



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Case Summary
Baucau District Court
August 2014

**Summary of the trial process at the Baucau District Court
August 2014**

Introduction

In August 2014, the Legal Research Unit of JSMP continued to conduct monitoring at the Baucau District Court and observed 26 of a total of 35 cases tried at this court after a judicial recess between 1 August and 15 August 2014.

The 26 cases observed by JSMP comprised 17 cases involving simple offences against physical integrity characterized as domestic violence, 3 cases of simple offences against physical integrity not categorized as domestic violence, 1 case of aggravated property damage, 1 case of manslaughter, 1 case of crimes against flora and fauna, 1 case of aggravated murder categorized as domestic violence, 1 case of rape and 1 case of minor property damage.

Of these cases observed by JSMP, a total of 18 were decided by the court and 8 remain ongoing.

JSMP observed that cases of domestic violence continue to increase in all courts, as was the case at the Baucau District Court. JSMP observed 18 cases of domestic violence from the total of 26 cases it monitored at the Baucau District Court.

The information below outlines the hearings conducted:

1. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 0042/14.PDBAU

Composition of judges	: Single
Judge	: Afonso Carmona
Public Prosecutor	: Pascasio de Rosa Alves
Public Defender	: Jonas Henrique da Costa
Conclusion	: Sentenced to 6 months in prison, suspended for 1 year.

On 18 August 2014 the Baucau District Court conducted a hearing to announce its decision in a case of simple assault characterized as domestic violence and sentenced the

defendant DH to 6 months in prison, suspended for 1 year. The court found the defendant guilty of committing simple assault against his wife on 23 December 2013 in Ossu, Viqueque District.

The court found that on 23 December 2013, at approximately 07:30am, the defendant and the victim argued about a buffalo that had damaged their plantation. The court also found that the defendant had taken a piece of teak and struck the victim on the forehead causing an injury.

Previously the public prosecutor alleged that on 23 December 2013, at approximately 07:30am, the defendant and the victim argued about a buffalo that had damaged their plantation. At that time the victim continued to complain so the defendant became angry, took a piece of wood and struck the victim on the forehead causing an injury.

2. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 0477/13.PDBAU

Composition of judges	: Single
Judge	: Afonso Carmona
Public Prosecutor	: Pascasio de Rosa Alves
Public Defender	: Jonas Henrique da Costa
Conclusion	: Sentenced to 6 months in prison, suspended for 1 year.

On 18 August 2014 the Baucau District Court sentenced the defendant LP to 6 months in prison suspended for 1 year for committing simple assault against his wife. This occurred on 16 January 2013 in Uatulari Sub-District, Viqueque District.

The court found that the defendant argued with the victim because the victim was late in getting the buffalo into its stall. As a result, the defendant became angry and struck the victim once on the shoulder and once on the head.

However, the court also considered mitigating circumstances, including that the defendant was a first time offender, had reconciled with the victim and that they were living together as husband and wife.

Based on the consideration of these facts, the court sentenced the defendant to 6 months in prison, suspended for 1 year, and also ordered him to pay court costs of US\$ 10.

Previously, the public prosecutor alleged that on 16 January 2013, at approximately 4pm, the defendant took a piece of wood and struck the victim on the head twice, four times on the left shoulder and twice on the left leg. He also alleged that this occurred because the victim was late in getting the buffalo into its stall.

3. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 0536/13.PDBAU

Composition of judges	: Single
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Judge : Afonso Carmona
Public Prosecutor : Pascasio de Rosa Alves
Public Defender : Jonas Henrique da Costa
Conclusion : Sentenced to 6 months in prison, suspended for 1 year.

On 18 August 2014 the Baucau District Court sentenced the defendant RdS to 6 months in prison, suspended for 1 year, for committing simple assault against his wife. This occurred on 22 October 2013 in Ossu Sub-District, Viqueque District.

The court found that the defendant kicked the victim once in the stomach and punched the victim twice on the back, because the victim argued with the defendant's mother. The court also considered that the defendant had reconciled with the victim.

Based on the facts produced during the trial, the court sentenced the defendant to 6 months in prison, suspended for 1 year.

Previously, the public prosecutor alleged that on 22 October 2013, at approximately 3:30pm, the defendant kicked the victim once in the stomach and once on her side, then continued to punch her twice on the back. The prosecutor also submitted that this occurred because the victim was arguing with the defendant's mother.

4. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 0437/12.PDBAU

Composition of judges : Single
Judge : Afonso Carmona
Public Prosecutor : Pascasio de Rosa Alves
Public Defender : Jonas Henrique da Costa
Conclusion : Ordered to pay a fine of US\$ 30.

On 18 August 2014 the Baucau District Court conducted a hearing to announce its decision in a case of simple assault involving the defendant VR who committed the offence against his wife. This occurred on 19 September 2012 in Ossu, Viqueque District.

The court found that the defendant punched the victim once in the face, and once in the mouth, and the victim suffered an injury to her mouth.

Based on the facts produced during the trial, the court concluded this process and ordered the defendant to pay a fine of US\$30 in instalments of US\$0.50 for 60 days. The court also stipulated an alternative punishment of 40 days jail if the defendant did not pay this fine.

Previously, the public prosecutor alleged that on 19 September 2012, at approximately 08:30am, the defendant took a cow to be slaughtered at the home of their neighbor who had passed away. At that time, the defendant returned home late and the victim verbally abused the defendant. As a result, the defendant became angry and struck the victim once

in the forehead and once in the mouth, which caused bleeding.

5. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 0467/11.PDBAU

Composition of judges : Single
Judge : Afonso Carmona
Public Prosecutor : Pascasio de Rosa Alves
Public Defender : Jonas Henrique da Costa
Conclusion : Sentenced to 1 year in jail, suspended for 2 years

On 18 August 2014 the Baucau District Court sentenced the defendant AdCG to 1 year in prison, suspended for 2 years, for committing simple assault against his wife. This occurred on 30 December 2011 in Viqueque District.

The court found that on 30 December 2011 the defendant suspected the victim of having a relationship with another man. The defendant verbally abused the victim and punched the victim twice on the hand, once on the neck, four times in the ear and kicked the victim once on her side.

Based on the evidence produced during the trial, the court concluded this case and sentenced the defendant to 1 year in prison, suspended for 2 years. The court also ordered the defendant to pay court costs of US\$40.

Previously, the public prosecutor alleged that on 30 December 2011, at around 8am, the defendant returned from Buanurak, verbally abused the victim, then struck the victim fourtimes in the ear and kicked the victim once on her side. The prosecutor alleged this occurred because the victim suspected the defendant of having a relationship with another woman.

6. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 0310/12.PDBAU

Composition of judges : Single
Judge : Afonso Carmona
Public Prosecutor : Pascasio de Rosa Alves
Public Defender : Jonas Henrique da Costa
Conclusion : Ordered to pay a fine of US\$ 160.

On 18 August 2014 the Baucau District Court conducted a hearing to announce its decision in a case of simple assault involving the defendant FdC (a PNTL officer) against his wife. This occurred on 19 July 2012 in Ossu Sub-District, Viqueque District.

The court found that the defendant choked and pushed the victim, and as a result the victim suffered swelling to her neck. The court also found that the victim and the defendant were still separated.

Based on the facts revealed during the trial, the court concluded this process and ordered the defendant to pay a fine of US\$160 in instalments of US\$1 for 160 days, as well as court costs of \$10. The court also stipulated an alternative punishment of 105 days in prison if the defendant did not pay this fine.

Previously, the public prosecutor alleged that on 19 July 2012, at 06:00am, the defendant choked and pushed the victim, causing swelling to the victim's neck.

The prosecutor alleged that this occurred because the victim went looking for the defendant and found the defendant at the home of another woman. At that time, the defendant had not slept at home for two nights.

7. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 0456/13.PDBAU

Composition of judges	: Single
Judge	: Afonso Carmona
Public Prosecutor	: Pascasio de Rosa Alves
Public Defender	: Jonas Henrique da Costa
Conclusion	: Ordered to pay a fine of US\$ 90

On 18 August 2014, the Baucau District Court conducted a hearing to announce its decision in a case of simple assault involving the defendant JB against his wife. This occurred on 24 July 2013 in Karaubalu, Viqueque District.

Previously, the public prosecutor alleged that on 24 July 2013, at approximately 3pm, the defendant, the victim and the victim's family sat down together to resolve a problem about the defendant who had accused another man of giving victim a lift on his motorcycle. At that time, the defendant became angry, then slapped the victim once and she fell to the ground.

The court found that the defendant slapped the victim once on the head and she fell to the ground. As a result, the court ordered the defendant to pay a fine of US\$90 in daily instalments of US\$1 for 90 days. The court also stipulated an alternative punishment of 60 days in prison if the defendant did not pay this fine.

8. Crime of simple offences against physical integrity – Case No. 0080/14.PDBAU

Composition of judges	: Single
Judge	: Hugo da Cruz Pui
Public Prosecutor	: Luis Hernani Rangel da Cruz
Public Defender	: Juvinal Yanes
Conclusion	: Settlement was validated and the defendant acquitted

On 19 August 2014 the Baucau District Court held a hearing to attempt conciliation in a case involving simple offences against physical integrity committed by the defendants

RPS and PP against JPS. This occurred on 31 January 2014 in Buruma, Baucau District.

During this attempted conciliation, the victim testified that she forgave the defendants and – of her own initiative – wanted to withdraw the case. The defendants also testified that they were willing to restore the good name of the victim as a woman and apologized to the victim. The defendants were willing to repair the victim's good name by giving her a pig and a traditional woman's cloth (*tais*).

The public prosecutor alleged that on 31 January 2014 the defendant RPS slapped the victim once on the cheek and the defendant PP choked the victim. This allegedly occurred because the defendants felt upset when the victim, who lived next door, verbally abused her child.

Based on the request of the victim and the parties' agreement to withdraw the case, the court validated the settlement and acquitted the defendant from all charges of the public prosecutor.

9. Aggravated Property Damage - Case No. 191/Crm.C/2012.TDB

Composition of judges	: Panel
Judges	: Afonso Carmona, Hugo da Cruz Pui and Antonio Fonseca
Public Prosecutor	: Luis Hernani Rangel da Cruz
Public Defender	: Juvinal Yanes
Conclusion	: Trial adjourned

On 19 August 2014 the Baucau District Court adjourned the trial of a crime of aggravated property damage involving the defendants JC, DG, CdC, PGdR and TMB. The defendants allegedly committed this crime against the two victims MHP and AG (deceased) on 11 April 2011 in Baucau District.

The trial was adjourned because AG passed away and the family of the victim have not yet provided a death certificate to the court.

In relation to this impediment, the court decided to adjourn the trial, but it did not set a new date to continue the trial.

10. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 0508/12.PDBAU

Composition of judges	: Single
Judge	: José Gonçalves
Public Prosecutor	: Pascasio de Rosa Alves
Public Defender	: Juvinal Yanes
Conclusion	: Trial adjourned

On 19 August 2014, the Baucau District Court adjourned the trial of a case of simple

assault involving the defendant RRL who allegedly committed the offence against his wife. This case occurred on 9 October 2012 in Baucau District.

The trial was adjourned because the judge handling this case was attending an urgent meeting in Dili and the court has not set a date to continue the trial.

11. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 0513/13.PDBAU

Composition of judges	: Single
Judge	: José Gonçalves
Public Prosecutor	: Pascasio de Rosa Alves
Public Defender	: Juvinal Yanes
Conclusion	: Trial adjourned

On 19 August 2014, the Baucau District Court again adjourned the trial of a case of simple assault involving the defendant GP who allegedly committed the offence against his wife on 20 March 2013 in Viqueque District.

This case was adjourned for the same reason, namely that the judge presiding over this matter had to attend an urgent meeting in Dili and the court has not set a date to continue the trial of this case.

12. Crime of manslaughter - 0285/13.PDBAU

Composition of judges	: Single
Judge	: Antonio Fonseca
Public Prosecutor	: Luis Hernani Rangel da Cruz
Public Defender	: Juvinal Yanes
Conclusion	: Ongoing

On 21 August 2014, the Baucau District Court conducted a hearing in a case of manslaughter involving the defendant NMJ (National Electoral Commission officer) who allegedly committed the offence against RS (deceased) on 13 July 2013 in Manatuto District.

The public prosecutor alleged that on 13 July 2013, at approximately 7am, the victim took the SUN FLOWER bus from Venilale heading towards Dili to sell vegetables. In Behali, Manatuto District, the bus stopped for a rest. While it was stopped, the victim got off the bus and, from behind the bus, crossed to the other side of the road. However, when the victim was crossing the road, the defendant suddenly appeared riding a Vixon motorcycle, number plate 3939, from Dili at high speed. He was not paying attention, was unable to slow down, and collided with the victim.

As a result of this incident, the victim's head split open. The victim was taken to the Guido Valadares National Hospital (HNGV), however the victim passed away.

In relation to these acts, the public prosecutor charged the defendant with violating Article 140 of the Penal Code for manslaughter.

During the trial, the defendant testified that at that time he was taking his cousin from Dili to Venilale. In Be-Hali, from approximately 250 meters away, the defendant saw a bus parked on the left side of the road. Therefore the defendant reduced his speed to 40 km/hour, however suddenly the victim emerged from behind the bus and walked onto the road. The defendant saw the victim from approximately 4 metres away, but the defendant was unable to brake/slow down and struck the victim.

The witness TXP who was the husband of the victim was told over the telephone by his son who was studying in Dili that the victim experienced an accident and had been taken to hospital. The witness testified that when a burial ceremony was held for the deceased, the defendant gave US\$4.000 and offered two buffalo, coffee and sugar.

The witness CMdS who was the cousin of the defendant who was being carried on the motorcycle by the defendant at the time of the accident testified that he saw the bus stopped on the side of the road. When they approached the bus, suddenly they struck the victim and both of them also fell off. In addition, the witness also confirmed that the defendant had helped the family of the victim by providing two buffalo, two goats, US\$4000, coffee, sugar and rice.

The witness ONP, who is the driver of the bus on which the victim was travelling, testified that he did not see the motorcycle from the front because he was getting ready to continue the journey and suddenly he heard a noise and saw the motor being driven by the defendant strike the victim.

The testimony of the defendant and witnesses raised doubts because their testimony was inconsistent. As a result of these doubts the court decided to inspect the scene of the crime on 12 September 2014 at 1:00am.

13. Crime of simple offences against physical integrity, characterized as domestic violence - 0567/13.PDBAU

Composition of judges	: Single
Judge	: Hugo da Cruz Pui
Public Prosecutor	: Luis Hernani Rangel da Cruz
Public Defender	: Casilda Sebastiana Ximenes
Conclusion	: Ongoing

On 21 August 2014 the Baucau District Court conducted a hearing in a case of simple assault involving the defendant JLdSB who allegedly committed the offence against his child. This occurred on 20 November 2013 in Baucau Sub-District, Baucau District.

The public prosecutor alleged that on 20 November 2013, at approximately 7:00pm, the

defendant was eating and asked the victim to add some vegetables but the victim did not want to. As a result the defendant became angry and took a plastic chair and struck the victim on the head causing an injury.

In relation to these acts, the public prosecutor charged the defendant with violating Article 145 of the Penal Code for simple offences against physical integrity and Article 35 of the Law Against Domestic Violence.

During the trial, the defendant confessed and recognised that he had committed the acts as charged by the public prosecutor, and that he regretted his behaviour.

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.

On the other hand, the public defender requested the court to sentence the defendant with a fine in accordance with the financial capacity of the defendant.

After hearing the final recommendations of the parties, the court adjourned the trial until 4 September 2014, at 2pm, to read out its final decision.

14. Crime against flora and fauna – Case No. 0046/12.PDBAU

Composition of judges	: Single
Judge	: Afonso Carmona
Public Prosecutor	: Luis Hernani Rangel da Cruz
Public Defender	: Americo Luis Freitas Belo
Conclusion	: Trial adjourned

On 21 August 2014, the Baucau District Court adjourned the trial of a case involving crimes against flora and fauna that were allegedly committed by JAB, LXX, JFB and JSS. This occurred on 21 January 2012 in Baucau District.

This case was adjourned because one of the defendants and two witnesses did not appear in court, even though they had been summoned. Therefore, the court adjourned the trial until 14 October 2014, at 2pm.

15. Crime of aggravated murder characterized as domestic violence – Case No. 0041/13.PDBAU

Composition of judges	: Panel
Judges	: Antonio Fonseca, Afonso Carmona and Hugo da Cruz Pui
Public Prosecutor	: Luis Hernani Rangel da Cruz
Public Defender	: Americo Luis Freitas Belo
Conclusion	: Sentenced to 16 years and 6 months in prison

On 21 August 2014, the Baucau District Court conducted a hearing to announce its

decision in a case of aggravated murder involving the defendant JXD who committed the offence against his wife. This occurred on 01 January 2013 in Laga Sub-District, Baucau District.

The court found that the defendant and victim argued with each other about the defendant who wanted to take their child to his house. When the defendant was carrying the child and was about to walk away, the victim said to the defendant that the child had not yet bathed. The defendant put down the child, took out a knife he was carrying at his waist, stepped towards the victim, and stabbed her in the stomach causing her intestines to spill out. The defendant continued to stab the victim twice more in the left and right sides of her chest.

After the incident, the victim was taken to hospital but she passed away the same day. These facts were corroborated by the witness MD, the mother of the victim, who saw the event happen.

The public prosecutor charged the defendant with violating Article 138 of the Penal Code for homicide, Article 139 of the Penal Code for aggravated homicide, and Article 35 of the Law Against Domestic Violence.

Based on the facts produced during the trial, the court concluded the process and sentenced the defendant to 16 years and 6 months in prison.

16. Crime of Rape - Case No. 367/Crm.C/2013.TDB

Composition of judges	: Panel
Judge	: José Gonçalves
Public Prosecutor	: Luis Hernani Rangel da Cruz
Public Defender	: Juvinal Yanes
Conclusion	: Trial adjourned

On 22 August 2014, the Baucau District Court adjourned the trial of a case of rape involving the defendant JS who allegedly committed the offence against the victim CP on 21 November 2013 in Laklubar, Manatuto District.

The trial was adjourned because the victim was ill. Therefore, the court adjourned the trial until 05 November 2014 at 2:30pm.

17. Crime of minor property damage, Case No. 0422/12.PDBAU

Composition of judges	: Single
Judge	: Hugo da Cruz Pui
Public Prosecutor	: Luis Hernani Rangel da Cruz
Public Defender	: Casilda Sebastiana Ximenes
Conclusion	: Ongoing

On 22 August 2014, the Baucau District Court conducted a hearing in a case of minor property damage involving the defendant JB who allegedly committed the offence against the victim AdC on 7 September 2012 in Lautem District.

The public prosecutor alleged that on 7 September 2012, around midnight, the defendant took a spear and stabbed dead the victim's buffalo, because the buffalo was in the defendant's plantation. These acts caused the victim to suffer a loss of US\$600.

In relation to this act, the public prosecutor charged the defendant for violating Article 258 of the Penal Code regarding the crime of minor property damage.

During the trial, the defendant admitted that he had killed the buffalo because he had often complained that the buffalo had damaged his plantation on numerous occasions. The defendant and the victim live in Lakava Village, however in different sub-villages. The defendant is from Venerava Sub-Village and the victim is from Lakava Sub-Village.

Also during the trial, the victim testified that the buffalo was his and the buffalo was already several years old so it was worth US\$600.

The witness LS, the chief of the defendant's sub-village, testified that the buffalo belonged to the victim and was never been locked up. Previously the defendant had informed him about the victim's buffalo which often entered and damaged the defendant's plantation. According to the witness, buffaloes that were a couple of years old are valued at approximately US\$250.

The witness DdC, the chief of the victim's sub-village testified that the buffalo belonged to the victim because the victim was looking after it and a buffalo like that would normally be worth US\$300.

In his final recommendations, the public prosecutor asked the court to sentence the defendant to 6 months in prison, to be suspended for 1 year, and to order the defendant to pay compensation of \$ 600.

On the other hand, the public defender asked the court to issue the defendant with a fair penalty and to release the defendant from the responsibility to pay compensation because the defendant regretted his actions and had no criminal record.

After hearing the testimony of the parties, the court adjourned the trial until 11 November 2014 at 2pm to announce its decision.

18. Crime of simple offences against physical integrity, characterized as Domestic Violence - 0044/14.PDBAU

Composition of judges	: Single
Judge	: Hugo da Cruz Pui
Public Prosecutor	: Pascasio de Rosa Alves
Public Defender	: Juvinal Yanes

Conclusion

:Ordered to pay a fine of US\$45

On 25 August 2014, the Baucau District Court, through the mobile court held at the Viqueque Sub-District Police Office, heard a case of simple assault involving the defendant SSdS who committed the offence against his wife on 26 December 2013 in Ossu, Viqueque District.

The public prosecutor alleged that on 26 December 2013, at approximately 3pm, before the defendant went out to attend a wake at a neighbor's house, the defendant locked the victim in the house. Therefore the victim could not get out of the house, including to go to the toilet.

At that time, the victim requested assistance from AM, her adopted child, to open the door. When the defendant came back from the wake, he saw that the door to the house was open so he punched the victim twice on the left side of her stomach and several times on the back and the mouth. The defendant then pulled the victim's hair, dragged her into a room and choked her.

In relation to these acts, the public prosecutor charged the defendant with violating Article 145 of the Penal Code for simple assault and Article 35 of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts set out in the charges of the public prosecutor. The defendant testified that he locked the victim in the house because the victim did not want to go to the wake. This made the defendant angry and commit the crime against the victim.

The victim testified that the defendant punched her twice on the left side of the stomach, kicked her twice in the back and slapped her once across the face. The defendant then pulled the victim's hair, dragged her into a room and choked her.

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.

On the other hand, the public defender requested the court to issue an admonishment against the defendant because the defendant admitted all of the charges of the public prosecutor.

After hearing the final recommendations the court adjourned the trial for 15 minutes to give time to the judge to prepare his decision in this case.

After a delay of 15 minutes the court concluded this matter and ordered the defendant to pay a fine of US\$45 to be paid in daily instalments of US\$0.50 for 90 days. The court also stipulated an alternative punishment of 60 days jail if the defendant does not pay the aforementioned fine.

19. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 0040/14.PDBAU

Composition of judges : Single
Judge : Hugo da Cruz Pui
Public Prosecutor : Pascasio de Rosa Alves
Public Defender : Juvinal Yanes
Conclusion : Ordered to pay a fine of US\$90.

On 25 August 2014, the Baucau District Court, through the mobile court held at the Viqueque Sub-District Police Office, heard case of simple assault involving the defendant AF who committed the offence against his wife on 30 November 2013 in Uatucarbau, Viqueque.

The public prosecutor alleged that on 30 November 2013, at approximately 10pm, the defendant played a tape recorder at high volume causing the victim to feel embarrassed and ask the defendant to reduce the volume. The defendant became angry, and kicked the victim once in the back causing the victim to fall to the ground, where the defendant then choked the victim.

The public prosecutor charged the defendant with violating 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 testified that he regretted the acts he committed against his wife.

In his final recommendations the public prosecutor requested the court to sentence the defendant with a fair penalty. On the other hand, the public defender requested the court to hand down an adequate penalty because the defendant admitted all of the facts submitted by the public prosecutor.

After hearing the final recommendations the court adjourned the trial for 15 minutes to give time to the judge to prepare his decision in this case.

After a delay of 15 minutes and after considering the facts that were established during the trial, the court concluded this matter and ordered the defendant to pay a fine of US\$90, in daily instalments of US\$1 for 90 days, as well as court costs of US\$10. The court also ordered an alternative punishment of 60 days if the defendant did not pay the fine.

20. Crime of simple offences against physical integrity characterized as domestic violence - 0026/14.PDBAU

Composition of judges : Single
Judge : Hugo da Cruz Pui

Public Prosecutor : Pascasio de Rosa Alves
Public Defender : Juvinal Yanes
Conclusion : Acquitted

On 26 August 2014 the Baucau District Court, through the mobile court held at the Viqueque Sub-District Police Office, conducted a hearing in a case of simple assault involving the defendant GRGA (a teacher) who committed the offence against his wife (a PNTL officer) on 2 October 2013 in Caraubalu, Viqueque District.

The public prosecutor alleged that on 2 October 2013, at approximately 10:15pm, the defendant and the victim were returning from a trial at the Baucau District Court, relating to another case of domestic violence which was allegedly committed by the defendant against the victim.

On the way, the defendant verbally abused the victim and stated that the victim had embarrassed him by taking the case to court. At home, the defendant punched the right arm of the victim numerous times, pulled the victim's hair and tried to pull out the earrings from the victim's ears.

In relation to these acts, the public prosecutor charged the defendant with violating Article 145 of the Penal Code for simple assault and Article 35 of the Law Against Domestic Violence.

During the trial the defendant rejected the charges of the public prosecutor and stated that he did not verbally abuse and strike the victim. The defendant added that on 2 October 2013 when they were returning from court they slept at a family member's place in Baucau. The defendant was shocked when he was summoned by the public prosecutor in relation to this case. According to the defendant, the victim had a problem with the defendant's child and not with the defendant.

On the other hand, the victim maintained the facts as stated in the charges of the public prosecutor.

In his final recommendations, the public prosecutor requested the court to issue the defendant with a fair penalty. The public defender requested the court to acquit the defendant from the charges of the public prosecutor.

Based on the facts established during the trial, on 28 August 2014, the court concluded the matter and acquitted the defendant from the charges of the prosecutor due to insufficient evidence.

21. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 0543/14.PDBAU

Composition of judges : Single
Judge : Hugo da Cruz Pui

Public Prosecutor : Pascasio de Rosa Alves
Public Defender : Juvinal Yanes
Conclusion : Court issued an admonishment

On 26 August 2014, the Baucau District Court through the mobile court held at the Viqueque Sub-District Police Office, conducted a hearing in a case of simple assault involving the defendant HdCP who committed the offence against his wife CS, his sister JdC and his mother MP on 03 November 2013 in Uatucarbau, Viqueque District.

The public prosecutor alleged that on 3 November 2013, at 5pm, the defendant's sister and his mother hit his wife, so the defendant HdPC became angry and slapped his mother and sister, as well as his wife, twice each.

In relation to these acts, the public prosecutor charged the defendant with violating Article 145 of the Penal Code for simple assault and Article 35 of the Law Against Domestic Violence.

During the trial of the case involving his sister and mother, the court decided to acquit the defendant based on an amicable agreement made between the parties, because the victims forgave the defendant and withdrew their complaints.

However, the court continued the trial of the case involving the defendant's assault of his wife.

During the trial, the defendant admitted the facts and told the court that he regretted his actions.

In his final recommendations the public prosecutor requested the court to issue an admonishment against the defendant. The public defender requested the court to issue an admonishment against the defendant because he had partially admitted facts during the trial.

After hearing the final recommendations of the prosecutor and public defender, the court suspended the hearing for 15 minutes.

After a 15 minute recess, the court then read out its final decision. Based on the facts produced during the trial, the court concluded this matter and issued an admonishment against the defendant.

22. Crime of simple offences against physical integrity – Case No. 0025/14.PDBAU

Composition of judges : Single
Judge : Hugo da Cruz Pui
Public Prosecutor : Pascasio de Rosa Alves
Public Defender : Juvinal Yanes

Conclusion : Settlement was validated

On 27 August 2014, the Baucau District Court conducted a hearing to attempt conciliation in a case involving the defendant NSA, a PNTL officer who committed the crime of simple assault against JL, also a PNTL officer, on 29 November 2013 in Viqueque District.

The public prosecutor alleged that the defendant assaulted the defendant in relation to a case that went missing from the Viqueque police. The defendant and the victim accused each other of being the one who accepted the case and then the defendant kicked the victim's foot.

The public prosecutor charged the defendant with violating Article 145 of the Penal Code for simple assault.

During the attempted conciliation, the victim testified that she forgave the defendant because they worked together for PNTL. In addition, the defendant also apologized to the victim before the court.

After the defendant and the victim forgave one another, the court concluded this matter, validated the amicable agreement and acquitted the defendant from the charges of the public prosecutor.

23. Crime of simple offences against physical integrity – Case No. 0431/14.PDBAU

Composition of judges : Single
Judge : Hugo da Cruz Pui
Public Prosecutor : Pascasio de Rosa Alves
Public Defender : Juvinal Yanes
Conclusion : Settlement was validated

On 27 August 2014, the Baucau District Court conducted a hearing to attempt conciliation in a case involving the defendant AF who committed simple assault against the victim FP on 20 August 2012 in Viqueque District.

The public prosecutor alleged that the defendant punched the victim once in the forehead, once in the nose and once in the chest because the defendant accused the victim of killing the defendant's father during Indonesian times.

The public prosecutor charged the defendant with violating Article 145 of the Penal Code for simple assault.

During the attempted conciliation the victim testified that he forgave the defendant because they are related and are neighbors. In addition, before the court the defendant also apologized to the victim and promised not to reoffend in the future.

After the defendant and the victim forgave one another, the court concluded

thematter, validated the amicable agreement and acquitted the defendant from the charges of the public prosecutor.

24. Crime of simple offences against physical integrity characterized as domestic violence - 0861/14.PDBAU

Composition of judges : Single
Judge : Hugo da Cruz Pui
Public Prosecutor : Pascasio de Rosa Alves
Public Defender : Juvinal Yanes
Conclusion : Ordered to pay a fine of US\$60.

On 28 August 2014, the Baucau District Court, through the mobile court held at the Viqueque Sub-District Police Office, conducted an expedited trial in a case of simple assault involving the defendant MR who committed the offence against his wife on 27 August 2014 in Caraubalu Village, Viqueque District.

The public prosecutor alleged that on 27 August 2014, at approximately 07:25am after having breakfast, the victim asked the defendant to look after their child because she wanted to go and get some water. However the defendant did not want to, and he punched the victim seven times in the back and slapped the victim twice on her left cheek. The defendant then pulled the victim's hair and dragged her into the bedroom. In the bedroom the defendant took a piece of electrical cord and struck the victim twice on the body.

The public prosecutor charged the defendant with violating 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 testified that he regretted the actions he committed against his wife.

The victim testified that, in the morning, she asked the defendant to fetch some water but the defendant did not want to, and suddenly the defendant punched her 7 times in the body, slapped her left cheek twice, dragged her by her hair into the bedroom, took a piece of electrical cord and struck her twice on the body.

The witness AR, the sister of the defendant, testified that she heard a person scream but she did not see the incident.

In his final recommendations, the public prosecutor requested the court to sentence the defendant to 1 year in prison, to be suspended for 1 year. The public defender requested the court to issue an admonishment against the defendant because the defendant partially admitted the facts before the court.

After hearing the final recommendations of the public prosecutor and public defender, the

court suspended the trial for 15 minutes to prepare its decision.

After a 15 minute recess, the court then read out its final decision. In its decision the court ordered the defendant to pay a fine of US\$60, to be paid in daily instalments of US\$0.50 for 120 days. The court also stipulated an alternative punishment of 80 days jail if the defendant did not pay this fine.

25. Crime of simple offences against physical integrity characterized as domestic violence - 0135/14.PDBAU

Composition of judges	: Single
Judge	: Hugo da Cruz Pui
Public Prosecutor	: Pascasio de Rosa Alves
Public Defender	: JuvinalYanes
Conclusion	: Ordered to pay a fine of US\$30.

On 28 August 2014 the Baucau District Court, through the mobile court held at the Viqueque Sub-District Police Office, conducted a hearing in a case of simple assault involving the defendant LS who committed the offence against his wife on 17 December 2012 in Lakluta Village, Viqueque District.

The public prosecutor alleged that on 17 December 2012, at approximately 5:40pm, the defendant and the victim argued about the defendant accusing the victim of having a relationship with another man. Suddenly the defendant pushed the victim into the bedroom, kicked her twice on her side and choked her. These acts caused the victim to feel afraid.

The public prosecutor charged the defendant with violating Article 145 of the Penal Code for simple assault in conjunction with Article 35 of the Law Against Domestic Violence.

During the trial the defendant admitted the facts alleged by the public prosecutor and testified that he regretted his actions.

In his final recommendations the public prosecutor requested the court to sentence the defendant with a fair penalty. The public defender requested the court to issue an admonishment against the defendant because the defendant partially admitted the facts before the court.

After hearing the final recommendations of the public prosecutor and public defender, the court suspended the trial for 15 minutes to prepare its decision.

After a recess of 15 minutes the court continued the hearing and read out its final decision in this case. In its decision the court ordered the defendant to pay a fine of US\$30, to be paid in daily instalments of US\$0.50 for 60 days. The court also ordered an alternative punishment of 80 days jail if the defendant did not pay the fine.

26. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 0130/14.PDBAU

Composition of judges : Single
Judge : Hugo da Cruz Pui
Public Prosecutor : Pascasio de Rosa Alves
Public Defender : Juvinal Yanes
Conclusion : Ordered to pay a fine of US\$60

On 29 August 2014 the Baucau District Court, through the mobile court held at the Viqueque Sub-District Police Office, conducted a hearing in a case of simple assault involving the defendant CodC who committed the offence against his wife on 12 December 2013 in Ossu Sub-District, Viqueque District.

The public prosecutor alleged that on 12 December 2013, at approximately 8.30am, the defendant and the victim argued because there was no sugar. The defendant became angry, verbally abused the victim, took a piece of wood and struck the victim twice on her back. The defendant also struck the victim on her left leg.

In relation to these acts, the public prosecutor charged the defendant with violating Article 145 of the Penal Code for simple assault in conjunction with Article 35 of the Law Against Domestic Violence.

During the trial the defendant admitted the facts alleged by the public prosecutor. The defendant also testified that he regretted his actions and had no criminal record.

In his final recommendations the public prosecutor requested the court to sentence the defendant with a fair penalty. The public defender requested the court to issue an admonishment against the defendant because the defendant partially admitted the alleged facts.

After hearing the final recommendations of the public prosecutor and public defender, the court suspended the trial for 15 minutes to prepare its final decision in this case.

After a recess of 15 minutes, the court concluded this process and ordered the defendant to pay a fine of US\$60 in instalments of US\$0.50 for 120 days. The court also ordered an alternative punishment of 80 days jail if the defendant did not pay the fine.

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