TDD**

Composition of judges : Panel of Judges  
Judge : 1. Duarte Tilman Soares  
2. Jumiati Freitas  
3. José Maria de Araujo  
Public Prosecutor : Ivonia Guterres  
Public Defender : Sebastião Amado de Almeida  
Conclusion : Ongoing

On 14 May 2014 the Dili District Court tried the defendant NdC for committing the crime of mistreatment of a spouse in Dili District.

The public prosecutor alleged that in July 2011, the defendant slapped, punched and kicked his wife because he went to pick up his wife and child to go back home, but they weren't there. On 15 September 2013 the defendant became angry and slapped, punched, kicked and pulled the hair of the victim. This allegedly occurred because the defendant came home at midnight and they had an argument.

The public prosecutor charged the defendant for violating Article 154 of the Penal Code regarding mistreatment of a spouse.

During the trial the defendant denied the facts listed in the indictment and testified that he did not pull the hair of the victim and did not kick her. The defendant testified that he only slapped her because the victim complained a lot.

When the court sought confirmation about the facts with the victim, she testified that in July 2011 the defendant slapped her and on 15 September 2014 the defendant came home at midnight and they argued, so the defendant slapped and punched the victim in the back.

In his final recommendations the public prosecutor requested the court to sentence the defendant to 1 month in prison, to be suspended for 2 years. The public defender requested the court to impose a fair, just and proportional punishment.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 3 June 2014, at 3pm.

**22. Sexual abuse of a minor - Case No. 644/2012/TDD**

Composition of judges : Panel of Judges  
Judges : Ana Paula Fonseca  
: Hugo da Cruz Pui  
: Zulmira da Silva  
Public Prosecutor : Gloria Alves (international)  
Public Defender : Rui Guterres  
Decision : Sentenced to 8 years in prison

On 5 May 2014 the Dili District Court conducted a hearing to announce its decision in a case involving the sexual abuse of a minor allegedly committed by the defendant SM in Aileu District.

The public prosecutor alleged that on 23 September 2011 the defendant dragged the victim and covered her mouth, stripped her then had sexual intercourse with her. The defendant took the opportunity when the victim was fetching water from a well that was a long way from her house. These actions impacted on the physical and psychological health of the victim.

The public prosecutor charged the defendant for violating Article 177 of the Penal Code regarding the sexual abuse of a minor.

The court found the defendant guilty of committing the sexual abuse based on the testimony of the victim and witnesses. The witnesses testified that they saw the defendant having sexual intercourse with the victim and they yelled at him so the defendant became afraid and fled.

After evaluating the facts that had been proven during the trial and the entire process relating to this case the court settled the matter and sentenced the defendant to 8 years in prison and ordered him to pay compensation of US\$ 250.

**23. Crime of sexual abuse of a minor - Case No. 273/2014/TDD**

Composition of judges : Panel of Judges  
Judges : Julio Gantes (International)  
: Francisca Cabral



: Zulmira da Silva  
Public Prosecutor : Reinato Bere Nahak  
Public Defender : Sebastião Amado de Almeida  
Conclusion : Sentenced to 8 years in prison

On 30 May 2014 the Dili District Court conducted a hearing to announce its decision in a case involving the sexual abuse of a minor allegedly committed by the defendant JM in Dili.

The public prosecutor alleged that on 14 January 2014, at approximately 3am, the defendant went into the victim's room, removed her clothing and used his hand to fondle the victim who was 6 years old until the defendant ejaculated.

The public prosecutor charged the defendant for violating Article 177 of the Penal Code on the crime of sexual abuse of a minor.

The court considered several of the facts to have been proven because the defendant confirmed that he committed this crime against the victim because he was drunk.

After evaluating the facts established during the trial, the court sentenced the defendant to 8 years in prison.

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