



Case Summary
Baucau District Court
November 2015

A. Summary of the trial process at the Baucau District Court - November 2015

1. Total cases monitored by JSMP = 33

Type of case	Number
Articles 172 and 173 - Rape and aggravation	1
Articles 145 and 35 (b) of the Law Against Domestic Violence - Simple Offences Against Physical Integrity characterized as domestic violence	16
Article 145 – Simple offences against physical integrity	10
Articles 258, 157 and 145 – Property damage together with threats and simple offences against physical integrity	1
Article 157 - Threats	1
Article 251 - Larceny	1
Article 258 - Property damage	2
Article 297 – Abuse of power	1
Total	33

2. Total decisions monitored by JSMP = 33

Type of decision	Number
Prison sentence	1
Prison sentence on condition (civil compensation)	-
Suspended prison sentence pursuant to Article 68 of the Penal Code	13
Suspended prison sentence on condition pursuant to Article 69 of the Penal Code	-
Suspended prison sentence with rules of conduct pursuant to Article 70 of the Penal Code	-
Suspended prison sentence with monitoring pursuant to Article 71 of the Penal Code	-
Fine pursuant to Article 67 of the Penal Code	7
Fine with additional penalty pursuant to Article 38.2 of the Law Against Domestic Violence	-
Admonishment pursuant to Article 82 of the Penal Code	-
Settlements validated	12
Payment of civil compensation	-
Acquitted	-

Rua setubal, Colmera, Dili Timor Leste

PoBox: 275

Telephone: 3323883 |77295795

www.jsmp.tl

info@jsmp.minihub.org

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

Total	33
--------------	-----------

B. Descriptive summary of the decisions handed down in cases that were resolved to completion, as monitored by JSMP;

1. Crime of Aggravated Rape – Case No.0348/13.PDBAU.

Composition of the court : Panel
Judges : José Gonçalves
: Afonso Carmona
: Ivan Patrocinio Antonino
Public Prosecutor : Alfonso Lopes
Public Defender : Jonas Henrique da Costa
Type of decision : 10 years in prison

On 5 November 2015 the Baucau District Court announced its ruling and sentenced the defendant RMK to 10 years in prison after finding him guilty of committing the crime of aggravated rape against IdRS, in Manatuto District.

The public prosecutor alleged that on 30 June 2013, at 1am, the victim was asleep inside her bedroom. The defendant entered the victim's bedroom, choked her, removed her clothes and also removed his own pants and had sexual intercourse with the victim. The defendant also threatened to kill the victim if she told someone else.

The public prosecutor charged the defendant for violating Articles 172 and 173(d) of the Penal Code on aggravated rape.

During the trial the defendant rejected all of the facts and stated that he had sexual intercourse with the victim based on mutual consent. The defendant stated that he entered the victim's bedroom because he liked the victim. Prior to this the victim also told the defendant that she wanted to marry the defendant. The defendant and the victim were living together in a house and for this reason the defendant entered the victim's bedroom and invited the victim to have sexual intercourse next to the bed. The defendant stated that they had sexual intercourse regularly, and after the final occasion the victim's family lodged a complaint.

On the other hand the victim stated that she had just returned from a neighbor's house at 10pm and she and her niece went straight to sleep. At 1am the defendant came through the door and went into the victim's bedroom. The victim was shocked and asked the defendant, '*what are you doing here?*' The defendant answered that he was looking for his sandals, and then the defendant left the victim's room and went outside.

Several minutes later, the defendant came back into the room and was only wearing a sarong and grabbed the victim's arms and legs, removed the victim's pants and underpants and raped the victim. This act resulted in the victim suffering pain and bleeding from her vagina.

After committing this act, the defendant threatened the victim and her niece that if they spoke up and told someone else he would kill them.

The witness MdC stated that she did not see the incident but in the morning she heard the victim crying as she was telling a witness that the defendant had raped her. Because of this the witness and the aggrieved person went and passed on this information to the victim's older sister MdC.

The witness MdC stated that she heard about the case from the victim herself on that evening, that the defendant pulled the victim's clothes down to her knees but did not manage to have sexual intercourse.

In his final recommendation, the public prosecutor stated that the defendant acknowledged that he had sexual intercourse with the victim and this was reinforced by the statement of the victim. The defendant used force to remove the victim's underwear in order to have sexual intercourse. The public prosecutor believed that the defendant committed rape against the victim, and for this reason he requested for the court to impose a prison sentence of 12 years.

Meanwhile the public defender stated that the defendant and the victim had sexual intercourse without coercion, because the defendant went into the victim's bedroom and the witness MdC did not know about it. The public defender believed that the defendant and the victim had sexual intercourse with consent. For this reason he requested for the court to acquit the defendant from these charges.

Based on the facts that were proven and the circumstances surrounding this case, the court concluded the matter and found the defendant guilty of committing rape against the victim. For this reason the court sentenced the defendant to 10 years in prison.

2. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 0441/13.PDBAU.

Composition of the court	: Single Judge
Judge	: José Gonçalves
Public Prosecutor	: Domingos Barreto
Public Defender	: Jonas Henrique da Costa
Type of decision	: Fine of US\$ 45.00

On 6 November 2015 the court announced its ruling and convicted the defendant BdCS after finding him guilty of committing the crime against his wife in Manatuto District.

The public prosecutor alleged that on 28 September 2013 the defendant slapped the victim once on her right cheek and punched the victim once on her right ear. The defendant also often punched the victim in the throat and also in the mouth. This problem occurred because the defendant was drunk and had an argument with the victim and they had a misunderstanding.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant admitted that he hit and punched the victim, and the defendant also stated that all of the alleged facts were true. In addition, the victim also confirmed the facts in the charges and the defendant's statement. The victim stated that as a result of this assault the victim received treatment at hospital for one day. However, the victim also stated that four days after this problem occurred, they reconciled and now they don't have a problem.

In his final recommendation the public prosecutor stated that the defendant fully admitted the facts set out in the indictment. For this reason he requested for the court to convict the defendant pursuant to Article 145 of the Penal Code.

The public defender stated that the defendant confessed and stated that they have reconciled and now are living together as wife and husband. For this reason he requested for the court to impose a penalty that does not limit the defendant's freedom.

The court assessed the facts and the circumstances surrounding this crime and concluded this process and ordered the defendant to pay a fine of US\$ 45.00 to be paid in daily instalments of US\$0.50 for 90 days. The court also applied an alternative penalty of 60 days in prison, if the defendant does not pay the aforementioned fine.

3. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 0006/14.BCPVN

Composition of the court	: Single Judge
Judge	: Ivan Patrocinio Antonino
Public Prosecutor	: Domingos Barreto
Public Defender	: Jonas Henrique da Costa
Type of decision	: 1 year in prison, suspended for 1 year

On 6 November 2015 the court announced its ruling and convicted the defendant OACL for committing the crime against his wife in Baucau District.

The public prosecutor alleged that on 13 September 2014 the defendant slapped the victim once on her left cheek and pushed victim off the bed and onto the floor. Several minutes later the defendant proceeded to kick the victim once on her back causing her to fall to the ground. This problem occurred because the victim did not prepare lunch.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant exercised his right to remain silent. On the other hand, the victim confirmed the facts set out in the indictment. However, the victim added that the defendant also kicked her once on her side and twice slammed the victim into the wall. The defendant also challenged the victim to call her parents to the house and then the defendant kicked the victim once more on her back.

In addition, the victim added that after this problem occurred, five days later, the defendant's family and the victim's family came together so they could resolve the matter.

The witness JdSX stated that he did not know about violence between the defendant and the victim, and that the victim had ran over to summon him to her house and then the defendant kicked the victim in her back and this caused the victim to fall to the ground.

In his final recommendation, the public prosecutor stated that even though during the trial the defendant chose to remain silent, the victim and witnesses still maintained the facts set out in the indictment. This means that the defendant did in fact commit physical assault against the victim. Therefore the public prosecutor requested for the court to impose a suspended prison sentence for a number of years.

The public defender stated that even though the defendant exercised his right to remain silent, the victim maintained her statement that the defendant and victim have reconciled, are living together as husband and wife. For this reason he requested for the court to impose a penalty in accordance with the defendant's guilt that does not limit the defendant's freedom.

Based on the facts that were proven and the mitigating circumstances in this case, the court concluded the matter and sentenced the defendant to 1 year in prison, suspended for 1 year.

4. Crime of simple offences against physical integrity – Case No.0062/14.PDBAU

Composition of the court : Single Judge
Judge : José Gonsalves
Public Prosecutor : Luis Hernanio Rangel da Cruz
Public Defender : Sidonio Maria Sarmento (trainee)
Type of decision : Settlement validated

On 9 November 2015 the Baucau District Court conducted a mobile trial in Lautem District. During the trial the court attempted conciliation for the crime of simple offences against physical integrity involving the defendant AF and the victim ODM in Lautem District.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity.

The court attempted conciliation and considered the request to withdraw the complaint from the victim and validated the settlement in this case.

5. Crime of simple offences against physical integrity – Case No.0149/14.PDBAU.

Composition of the court : Single Judge
Judge : Hugo da Cruz Pui
Public Prosecutor : Luis Hernanio Rangel da Cruz
Public Defender : Juvinal Yanes
Type of decision : 8 months imprisonment, suspended for 1 year and 6 months

On 10 November 2015 the Court conducted a mobile trial in Lautem District. The court conducted the hearing and immediately announced its ruling in a case of simple offences against physical integrity involving the defendant AX who allegedly committed the offence against his neighbor (OS), in Lautem District.

The public prosecutor alleged that on 5 February 2014 the defendant took a piece of wood approximately one meter in length and struck the victim on the left side of his head, which knocked him unconscious and he fell to the ground and suffered heavy bleeding. As the result of this act the victim required treatment in hospital for one night. This problem occurred because the defendant returned from the sea and saw the victim using his mobile phone.

The public prosecutor accused the defendant of violating Article 145 of the Penal Code on simple offences against physical integrity.

During the trial the defendant exercised his right to remain silent. On the other hand, the victim confirmed the facts set out in the indictment. The victim told the court that while he received treatment in hospital he spent USD 700.

The witness LdSX testified that he saw the defendant take a piece of wood approximately one meter in length and strike the victim on the head which caused the victim to fall to the ground, lose consciousness and suffer heavy bleeding. The witness also saw the victim receive treatment at the hospital and spend approximately US \$100.00

In his final recommendation, the public prosecutor stated that even though during the trial the defendant chose to remain silent, the victim and witnesses still maintained the facts set out in the indictment. The victim stayed in hospital for one night and spent his own money to receive treatment. The public prosecutor requested for the court to impose a prison sentence of six months, suspended for 1 year and also requested for the court to order the defendant to pay compensation of US\$ 100.00 to the victim. On the other hand, the public defender requested for the court to impose a fair penalty that does not limit the defendant's freedom.

Based on the facts that were proven and the mitigating circumstances in this case, the court concluded the matter and sentenced the defendant to 8 months in prison, suspended for 1 year and 6 months.

6. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 0011/15.PDBAU.

Composition of the court	: Single Judge
Judge	: José Gonsalves
Public Prosecutor	: Luis Hernanio Rangel da Cruz
Public Defender	: Sidonio Maria Sarmiento (trainee)
Type of decision	: 3 months imprisonment, suspended for 1 year

On 10 November 2015 the Court conducted a mobile trial in Lautem District. The court announced its ruling and convicted the defendant AA after finding him guilty of committing the crime against his wife in Lautem District.

The public prosecutor alleged that on 7 April 2015 the defendant three times struck the victim on her right shoulder and squeezed the victim on her upper left arm. As the result of this assault the victim's shoulder was swollen and her upper arm was bruised. This problem occurred because the victim borrowed money from someone and had not yet paid it back and the person had asked the victim for that money.

The public prosecutor accused the defendant of violating Article 145 of the Penal Code on simple offences against physical integrity as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant testified that all of the charges were true and that the defendant and victim have reconciled and are living together. The defendant also regretted his actions and promised not to repeat these acts in the future.

In his final recommendation the public prosecutor stated that the defendant admitted the facts, namely that he had assaulted the victim, and therefore he requested for the court to impose a prison sentence of 4 months, suspended for 1 year. On the other hand the public defender stated that the defendant and the victim have reconciled, the defendant regretted his actions and promised not to repeat these acts in the future. For this reason, based on these circumstances he requested for the court to impose a fair penalty against the defendant.

Based on the facts that were proven and the aggravating and mitigating circumstances in this case, the court concluded the matter and sentenced the defendant to 3 months in prison, suspended for 1 year.

7. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 0004/14. LAILI.

Composition of the court	: Single Judge
Judge	: Hugo da Cruz Pui
Public Prosecutor	: Luis Hernanio Rangel da Cruz
Public Defender	: Juvinal Yanes Freitas
Type of decision	: 5 months imprisonment, suspended for 1 year.

On 10 November 2015 the Baucau District Court conducted a mobile trial in Lautem District. The court announced its ruling and sentenced the defendant EZ to 5 months in prison, suspended for 1 year, after finding him guilty of committing the crime against his wife in Lautem District.

The public prosecutor alleged that on 25 November 2014, the defendant slammed a saucepan on the ground and struck the victim in the head with a machete which caused the victim to fall onto a bamboo stretcher. The defendant then used a machete sheath to strike the victim on the head and this caused the victim to suffer an injury to her head, heavy bleeding and pain. This assault caused the victim to suffer an injury to her head and three stitches. This case occurred because the victim was going to take peanuts to a mourning ceremony, but the defendant did not agree and wanted the victim to take some rice.

The public prosecutor accused the defendant of violating Article 145 of the Penal Code on simple offences against physical integrity as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant testified that all of the charges were true, the defendant regretted his actions and promised not to repeat these acts. The defendant also stated that the parties have reconciled and are still living together.

In his final recommendation the public prosecutor requested for the court to impose a prison sentence of 4 months, suspended for 1 year. On the other hand the public defender argued that the defendant and the victim have reconciled, the defendant regretted his actions and promised not to repeat these acts. After considering these circumstances he requested for the court to impose a lenient penalty against the defendant.

Based on the facts that were proven and all of the circumstances in this case, the court concluded the matter and sentenced the defendant to 5 months in prison, suspended for 1 year.

8. Crime of property damage – Case No.0045/14. LALAT.

Composition of the court : Single Judge
Judge : José Gonsalves
Public Prosecutor : Luis Hernanio Rangel da Cruz
Public Defender : Sidonio Maria Sarmiento (trainee)
Type of decision : Settlement validated

On 10 November 2015 the Baucau District Court conducted a mobile trial in Lautem District. During the trial the court attempted conciliation in the matter of property damage involving the defendants ZDSS, NS, AR and AdC, and the victims CdC and MdC in Lautem.

The public prosecutor alleged that the defendants violated Article 258 of the Penal Code on property damage.

During the hearing to attempt conciliation the court managed to get the parties to reconcile and the victim withdrew the complaint and validated the settlement in this case.

9. Crime of property damage as well as threats and simple offences against physical integrity – Case No.0006/15. LALPL.

Composition of the court : Single Judge
Judge : Hugo da Cruz Pui
Public Prosecutor : Domingos Barreto
Public Defender : Juvinal Yanes Freitas
Type of decision : Settlement validated

On 10 November 2015 the Baucau District Court conducted a mobile trial in Lautem District. In this matter the court attempted conciliation for the crimes of property damage, threats and simple offences against physical integrity involving the defendant CMG and the victim CdFX, which allegedly occurred in Lautem District.

The public prosecutor alleged the defendant violated Article 258 of the Penal Code on property damage, Article 157 on threats and Article 145 on simple offence against physical integrity.

In this matter, the court attempted conciliation and the parties agreed to withdraw the complaint based on the request from victim and the settlement was validated.

10. Crime of simple offences against physical integrity – Case No.0516/12. PDBAU.

Composition of the court : Single Judge
Judge : Hugo da Cruz Pui
Public Prosecutor : Domingos Barreto
Public Defender : Juvinal Yanes
Type of decision : Settlement validated

On 10 November 2015 the Baucau District Court conducted a mobile trial in Lautem District. In this matter the court attempted conciliation for the crimes of simple offences against physical integrity involving the defendant AS and the victim FdC.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity.

In this matter, the court attempted conciliation and considered the request to withdraw the complaint from the victim and validated the amicable settlement in this case.

11. Crime of simple offences against physical integrity – Case No.0019/14. LALPL.

Composition of the court : Single Judge
Judge : Hugo da Cruz Pui
Public Prosecutor : Domingos Barreto
Public Defender : Juvinal Yanes Freitas
Type of decision : Settlement validated

On 11 November 2015 the Baucau District Court conducted a mobile trial in Lautem District. In this matter the court attempted conciliation for the crime of simple offences against physical integrity involving the defendant AMB and the victim JM in Lautem District.

The public prosecutor accused the defendant of violating Article 145 of the Penal Code on simple offences against physical integrity.

The court attempted conciliation and the parties reconciled and the victim was willing to withdraw the complaint against the defendant and the settlement was validated.

12. Crime of simple offences against physical integrity – Case No.0014/14. LALRO.

Composition of the court : Single Judge
Judge : Hugo da Cruz Pui
Public Prosecutor : Domingos Barreto
Public Defender : Juvinal Yanes Freitas
Type of decision : Settlement validated

On 11 November 2015 the Baucau District Court conducted a mobile trial in Lautem District. In this matter the court attempted conciliation for the crime of simple offences against physical integrity involving the defendant DA and the victim JR in Lautem District.

The public prosecutor accused the defendant of violating Article 145 of the Penal Code on simple offences against physical integrity.

In this matter the court managed to get the parties to reconcile and the victim was willing to withdraw the complaint against the defendant and the court validated the settlement.

13. Crime of simple offences against physical integrity – Case No.0001/15. LALRO.

Composition of the court : Single Judge
Judge : Hugo da Cruz Pui
Public Prosecutor : Domingos Barreto
Public Defender : Juvinal Yanes Freitas
Type of decision : Settlement validated

On 11 November 2015 the Baucau District Court conducted a mobile trial in Lautem District. In this matter the court attempted conciliation for the crime of simple offences against physical integrity involving the defendant FDR and the victim FDS in Lautem District.

The public prosecutor accused the defendant of violating Article 145 of the Penal Code on simple offences against physical integrity.

The court attempted conciliation and the parties reconciled and the victim was willing to withdraw the complaint against the defendant. Based on this agreement and the request to withdraw the complaint, the court validated the settlement of this matter.

14. Crime of property damage – Case No.0557/13. PDBAU.

Composition of the court : Single Judge
Judge : Hugo da Cruz Pui
Public Prosecutor : Domingos Barreto
Public Defender : Juvinal Yanes Freitas
Type of decision : Settlement validated

On 11 November 2015 the Baucau District Court conducted a mobile trial in Lautem District. During the trial the court attempted conciliation in the matter of property damage involving the defendants MX, FL, AX, MX, LP and FX and the victim DS in Lautem District.

The public prosecutor accused the defendant of violating Article 258 of the Penal Code on property damage.

The court attempted conciliation and the parties reached an agreement and the victim was willing to withdraw the complaint against the defendant. However, the court imposed an additional condition on the defendants to compensate the victim's 9 banana trees and the goods destroyed, to the value of US\$ 200.

15. Crime of larceny – Case No.0010/15. LALPS.

Composition of the court : Single Judge
Judge : Hugo da Cruz Pui
Public Prosecutor : Domingos Barreto
Public Defender : Juvinal Yanes Freitas

Type of decision : Settlement validated

On 11 November 2015 the Baucau District Court conducted a mobile trial in Lautem District. In this matter the court attempted conciliation for the crime of larceny involving the defendants NDM and OM and the victim MP in Lautem District.

The public prosecutor accused the defendants of violating Article 251 of the Penal Code on larceny.

The court attempted conciliation and the parties reconciled and the victim withdrew the complaint against the defendant in this case. However, the court ordered the two defendants to pay back the victim for the buffalo that they took to the value of US\$ 500.00, whereby each defendant was ordered to pay US\$ 250.00 to the victim.

16. Crime of threats – Case No.0126/14.PDBAU.

Composition of the court : Single Judge
Judge : Antonio Fonseca
Public Prosecutor : Alfonso Lopes
Public Defender : Antonio Fernandes (trainee)
Type of decision : Fine of US\$ 30.00

On 11 November 2015 the Baucau District Court conducted a mobile trial in Lautem District. The court announced its ruling in the case of threats and ordered the defendant AV to pay a fine of US\$ 30.00, for the crime of making threats against the victim AC in Lautem District.

The public prosecutor alleged that on 17 July 2011 the defendant threatened AC and his wife by saying that *“if you two talk out of line I will kill both of you”*. The motive for making these threats was because the victim married the defendant’s girlfriend.

The public prosecutor accused the defendant of violating Article 157 of the Penal Code on the crime of making threats.

During the trial the defendant confessed and stated that the facts in the indictment were all true. In addition, the victim maintained the charges that the defendant threatened that if they said the wrong thing, the defendant would kill both of them.

In his final recommendation, the public prosecutor confirmed that the facts had been proven based on the testimony of the parties and the defendant’s confession. Therefore he requested for the court to impose a fair penalty against the defendant. On the other hand the public defender stated that the defendant confessed to all of the facts, and therefore he requested for the court to impose a fair and appropriate penalty against the defendant.

After evaluating the facts produced during the trial, the court concluded this matter and sentenced the defendant to a fine of US\$ 30.00 to be paid in daily instalments of US\$ 0.50 for 60 days. The court also imposed an alternative penalty of 40 days in prison if the defendant does not pay this fine.

**17. Crime of simple offences against physical integrity characterized as domestic violence -
Case No.0238/13.BCSIC.**

Composition of the court : Single Judge
Judge : José Gonçalves
Public Prosecutor : Luis Hernani Rangel
Public Defender : Sidonio Sarmiento (trainee)
Type of decision : Fine of US\$ 90.00

On 13 November 2015 the court announced its ruling and convicted the defendant JXG for committing the crime against his wife in Baucau District.

The public prosecutor alleged that on 24 May 2013 the defendant hit the victim above the eye with a cable and struck the victim on her left elbow, punched her in the head and struck her many times on the legs. As a result of this assault the victim suffered pain, bleeding and required treatment in hospital. This problem occurred because the defendant and the victim argued about the preparation of dinner.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant confessed and stated that the facts in the indictment were all true. For this reason the court did not require a statement from the victim and witness because the defendant had already voluntarily confessed the facts.

In his final recommendation, the public prosecutor stated that the defendant confessed the facts set out in the indictment which meant that the defendant had committed the crime against the victim. The defendant also stated that he regretted his actions. Even so, the public prosecutor requested for the court to apply a fine against the defendant and ordered the defendant to pay court costs.

The public defender stated that the defendant fully admitted the facts set out in the indictment, regretted his actions and has reconciled with the victim. Based on all of these circumstances, he requested for the court to apply an appropriate punishment in accordance with the guilt of the defendant.

After evaluating the facts produced during the trial, the court concluded this matter and sentenced the defendant to a fine of US\$ 90.00 to be paid in daily instalments of US\$ 1.00 for 90 days. The court also ordered the defendant to pay court costs of US\$ 20.00 and an alternative punishment of 60 days in prison if the defendant does not pay this fine.

**18. Crime of simple offences against physical integrity characterized as domestic violence -
Case No. 0003/15.PDBAU.**

Composition of the court : Single Judge
Judge : Afonso Carmona

Public Prosecutor : Alfonso Lopes
Public Defender : Jose M. Guterres (trainee)
Type of decision : 9 months imprisonment, suspended for 2 years.

On 13 November 2015 the court announced its ruling and convicted the defendant SDS for committing the crime against his wife in Baucau District.

The public prosecutor alleged that on 14 May 2015, the defendant punched the victim once in the throat and four times in the head. The defendant then continued to punch the victim, but hit their child above the eye, and kicked the victim once on her side. This problem occurred because the victim asked the defendant for money to buy some socks for the child.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant stated that the charges of the public prosecutor were all true and that he had reconciled with the victim and is responsible for the family.

The court did not require testimony from the victim and witness, because the court considered that the defendant had already admitted the facts in the indictment.

In his final recommendation the public prosecutor stated that the defendant completely admitted the facts, which is a mitigating circumstance for the defendant and therefore he requested for the court to impose a fair penalty against the defendant.

On the other hand the public defender also stated that the defendant totally admitted the facts, and he asked for the court to also consider the mitigating circumstances in this matter and to hand down an admonishment against the defendant.

After evaluating the facts produced during the trial, the court concluded this matter and convicted the defendant for committing two crimes. For the crimes that the defendant committed against his wife, the court sentenced him to 6 months in prison, and for the assault against his child the court sentenced him to six months in prison. The court imposed a single penalty against the defendant of 9 months in prison, suspended for 2 years.

19. Crime of simple offences against physical integrity – Case No.0906/14.PDBAU.

Composition of the court : Single Judge
Judge : Hugo da Cruz Pui
Public Prosecutor : Luis Hernanio Rangel da Cruz
Public Defender : Antonio Fernandes (trainee)
Type of decision : Fine of US\$ 90.00

On 18 November 2015 the court announced its ruling and convicted the defendant FMS for committing simple offences against the physical integrity of the victim VNDJ in Baucau District.

The public prosecutor alleged that on 24 October 2014 the defendant grabbed the victim's hand and dragged her onto the sidewalk and this caused the victim to fall to the ground and then he

kicked the victim. This case occurred without a clear motive when the victim and her child returned from the BNCTL bank and were waiting for transport in front of the Public Prosecution Service.

The public prosecutor accused the defendant of violating Article 145 of the Penal Code on simple offences against physical integrity.

During the trial the defendant stated that he grabbed the victim by the arm, but did not kick the victim. On the other hand the victim told the court that she was waiting for transport with her child next to the road and suddenly the defendant came and grabbed her arm and dragged her to the side of the road and pushed the victim over and then kicked the victim on her left shoulder and kicked the victim on her back.

The witness JFC testified that she saw the defendant grab the victim's arm and cross the road. The witness saw this because at that moment the witness was providing security at the Public Prosecution Service. The witness did not know about the rest of the facts.

The witness TX testified that from the intersection he saw the defendant grab the victim's arm, the two of them were talking to each other but the witness did not know that they had a problem.

The witness AdCX testified that he was in front and saw the defendant grab the victim's arm and they were arguing. The witness told them to break it up, but then the witness got on a vehicle heading to Laga.

The witness VP testified that he was on a vehicle heading past the front of the Public Prosecution Service he saw the defendant and the victim arguing. The witness stopped the vehicle and said to the defendant if you are wearing uniforms you shouldn't be arguing in public. When the PNTL vehicle arrived the witness saw the defendant grab the victim's arm and drag her to the police vehicle and said he was heading to the police station, but the victim did not want to, and the witness and the police told the defendant to get into the police vehicle.

The public prosecutor believed that the statements of the defendant and the victim did not correspond with the indictment and the incident. For this reason he requested for the court cross-examine the defendant and the victim.

The court considered this request and requested for cross-examination to take place in this matter. During the cross-examination the victim stated that defendant grabbed the victim's right upper arm, dragged her to the sidewalk, pushed the victim over and kicked her another two times on the shoulder and back. The defendant maintained her statement and said that he grabbed the victim's arm but he denied that he pushed or kicked the victim.

In his final recommendation the public prosecutor said the defendant grabbed the victim's arm but the defendant denied the facts. For this reason, and based on the circumstances of this case, he requested for the court to impose a fine on the defendant. On the other hand the public defender stated that the defendant and the victim had an existing problem and for this reason he requested for the court to acquit the defendant.

After evaluating the facts produced during the trial, the court concluded this matter and sentenced the defendant to a fine of US\$ 90.00 to be paid in daily instalments of US\$ 1.00 for 90

days and also court costs of US\$ 20.00. The court also imposed an alternative punishment of 60 days in prison if the defendant does not pay this fine.

20. Crime of abuse of power – Case No.0226/14.PDBAU.

Composition of the court	: Single Judge
Judge	: Hugo da Cruz Pui
Public Prosecutor	: Domingos Barreto
Public Defender	: Sidonio Maria Sarmiento (trainee)
Type of decision	: Prison sentence of 1 year six months, suspended for 2 years

On 19 November 2015 the court announced its ruling and convicted the defendant ATX for committing the crime against the victim FLM in Lautem District.

The public prosecutor alleged that the incident occurred on 18 January 2014 in Tirilolo Village, Iliomar Administrative Post, Lautem District. The defendant is the Tirilolo Village Chief and was chairing an extraordinary meeting to suspend the victim ATX from his position as Tatalari Sub-Village Chief, and to appoint JdCX as the new Sub-Village Chief of Tatalalari.

The public prosecutor alleged that the defendant violated Article 297 of the Penal Code on abuse of power.

During the trial the defendant testified that some of the charges were true and some were not true. The defendant also stated that they held a meeting to replace the Sub-Village Chief of Tatalalari. The defendant stated that the members of the village council held this meeting to suspend the victim from his position, because there was a claim from the community of Tatalalari that the Sub-Village Chief did not attend to community problems in Tatalalari Sub-Village for 4 months.

The victim said that in this meeting the defendant told all of the members of the village council that “from this moment on, the defendant is removing the victim from his position as Sub-Village Chief. In this meeting JdCX was appointed as the Tatalari Sub-Village Chief. This statement was made by the defendant only, not all of the members of the village council. The victim also stated that the Village Chief had no justification for this substitution, and for this reason the victim did not know about the motive to substitute this position.

The witness VX testified and confirmed the charge that the Village Chief chaired this meeting to substitute the Sub-Village Chief and to state that the Tatalalari Sub-Village Chief was removed from his position. The witness also stated that at that time the only the Village Chief decided to remove the Tatalalari Sub-Village Chief.

The witness JdCX testified that in this meeting of the village council the Village Chief had decided to substitute the Tatalalari Sub-Village Chief because the victim did not perform his role as Sub-Village Chief.

In his final recommendation the public prosecutor stated that the defendant chaired the meeting and verbally suspended the Sub-Village Chief FdCX without justification. According to the law, a Sub-Village Chief can lose his mandate if he/she does not reside in the location for 3 months or commits a crime. The public prosecutor concluded that the defendant had committed the crime of

abuse of power, and for this reason he requested for the court to impose a penalty set out in Article 297 of the Penal Code.

On the other hand the public defender stated that the defendant chaired the meeting with the members of the Village Council and decided to suspend the victim, because the victim had not fulfilled his duty to carry out his work for 4 months. Based on these facts he asked the court to uphold justice for the defendant.

The court considered the charges of the public prosecutor, because the decision made by the defendant did not represent the members of the Village Council. For this reason, the court sentenced the defendant to 1 year and six months in prison, suspended for 2 years. The court also ordered the defendant to pay court costs of US\$ 20.00.

21. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 0447/13.PDBAU.

Composition of the court	: Single Judge
Judge	: Hugo da Cruz Pui
Public Prosecutor	: Domingos Govea Barreto
Public Defender	: Jose Maria Guterres (trainee)
Type of decision	: Fine of US\$ 60.00

On 23 November 2015 the Baucau District Court conducted a mobile trial in Viqueque District. The court announced its ruling and convicted the defendant CdS after finding him guilty of committing the crime against his wife in Viqueque District.

The public prosecutor alleged that on 11 April 2013 the defendant yanked the victim's hair and dragged her through the doorway and wrenched her neck. As a result of this act the victim had to receive medical treatment because of pain to her body, and swelling to her arm and neck. This problem occurred because the defendant went looking for the victim and called out to the victim to come home, but the victim did not want to and swore at the defendant.

The public prosecutor accused the defendant of violating Article 145 of the Penal Code on simple offences against physical integrity as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant testified that all of the charges were true. The defendant also stated that the parties have reconciled and are still living together. The defendant also regretted his actions, has no prior convictions and promised not to repeat these acts in the future.

In addition, the victim also confirmed the statement of the defendant and stated that they have reconciled and are living together as husband and wife.

In his final recommendation the public prosecutor stated that the defendant admitted the facts, and therefore he requested for the court to impose a prison sentence of 6 months, suspended for 1 year. On the other hand the public defender stated that the defendant regretted his actions and promised not to repeat these acts in the future. After considering all of these circumstances he requested for the court to impose an appropriate punishment against the defendant.

Based on the facts that were proven and the mitigating circumstances in this case, the court concluded the matter and ordered the defendant to pay a fine of US\$ 60.00 to be paid in daily instalments of 0.50 for 120 days. The court also established an alternative punishment of 80 days in prison if he fails to pay this fine.

22. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 0052/14.VQSIC.

Composition of the court : Single Judge
Judge : Hugo da Cruz Pui
Public Prosecutor : Domingos Govea Barreto
Public Defender : Jose Maria Guterres (trainee)
Type of decision : Fine of US\$ 60.00

On 23 November 2015 the Baucau District Court conducted a mobile trial in Viqueque District. The court announced its ruling and convicted the defendant CG after finding him guilty of committing the crime against his wife in Viqueque District.

The public prosecutor alleged that on 11 December 2014 the defendant three times struck the victim on her shoulder, twisted her arm and yanked her hair. As a result of this assault the victim suffered pain in her shoulder and body and required treatment in hospital. This problem occurred because the defendant's mother asked the defendant to take her to the market, but the defendant did not want to so they had an argument and suddenly the defendant committed the assault against the victim.

The public prosecutor accused the defendant of violating Article 145 of the Penal Code on simple offences against physical integrity as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant testified that all of the charges were true, and that he has reconciled with victim and they are still living together as husband and wife. The defendant also stated that he regretted his actions, promised not to repeat these acts in the future and that he has no prior convictions.

The court did not require testimony from the victim and witnesses, because the defendant fully admitted the facts in the indictment.

In his final recommendation the public prosecutor stated that the defendant admitted the charges against him, and therefore he requested for the court to impose a prison sentence of six months, suspended for 1 year.

On the other hand the public defender stated that the defendant showed remorse and the defendant also promised not to repeat these acts in the future. After considering all of these circumstances he requested for the court to impose an appropriate punishment against the defendant.

Based on the facts that were proven and the mitigating circumstances in this case, the court concluded the matter and ordered the defendant to pay a fine of US\$ 60.00 to be paid in daily

instalments of 0.50 for 120 days. The court also established an alternative punishment of 80 days in prison if the defendant fails to pay this fine.

23. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 0057/14.VQSIC.

Composition of the court : Single Judge
Judge : Hugo da Cruz Pui
Public Prosecutor : Domingos Govea Barreto
Public Defender : Jose Maria Guterres (trainee)
Type of decision : Fine of US\$ 45.00

On 24 November 2015 the Baucau District Court conducted a mobile trial in Viqueque District. The court announced its ruling and convicted the defendant DP after finding him guilty of committing the crime against his wife in Viqueque District.

The public prosecutor alleged that on 6 December 2014 the defendant took a helmet and threw it at the victim's hip, and as a result the victim suffered pain to her hip. This problem occurred because the defendant was about to go to work and at the same time the victim also asked the defendant to take the victim to her workplace, but the defendant did not want to. For this reason the victim walked to work, and suddenly the defendant followed the victim on his motorcycle and without justification threw his helmet at the victim.

The public prosecutor accused the defendant of violating Article 145 of the Penal Code on simple offences against physical integrity as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant testified that all of the charges were true. However, the defendant also stated that they have reconciled and are living together. The defendant also regretted his actions, promised not to repeat these acts in the future and that he has no prior convictions.

The court sought confirmation from the victim about her family situation and the victim stated that they have reconciled and are living together as husband and wife.

In his final recommendation the public prosecutor stated that the defendant admitted the charges against him, and therefore he requested for the court to impose a prison sentence of six months, suspended for 1 year.

The public defender argued that the defendant expressed regret, the parties have reconciled and the defendant promised not to repeat these acts in the future. Based on all of these circumstances, he requested for the court to apply an appropriate punishment against the defendant.

Based on the facts that were proven and the mitigating circumstances in this case, the court concluded the matter and ordered the defendant to pay a fine of US\$ 45.00 to be paid in daily instalments of 0.50 for 90 days. The court also established an alternative punishment of 60 days in prison if he fails to pay this fine.

24. Crime of simple offences against physical integrity – Case No.0035/14.VQWTL.

Composition of the court : Single Judge
Judge : Hugo da Cruz Pui
Public Prosecutor : Domingos Govea Barreto
Public Defender : Jose Maria Guterres (trainee)
Type of decision : Settlement validated

On 24 November 2015 the Baucau District Court conducted a mobile trial in Viqueque District. In this matter the court attempted conciliation for the crime of simple offences against physical integrity involving the defendant AA and the victim AS from Viqueque District.

The public prosecutor accused the defendant of violating Article 145 of the Penal Code on simple offences against physical integrity.

The court attempted conciliation and the parties reconciled and the victim was willing to withdraw the complaint against the defendant. Based on this settlement the court concluded the matter and validated the request to withdraw the complaint from victim and acquitted the defendant.

25. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 0006/15.VQOSU.

Composition of the court : Single Judge
Judge : Hugo da Cruz Pui
Public Prosecutor : Domingos Govea Barreto
Public Defender : Jose Maria Guterres (trainee)
Type of decision : 4 months imprisonment, suspended for 1 year

On 25 November 2015 the Baucau District Court conducted a mobile trial in Viqueque District. The court announced its ruling and convicted the defendant DdCM after finding him guilty of committing the crime against his wife in Viqueque District.

The public prosecutor alleged that on 1 March 2015 the defendant punched the victim once in the face, nose and took a piece of rattan and struck the victim on the left side of her head. As a result of this assault the victim suffered pain to her body, swelling to her head, an injury to her nose and bleeding. This problem occurred because the defendant and the victim argued about feeding a dog.

The public prosecutor accused the defendant of violating Article 145 of the Penal Code on simple offences against physical integrity as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant testified that all of the charges were true. The defendant and the victim have reconciled and are living together as per normal and the defendant has no prior convictions. The defendant also regretted his actions and promised not to repeat these acts in the future.

The court sought confirmation from the victim about her family situation and the victim stated that they have reconciled and are living together as husband and wife.

In his final recommendation the public prosecutor stated that the defendant admitted the charges against him, and therefore he requested for the court to impose a prison sentence of 3 months, suspended for 1 year. On the other hand the public defender stated that the defendant regretted his actions, has reconciled with the victim and promised not to repeat these acts in the future. Based on all of these circumstances, he requested for the court to apply an appropriate punishment against the defendant.

Based on the facts that were proven and the aggravating and mitigating circumstances in this case, the court concluded the matter and sentenced the defendant to 4 months in prison, suspended for 1 year.

26. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 0421/14.PDBAU.

Composition of the court	: Single Judge
Judge	: Hugo da Cruz Pui
Public Prosecutor	: Domingos Govea Barreto
Public Defender	: Jose Maria Guterres (trainee)
Type of decision	: 3 months imprisonment, suspended for 1 year

On 25 November 2015 the Baucau District Court conducted a mobile trial in Viqueque District. The court announced its ruling and convicted the defendant BCdC after finding him guilty of committing the crime against his wife in Viqueque District.

The public prosecutor alleged that on 28 April 2014 the defendant took a piece of wood and struck the victim four times on her back, struck her 6 times in the face and kicked and punched her in the body multiple times. As a result of this assault the victim suffered pain to her body, swelling to her face and back, and she required treatment in hospital. This case occurred because the defendant and the victim argued about USD 120.00 that went missing from a suitcase and the defendant accused the victim of taking the money.

The public prosecutor accused the defendant of violating Article 145 of the Penal Code on simple offences against physical integrity as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant testified that all of the charges were true. However, the defendant also stated that they have reconciled and are living together as husband and wife. The defendant also regretted his actions and promised not to repeat these acts in the future.

The victim told the court that the defendant punched and kicked her multiple times in the face, back and body. Despite this fact the victim also stated that they have reconciled and are living together as husband and wife.

In his final recommendation the public prosecutor stated that the defendant admitted all of the charges against him, and the victim confirmed the statement of the defendant, and therefore he requested for the court to impose a prison sentence of six months, suspended for 1 year.

The public defender argued that the defendant expressed regret, the parties have reconciled and the defendant promised not to repeat these acts in the future. Based on all of these circumstances, he requested for the court to apply an appropriate punishment against the defendant.

Based on the facts that were proven and the aggravating and mitigating circumstances in this case, the court concluded the matter and sentenced the defendant to 3 months in prison, suspended for 1 year.

27. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 0005/15.MNNTB.

Composition of the court	: Single Judge
Judge	: Afonso Carmona
Public Prosecutor	: Domingos Barreto
Public Defender	: Jonas Henrique da Costa
Type of decision	: 6 months imprisonment, suspended for 1 year

On 24 November 2015 the Baucau District Court conducted a mobile trial in Manatuto District. The court announced its ruling and convicted the defendant CdC after finding him guilty of committing the crime against his wife in Manatuto District.

The public prosecutor alleged that on 16 March 2014, the defendant punched the victim four times in the cheek, once in the mouth and she suffered a minor injury. This problem occurred because the defendant and the victim argued about the preparation of dinner.

The public prosecutor accused the defendant of violating Article 145 of the Penal Code on simple offences against physical integrity as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant testified that all of the charges were true. The court confirmed that the defendant has two children and the defendant has no prior convictions and is still responsible for his family.

The court sought confirmation from the victim about her family situation and the victim stated that they have reconciled and are living together as husband and wife.

In his final recommendation the public prosecutor stated that the defendant confessed the facts set out in the indictment, and even though the parties have reconciled, he still requested for the court to impose a lengthy suspended prison sentence to prevent the defendant from committing these acts in the future.

The public defender argued that the defendant expressed regret, the parties have reconciled and the defendant promised not to repeat these acts in the future. Therefore he requested for the court to impose a fair penalty against the defendant.

Based on the facts that were proven and the aggravating and mitigating circumstances in this case, the court concluded the matter and sentenced the defendant to 6 months in prison, suspended for 1 year.

28. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 0019/15. PDBAU.

Composition of the court : Single Judge
Judge : Afonso Carmona
Public Prosecutor : Domingos Barreto
Public Defender : Jonas Henrique da Costa
Type of decision : 6 months imprisonment, suspended for 1 year

On 24 November 2015 the Baucau District Court conducted a mobile trial in Manatuto District. The court conducted the trial and immediately announced its ruling and convicted the defendant JdC after finding him guilty of committing the crime against his wife in Manatuto District.

The public prosecutor alleged that on 19 February 2015 the defendant slapped the victim on the cheek and punched the victim in the eye and as a result the victim suffered pain and swelling. This problem occurred because victim and her child did not sleep in their bedroom and went and slept in the bedroom of their younger sibling.

The public prosecutor accused the defendant of violating Article 145 of the Penal Code on simple offences against physical integrity as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant testified that all of the charges were true. The defendant has two children is responsible for the family, and the defendant has no prior convictions.

The court sought confirmation with the victim and the victim stated that they have reconciled and now they are living together and the defendant has not hit the victim during that time.

In his final recommendation the public prosecutor stated that the defendant confessed the facts, and even though the parties have reconciled, he still requested for the court to impose a lengthy suspended prison sentence to prevent the defendant from committing these acts in the future. On the other hand the public defender requested for the court to impose a lenient penalty against the defendant because the defendant confessed the facts, has reconciled with victim and promised not to repeat these acts in the future.

Based on the facts that were proven and the mitigating circumstances in this case, the court concluded the matter and sentenced the defendant to 6 months in prison, suspended for 1 year. The court also ordered the defendant to pay court costs of US\$10.00.

29. Crime of simple offences against physical integrity – Case No.0020/14.MNLB.

Composition of the court : Single Judge
Judge : Afonso Carmona
Public Prosecutor : Domingos Barreto
Public Defender : Jonas Henrique da Costa
Type of decision : Settlement validated

On 24 November 2015 the Baucau District Court conducted a mobile trial in Manatuto District. In this matter the court attempted conciliation for the crime of simple offences against physical integrity involving the defendant CSO and the victim FM from Manatuto District.

The public prosecutor accused the defendant of violating Article 145 of the Penal Code on simple offences against physical integrity.

The court attempted conciliation and the parties reconciled and the victim was willing to withdraw the complaint against the defendant. Based on this settlement the court concluded the matter and validated the request to withdraw the complaint from victim and acquitted the defendant.

30. Crime of simple offences against physical integrity – Case No.0008/15.MNNTB.

Composition of the court : Single Judge
Judge : Afonso Carmona
Public Prosecutor : Domingos Barreto
Public Defender : Jonas Henrique da Costa
Type of decision : Settlement validated

On 25 November 2015 the Baucau District Court conducted a mobile trial in Manatuto District. In this matter the court attempted conciliation for the crime of simple offences against physical integrity involving the defendant ZdC and the victim JH in Manatuto District.

The public prosecutor accused the defendant of violating Article 145 of the Penal Code on simple offences against physical integrity.

The court validated an amicable agreement between the parties because prior to this they had reached an amicable agreement at the family level and before the community authorities. The court considered the victim's request to withdraw the complaint and the amicable agreement, and validated the settlement in this matter.

31. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 0279/11.PDBAU.

Composition of the court : Single Judge
Judge : Hugo da Cruz Pui
Public Prosecutor : Domingos Govea Barreto
Public Defender : Jose Maria Guterres (trainee)
Type of decision : 3 months imprisonment, suspended for 1 year

On 25 November 2015 the Baucau District Court conducted a mobile court in Viqueque District and announced its ruling and convicted the defendant MP after he was found guilty of committing the crime against the victim SS and the victim VdCA in Viqueque District.

The public prosecutor alleged that on 18 May 2011 the defendant kicked the victim on her side causing her to fall to the ground together with the child that she was holding at the time. The

victim went to stand up and the defendant kicked her twice in the stomach which caused the victim to lose consciousness.

When the victim V (the defendant's father in law) came out from the bedroom to calm things down the defendant yanked the victim by the foot and caused him to fall to the ground and he punched the victim once above his left eye. As a result of this act the victim V suffered an injury and bleeding above his eye.

This problem occurred because the defendant returned from the rice field and felt hungry and wanted to eat, but the food wasn't ready yet. For this reason the defendant punched his wife and also his father in law when he tried to calm things down.

The public prosecutor accused the defendant of violating Article 145 of the Penal Code on simple offences against physical integrity as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant testified that all of the charges were true. The defendant and the victim have reconciled and are living together and the defendant has no prior convictions. The defendant also stated that he regretted his actions and promised not to repeat these acts in the future.

The court confirmed these facts with the victim and the victim stated that at that time the defendant kicked her twice - once on her side and once in the stomach. The victim stated that they have reconciled and are still living together as husband and wife.

On the other hand the victim V stated that the defendant grabbed his leg which caused him to fall to the ground, punched him once above the left eye and as a result he suffered an injury, swelling and heavy bleeding.

In his final recommendation the public prosecutor confirmed that the defendant had admitted the facts charged against him, that were then confirmed by the two victims. The defendant committed physical assault against the two victims who were his wife and father in law. For this reason he requested for the court to impose a apply prison sentence of 1 year, suspended for 1 year.

On the other hand the public defender requested for the court to impose a fair penalty against the defendant because the defendant showed remorse, has reconciled and promised not to reoffend in the future.

Based on the facts that were proven and the mitigating and aggravating circumstances in this case, the court concluded the matter and sentenced the defendant to 8 months in prison, suspended for 1 year and 6 months.

32. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 0043/14.VQSIC.

Composition of the court	: Single Judge
Judge	: Hugo da Cruz Pui
Public Prosecutor	: Domingos Govea Barreto
Public Defender	: Jose Maria Guterres (trainee)

Type of decision : 5 months imprisonment, suspended for 1 year

On 25 November 2015 the Baucau District Court conducted a mobile court in Viqueque District and announced its ruling and convicted the defendant JM after he was found guilty of committing the crime against his wife in Viqueque District.

The public prosecutor alleged that on 24 October 2014 the defendant twice punched the victim on her ear and twice above her right eye. As a result of this assault the victim suffered swelling and pain, and this affected the victim's eyesight and she required treatment in hospital. This problem occurred because the defendant returned home drunk and went into the bedroom and the defendant called the victim a slut, and then they argued.

The public prosecutor accused the defendant of violating Article 145 of the Penal Code on simple offences against physical integrity as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant testified that all of the charges were true, the defendant had no prior convictions, regretted his actions and promised not to repeat these acts in the future.

The court confirmed these facts with the victim and the victim stated that at that time the defendant punched her twice - once on her ear and once about her eye. The victim stated that they have reconciled and are still living together as husband and wife.

In his final recommendation the public prosecutor stated that the defendant admitted the charges against him, the victim had confirmed that the defendant had psychically assaulted her, and therefore he requested for the court to impose a prison sentence of six months, suspended for 1 year.

On the other hand, the public defender requested for the court to impose a fair penalty against the defendant. The public defender argued that the defendant expressed regret, the parties have reconciled and the defendant promised not to repeat these acts in the future.

Based on the facts that were proven and the mitigating and aggravating circumstances in this case, the court concluded the matter and sentenced the defendant to 5 months in prison, suspended for 1 year.

33. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 0442/13.MNNTB.

Composition of the court : Single Judge
Judge : Afonso Carmona
Public Prosecutor : Domingos Barreto
Public Defender : Jonas Henrique da Costa
Type of decision : 6 months imprisonment, suspended for 1 year

On 25 November 2015 the Baucau District Court conducted a mobile court in Manatuto District and sentenced the defendant JB to six months in prison, suspended for 1 year after he was found guilty of committing the crime against his wife in Manatuto District.

The public prosecutor alleged that on 16 March 2013 the defendant punched and kicked the victim many times all over her body which caused the victim to fall to the ground. The defendant kicked the victim once in the stomach and as a result the victim suffered pain and swelling.

The public prosecutor accused the defendant of violating Article 145 of the Penal Code on simple offences against physical integrity as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant testified that all of the charges were true. However the defendant also stated that he has reconciled with the victim, he is responsible for the family and has no prior convictions.

When the court sought confirmation from the victim she stated that they have reconciled and are still living together as husband and wife without any further problems.

In his final recommendation the public prosecutor confirmed that the defendant had admitted the facts charged against him. Even though they have reconciled, he requested for the court to apply a lengthy suspended sentence to prevent the defendant from committing such acts in the future.

On the other hand the public defender stated that the defendant had admitted the facts, reconciled with the victim and promised not to repeat these acts in the future, and for this reason he requested for the court to impose a lenient penalty against the defendant.

Based on the facts that were proven and the mitigating circumstances in this case, the court concluded the matter and sentenced the defendant to 6 months in prison, suspended for 1 year. The court also ordered the defendant to pay court costs of US\$10.00.

For more information, please contact:

Luis de Oliveira Sampaio
Executive Director of JSMP
Email: luis@jsmp.minihub.org