



Case Summary
Oecusse District Court
March 2014

**Summary of the trial process at the Oecusse District Court during
the fourth week of March 2014**

Introduction

During the fourth week of March 2014 JSMP continued its monitoring activities at the Oecusse District Court. During the fourth week of March JSMP observed 6 cases involving simple offences against physical integrity characterized as domestic violence. 3 of these cases have been decided by the court and the other 3 cases are still ongoing.

JSMP is concerned because the sentences handed down by the Oecusse District Court against the defendants were less than effective because the court tended to issue fines against the convicted persons. JSMP believes that in cases of domestic violence a fine is not an appropriate penalty because it will place an even greater financial burden on the family. Therefore, JSMP recommends for the court to prioritize compensation to the victim as restitution for physical injury and emotional suffering as well as loss of income resulting from violence committed by a defendant.

The information below outlines the hearings conducted:

**1. Crime of simple offences against physical integrity characterized
as domestic violence – Case No. 33/crime/2014/TDO**

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Alfonso Lopes
Public Defender	: Afonso de Fatima
Conclusion	: Ordered to pay a fine of \$ 120.00

On 20 March 2014 the Oecusse District Court ordered the defendant JN to pay a fine of US\$120, to be paid in installments of US\$1.00 per day for 120 days or an alternative punishment of 80 days jail if the defendant

does not pay the fine.

The court found that the defendant committed ordinary maltreatment against the victim (his wife). This case allegedly occurred on 04 January 2014 in Costa Village, Pantai Makasar, Oecusse.

The public prosecutor alleged that on 4 January 2014 the defendant slapped, dragged and kicked the victim in the face and side, because the victim had not put lunch on the table.

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 confessed and testified that he did not intend to punch the victim however because he was hungry he felt angry and hit the victim. The defendant then testified that he did not stomp on the victim and drag her, as stated in the indictment. The defendant also testified that he regretted his actions.

Because the defendant admitted his actions as stated in the indictment the court requested for the parties to present their final recommendations.

In his final recommendations, the public prosecutor requested for the court to apply a lenient sentence against the defendant because he regretted his actions and promised not to reoffend in the future.

The public defender requested for the court to hand down an appropriate fine against the defendant because the defendant had cooperated with the court.

After hearing the recommendations of the parties the court concluded the matter and ordered the defendant to pay a fine of US\$120.00.

2. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 32/crime/2014/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Alfonso Lopez
Public Defender	: Afonso de Fatima
Conclusion	: Ordered to pay a fine of \$ 60.00

On 20 March 2014 the Oecusse District Court sentenced the defendant LO to pay a fine of US\$60.00, to be paid in instalments of US\$1.00 per

day for 60 days. The court also issued a suspended prison sentence of 40 days if the defendant fails to pay the fine imposed.

The defendant was found guilty of committing the crime of ordinary maltreatment against his wife on 05 2013, in Costa Village, Pante Makasar, Oecusse.

Previously the public prosecutor alleged that on 05 May 2013, at 07:30pm the defendant was drunk and slapped and choked the victim because the victim asked the defendant to think about their life and future. At that time the victim was pregnant.

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.

The defendant also testified that he regretted his actions. On the other hand the victim testified that he did commit maltreatment against her and stated that charges of the public prosecutor were true and correct.

In his final recommendations the public prosecutor requested for the court to apply an appropriate and just sentence against the defendant so that he does not reoffend in the future.

The public defender requested for the court to apply a lenient and fair sentence against the defendant because the defendant cooperated with the court and was willing to serve a punishment befitting his crime.

Based on the recommendations of the two parties the court concluded this matter and sentenced the defendant to pay a fine of US\$ 60.00.

3. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 29/crime/2014/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Alfonso Lopez
Public Defender	: Afonso de Fatima
Conclusion	: Acquitted

On 20 March 2014 the Oecusse District Court acquitted the defendant MQ from the charges of the public prosecutor relating to a case of ordinary maltreatment against her husband (ES), on 14 September 2013, in Pante-Makasar, Oecusse District.

The indictment of the public prosecutor stated that on 14 September 2013, the defendant used a piece of wood and hit the victim numerous times on his back because the victim wanted to protect their child who was being hit by the defendant.

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 the facts contained in the charges, expressed remorse and promised not to reoffend in the future.

In his final recommendations the public prosecutor requested for the court to apply a lenient sentence because the defendant expressed remorse and promised not to reoffend in the future.

The public defender requested for the court to acquit the defendant because the defendant is quite old.

Based on these facts the court decided to acquit the defendant from the charges of the public prosecutor.

4. Crime of simple offences against physical integrity characterized as domestic violence – Case No. Case No. 36/crime/2014/TDO

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

On 26 March 2014 the Oecusse District Court tried the defendant RC for allegedly committing ordinary maltreatment against his child on 13 December 2013, at 5:00pm, in Pante Makasar, Oecusse District.

The public prosecutor alleged that on 13 December 2013, the defendant used a piece of wood to hit his child 10 times on his back and 6 times on his legs. These acts caused the defendant to suffer pain, and his back and both legs were bruised and swollen. This case allegedly occurred because the victim went all day and ignored the instruction of the defendant to fill up the thermos with hot water.

At that time, the defendant told the older brother of the victim to call the victim however the victim ignored him, so the defendant himself went and called the victim and after that the maltreatment occurred.

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 confirmed all of the charges.

In his final recommendations, the public prosecutor requested for the court to hand down an appropriate penalty against the defendant to deter him from reoffending in the future.

The public defender requested for the court to sentence the defendant with an adequate penalty.

After hearing the recommendation of the parties, the court adjourned the trial until 2 April 2014 at 09.00 am to announce its decision.

5. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 38/crime/2014/TD

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

On 26 March 2014 the Oecusse District Court tried the defendant JSM for committing the crime of ordinary maltreatment against his wife, on 19 October 2013, in Pante Makasar, Oecusse.

The public prosecutor alleged that the defendant slapped and kicked the victim. These actions caused the victim to suffer pain and swelling and bruising to her cheek and face. This case allegedly occurred because the victim threw out a mat that the defendant had taken from the chapel back to his house.

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 confirmed these facts and expressed remorse. When the court sought confirmation from the victim, she reiterated the facts that were stated in the indictment.

In his final recommendations the public prosecutor requested for the court to hand down an appropriate penalty against the defendant to deter

him from reoffending in the future.

The public defender requested for the court to sentence the defendant to an appropriate and proportional fine, because they have reconciled and are living together as husband and wife.

After hearing the recommendation of the parties, the court adjourned the trial until 3 April 2014 at 2pm, to announce its decision.

6. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 35/crime/2014/TDO

Composition of judges : Single
Judge : João Ribeiro
Public Prosecutor : Alfonso Lopez
Public Defender : Afonso de Fatima
Conclusion : Ongoing

On 26 March 2014 the Oecusse District Court tried the defendant JAA for committing the crime of ordinary maltreatment against his wife, on 22 October 2013, in Pante Makasar, Oecusse.

The public prosecutor alleged that on 22 December 2013, the defendant hit the victim once in the forehead, threw a stone at the victim's back and stabbed the victim in the leg with a piece of wood causing the victim to suffer injuries to her leg and forehead. This case occurred because the defendant was angry at the victim who had asked for US\$20 that she had given to him to pay a debt, however the defendant had used US\$ 10 to buy rice wine.

During the trial the defendant testified that at that time the defendant was drunk, however the defendant confirmed the incident and regretted his actions.

In his final recommendations the public prosecutor requested for the court to hand down an appropriate penalty against the defendant because the defendant had regretted his actions.

The public defender requested for the court to issue an appropriate fine because the defendant had cooperated with the court.

The court adjourned the trial until 2 April 2014 to announce its decision.

For more information, please contact:

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