



*Case Summary*  
*Dili District Court*  
*February 2014*

**Summary of the trial process at the Dili District Court  
February 2014**

*Introduction*

In February 2014 JSMP observed 14 criminal cases at the Dili District Court.

These 14 cases comprised 1 case of aggravated fraud, 1 case involving abuse of power, economic involvement in business and falsification of documents, 1 case of disobedience to an order of dispersal, 1 case of arson, 1 case of minor theft, 1 case of simple offences against physical integrity, and 7 cases of simple offences against physical integrity characterized as domestic violence, and 1 case of mistreatment of a minor.

4 of these cases have been decided by the court and the other cases are still ongoing.

The information below outlines the hearings conducted:

**1. Crime of aggravated fraud, Case No. 1297/2011/PDDIL**

Composition of judges	: Panel
Judges	: Julio Gantes, JulmiraAuxiladora Barros, Hugo Pui
Public Prosecutor	: Vicente Brites
Public Defender	: Marçal Mascarenhas
Conclusion	: Ongoing

On 3 February 2014 the Dili District Court conducted a hearing against the defendant JPS who allegedly committed the crime of aggravated fraud in the Legasi store, Audian against the victim MS. The crime allegedly occurred on 12 February 2011.

The public prosecutor alleged that on 12 February 2011 the defendant took some goods from the Legasi store, such as tables, chairs, cupboards valued at \$ 5,830. The defendant had still not paid

for the goods after 3 years. The actions of the defendant caused the victim to suffer losses totaling \$ 5,830.

In court, the defendant explained that company funds had been delayed and he admitted his guilt and promised to repay the amount on 7 February 2014. Because the defendant admitted his guilt and promised to return the money the court decided to continue proceedings by hearing the final recommendations of the parties.

In his final recommendations the public prosecutor requested for the court to apply a prison sentence of 2 years if the defendant fails to fulfil his promise, however if the defendant fulfils his promise then the public prosecutor requests for the court to apply a suspended sentence of 4 years against the defendant.

The public defender requested for the court to apply an appropriate suspended sentence against the defendant because he had cooperated with the court and was willing to pay for the goods that he had taken.

After hearing the final recommendations, the court adjourned the trial until 14 February 2014, at 2pm, to announce its final decision.

## **2. Crime of abuse of power, economic involvement in business, falsification of documents, Case No. 699/C.Ord/2011/TDD**

Composition of judges	: Panel
Judges	: António Helderdo Carmo, Julio Gantes. Jumiati Maria Freitas
Public Prosecutors	: Vicente de Brito, Gloria Alves
Public Defenders	: Manuel Exposto, Pedro Apariço
Conclusion	: Ongoing

On 3 February 2014 the Dili District Court tried the defendants EFdC and RJBdC who were allegedly involved in the crime of abuse of power, economic involvement in business and falsification of documents, on 10 March 2010.

The public prosecutor alleged that on 10 May 2010 the government was implementing a Decentralization Development Package (PDD) in Dili District to provide support to the community through the provision of clean water, schools, markets and roads. At that time the defendant EFdC was the focal point for the control and facilitation of the PDD Project and was working with the defendant RJBdC who was the Dili District Administrator and the Project Coordinator. During the implementation phase the defendants were suspected of committing an abuse of power and falsification of documents to obtain this project.

In relation to these acts, the public prosecutor charged the defendants for violating Article 304 of the Penal Code on aggravated forgery, Article 297 on abuse of power and Article 299 on economic involvement in business.

On 28 February 2014 the court continued the trial to hear testimony from the witnesses MG and FdA, from the Ministry of the Interior.

The witness MG stated that at that time they went together to monitor the PDD Project in the district, specifically, the Manudere Construction Ltd Project. At that time, they observed a company with three staff who were carrying out the work on a daily basis.

The witness stated that the aim of the monitoring was to ensure the quality of the work relating to the project, and the defendant RJBdC was the Dili District Administrator and was in charge of overseeing the PDD Project.

The witness FdA stated that before they left to carry out the monitoring, they received training on how to execute and oversee the PDD program and how to form a group and monitor the aforementioned companies. In the field the witness used a form to carry out the monitoring.

After hearing the testimony of witnesses, the court adjourned the trial until 20 May 2014, at 9.00 am.

### **3. Crime of disobedience to an order of dispersal, Case No.304/C.Ord/2013/TDD**

Composition of judges	: Single
Judge	: Júlio Gantes
Public Prosecutor	: José Elu (trainee)
Public Defender	: Sebastião Amado de Almeida
Conclusion	: Ordered to pay a fine of \$75 and court costs of U\$ 10.

On 03 February 2014 the Dili District Court conducted a hearing in a case of disobedience to an order of dispersal involving the defendant Edmundo da Silva who was a member of the military. This case allegedly occurred on 9 April 2010.

The public prosecutor charged the defendant with committing the crime of disobedience to an order of a judicial authority on 9 April 2010. At that time, the defendant committed affray when the trial was taking place which caused the trial to be adjourned on two occasions. The actions of the defendant violated Article 193 of the Penal Code on disobedience to an order of dispersal.

In the hearing the defendant admitted his guilt and regretted his actions. Because the defendant admitted his actions, the court proceeded to hear the final recommendations.

In his final recommendations, the public prosecutor stated that the defendant was a member of the military and was obliged to behave appropriately during the trial, however in reality the defendant disrupted the trial and caused the trial to be adjourned on two occasions. Therefore, based on the evidence that had been established, he requested for the court to hand down a fine against the defendant.

The public defender made an oral request for the court to consider the mitigating circumstances such as the fact that the defendant was a first time offender, had cooperated with the court, and therefore he requested for the court to hand down a lenient penalty against the defendant.

Based on the facts that were proven, the court was convinced that the actions of the defendant fulfilled the criminal elements of Article 193 of the Penal Code regarding the crime of disobedience to an order of dispersal. Therefore, the court decided to hand down a fine against the defendant totaling \$ 75 to be paid in daily instalments of \$ 1 for a period of 75 days.

In addition, the court also ordered the defendant to pay court costs of \$ 10. The defendant will have to serve an alternative penalty of 50 days in prison if he fails to pay the fine.

#### **4. Crime of arson, Case No.17/C.Ord/2013/TDD.**

Composition of judges	: Panel
Judges	: Ana Paula Fonseca, Antonio Helder Carmo, Jacinta Correia
Public Prosecutor	: Vicente de Brito
Public Defender	: Marçal Mascarenhas
Conclusion	: Ongoing

On 6 February 2014, the Dili District Court conducted a hearing against the defendants DS and AF who were accused of committing the crime of arson against the victim CF, in Fatuahi, on 25 June 2012.

The public prosecutor alleged that on 25 June 2012 the defendant poured one jerry can of petrol (five liters) on the victim's house and set it alight with some matches, which burned down the house and all of the goods inside. At that time, the victim and his family were not at home.

This incident caused the victim to suffer losses of \$ 8,860 and these actions violated Article 263 of the Penal Code regarding arson.

During the trial, the defendants denied all of the charges of the public prosecutor and stated that they did not know or see who burned the home of the victim because at that time, there were youths throwing stones at each other and the defendants fled from the scene.

The victim also explained that he did not see who burned the house, because at that time the victim was not at home and was staying at the hospital. After returning from the hospital he heard

from another person that the defendants had burned his house. The victim then stated that the incident caused losses of \$ 8,860.

The witness JX stated that before burning the house, the defendant DS took a 5 liter jerry can full of petrol from his home and gave it to the defendant AF who was involved in a rock fight. At that time the defendant AF accepted the petrol and then poured it on the house of the victim and set it alight with some matches. The witness saw this from a distance of 5 meters.

After hearing the testimony of the witness, the court adjourned the trial until 3 March 2014, at 2pm, to hear testimony from other witnesses.

#### **5. Crime of simple offences against physical integrity, 385/C.Ord/2013/TDD**

Composition of judges	: Single
Judge	: Hugo da Cruz Pui
Public Prosecutor	: Ivonia Guterres
Public Prosecutor	: Manuel Exposto
Conclusion	: Ordered to pay a fine of US\$ 120.

On 17 February 2014 the Dili District Court conducted a hearing against the defendant VL who was involved in a case of simple offences against physical integrity characterized as domestic violence against his wife MdS, on 12 April 2013, in Dili District.

The public prosecutor alleged that on 12 April 2013 the defendant punched the victim in the forehead and back four times respectively and caused the victim to suffer pain, as well as swelling to her forehead.

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 that he hit the victim four times on her back and forehead respectively.

After considering the available evidence, the court decided the matter and handed down a fine of \$ 120 to be paid in daily instalments of US\$ 1 for a period of 120 days.

In addition, the court also sentenced the defendant to pay court costs of \$10, and if the defendant fails to pay the fine then he will have to serve an alternative punishment of 80 days in prison.

#### **6. Crime of simple offences against physical integrity, Case No. 315/C.Ord/2013/TDD**

Composition of judges	: Single
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Judge : Jaçinta Correia  
Public Prosecutor : Hernani Rangel  
Public Prosecutor : Sebastião Amado  
Conclusion : Ongoing

On 18 February 2014 the Dili District Court tried a case involving simple offences against physical integrity characterized as domestic violence involving the defendant AdR who allegedly committed the offence against his wife on 18 January 2011 in Dili District.

The public prosecutor alleged that on 18 January 2011 the defendant hit the victim twice in the head with a broom and hit the victim on the back four times. The defendant and the victim have been living together since 2009. This case allegedly occurred because the victim did not prepare and cook food for the defendant.

During the trial, the defendant stated that all of the charges of the public prosecutor were true and the defendant regretted his actions and the victim corroborated the charges.

In his final recommendations, the public prosecutor requested for the court to issue a punishment against the defendant proportional to his actions because domestic violence is a public crime. The public defender requested for the court to acquit the defendant because at that time the defendant returned home and was hungry, and the victim had not cooked anything, but had gone out to get some firewood.

After hearing the final recommendations, the court adjourned the trial until 3 March 2014, at 5pm, to announce its decision.

#### **7. Crime of simple offences against physical integrity, Case No.613/C.Ord/2013/TDD**

Composition of judges : Single  
Judge : Jaçinta Correia  
Public Prosecutor : Luis Landim  
Public Defender : Rui Manuel Guterres  
Conclusion : Ongoing

On 19 February 2014 the Dili District Court conducted a hearing in a case involving simple offences against physical integrity characterized as domestic violence involving the defendant MDCV who allegedly committed the offence against his wife (RFdL). This case allegedly occurred on 1 April 2012 in Dili.

The public prosecutor alleged that on 1 April 2012, at 1am, the defendant punched the victim repeatedly in the mouth, the face and choked the victim with force which caused the victim to suffer injuries, bruising and swelling.

When the defendant committed this crime the defendant was serving a suspended sentence for committing the same crime against his wife, which was a prison sentence of 2 years and 3 months, that had been suspended for 3 years and 6 months.

In relation to these acts, 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 denied the charges of the public prosecutor, however the victim stated that the defendant had the right to defend himself and deny the charges, however there was complete evidence because after the incident the victim was given a medical examination at the hospital by Pradet and the facts were contained in the aforementioned document.

In his final recommendations the public prosecutor stated that the defendant was guilty of committing the crime of which he was accused, and therefore requested for the court to issue a fair punishment against the defendant.

In addition, regarding the suspended sentence handed down by the court, the public prosecutor requested for the sentence to be revoked and for the defendant to be given a prison sentence of 2 years 3 months because he did not fulfill his obligations and had committed the same crime.

On the other hand, in his final recommendations the public defender requested for the court to consider the mitigating circumstances such as the fact that the defendant has young children who are now living together with the defendant because the defendant and the victim have divorced. Therefore, the public defender requested for the court to hand down a fair punishment.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 28 July 2014 at 10.30am.

## **8. Crime of aggravated theft, Case No. 371/C.Ord/2013/TDD**

Composition of judges	: Single
Judge	: Duarte Tilman
Public Prosecutor	: Hernani Rangel
Public Defender	: Marçal Mascarenhas
Conclusion	: Settlement validated

On 24 February 2014 the Dili District Court conducted a hearing against the defendant David Maia for allegedly committing the crime of ordinary theft against the victim Jose Him Quim Fung. This case allegedly occurred on 5 October 2012 in Dili.

The public prosecutor alleged that on 25 October 2012, the victim took 20 cans of beer and 2 cans of *lactogen* milk because he was not happy with the wage of US\$80 that the victim paid him each month. In this case, the defendant was the employee and the victim was the employer who engaged the defendant to work in his shop.

During the trial, the defendant admitted his actions and stated that he took the goods because he was not happy with the wage he received each month. The victim requested for the defendant to not reoffend in the future, although previously the victim had requested for the defendant to pay compensation of US\$70, but because he saw that the defendant was unemployed, the victim forgave the defendant for his actions.

In their final recommendations the public prosecutor and the public defender took into account the fact that the victim had forgiven the defendant and therefore the two parties agreed to settle the case. After hearing the recommendations of the public prosecutor and the public defender, as well as the testimony of the victim and the defendant, the court concluded this case and validated the settlement.

#### **9. Crime of simple offences against physical integrity, Case No.493/2013/TDD**

Composition of judges	: Single
Judge	: António Viana
Public Prosecutor	: Jacinto Babo
Public Defender	: Rui Manuel Guterres
Conclusion	: Ongoing

On 25 February 2014 the Dili District Court tried a case involving simple offences against physical integrity characterized as domestic violence involving the defendant XYL who allegedly committed the offence against his wife (MdC). This case allegedly occurred on 25 May 2013 in Dili District.

The public prosecutor alleged that on 25 May 2013 the defendant returned from Manufahi District and he was drunk. He saw the victim sitting with a male (who is related to the victim) inside the house. Therefore, the defendant was suspicious and hit the victim in the mouth, slapped her cheek and bit the victim, causing her to suffer injuries.



During the trial, the defendant stated that he did not hit the victim but only bit her. The victim stated that the defendant did hit her, however they have reconciled.

In his final recommendations the public prosecutor maintained the facts contained in the indictment. The public defender requested for the court to acquit the defendant because there was no strong evidence to convict the defendant.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 10 March 2014.

#### **10. Crime of simple offences against physical integrity, Case No.310/TDD/2013**

Composition of judges : Single  
Judge : Duarte Tilman  
Public Prosecutor : Gloria Alves  
Public Defender : Rui Manuel Guterres  
Conclusion : Ongoing

On 26 February 2014 the Dili District Court tried a case of simple offences against physical integrity involving the defendant DS who allegedly committed the crime against the victim AAF, in December 2012, in Raikotu, Dili District.

The public prosecutor alleged that on an unspecified day in December 2012, at 8pm, the defendant stopped the victim's car and pulled the victim out from the car then scratched the victim. This case allegedly occurred because they resented each other.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity.

The defendant told the court that he scratched the victim because he was not happy with how the victim had acted towards them. The victim stated that there was a problem between them because they resented each other, however they did not explain to the court why they resented each other.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 18 March 2014, at 2.30pm.

#### **11. Crime of simple offences against physical integrity, Case No.376/C.Ord/2013/TDD**

Composition of judges : Single  
Judge : Jose Maria de Araujo

Public Prosecutor : Mateus Nessi  
Public Defender : Manuel Sarmento  
Conclusion : Ongoing

On 26 February 2014 the Dili District Court conducted a hearing to examine witness testimony in a case involving simple offences against physical integrity, characterized as domestic violence. This case involved the defendant DdC who allegedly committed the crime against AdSS who is his brother in law, on 21 May 2013, in Dili.

The witness JdC, who is the wife of the victim, stated that before the victim went to work, the victim asked for money to buy cigarettes, however the witness only gave him 25 cents. Therefore the victim became angry and hit the witness and when she went into the bedroom he locked the door and continued to hit her.

Therefore, the witness shouted out for to the defendant (her brother) to help her, who was about to go to school. When he heard the witness asking for help, the defendant stoned the door to the room and the victim opened the door. The defendant saw the victim holding a knife and the two of them were struggling over the knife which caused the victim to suffer a wound to his hand. The victim threw the knife on top of the house.

In contrast to the testimony of the witness, the defendant previously stated that he used the knife to forcefully open the door, not to stab the victim. The victim opened the door and then they struggled over the knife and the victim was struck on the hand.

The victim stated that the defendant used the knife to stab him and threw a stone at the door, and also smashed a chair.

In his final recommendations the public prosecutor maintained the charges. The public defender stated that the defendant gave assistance because his sister had asked for help. At that time, the defendant tried to do whatever he could because the door to the room was locked. Therefore he requested for the court to acquit the defendant.

After hearing the testimony of and final recommendations of the parties the court adjourned the trial to announce its decision on 7 March 2014, at 11pm.

## **12. Crime of simple offences against physical integrity, Case No.562/C.ord/2013/TDD**

Composition of judges : Single  
Judge : Antonio Helderdo Carmo  
Public Prosecutor : Nelson de Carvalho

Public Defender : Jose da Silva  
Conclusion :Sentenced to 3 months jail, suspended for 1 year.

On 26 February 2014 the Dili District Court tried and decided a case involving simple offences against physical integrity characterized as domestic violence involving the defendant SdCS who allegedly committed the offence against his wife on 15 September 2013, in Ermera.

After considering the entire process, the court sentenced the defendant to 3 months in prison; however the sentence was suspended for 1 year.This case allegedly occurred because the victim requested for the defendant to work and not just hang out with his friends.

The public prosecutor alleged that on 15 September 2013, the defendant hit the victim in the face causing an injury to her mouth and the defendant also verbally abused the victim.This case allegedly occurred because the victim requested for the defendant to work and not just hang out with his friends.

These actions caused the victim to suffer bleeding to her mouth and she required treatment at the Railaco Health Centre.

In court the defendant testified and admitted all of the facts alleged against him, and the victim also corroborated the facts contained in the indictment.

In his final recommendations the public prosecutor requested for the court to issue the defendant with an admonishment, and the public defender agreed with the recommendation of the Public Prosecutor.

After considering the entire process, the court sentenced the defendant to 3 months in prison; however the sentence was suspended for 1 year.

### **13. Crime of simple offences against physical integrity, Case No.572/2013/TDD**

Composition of judges : Single  
Judge : Jacinta Correia  
Public Prosecutor : Reinato Bere Nahak  
Public Defender : Jose da Silva  
Conclusion : Ongoing

On 27 February 2014 the Dili District Court tried a case involving simple offences against physical integrity characterized as domestic violence involving the defendant CM who allegedly

committed the offence against his wife. This case allegedly occurred on 5 March 2013 in Liquica District.

The public prosecutor alleged that the defendant punched and kicked the victim because he was upset that a piece of land had been sold by his parents in law. The land was sold for US\$ 8000. Previously his parents in law had promised to give US\$ 500 to them, however they had not yet received it so the defendant punched and kicked the victim.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code as well as Article 35 of the Law Against Domestic Violence.

During the trial, the defendant told the court that the charges of the public prosecutor were true, the defendant regretted his actions and promised not to reoffend in the future. The victim reiterated that there was a misunderstanding in the family, however they reconciled at that time.

In his final recommendations the public prosecutor requested for the court to hand down an appropriate penalty against the defendant. The public defender requested for the court to consider the facts, so that in the future the defendant would not harm the family of the defendant.

After hearing the final recommendations from the public prosecutor and the public defender, the court adjourned the trial to announce its decision on 6 March 2014, at 5pm.

#### **14. Crime of mistreatment of a minor, Case No.177/2013/TDD**

Composition of judges	: Panel
Judge	: Ana Paula Fonseca, Jacinta Coreia daSilva, Hugo da Cruz Pui
Public Prosecutor	: Hipólito Exposto Santa
Public Defender	: Rui Manuel Guterres
Conclusion	: Ongoing

On 28 February 2014 the Dili District Court conducted a trial in a case of mistreatment of a minor characterized as domestic violence involving the defendant YJ who allegedly committed the crime against the two victims (AP and SVP) who are the defendant's nephews. This case allegedly occurred on 17 September 2011 in Fatuhada, Dili District.

The public prosecutor alleged that on 17 September 2011, the defendant YJ was sharpening a knife to cut up some vegetables and called the two victims to carry a basket and bucket to clean the vegetables and then put them in the bucket, however the victims did not hear her. Therefore, the defendant became angry and struck the victim AP in the hand with the knife which injured

the victim's hand and the defendant struck SVP with his hand, which caused the victim to suffer pain.

In court the defendant admitted all of the facts alleged against him and expressed regret for his actions and promised not to reoffend in the future. The defendant also explained that they have reconciled.

The public defender requested for the court to apply a lenient suspended sentence because the defendant confessed, regretted his actions, has reconciled with the victims and is the breadwinner of their family.

After hearing the final recommendations, the court adjourned the trial until 6 March 2014, at 4pm, to announce its decision.

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