



In March 2014 the Women's Justice Unit continued to monitor trials involving gender based violence at the Dili District Court and Suai District Court, however no monitoring was conducted at the Baucau District Court and Oecusse District Court.

This edition will summarize 15 cases observed in the two aforementioned district courts. There were 11 cases heard at the Dili District Court and 4 cases at the Suai District Court.

From the 15 cases observed, 12 involved simple offences against physical integrity, characterized as Domestic Violence, and the other 3 involved mistreatment of a spouse.

In 6 cases prison sentences were handed down, however their execution was suspended. In 5 cases an admonishment was issued, and the other 4 cases are ongoing.

JSMP praises the court for its decision in Case No.594/2013/TDD, because the court included an additional penalty as well as handing down a suspended jail sentence against the defendant. This is a positive development because in almost all cases of domestic violence the courts hand down suspended sentences, without imposing any other obligations, which means the penalties have almost no meaning, because the defendants feel that they don't have any obligations during the probationary period.

In addition, in five of the aforementioned cases the courts issued an admonishment. JSMP believes that this type of penalty can be applied to crimes that don't have psychological and physical consequences. An admonishment is a lenient penalty, to remind the defendant not to reoffend, however it does not impose any obligations or consequences on a defendant who commits the same offence again.

JSMP has observed that cases involving gender based violence continue to increase in all of the district courts. JSMP believes that to reduce crimes involving gender based violence, the courts must ensure that adequate penalties are imposed to punish offences committed by defendants and to ensure redress for the harm suffered by victims, as well as preventing crimes from occurring, to educate the defendant and the wider community so that these crimes are not committed in the future.

The following information summarizes the trials of each of these cases:

1. Crime of simple offences against physical integrity, characterized as Domestic Violence, Case No.445/2013/TDDIL

Judge : Antonio Helder Viana do Carmo
Public Prosecutor : Matias Soares
Public Defender : Manuel Sarmento
Conclusion : Ongoing

On 10 March 2014 the Dili District Court tried a case involving simple offences against physical integrity characterized as domestic violence involving the defendant JPF who allegedly committed the offence against his wife, in Dili District.

The public prosecutor alleged that on 1 August 2013 the defendant hit the victim in the head three times and struck the victim on her leg and back. These actions caused the victim to suffer heavy bleeding from her head. In addition to beating his wife, the defendant also struck his father in law above his right eye and verbally abused his father in law. Therefore, his father in law felt embarrassed and pushed the defendant.

This case allegedly occurred because the victim asked the defendant to look after their children because the victim wanted to have a shower, however the defendant objected and they had an argument.

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.

In court the defendant admitted all of the facts described in the indictment of the public prosecutor. The defendant also told the court that this incident resulted in the defendant and the victim separating because the father of the victim did not want them to stay together as husband and wife.

In addition, the court sought confirmation from the first victim (wife of the defendant) and the second victim (father in law of the defendant) in relation to the testimony given by the defendant during the trial, namely that the two victims hit the defendant. The two victims confirmed that they did in fact hit the defendant. Therefore, the court requested for the public prosecutor to hand over a copy of the trial record in order to examine the matter in regards to the alleged maltreatment committed by the two victims against the defendant.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 8 months in prison, suspended for 1 year 2 months, with the aim of preventing crimes from occurring in the family sphere. The public defender requested for the court to impose a punishment favorable to the defendant.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 21 March 2014, at 3 pm.

2. Crime of simple offences against physical integrity, characterized as Domestic Violence, Case No.475/2013/TDDIL

Judge : Antonio Helder Viana do Carmo
Public Prosecutor : Mateus Nessi
Public Defender : Sebastião Amado
Conclusion : Court issued an admonishment

On 10 March 2014 the Dili District Court issued an admonishment against the defendant MST after he was found guilty of committing simple offences against the physical integrity of his wife, characterized as domestic violence, in Ermera District.

The public prosecutor alleged that on 8 August 2013 the defendant twice punched the victim in her eye, causing swelling. This case allegedly occurred because the victim told the defendant to fill up the tank with water, however the defendant answered that he was tired. Therefore, the victim complained a lot and the defendant became angry and punched the victim in her right eye, which became bruised.

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.

In court the defendant admitted all of the facts described in the indictment of the public prosecutor. The defendant stated that they have reconciled at the village level and until now there have been no more problems, and the defendant expressed remorse for his actions and promised not to reoffend against the victim.

In his final recommendations the public prosecutor requested for the court to convict the defendant in accordance with Article 145 of the Penal Code in order to educate the defendant. The public defender requested for the court to impose a fair, just and proportional punishment.

Based on the facts revealed during the trial, the court issued an admonishment against the without having to pay court costs.

3. Crime of simple offences against physical integrity, characterized as Domestic Violence, Case No.493/2013/TDDIL

Judge : Antonio Helder Viana do Carmo
Public Prosecutor : Mateus Nessi, replacing Jacinto Babo Soares
Public Defender : Sebastião, replacing Rui M. Guterres
Conclusion : Sentenced to 3 months in prison, suspended for 1 year.

On 10 March 2014 the Dili District Court conducted a hearing to announce its decision in a case involving simple offences against physical integrity, characterized as domestic violence, which allegedly occurred in Dili District.

The public prosecutor alleged that on 25 May 2013 the defendant returned from Same – Betano and went inside and immediately hit the victim twice on the cheek.

Then on 26 May 2013 the defendant returned from the police and when he arrived home the defendant told the victim to shut the kiosk and go inside the room, then the defendant bit the victim on the shoulder. These actions caused the victim to suffer pain to her cheek and swelling to her shoulder.

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 denied the charges and provided testimony in Indonesian that was difficult to understand, which caused confusion amongst the court actors. Therefore the judge sought confirmation from the victim, and the victim corroborated the facts.

After hearing the charges the court gave time to the defendant to make his final statement. At this opportunity the defendant testified that he struck the victim because he saw the victim sitting together with a man inside their house. In addition, the defendant also testified that he did not bite the victim with the aim of injuring her, but he was just fooling around.

In his final recommendations the public prosecutor requested for the court to order the defendant to pay a fine. On the other hand the public defender stated that the defendant was not given a proper chance to clarify the motive behind the incident, therefore he requested for the court to issue the defendant with an admonishment.

After examining the facts and considering the aggravating circumstances in this case, the court concluded the matter and sentenced the defendant to 3 months in prison, suspended for 1 year and ordered him to pay court costs of US\$10.

4. Crime of simple offences against physical integrity, characterized as Domestic Violence, Case No.275/2013/TDD

Judge : Jose Maria de Araújo
Public Prosecutor : Jose Ello (trainee prosecutor)
Public Defender : Laura Lay
Conclusion : Sentenced to 6 months in prison, suspended for 1 year.

On 17 March 2014 the Dili District Court conducted a hearing to announce its decision in a case of domestic violence involving the defendant DdS who allegedly committed the offence against her husband, in Dili.

The public prosecutor alleged that on 1 January 2012, at approximately 16.46 pm, the defendant punched the victim in the mouth and kicked him on the side which caused the victim to suffer pain to his mouth and side. This case allegedly occurred because the defendant was threatened by the victim.

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 to the court that the defendant did in fact commit the aforementioned crime.

In his final recommendations the public prosecutor requested for the court to issue a fine of US\$ 60, to be paid in daily installments of US\$ 1.00. The public defender requested for the court to consider the mitigating circumstances revealed during the trial, and requested for the court to issue an admonishment against the defendant.

After examining the facts revealed during the trial, the court decided to sentence the defendant to 6 months in prison, suspended for 1 year.

5. Crime of simple offences against physical integrity, characterized as Domestic Violence, Case No.441/2013/TDD

Judge : Antonino Gonçalves
Public Prosecutor : Ivonia Maria Guterres
Public Defenders : Amado da Silva and Meliza Caldas (trainee)
Conclusion : Court issued an admonishment

On 11 March 2014 the Dili District Court conducted a hearing to announce its decision in a case of domestic violence involving the defendant AdS who allegedly committed the offence against his wife, in Liquica.

The public prosecutor alleged that on 7 May 2013, the defendant twice slapped the left cheek of the victim and kicked her once on her left thigh and caused the victim to suffer pain to her cheek and calf. This case allegedly occurred because US\$5.50 went missing from their kiosk and the victim accused the defendant of taking it.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Article 2 (1), 3 (b) and Article 35 of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts, expressed regret for his actions and promised to the court that he would not commit the same act in the future. Based on the facts revealed during the trial, the court decided the matter and issued an admonishment against the defendant.

6. Crime of simple offences against physical integrity, characterized as Domestic Violence, Case No.155/2013/TDD

Judge : Antonino Gonçalves
Public Prosecutor : Ivonia Maria Guterres
Public Defender : Sergio Quintas
Conclusion : Court issued an admonishment

On 11 March 2014 the Dili District Court conducted a hearing to announce its decision in a case of domestic violence involving the defendant AM who allegedly committed the offence against his wife, in Ermera.

The public prosecutor alleged that on 12 September 2013, the defendant twice slapped the victim on the cheek, punched her in the forehead and kicked her in the stomach causing the victim to fall to the ground.

These acts caused the victim to suffer bruising and pain to her cheek and stomach. This case allegedly occurred because the victim went to her parent's house and left the children crying in the house.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code on simple offences against physical integrity in conjunction with Article 2 (1), 3 (b) and Article 35 of the Law Against Domestic Violence.

In court the defendant admitted all of the facts alleged against him and promised not to reoffend in the future.

After examining all of the facts relating to this case the court concluded the matter and issued an admonishment against the defendant.

7. Crime of simple offences against physical integrity, characterized as Domestic Violence, Case No.420/2012/TDD

Judge : Antonino Gonçalves

Public Prosecutor : Ivonia Maria Guterres

Public Defender : Marcia Sarmiento

Conclusion :The defendant was sentenced to 1 year 8 months in prison, suspended for 3 years

On 11 March 2014 the Dili District Court conducted a hearing to announce its decision in a case of domestic violence involving the defendant AM who allegedly committed the offence against his wife, in Dili.

The public prosecutor alleged that on 8 December 2008, the defendant punched the victim in her body and caused the victim to suffer pain and swelling to her body. This case allegedly occurred because the defendant and the victim were arguing over a telephone.

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, and Article 225 of the Indonesian Penal Code on failure to provide alimony.

During the trial, the court not only established the facts regarding the crime committed by the defendant against the victim, but also found evidence of another crime, namely that the defendant was obliged to provide alimony for his children, however from 2008 until 2014 the defendant only gave US\$58 to the victim to provide for their children.

During the trial, the defendant admitted all of the charges set out in the indictment and regretted his actions and promised to provide alimony for his children.

After examining the facts that were proven regarding the crime of ordinary maltreatment characterized as domestic violence the court issued a suspended sentence of 1 year 6 months in prison. In relation to the crime of failing to provide alimony, the defendant was sentenced to 2 years 9 months in prison. The application of these two penalties was carried out pursuant to Article 38 of the Indonesian Penal Code on the application of a suspended prison sentence for multiple crimes.

Based on the aforementioned considerations the court then sentenced the defendant to sentence 1 year 8 months in prison, suspended for 3 years.

8. Crime of simple offences against physical integrity, characterized as Domestic Violence, Case No.19/2014/TDD

Judge : Antonio Helder Viana do Carmo
Public Prosecutor : Lidia Soares
Public Defenders : Cândia Xavier and Martinha S. da Costa (trainee)
Conclusion : Court issued an admonishment

On 21 March 2014 the Dili District Court conducted a hearing to announce its decision in a case of domestic violence involving the defendant JS who allegedly committed the offence against his father, in Dili.

The public prosecutor alleged that on 20 December 2011, the defendant struck the victim in the back with a piece of wood and caused the victim to suffer pain and swelling. This case allegedly occurred because the defendant was not happy that the victim was always angry at the defendant.

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 freely confessed all of the facts to the court. 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 was a first time offender and had admitted all of the charges against him. Therefore she requested for the court to issue an admonishment against the defendant. On the other hand, the public defender had no doubts about the facts and agreed to the recommendation of the public prosecutor to issue an admonishment.

Based on the facts revealed during the trial, the court decided that all of the facts had been proven and therefore issued an admonishment against the defendant.

9. Crime of simple offences against physical integrity, characterized as Domestic Violence, Case No.55/2013/TDD

Judge : Antonio Helder Viana do Carmo
Public Prosecutor : Nelson de Carvalho
Public Defender : José da Silva
Conclusion : Court issued an admonishment

On 27 March 2014 the Dili District Court conducted a hearing to announce its decision in a case involving simple offences against physical integrity characterized as domestic violence involving the defendant SSM who allegedly committed the offence against his wife, in Ermera District.

The public prosecutor alleged that on 11 September 2013 the defendant threatened the victim via telephone and said that he would hit the victim. Therefore the victim felt afraid and went to stay at her aunt's house. Then on 13 September 2013 without a clear motive, the defendant kicked the victim in her calf and back and punched the victim in the back. These acts caused the victim to suffer pain to her side and back.

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, 3 and 35 of the Law Against Domestic Violence.

During the trial, the defendant admitted all of the facts set out in the indictment of the public prosecutor, regretted his actions and promised that he would not reoffend in the future.

After hearing the testimony of the defendant, the court sought confirmation about the facts from the victim and the victim stated that they reconciled after two months and now they don't have any more problems.

In his final recommendations the public prosecutor stated that domestic violence is a public crime and therefore requested for the court to issue an admonishment against the defendant in accordance with Article 82 of the Penal Code. The public defender agreed with the recommendation of the public prosecutor because the defendant had cooperated and admitted the charges against him to the court.

After examining the facts revealed during the trial, the court decided the matter and issued an admonishment against the defendant.

10. Crime of simple offences against physical integrity, characterized as Domestic Violence, Case No.643//2013/TDD

Judge :José Maria de Araújo
Public Prosecutor : Jacinto Babo Soares
Public Defender : Cândia Xavier
Conclusion : Ongoing

On 26 March 2014 the Dili District Court conducted a hearing against the defendant CdP who allegedly committed physical violence against his wife, in Dili.

The public prosecutor alleged that on 22 September 2013 the defendant hit the victim on the right side of her head. This case allegedly occurred because the defendant and the victim argued about the defendant wanting to build a house for his sister, because the victim did not agree with this.

On 23 September 2013, in the afternoon, the defendant struck the victim on both of her legs with a chair, which caused swelling and bruising to the victim's legs.

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 several of the facts and rejected several others. The defendant explained that he slapped the victim across the cheek because the victim threatened that she would kill herself. In addition, the defendant added that the victim had initially hit the defendant with a chair, so the defendant became angry and then hit the victim with a chair.

However, the defendant also said that they have reconciled, expressed regret for his actions and told the court he would not reoffend in the future.

In his final recommendations the public prosecutor requested for the court to consider the mitigating circumstances and requested for the court to punish the defendant with a fine. The public defender agreed with the recommendation of the public prosecutor to issue a fine.

After hearing the recommendations of the two parties, the court adjourned the trial to announce its decision on 9 April 2014, at 3 pm.

11. Crime of simple offences against physical integrity, characterized as Domestic Violence, Case No.594/2013/TDD

Judge : Jacinta Correia da Costa
Public Prosecutor : Hernani Rangel (trainee)
Public Defender : Sebastião Amado
Conclusion : Suspended sentence and other obligations imposed.

On 12 March 2014 the Dili District Court conducted a hearing to announce its decision and convicted the defendant DGJ for committing maltreatment against his wife, in Dili District.

The public prosecutor alleged that on 21 June 2012 the defendant twice punched the victim on her back, twice kicked her on her side and three times punched her in the head. In addition, the defendant also choked the victim and threw her on the ground and stomped repeatedly on her chest. These acts caused the victim to suffer swelling and pain to her body and she had to receive treatment at the hospital.

This case allegedly occurred because the victim told the defendant to hold their child, but the defendant refused to do so and committed violence against the victim. The same acts were committed in August 2012.

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, 3 and 35 of the Law Against Domestic Violence.

In court the defendant confessed and confirmed the facts contained in the indictment of the public prosecutor, however he explained that he punched the victim because the victim told him he could not go out. The defendant testified during the trial that the defendant and his family had tried to settle this case in accordance with customary law, however the victim did not want to, so they were living separately. The defendant also admitted that he always drunk alcohol (was a drunk).

The victim testified that prior to the incident, in June and August 2012, the defendant had regularly hit the victim and twice they had settled their problem in accordance with customary law however the defendant continued to hit her, so the victim decided that she didn't want to live together with the defendant.

In his final recommendations the public prosecutor referred to the confession of the defendant and the testimony of the victim, as well as the evidence that had been established, and requested for the court to sentence the defendant to 1 year in prison, suspended for 2 years.

The public defender requested for the court to sentence the defendant to 6 months in prison, suspended for 1 year because the defendant admitted the charges against him.

After considering the facts, the court decided to sentence the defendant to 1 year 2 months in prison, suspended for 3 years, with an obligation to report to the police every two weeks.

12. Crime of simple offences against physical integrity, characterized as Domestic Violence, Case No.36/Pen/2014/TDS

Judge : Costancio Barros Bâsmery
Public Prosecutor : Antonio da Silva Tavarres
Public Defender : João Henrique de Carvalho
Conclusion : Sentenced to 3 months in prison, suspended for 1 year.

On 26 March 2014 the Suai District Court, via the mobile court in Ainaro, tried the defendant CT who allegedly committed domestic violence against his wife, in Ainaro.

The public prosecutor alleged that on 30 May 2013, the defendant was looking for a missing exercise book and asked the victim, but didn't manage to find it. Therefore, the defendant became angry and struck

the victim on her side with a piece of wood. These acts caused the victim to suffer pain and swelling to her side.

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 and stated that they have reconciled. The court sought confirmation from the victim, and the victim testified that the defendant did hit her once on the side with a piece of wood, however after the incident they reconciled.

In his final recommendations the public prosecutor requested for the court to sentence the defendant with a suspended sentence, to deter future occurrences of domestic violence.

The public defender stated that a suspended prison sentence would be a fair and appropriate punishment for the defendant because he had cooperated with the court to find the truth and regretted his actions.

After examining the evidence, the court considered the facts that had been proven during the trial and sentenced the defendant to 3 months in prison, suspended for 1 year.

13. Crime of simple offences against physical integrity, characterized as Domestic Violence, Case No.58/Pen/2014/TDS

Judge : Florencia Freitas
Public Prosecutor : Benvinda da Costa Rosario
Public Defender : Manuel Amaral
Conclusion : Sentenced to 3 years in prison, suspended for 3 years.

On 26 March 2014 the Suai District Court, via the mobile court in Ainaro District, tried the defendant EAT who allegedly committed domestic violence against his wife, in Ainaro.

The public prosecutor alleged that on 2 December 2013 the defendant punched the victim in the mouth and caused an injury. This case allegedly occurred because the defendant and his friend were drinking palm wine at the defendant's house and they became heavily intoxicated, therefore the victim became angry and threw a helmet at the defendant which struck him in the chest.

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.

In court the defendant admitted all of the facts alleged by the public prosecutor. The defendant also testified that he regretted his actions and has reconciled with the victim. The court sought confirmation with the victim, and the victim stated that the facts contained in the indictment were all true.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 3 years in prison, to be suspended for 3 years, because the defendant had been found guilty of committing the crime.

The public defender requested for the court to issue a fair and appropriate punishment because the defendant had cooperated with the court to find justice.

The court considered that all of the facts had been proven, however the court also considered the mitigating circumstances in this case. Therefore, the court sentenced the defendant to 2 years in prison, however the sentence was suspended for 3 years and the defendant was ordered to pay court costs of US\$ 25.

14. Crime of maltreatment against a spouse, Case No.53/Pen/2014/TDS

Panel of Judges : Florencia Freitas, Alvaro Freitas, Argentino Luisa Nunes (trainee judge)
Public Prosecutor : Benvinda da Costa Rosario
Public Defenders : Manuel Amaral and João Hendrique.
Conclusion : Ongoing

On 26 March 2014 the Suai District Court, via the mobile court in Ainaro, conducted a hearing in a case of mistreatment of a spouse involving the defendant DMA who allegedly committed the offence against his wife and son.

The public prosecutor alleged that on 2 January 2012 the defendant punched his wife SCX in the chest and choked her until she lost consciousness. This case allegedly occurred because they had an argument and misunderstanding.

On 3 January 2012 the defendant verbally abused the victim. Then on 24 March 2012 the defendant became angry, smashed belongings in the house and verbally abused the victim.

In addition, on 28 April 2012 the defendant struck his son VXM in the back with a plastic chair, and kicked the victim in the thigh.

These actions caused the victim SCX to be traumatized and suffer pain to her chest and throat and the victim VXM suffered pain to his back and thigh.

In addition, the public prosecutor also alleged that the defendant regularly committed physical violence against his wife (SCX) however the victim did not report it.

In relation to these acts, the public prosecutor charged the defendant for violating Article 154 of the Penal Code regarding maltreatment against a spouse.

During the trial the defendant denied the facts set out in the indictment of the public prosecutor and stated that someone else had reported the matter, however he did not commit the crime against the victims.

Therefore, the court sought confirmation from SCX and VXM and they testified that on 2 January 2012 the defendant grabbed the victim's arm with force the victim and dragged her into the house and punched and kicked her many times all over her body. Also, the victim stated that the defendant always verbally abused the victim and hit the victim with a plastic chair, as well as kicking and punching the victim VXM.

After hearing the testimony of the defendant and the victims, the court adjourned the trial until 10 April 2014, at 10.00 am to hear testimony from the other two witnesses.

15. Crime of maltreatment against a spouse, Case No.181/Pen/2014/TDS

Panel of Judges : Florencia Freitas, Alvaro Freitas, Argentino Luisa Nunes (trainee judge)
Public Prosecutors : Benvinda da Costa Rosario and Antonio da Silva Tavarres
Public Defender : João Henrique de Carvalho
Conclusion : Ongoing

On 27 March 2014 the Suai District Court, via the mobile court in Ainaro, conducted a hearing in a case of mistreatment of a spouse causing a miscarriage involving the defendant EFA. This case allegedly occurred on 25 January 2012 in Ainaro District.

The public prosecutor alleged that on 25 January 2012 the defendant twice slapped the victim on her right and left cheeks, punched her repeatedly in the chest and back, pushed the victim to the ground and kicked

her twice in the stomach. This case allegedly occurred because the defendant and the victim had an argument. In addition, on 26 January 2012 the defendant twice slapped the victim, on her left and right cheeks.

On 19 March 2012, the younger sibling of the defendant MF argued with the victim, so the defendant defended his younger sibling by spitting on the victim and twice slapped the victim on her left and right cheek. The defendant grabbed the victim by the hair and dragged her to the road and continued to punch and kick her many times all over her body.

These actions caused the victim to be traumatized and suffer severe pain all over her body and to suffer bleeding from her genitals which caused a miscarriage and she was treated in hospital for two days and one night.

The public prosecutor charged the defendant for violating Article 154 of the Penal Code on the crime of maltreatment of a spouse as well as Article 141 of the Penal Code on termination of pregnancy.

During the trial the defendant denied the allegation that while they were living together they always argued and rejected the allegation that he punched and kicked the victim, because he only slapped her. However, in her testimony the victim corroborated the facts set out in the charges and stated that they are now divorced.

The witness L who is the mother of the defendant told the court that on 25 January 2012, the defendant and the victim argued and the defendant hit the victim however the witness did not see the incident because they were already living separately.

In his final recommendations, the public prosecutor requested for the court to sentence the defendant to 4 years in prison for committing the crime of maltreatment of a spouse which resulted in a miscarriage. On the other hand, public defender requested for the court to hand down a fair and appropriate punishment against the defendant.

After hearing the recommendations of the parties the court adjourned the trial to announce its decision on 11 April 2014 at 2pm, at the Suai District Court.

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