



### *Introduction*

In July 2015 the Women's and Children's Justice Unit (WCJU) of JSMP monitored 10 cases of gender based violence at the Dili District Court and Baucau District Court.

From these 10 cases, 8 involved simple offences against physical integrity characterized as domestic violence, 1 case involved the mistreatment of a spouse and 1 case involved rape.

From the cases processed, 6 resulted in suspended prison sentences, 1 case resulted in a fine, 2 cases were adjourned because the parties did not respond to the court summons and in 1 case a prison sentence was imposed.

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. 0310/14. DIBCR**

Composition of judges	:Single
Judge	:Jumiati Freitas
Public prosecutor	:Rogerio Viegas (trainee)
Public Defender	:Marcelino Marques Colo(trainee)
Conclusion	:Sentenced to 6 months in prison, suspended for 1 year.

On 2 July 2015 the Dili District Court tried a case of domestic violence involving the defendant AdC who allegedly committed the offence against his wife in Dili District.

The public prosecutor alleged that on 21 August 2014 at 8:00 am, the defendant slammed the victim's head into a wall and elbowed her. These actions caused the victim to suffer an injury to her forehead. This case allegedly occurred because the victim put some motorcycle keys away without telling the defendant.

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

During the trial the defendant admitted all of the facts set out in the indictment and stated that he regretted his actions and he and his wife had reconciled.

When the court sought confirmation from the victim, she maintained the charges of the public prosecutor, and confirmed that they had reconciled immediately after the incident.

In his final recommendations the public prosecutor requested the court to sentence the defendant to 6 months in prison, suspended for 2 years, in order to deter the crime of domestic violence.

The public defender asked the court to impose a lenient sentence given that the defendant had admitted all of the facts, had cooperated with the court and regretted his actions.

On 13 July 2015, based on the facts proven during the trial, the court concluded this case and sentenced the defendant to 6 months in prison, suspended for 1 year.

**2. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 0116/13. DIBCR.**

Composition of judges	:Single
Judge	:Julmira Barros da Silva
Public prosecutor	:Ivonia Maria Guterres
Public Defender	:Joana Christina Pinto (trainee public defender)
Conclusion	:Ordered to pay a fine

On 2 July 2015 the Dili District Court tried a case of domestic violence involving the defendant JS who allegedly committed the offence against his wife in Dili District.

The public prosecutor alleged that on 22 August 2013 at 10am, the defendant slapped the victim three times on her cheek and punched her twice on her left and right cheeks. These actions caused the victim to suffer bleeding to her mouth. This case allegedly occurred because the victim suspected the defendant of having a relationship with another woman.

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The public prosecutor charged the defendant with violating Article 145 of the Penal Code regarding simple offences against physical integrity, as well as Article 35 of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts set out in the indictment, and stated that he regretted his actions and had already reconciled with the victim.

When the court sought confirmation from the victim, she maintained the charges of the public prosecutor and confirmed that they had reconciled one day after the incident.

In her final recommendation the public prosecutor asked the court to sentence the defendant to 6 months in prison, suspended for 1 year, in order to deter the crime of domestic violence. The public defender requested the court to impose a lenient sentence because the defendant had admitted all of the facts, had cooperated with the court and regretted his actions.

On 10 July 2015 the court concluded this and ordered the defendant to pay a fine of US\$60 in daily instalments of \$0.50 for 120 days. The court also issued an alternative punishment of 80 days imprisonment if the defendant fails to pay the aforementioned fine.

**3. Crime of simple offences against physical integrity, characterized as Domestic Violence - Case No.0054/14.DICMR**

Composition of judges	:Single
Judge	:Jumiati Freitas
Public prosecutor	:Rogerio Viegas (trainee)
Public Defender	:Joana Christina Pinto (trainee public defender)
Conclusion	:Trial adjourned

On 3 July 2015 the Dili District Court adjourned the trial in a case of domestic violence involving the defendant DdS who allegedly committed the offence against his wife in Dili District.

The trial was adjourned because the defendant and the victim have moved to Oecusse, so the trial will continue at the Oecusse District Court.

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**4. Crime of simple offences against physical integrity, characterized as Domestic Violence - Case No.0084/14. DICMR**

Composition of judges	:Single
Judge	:Jumiati Freitas
Public prosecutor	:Ivonia Maria Guterres
Public Defender	:Joana Christina Pinto (trainee public defender)
Conclusion	:Trial adjourned

On 2 July 2015 the Dili District Court adjourned the trial in a case of domestic violence involving the defendant JMS who allegedly committed the offence against his wife in Dili District.

This trial was adjourned without setting a definite date because the judge handling this case was leading a panel of judges in a case of misuse of authority. In addition, the victim did not respond to the court summons.

**5. Crime of rape - Case No. 0016/13. DIBCR**

Composition of judges	:Panel
Judge	:Jacinta Correia da Costa, Jose Q.S Celestino (trainee judge) Jumiati Freitas
Public prosecutor	:Reinato Bere Nahak
Public Defender	:Marcelino Marques Colo (trainee)
Conclusion	:Sentenced to imprisonment

On 20 July 2015 the Dili District Court tried a case of rape involving the defendant MT in Dili District.

The court found that on 10 February 2015 at 12:45, the defendant took the victim to Kristo Rei where he forcefully removed the victim's clothing and had sexual intercourse with her.

The public prosecutor charged the defendant with violating Article 172 of the Penal Code on rape.

During the trial, the defendant denied all of the facts set out in the indictment of the public prosecutor. Despite this, based on the testimonies of the victim, a witness and the defendant

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provided during the preliminary investigation, and also based on a medical report from Pradet, the court found that the defendant had raped the victim.

Based on the facts that were proven during the trial, the court concluded the matter and sentenced the defendant to 12 years in prison.

After hearing the decision, the public defender stated its intention to appeal the court's decision in 15 days.

### **6. Crime of mistreatment of a spouse - Case No.0397/14. DICMR**

Composition of judges	:Panel
Judge	:Maria Solana (trainee judge)
Public prosecutor	:Ricardo Leite Godinho (trainee public prosecutor)
Public Defender	:Albino de Jesus Pereira (trainee public defender)
Conclusion	:Sentenced to 2 years 6 months in prison, suspended for 3 years.

On 31 July 2015 the Dili District Court tried a case of domestic violence involving the defendant AdSX who allegedly committed the offence against his wife in Dili District.

The public prosecutor alleged that on 23 June 2014 at 8pm, the defendant slapped the victim twice on her right cheek, punched her twice on her left shoulder and pushed her onto the bed. This case allegedly occurred without a clear motive.

Then on 26 June 2014, again without a clear motive, the defendant roughly grabbed the victim on her shoulder and forcefully grabbed the car keys from her hand. In addition, on an unspecified date and month around 2002, the defendant had an affair with another woman. When the victim asked the defendant about this she punched her once in the nose, causing bleeding.

The public prosecutor charged the defendant for violating Article 154 of the Penal Code on mistreatment of a spouse and Article 35 of the Law Against Domestic Violence.

The defendant admitted all of the facts listed in the indictment, which were confirmed by the testimony of the victim. Based on these facts, the court concluded this case and sentenced the defendant to 2 years and 6 months in prison, suspended for 3 years.

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**7. Crime of simple offences against physical integrity characterized as domestic violence –  
Case No. 0001/15. DICMR**

Composition of judges	:Single
Judge	:Jumiati Freitas
Public prosecutor	:Ivonia Maria Guterres
Public Defender	:Francisco Caetano Martins (trainee)
Conclusion	:Sentenced to 6 months in prison, suspended for 1 year.

On 23 July 2015 the Dili District Court tried a case of domestic violence involving the defendant AC who allegedly committed the offence against his wife in Dili District.

The public prosecutor alleged that on 1 January 2015 at 10am, the defendant kicked the victim once in the chest, punched her once above the eye and kicked her once on the back. These acts knocked the victim to the ground.

This case allegedly occurred because the victim rang the defendant and asked him to pick her up. When he did not pick her up she walked and, while walking, saw the defendant sitting at his relative's house. This made the victim angry, then the defendant became angry and committed the aforementioned acts.

The public prosecutor charged the defendant with violating Article 145 of the Penal Code regarding simple offences against physical integrity, as well as Article 35 of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts set out in the indictment, and stated that he regretted his actions and had already reconciled with his wife.

When the court sought confirmation from the victim she maintained the charges of the public prosecutor, and also testified that they reconciled after the incident.

In her final recommendation the public prosecutor requested the court to order the defendant to pay a fine, in order to deter the crime of domestic violence.

The public defender testified that she agreed with the public prosecutor's recommendation to impose a fine because the defendant had admitted all of the facts, cooperated with the court and expressed regret.

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On 31 July 2015, based on the aforementioned evidence, the court concluded this matter and sentenced the defendant to 6 months in prison, suspended for 1 year.

**8. Crime of simple offences against physical integrity characterized as domestic violence – Case No.0038/2014/MNMNT**

Composition of judges	:Single
Judge	:Jose Gonçalves
Public prosecutor	:Alfonso Lopez
Public Defender	:Jose de Lima (public defender)
Conclusion	:Sentenced to 3 months in prison, suspended for 1 year

On 15 July 2015 the Baucau District Court tried a case of domestic violence involving the defendant RS who allegedly committed the offence against her husband in Manatuto District.

The public prosecutor alleged that on 21 August 2014, at 8:00am the defendant threw a milk bottle at the victim and struck him in the neck, and also slapped the victim once on his back.

This case allegedly occurred because the defendant ordered the victim to hold their child so she could wash the clothes and cook. However, the victim refused so the defendant committed the aforementioned criminal acts against the victim.

The public prosecutor charged the defendant with violating Article 145 of the Penal Code regarding simple offences against physical integrity, as well as Article 35 of the Law Against Domestic Violence.

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

In his final recommendations the public prosecutor stated that although the victim chose to remain silent during the examination of evidence, the victim confirmed the facts set out in the indictment. He therefore requested the court to hand down a proportional penalty against the defendant to deter the crime of domestic violence. The public defender also asked the court to apply a fair punishment.

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On 16 July 2015, based on the evidence established during the trial, the court concluded this case and sentenced the defendant to 3 months in prison, suspended for 1 year.

**9. Crime of simple offences against physical integrity characterized as domestic violence – Case No.0001/2015/MNLLA**

Composition of judges	:Single
Judge	:Jose Gonçalves
Public prosecutor	:Alfonso Lopez
Public Defender	:Jose de Lima (public defender)
Conclusion	:Sentenced to 3 months in prison, suspended for 1 year.

On 16 July 2015 the Baucau District Court conducted a hearing in a case of domestic violence involving the defendant SdCP who allegedly committed the offence against his wife in Manatuto District.

The public prosecutor alleged that on 30 January 2015 the defendant kicked the victim once on her cheek, punched her once on the left side of her head and kicked her once on the back.

These acts caused the victim to fall to the ground and strike her head on the bed. The victim received treatment at the Health Post in Kairui for one week. This case allegedly occurred because the victim wanted to go and get some clothes from her parents' house but, without a clear motive, the defendant committed the aforementioned violence against the victim.

The public prosecutor charged the defendant with violating Article 145 of the Penal Code regarding simple offences against physical integrity, as well as Article 35 of the Law Against Domestic Violence.

In court the defendant admitted all of the facts contained in the indictment, expressed regret for his actions and promised not to reoffend against the victim in the future.

As the defendant admitted all of the facts, the public prosecutor told the court that it was not necessary to hear witness testimony. In his final recommendations the public prosecutor requested the court to hand down a fair punishment against the defendant, proportional to his actions.

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The public defender asked the court to impose a lenient sentence because the defendant had admitted all of the facts, had cooperated with the court and regretted his actions.

After hearing the final recommendations of the parties, the court concluded this case and sentenced the defendant to 3 months in prison, suspended for 1 year.

**10. Crime of simple offences against physical integrity, characterized as Domestic Violence  
- Case No.0012/2014/MNNTB**

Composition of judges	:Single
Judge	:Jose Gonçalves
Public prosecutor	:Alfonso Lopez
Public Defender	:Jose de Lima (public defender)
Conclusion	:Sentenced to 4 months imprisonment, suspended for 1 year.

On 16 July 2015 the Baucau District Court tried a case of domestic violence involving the defendant FS and the victim VSP (grandchild of the defendant) in Manatuto District.

The public prosecutor alleged that on 18 October 2014 at 9:00pm, the defendant hit the victim in the shoulder and back with a piece of rope. These acts caused the victim to suffer an injury to his shoulder and back, and the victim had to be treated at the Natarbora Health Post.

This case allegedly occurred because the defendant called the victim, who was playing at a neighbor's house, and asked him to return home because it was nighttime. The defendant was also worried and suspected the victim of taking people's money because previously the victim had taken money from a neighbor.

The public prosecutor charged the defendant with violating Article 145 of the Penal Code regarding simple offences against physical integrity, as well as 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 charges. The defendant also testified that he had reconciled with the victim, gave him a traditional cloth (tais) as a symbol of reconciliation and also gave US\$100 in accordance with customary law and local traditions.

As the defendant had admitted all of the facts, the public prosecutor told the court it was not necessary to hear witness testimony.

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In his final recommendation, the public prosecutor stated that the defendant was guilty of committing violence against the victim, and therefore requested for the court to impose a fair penalty in proportion with the crimes.

The public defender requested the court to hand down a fair punishment, taking into account that the defendant had admitted all of the facts, cooperated with the court and reconciled with the victim.

After hearing the final recommendations of the parties, the court concluded this matter and sentenced the defendants to 4 months in prison, suspended for 1 year.

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