



Case summary
Dili District Court
January 2015

Summary of the trial process at the Dili District Court - January 2015

Introduction

From 16 January 2015 all of the courts started functioning again as per normal, including the Dili District Court, after enjoying the annual recess between 15 December 2014 and 15 January 2015. During this period, JSMP observed 38 of the cases tried by this court. All of the 38 cases observed by JSMP were criminal cases.

These cases included 2 cases of making threats, 10 cases of simple offences against physical integrity characterized as domestic violence, 9 cases of simple offences against physical integrity, 1 case of making threats and property damage, 3 cases of driving without a license, 1 case of attempted murder, 1 case of aggravated property damage and disobedience, 1 case of aggravated theft and aggravated forgery, 1 case of economic involvement in business, 1 case of illegal gambling, 1 case of aggravated theft, 1 case of making threats, 2 cases of sexual abuse of a minor, 1 case of disobedience, 1 case of misappropriation of public assets, 2 cases of mistreatment of a minor and 1 case of arson.

Of these 38 cases, 18 were decided by the court and 20 remained ongoing.

The following information summarizes the hearings in each of these cases:

1. Crime of simple offences against physical integrity characterized as domestic violence – Case No.815/14.TDDIL

Composition of judges : Single
Judge : Zulmira A Barros da Silva
Public Prosecutor : Reinato Bere Nahak
Public Defender : Sebastião Amado
Conclusion : Trial adjourned

On 19 January 2015, the Dili District Court adjourned a trial in a case of simple offences against physical integrity involving the defendant HS who allegedly committed the offences against his wife. This incident occurred on 2 November 2011 in Dili.

The trial was adjourned because the presiding judge was on maternity leave. For this reason, the court adjourned the trial until 30 March 2015 at 9am.

2. Crime of driving without a license -Case No.15/15.TDDIL

Composition : Single
Judge : Jose Maria de Araujo
Public Prosecutor : Nelson de Carvalho
Public Defender : Francisco Caetano Martins (trainee)
Conclusion : Ordered to pay a fine of US\$60.

On 19 January 2015, the Dili District Court heard a case of driving without a license, involving the defendants: Tome da Silva, Jaime de Araujo, Isaura da Silva, Eduardo Colo and Maria de Fatima. This incident occurred on 16 and 18 January 2015 in Ermera District.

The public prosecutor alleged that on two different days between 16 and 18 January 2015, the defendants were arrested by the Ermera District traffic police because they were riding motorcycles on a public road without a license or other motorcycle documents.

In relation to these acts, the public prosecutor charged the defendants with violating Article 207 of the Penal Code for driving without a license.

During the trial, most of the defendants confessed and admitted that the charges were true, but argued they had been busy with work and school, and didn't have time to get a license.

In his final recommendations, the public prosecutor asked the court to impose a fine to prevent the defendants from committing the same crime in the future.

Meanwhile, the public defender asked the court to fine the defendants based on the mitigating circumstances, including that the defendants were first time offenders and three of them were students.

After hearing the final recommendations of the parties, the court concluded the matter and ordered each of the defendants to pay a fine of US\$60. The defendants were told to pay US\$0.50 per day for 120 days.

The court also imposed an additional penalty banning the defendants from operating a motorcycle for 6 months and requiring the production of a motorcycle license and other motorcycle documents within 6 months. If they do not produce these documents within the time specified by the court, the motorcycles will be confiscated and will belong to the State.

3. Crime of arson - Case No. 37/12.TDDIL

Composition : Single

Judge : Antonio Helder Viana do Carmo
Public Prosecutor : Vicente Brito
Public Defender : Sérgio Paulo Dias Quintas
Conclusion : Acquitted

On 19 January 2015 the Dili District Court conducted a hearing in a case of arson allegedly committed by the defendants Joao Pedro, Moises, Fransisco, Augustu Soares, Mario Varela, Pascoal, Marcus Martins, Luis Soares and Avelino Araujo against the victims Georgina Menezes and Carlos dos Santos (husband and wife). This incident allegedly occurred on 24 April 2006 in Dili District.

The court acquitted the defendants from the charges of the public prosecutor because it was not proven that the defendants burned down the victims' house. The victims only suspected that it was the defendants who burned down their house because previously the defendants had a problem with the child of the victim (martial arts problem). In addition, the witness in this case did not see the incident.

Previously, the public prosecutor alleged that on 24 April 2006, during the crisis, the defendants burned the house and kitchen of the victims Georgina Menezes and Carlos dos Santos. The public prosecutor charged the defendants with violating Article 263 of the Penal Code for arson.

In a previous hearing, the defendant João Pedro testified that he did not know about the case because he had moved address. Even though previously he lived in that suburb, he moved address because of the *Lorosa'e-Loromonu* (easterners and westerners) problem.

The other 8 defendants Moises, Fransisco, Soares, Mario Varela, Pascoal, Marcus Martins, and Avelino Araujo chose to remain silent.

The defendant Luis Soares did not attend the hearing because the court did not know his address and therefore could not deliver the summons.

Meanwhile, the victims testified that they did not see who burned down their house, kitchen, barn and kiosk, because at that time they were seeking refuge at the Fatumeta Seminary. However in relation to the bathroom, the victims testified that the defendants did not burn it, but they removed the corrugated iron. The victims also stated that their children were members of PSHT, but they did not know of their child's problem in that group. In relation to the house, the victims received compensation from the government totaling US\$4,500.

The witness FDSS, the victims' child, testified that their house was burned down but he didn't see who had burned it. The witness added that he was involved in PSHT but he had never had a problem with another person.

Because there was still doubt, the court tried to cross-examine the defendant Joao Pedro and the witnesses. During the cross-examination, it was revealed that the two parties did not know each other.

In his final recommendations, the public prosecutor surrendered the matter to the consideration of the court because there was not enough evidence to convict the defendants. Meanwhile, the public defender requested for the court to acquit the defendants because both the victims and the witnesses did not see the defendants involved in committing this crime of arson.

4. Crime of driving without a license -Case No.47/15.TDDIL

Composition : Single
Judge : Ana Paula Fonseca
Public Prosecutor : Benvinda do Rosário
Public Defender : Antonio Fernandes (trainee)
Conclusion : Sentenced to 11 months in prison, suspended for 1 year and 5 months.

On 20 February 2015, the Dili District Court conducted an expedited hearing in a case of driving without a license involving the defendant Mario Aquino Vaz Moniz. This incident occurred on 17 January 2015 in TasiTolu, Comoro, Dili District.

The public prosecutor alleged that on 17 January 2015, at approximately 10am, the Dili traffic police arrested and detained the defendant in the police cells because he was driving without a license.

The public prosecutor charged the defendant with violating Article 207 of the Penal Code for driving without a license.

During the hearing, the defendant confirmed that he did not have a driver's license. However the defendant stated that he did not yet have a license because he only purchased the motorcycle two weeks before and did not yet have time to get a license. The defendant promised to get a license in the near future.

In his final recommendations the public prosecutor requested the court to sentence the defendant to 1 year in prison, suspended for 2 years and to prohibit the defendant from riding a motorcycle for 2 years, even if he has a license.

Meanwhile the public defender requested the court to apply a fair penalty against the defendant, including consideration of the mitigating circumstances that are favorable to the defendant, such as the fact he was a first time offender and cooperated during the trial.

After examining these facts the court concluded this case and handed down a prison sentence of 11 months against the defendant to be suspended for 1 year 5 months. The court also imposed an additional punishment prohibiting the defendant from riding a motorcycle for 6 months, even if he has a license.

5. Crime of driving without a license –Case No: 48/15.TDDIL

Composition : Single
Judge : Ana Paula Fonseca

Public Prosecutor :Benvinda do Rosário
Public Defender : Antonio Fernandes
Conclusion :Sentenced to 1 year in prison, suspended for 1 year and 6 months.

On 20 January 2015 the Dili District Court conducted an expedited hearing in a case of driving without a license involving the defendant Silvino Soares.This incident occurred on 17 January 2015 in TasiTolu, Comoro, Dili District.

The public prosecutor alleged that on 17 January 2015, at approximately 10am, the Dili traffic police arrested and detained the defendant in the police cells because he was driving without a license.

The public prosecutor charged the defendant with violating Article 207 of the Penal Code for driving without a license.

In court, the defendant admitted all of the facts described in the indictment of the public prosecutor.The defendant also testified that previously he had a license but he lost it and he had not yet sought another license because he was busy driving a vehicle to and from the districts.

In her final recommendations, the public prosecutor requested the court to sentence the defendant to 1 year in prison, suspended for 2 years.The public prosecutor also requested the court to apply an additional sentence against the defendant prohibiting him from driving a license for 2 years, even if he has a license.

Meanwhile, the public defender asked the court to apply a fair sentence, and give consideration to the mitigating circumstances that are favorable to the defendant, because the defendant was a first time offender and had cooperated during the entire process.

After evaluating the existing facts, the court concluded this case and sentenced the defendant to 1 year in prison, suspended for 1 year 6 months.The court also prohibited the defendant from driving for 6 months even if he has a license.

6. Crime of simple offences against physical integrity characterized as domestic violence – Case No. 597/14.TDDIL

Composition : Single
Judge : Francisca Cabral
Public Prosecutor : Hipólito Santa
Public Defender : RuiGuterres
Conclusion : Ordered to pay a fine of US\$30.

On 20 January 2015, the Dili District Court tried two defendants, RVdS and ZdS (brother and sister) who were charged with committing the crime of simple assault against AB, the wife of the defendant RVdS.This incident occurred on 14 and 15 November 2014 in Bairro-Pite, Dili District.

The public prosecutor alleged that on 14 November 2014, the defendant ZdS punched and kicked the victim in the back. This occurred because the defendant was angry her toothpaste went missing but the victim verbally abused the defendant.

On 15 November 2014, at approximately 08:00am, the defendant RVdS punched the victim four times in the head, pushed the victim into a wall and kicked the victim once in the back causing her to fall down. This occurred because the victim demanded the defendant RVdS to find a house to rent, but the defendant remained silent so the victim slapped him once on the cheek. After he was slapped, the defendant became angry and committed the crimes mentioned above against the victim.

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

During the hearing, the defendant admitted that he punched the victim because the victim provoked him first. Nevertheless, the defendant testified that he did not punch the victim in the head four times, just twice. The defendant testified that all of the other facts were true.

Meanwhile, the defendant ZdS denied the charges of the public prosecutor and testified that the victim punched and kicked her once.

In his final recommendations, the public prosecutor requested the court to maintain the charges because he considered that the two defendants had denied some of the facts.

The public defender requested the court to convict the victim pursuant to Article 151 of the Penal Code for the crime of reciprocal offences against physical integrity because the victim also committed violence against the defendant.

On 27 January 2015, the court concluded this case and ordered the two defendants to pay a fine of US\$30 in daily instalments of US\$0.50 for 60 days. The court also ordered an alternative punishment of 20 days in prison if the defendants do not pay this fine.

7. Crime of simple offences against physical integrity - Case No.607/14.TDDIL

Composition : Single
Judge : Jacinta Correia
Public Prosecutor : ReinatoBereNahak
Public Defender : Francisco Caetano Martins
Conclusion : Trial adjourned

On 20 January 2015, the Dili District Court adjourned the trial of a case involving simple offences against physical integrity allegedly committed by the defendants CJdS and GLM against the victim AS. This incident allegedly occurred on 7 April 2014 in Taibesi, Dili District.

This trial was adjourned because the defendants were not present and the court rescheduled the matter for 6 March 2015 at 9am.

8. Crime of sexual abuse of a minor - Case No.817/14.TDDIL

Composition :Panel
Judges : Zumiaty M. Freitas, Jacinta Correiaand Antonio Helder
Public Prosecutor :ReinatoBereNahak
Public Defender :Manuel Sarmento
Conclusion :Ongoing

On 20 January 2015, the Dili District Court retried a case involving the sexual abuse of a minorallegedly committed by the defendant AS against the victim JdA who was 13 years old.This incident allegedly occurred on 27 April 2014 in Dili.

Previously, the District Court sentenced the defendant to 6 years and 6 months in prison, and ordered him to pay compensation of US\$500.

The court retried this case because the original panel of judges did not manage to sign the decision before onejudge had to return to their country of origin in compliance with National Parliament Resolution No.11/2014 on the termination of international judicial actors in Timor-Leste.

The public prosecutor alleged that on 27 April 2014 at 05:30pm, in Comoro, the defendant who was the neighbor of the victim went to look for his child at the home of the victim.When he got to the victim's house, the victim had just finished having a shower and was only wearing a towel when she came out of the bathroom.At that time, the victim was alone at home because her family had all gone to mass.The defendant asked the victim about his child and the victim answered that she didn't know and then went into her bedroom to put on some clothes.

After putting on some clothes the victim went outside to hang out her towel but suddenly the defendant emerged from behind the victim and grabbed the victim tightly from behind.The defendant started groping the victim's body and kissing her.The victim managed to free herself from the defendant when the defendant told the victim that he wanted to have sexual intercourse with her.The defendant threatened to kill the victim if she told her family about the incident.

The public prosecutor charged the defendant with violating Article 177 of the Penal Code for the sexual abuse of a minor.

The trial was closed to the public, however JSMP obtained information from the court clerk that the trial would continue at 9am on 2 February 2015to announce the decision.Previously, JSMP obtained the facts when JSMP observed the hearing to announce the first decision on 4 November 2014.

9. Crime of sexual abuse of a minor - Case No.967/14.TDDIL

Composition :Panel
Judge : Francisca Cabral(representing the panel)
Public Prosecutor :ReinatoBereNahak
Public Defender :Manuel Sarmento
Conclusion :Trial adjourned

On 20 January 2015, the Dili District Court adjourned a trial in a case of sexual abuse of a minor involving the defendant AS who allegedly committed the offence against the victim GJdFM on 8 June 2012 in Dili District.

The trial did not take place because one of the members of the panel of judges was an international judge who had to return to his country to comply with National Parliament Resolution No.11/2014 and Government Resolutions No.29/2014 and 32/2014 on the audit of the justice sector and the revocation of working visas for 8 judicial officials.

As a result, the court has not yet set a fixed date to hear this case.

10. Crime of simple offences against physical integrity -Case No.1180/14.TDDIL

Composition	:Single
Judge	: Francisca Cabral
Public Prosecutor	:Olga Barreto
Public Defender	:Lidia Soares
Conclusion	:Ordered to pay a fine of US\$60.

On 20 January 2015, the Dili District Court heard a case of simple offences against physical integrity involving the defendant FdJ who allegedly committed the offence against MAP (the defendant's aunt). This incident occurred on 31 May 2014 in Bairro-Pite.

The public prosecutor alleged that on 31 May 2014, at approximately 8:00pm, the defendant kicked the victim once on her right side, scratched her chest, and ripped her dress. This incident occurred because previously the defendant alleged that the victim used black magic, and the victim did not accept it and verbally abused the defendant. When she heard the verbal abuse from the victim, the defendant did not accept it and then committed violence against the victim.

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

In court, the defendant rejected the charges of the public prosecutor. The defendant testified that they argued however the defendant did not commit the violence stated in the indictment. Meanwhile, the victim maintained the facts set out in the indictment of the public prosecutor.

The witness JdJ (aged 13), the victim's son, testified that he witnessed the defendant punch the victim in the chest and yank the victim's dress.

In her final recommendations, the public prosecutor requested the court to sentence the defendant to 6 months in prison, to be suspended for 1 year.

Meanwhile the public defender asked the court to carefully consider the facts because there was conflicting testimony from the victim and the witness about which part of the victim's body was kicked.

On 27 January 2015 the court concluded this matter and ordered the defendant to pay a fine of US\$60 in daily instalments of \$0.50 for 30 days. The court also ordered an alternative punishment of 70 days prison if the defendant did not pay this fine.

11. Crime of attempted murder, aggravated property damage and disobedience – pre-trial hearing

Composition :Panel
Judge : Ana Paula Fonseca
Public Prosecutor :Nelson de Carvalho
Public Defender :Marçal Mascarenhas
Conclusion :Ongoing

On 21 January 2015, the Dili District Court conducted a pre-trial hearing in a case of attempted murder, aggravated property damage and disobedience involving the defendant AM who allegedly committed the offence against the victim DSG who was the principal of the defendant's school, the 10 December School in Comoro. This incident allegedly occurred on 20 January 2015 in Comoro, Dili District.

In this pre-trial hearing, the public prosecutor charged the defendant with violating Articles 138 and 23 of the Penal Code for attempted murder. In addition, the public prosecutor charged the defendant with violating Article 258 of the Penal Code for property damage and Article 244 of the Penal Code for disobedience in accordance with Government Resolution No.16/2013 on the disbanding of martial arts groups.

After hearing from all of the parties, the court decided to order the temporary detention of the defendant while waiting for the public prosecutor to conduct further investigation.

12. Crime of disobedience -Case No.146/15.TDDIL

Composition :Single
Judge : Ana Paula Fonseca
Public Prosecutor :Benvinda do Rosário
Public Defender : Marçal Mascarenhas
Conclusion :Acquitted

On 21 January 2015, the Dili District Court heard a case involving the crime of disobedience allegedly committed by the defendant BS against the State. This incident allegedly occurred on 19 January 2015 in Metinaro Sub-District, Dili District.

The public prosecutor alleged that on 19 February 2015, the Metinaro Sub-District Police were conducting checks on the main road in Metinaro, and found the defendant carrying PSHT items such as a t-shirt with PSHT written on it and a white belt in his bag.

Pursuant to National Parliament Resolution No.16/2013 on the cessation of martial arts activities, the public prosecutor charged the defendant with violating Article 244 of the Penal Code for disobedience.

In court, the defendant admitted all of the facts described in the indictment of the public prosecutor. However, the defendant testified that he was taking the items to Dili because it wasn't possible to hide them in his house in Baucau because the Baucau District Police were checking every house and operating checkpoints in the community.

Nevertheless, the defendant testified that he had not been active in martial arts activities since 1995 and he only kept the items as souvenirs.

In her final recommendations, the public prosecutor requested the court to sentence the defendant to 2 years in prison, suspended for 3 years.

The public defender did not agree with the recommendation of the public prosecutor and asked the court to acquit the defendant from these charges. The public defender considered the actions of the defendant did not fulfil the elements of the crime of disobedience with which the defendant had been charged. The National Parliament Resolution criminalized martial arts activities, however it did not prohibit citizens from keeping these items as souvenirs.

The court concluded the matter on 26 January 2015 and acquitted the defendant because the court considered that the facts presented were insufficient to prove that the defendant was using the uniform to engage in martial arts activities.

13. Crime of simple offences against physical integrity - Case No.305/14.TDDIL

Composition	: Single
Judge	: Antonio Gonsalvez
Public Prosecutor	: Joana Pinto (trainee)
Public Defender	: Alfeio da Costa (trainee)
Conclusion	: Court issued an admonishment

On 22 January 2015, the Dili District Court conducted a hearing in a case of simple offences against physical integrity committed by the defendant LPD against the victim FS (former brother in law of the defendant). This incident occurred on 21 September 2014 in Bairro-Pite, Dili.

The public prosecutor alleged that on 21 September 2014, at the Bairro-Pite Village Office, the defendant and victim were settling a dispute when the defendant threw a chair at the victim and tried to stab him with a knife. This occurred because the defendant did not accept the actions of the victim who went to the defendant's older sister's house and threw out her clothes.

In court, the defendant admitted all of the facts described in the public prosecutor's charges. However, the defendant testified that she did not accept the actions of the victim who tried to evict her older sister from the house where the victim and the defendant's sister had been living. The victim and the defendant's older sister have been divorced for some time and the victim is now living together with his second wife.

In relation to these acts, the public prosecutor charged the defendant with violating Article 145 of the Penal Code regarding simple offences against physical integrity.

After evaluating all of the facts, the court concluded the matter and issued an admonishment against the defendant, telling her not to repeat her actions in the future and to remember that you can never resolve problems with violence.

14. Crime of aggravated theft and aggravated forgery -Case No.673/2009/TDDIL)

Composition	:Panel
Judges	:Ana Paula Fonseca, Jose Maria and NasomSarmiento
Public Prosecutor	:ReinatoBereNahak
Public Defender	:Manuel Sarmiento
Conclusion	:Sentenced to 2 years and 6 months in prison, suspended for 3 years and ordered to pay court costs of US\$20.

On 22 January 2015 the Dili District Court conducted a hearing involving the defendant OML who committed crimes of aggravated theft and aggravated forgery against the victim RSdC. This incident occurred on 4 April 2009 in Dili District.

The public prosecutor charged the defendant, who works as a driver for international company WoodroomLda and was trusted by the victim who also works for WoodroomLda as chief of finance.

On 4 April 2009, without the knowledge of the victim, the defendant took a blank cheque (ANZ Bank) that was in the defendant's drawer, forged his signature and took US\$6,000 of the company's money from the ANZ Bank.

The victim only found out about the defendant's actions when he received a copy of the bank statement from the ANZ Bank. For his wrongdoing, the company immediately sacked the defendant and demanded that he return the company's money.

On 8 September 2009, the defendant returned money with the value of US\$6,000, the amount he had taken.

The public prosecutor charged the defendant with violating Article 252 of the Penal Code for aggravated theft and Article 304 for aggravated forgery.

During the hearing, the defendant admitted his guilt and testified that he had taken the money because he wanted to buy a new car that was being sold at a cheap price. Nevertheless, the defendant added that he was unable to buy it because he felt uncomfortable and regretted his actions so the defendant decided to store the money at the bank with the aim of returning it to the victim.

In his final recommendations, the public prosecutor asked the court to amend the first charge of aggravated forgery and to maintain the charge of aggravated theft.

In relation to the crime of aggravated theft, the public prosecutor asked the court to sentence the defendant to 6 years in prison. However, the prosecutor also asked the court to consider the mitigating circumstances of the defendant who had admitted his actions, returned the money and had apologized to the victim.

Meanwhile, the public defender requested for the court to consider the mitigating circumstances that were favorable to the defendant in order to impose a fair penalty.

On 27 January 2015, the court concluded this matter and sentenced the defendant to 2 years and 6 months in prison, suspended for 3 years. The court also ordered the defendant to pay court costs of US\$20.

15. Crime of mistreatment of a minor -Case No.19/2014.TDD

Composition	:Panel
Judges	:Ana Paula Fonseca, Jose Maria de Araujo and Ivan Patrosino Antonino Helder
Public Prosecutor	:Vicente Brites
Public Defender	:Manuel Sarmiento
Conclusion	:Ongoing

On 22 January 2015, the Dili District Court conducted a hearing to hear testimony from the witness in a case of mistreatment of a minor involving the defendant POdS who allegedly committed the offence against her daughter who was aged 7. This incident allegedly occurred on 19 November 2010 in Dili District.

The public prosecutor alleged that on 19 November 2010, at approximately 9pm, without a clear reason the defendant stabbed the victim in the sexual organs with a fork. These actions caused the victim to suffer bleeding and swelling to her sexual organs.

The public prosecutor charged the defendant with violating Article 155 of the Penal Code on mistreatment of a minor.

The hearing of this matter took place without the presence of the defendant and the victim because they had gone to Indonesia. The witness NS (a neighbor) testified that on 19 November 2010, at 9pm, she and her husband took the victim to the Bidau Hospital because the victim was suffering from a high fever. When they arrived at the hospital, the doctor found that the victim was suffering an injury and swelling. When the witness asked the victim who had injured her and caused the swelling to her body, the victim answered that “her mother had pushed her head into a wall and stabbed her sexual organs with a fork”.

The witness MdX (also a neighbor) reinforced that on that night she heard the defendant and her husband arguing with each other. However, the witness only heard about the victim’s high temperature from other people. As a result, in the morning she went to the hospital and was shocked that the victim had suffered an injury to her sexual organs.

The court adjourned the matter to hear the final recommendations of the public prosecutor and public defender on 29 January 2015 at 4:00pm.

Before making his final recommendations, the public prosecutor asked the court to give him 3 days to study the existing facts. Based on the request of the public prosecutor, the court adjourned the trial to hear the final recommendations of the parties on 29 January 2015 at 9am.

16. Crime of making threats –Case No.0016/2014/TDD)

Composition	:Single
Judge	:Jacinta Correia
Public Prosecutor	:ReinatoBereNahak
Public Defender	:Manuel Exposto
Conclusion	:Acquitted

On 22 January 2015, the Dili District Court conducted a hearing in a case of making threats involving the defendant FXP who allegedly committed the offence against SM and JDH. This case occurred on 10 May 2014 in Aileu District.

The public prosecutor alleged that, on 10 May 2014, when a piece of land being disputed by the parties was being measured, the defendant threatened that he would cut off the victims' legs.

The public prosecutor charged the defendant with violating Article 157 of the Penal Code for making threats.

In court, the defendant denied the charges of the public prosecutor. The defendant testified that he never threatened the victims. The defendant added that, at that time, his son threatened that he would cut off the victims' arms and legs, if they insisted on measuring the land.

When the court heard testimony from the victim SM, he confirmed that the defendant did not threaten them, because it was the defendant's son who had made the threats.

Based on the testimony from the defendant and the victim, the public prosecutor asked the court to acquit the defendant from his charges. The public defender also asked the court to acquit the defendant.

Pursuant to these facts and the request of the parties, the court concluded this matter and acquitted the defendant from the charges in this case.

17. Crime of simple offences against physical integrity characterized as domestic violence –Case No.635/2014.TDD

Composition	:Single
Judge	:Francisca Cabral
Public Prosecutor	:Vicente Brites
Public defender	: Rui M. Guterres
Conclusion	:Trial adjourned

On 22 January 2015, the Dili District Court adjourned the trial in a case of simple offences against physical integrity involving the defendant DdC who allegedly committed the offence against his wife in Dili District.

The trial was adjourned because the defendant did not receive a summons from the court because he had moved to a new address. As a result, the court adjourned the trial until 7 April 2015, at 10am.

18. Crime of simple offences against physical integrity characterized as domestic violence –Case No. 0055/14.TDDIL

Composition :Single
Judge :JumiattyFreitas
Public Prosecutor :Remizia de Fatima
Public Defender :Sebastião de Amado
Conclusion :Ongoing

On 22 January 2014, the Dili District Court tried the defendant CG for allegedly committing simple offences against the physical integrity of his son. This incident allegedly occurred on 22 February 2013 in Dili District.

The public prosecutor alleged that on 22 February 2013 the defendant threw some corn at the victim but it missed, so the defendant punched the victim once in the head and slapped him in the nose twice causing it to bleed. This allegedly occurred because the defendant asked for US\$10 from the victim to gamble, but the victim did not give money to the defendant.

The public prosecutor charged the defendant with violating Article 145 of the Penal Code for simple offences against physical integrity in conjunction with Articles 3 and 35 of the Law Against Domestic Violence.

During the hearing, the defendant admitted all of the facts listed in the public prosecutor's charge and testified that he regretted his actions. The defendant also testified that he would not hit his son again in the future.

In her final recommendations, the public prosecutor stated that although the defendant confessed, regretted his actions, was a first time offender and promised not to hit the child again, she asked the court to sentence the defendant to 1 month in prison, suspended for 2 years, to prevent him from committing the same crime in the future.

Meanwhile, the public defender asked the court to sentence the defendant to 6 months in jail, suspended for 1 year because the defendant confessed, regretted his actions and was a first time offender.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 2 February 2015 at 9am.

19. Crime of simple offences against physical integrity - Case No.1134/14.TDDIL

Composition :Single

Judge :JumiatiFreitas
Public Prosecutor :HipólitoExposto Santa
Public Defender :Laura Valente Lay
Conclusion :Ongoing

On 23 January 2015, the Dili District Court tried the defendant FLPM (member of F-FDTL) who allegedly committed simple offences against the physical integrity of OS. This incident allegedly occurred on 10 November 2012 in Atauro Sub-District, Dili District.

The public prosecutor alleged that on 10 November 2012 at approximately 3:30pm the defendant was not wearing a jumper while driving a ute at high speed when he stopped the victim who was driving a motorcycle taxi on the main road in Mou. The defendant got out of the car, approached the victim and said "what do you want?" and the victim answered "brother, what did I do wrong?". However, the defendant did not answer and immediately hit the victim two times in a row on his left cheek and punched the victim once in the forehead near his nose. The defendant then punched the victim once in the right part of his stomach and once in the chest. These actions caused the victim to become dizzy and experience bleeding from his nose.

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

During the hearing, the defendant admitted that he punched the victim because the victim was riding a motorcycle at high speed and was spreading dust everywhere, which got on the defendant who was on patrol. As a result, the defendant chased and assaulted the victim on the main road. However, the defendant denied that he punched the victim five times, and said that he only punched him three times, slapped him once on the cheek and once on the chest.

Nevertheless, the victim maintained the facts listed in the public prosecutor's charges. The witness AC testified that he saw the incident from approximately 10 meters away. The witness saw the defendant traveling at high speed from Beloi and blocking the victim in the middle of the road, when the defendant pointed his hand towards the victim and then punched and kicked the victim 5 times. After that, the defendant got in his car and went towards Manu Tasi Vila.

Another witness, JM, testified that he passed the scene and saw the victim lying on his motorbike, so he asked if he could take the victim to the hospital. However, the victim refused and said he would go by himself to the hospital when he didn't feel dizzy. This witness did not see the assault.

Although she had heard testimony from the victim, the public defender still had doubts about the evidence established during the trial, so she asked the court to cross-examine the defendant and the victim.

During the cross-examination the defendant maintained his testimony that he hit the victim three times, but the victim maintained his testimony that he was hit five times.

In his final recommendations, the prosecutor asked the court to decide the matter based on the judge's conviction because he recognized there was conflicting testimony from the defendant, the victim and the witness.

Meanwhile, the public defender asked the court to not believe all of the statements made by the victim and the witness because there were indications of collaboration.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 3 February 2015 at 2pm.

20. Crime of economic involvement in business –Case No.945/12.TDDIL

Composition :Panel
Judges : JumiatiFreitas, JacintaCorreira, Antonino do Carmo
Public Prosecutor :Jacinto Babo
Public Defenders :Cançio Xavier (public defender), Pedro Camões (private lawyer) and JoãoNiguiera (international private lawyer)
Conclusion :Trial adjourned

On 26 January 2015, the Dili District Court adjourned the trial of a case involving economic involvement in business allegedly committed by the defendants VdSG, FBS and JR against the State, relating to the purchase of cars for members of parliament during the second legislative period in 2008.

The court adjourned the trial because the defendant VdSG, who is the president of the National Parliament, had not had his immunity suspended by the National Parliament.

As a result, the court decided to give another 30 days to the National Parliament to remove his immunity. For this reason, the court adjourned the trial until 24 February 2015.

21. Crime of illegal gambling – Case No.473/14.TDDIL

Composition :Single
Judge : Ana Paula Fonseca
Public Prosecutor :Lidia Soares
Public Defender :Jose da Silva
Conclusion :Sentenced to 1 year in prison, suspended for 2 years.

On 26 January 2015, the Dili District Court tried the defendant EV for committing the crime of illegal gambling against the State. This incident occurred on 20 February 2014 in Bairro-Pite, Dili District.

The public prosecutor alleged that on 20 February 2015, at approximately 3pm, the defendant was caught by the police when selling Lores coupons in Bairro-Pite. The police confiscated one bundle of coupons of which there were five left. In addition, the police confiscated US\$75.75.

The public prosecutor charged the defendant with violating Article 322 of the Penal Code for illegal gambling.

During the hearing, the defendant admitted his actions and testified that he knew that the coupons were illegal but because he did not have enough money he was forced to sell the coupons.

Because the defendant admitted his actions, the public prosecutor decided against hearing the testimony of the witnesses. In her final recommendations, the public prosecutor asked the court to hand down a prison sentence of 6 months, to be suspended for 1 year. The public prosecutor considered that a suspended jail sentence would be more appropriate to prevent and ensure that the defendant did not repeat his actions in the future.

The public defender asked the court to consider the mitigating circumstances favorable to the defendant, including that he was a first time offender, he admitted his actions and the defendant was the only breadwinner in his family.

On 27 January 2015, the court concluded this matter and sentenced the defendant to 1 year in prison, suspended for 2 years. In relation to the US\$75.75, the court decided that the money belonged to the State and ordered the defendant to pay court costs of US\$20.

22. Crime of making threats - Case No.567/14.TDDIL

Composition	:Single
Judge	:Ana Paula Fonseca
Public Prosecutor	:João Martins (trainee)
Public Defender	:Câncio Xavier
Conclusion	:Ongoing

On 26 January 2015, the Dili District Court tried the defendant EJM for allegedly committing the crime of making threats against his former wife. This case incident allegedly occurred on 17 July 2013 in Dom Aleixo Sub-District, Dili District.

The public prosecutor alleged that on 17 July 2013 the defendant threatened the victim by telephone that he would send his brother to kill her. This allegedly occurred because the victim kept asking for US\$5,225.00, which had been used by the defendant.

In relation to these acts, the public prosecutor charged the defendant with violating Article 157 of the Penal Code for making threats.

During the hearing, the defendant rejected all of the charges of the public prosecutor and testified that he did not know the victim, and did not live with her as husband and wife.

Meanwhile, the victim testified that she and the defendant started living together as husband and wife on 17 July 2010. However, since April 2013 until now the defendant had not returned to the victim. Therefore, the victim had asked for her money that the defendant had used to fund a project and to pay for studying at university. At the time the victim asked for her money back, the defendant threatened her.

The witness IME, the victim's younger sister, was summoned to testify that she knew the defendant as the husband of the victim because the defendant had lived with the victim every day since July 2010 until April 2013.

In his final recommendations, the public prosecutor asked the court to consider the facts and uphold justice for the defendant because the facts revealed during the trial gave rise to doubts.

On the other hand, the public defender asked the court to acquit the defendant from the public prosecutor's charges because there was not enough evidence or there was still doubt.

After hearing the final recommendations of the parties, the court adjourned the trial to announce its decision on 30 January 2015 at 9am.

23. Crime of simple offences against physical integrity characterized as domestic violence – Case No.16/14.TDDIL

Composition	:Single
Judge	:Ana Paula Fonseca
Public Prosecutor	:ReinatoBereNahak
Public Defender	:Jose da Silva
Conclusion	:Trial adjourned

On 27 January 2015, the Dili District Court adjourned a hearing in a case of simple offences against physical integrity involving the defendant CAC who allegedly committed the offences against his son.

The case was adjourned because the summons sent by the court to the defendant via the police had not been received. As a result, the victim and the defendant were not present at court.

In relation to this impediment, the court adjourned the trial until 8 April 2015 at 9am.

24. Crime of simple offences against physical integrity - Case No.551/14.TDDIL

Composition	:Single
Judge	:Francisca Cabral
Public Prosecutor	:ReinatoBereNahak
Public Defender	:Sergio Quintas
Conclusion	:Acquitted

On 27 January 2015, the Dili District Court acquitted the defendant Nelto Pacheco de Orleans from the charge of committing simple offences against the physical integrity of the victim Leonardo Mendes. This incident occurred on 8 April 2012 in Vera-Cruz Sub-District, Dili District.

During the hearing, the court found that it had previously handed down a decision in this case and sentenced the defendant to 6 months in prison, suspended for 1 year. As result, the court decided to acquit the defendant.

The decision was made in accordance with Article 31(4) of the Timor-Leste Constitution which states that no one shall be tried and convicted for the same criminal offence more than once.

25. Crime of simple offences against physical integrity characterized as domestic violence – Case No.72/14.TDDIL

Composition :Single
Judge :Francisca Cabral
Public Prosecutor :Ivonia Maria Guterres
Public Defender :Sergio Dias Quintas
Conclusion :Sentenced to 6 months in prison, suspended for 1 year

On 27 January 2015, the Dili District Court tried the defendant AdS for committing the crime of simple offences against the physical integrity of his wife. This incident occurred on 15 November 2013 in Dili District.

The public prosecutor alleged that on 15 November 2013 at 9pm the defendant struck the victim above the eye with a piece of steel, struck her on the buttocks with an axe and also injured her stomach with an axe. These actions caused the victim to suffer swelling to her eye and buttocks, and an injury to her stomach.

This allegedly occurred because the defendant asked the victim if they could go and find the home of the village chief so that they could resolve a problem about their daughter, but the victim refused to go. As a result, the defendant committed violence against the victim.

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

During the hearing, the defendant admitted to the facts and testified that he regretted his actions. The defendant also testified that he was a first time offender and promised not to reoffend in the future.

In her final recommendations, the public prosecutor asked the court to sentence the defendant to 6 months in prison, to be suspended for 1 year. The public prosecutor believed that this penalty would prevent the occurrence of such crimes in the future.

The public defender argued that the defendant had confessed, regretted his actions, had reconciled with the victim and was a first time offender, and therefore asked the court to apply a lenient penalty against the defendant.

After hearing the final recommendations of the parties, the court concluded this matter and sentenced the defendant to 6 months in prison, suspended for 1 year.

26. Crime of simple offences against physical integrity characterized as domestic violence – Case No.795/14.TDDIL

Composition :Single

Judge :Ana Paula Fonseca
Public Prosecutor :Vicente Brites
Public Defenders :Sergio Dias Quintas and Agustinha de Oliveira
Conclusion : Sentenced to 6 months in prison, suspended for 1 year 6 months

On 27 January 2015, the Dili District Court adjourned the trial of a case of simple offences against physical integrity involving the defendant CdC who committed the offence against his wife. This incident occurred on 16 November 2011 in Dili District.

The public prosecutor alleged that on 16 November 2011 the defendant struck the victim in the foot with a piece of wood which caused an injury and swelling. This occurred because the victim saw the defendant talking to another woman in front of a shop. As a result, they argued and then the defendant committed this crime against the victim.

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

During the trial, the defendant denied that he struck the victim with a piece of wood, and said that he threw a piece of wood at the wall and it struck the victim on the foot. The defendant testified that he regretted his behaviour and that they had reconciled.

In addition, the victim confirmed that the defendant did throw the piece of wood, but it struck the wall first before it struck her leg and caused the swelling. The victim also confirmed that after the incident they reconciled and have been living together as husband and wife.

In his final recommendations, the public prosecutor asked the court to sentence the defendant to 1 year in prison, suspended for 2 years, to prevent any violence in the future.

The public defender asked the court to give justice to the defendant because he regretted his actions, had reconciled with the victim and was a first time offender.

The court concluded the matter and sentenced the defendant to 6 months in prison, suspended for 1 year and 6 months, with the condition that the defendant periodically report to the police during the period of suspension. The court also ordered the defendant to pay court costs of US\$20.

27. Crime of misappropriation of public assets - Case No.366/2013/TDDIL)

Composition of judges :Single
Judge :Ana Paula Fonseca
Public Prosecutor :Jacinto Babo
Public Defender :Pedro Aparisio
Conclusion :Acquitted

On 27 January 2015 the Dili District Court conducted a hearing in a case of misappropriation of public assets involving the defendant AdA (a former member of Parliament) and the defendant MPdC (also a former member of Parliament) against the State. These acts were allegedly committed on 30 June 2012 in Dili District.

The public prosecutor alleged that on 30 June 2012, the defendant AdA used a State owned vehicle with the number plate MP8874 for campaigning in Ermera, Liquica and Maliana Districts.

Regarding the defendant MPdC, the public prosecutor alleged that on 20 June 2012 the defendant used a State owned vehicle with the number plate 8860 to conduct a campaign at the Democracy Field.

The public prosecutor charged the defendants AdA and MPdC with violating Article 296 of the Penal Code for misappropriation of State assets.

During the hearing, the defendant AdA testified that he did use the vehicle in three districts (Ermera, Liquica and Maliana), although not with the intention of conducting a political campaign but to meet with constituents.

Meanwhile, the defendant MPdC did not attend court because he was working overseas as a diplomat. The defendant's legal representative held a Power of Attorney and testified that his client used the State owned vehicle to meet with her constituents, not to conduct a campaign.

In his final recommendations, the public prosecutor believed that the defendant AdA, and the defendant MPdC through her legal representative, had testified that they went to the districts to meet with constituents, not to conduct a political campaign. Therefore, the public prosecutor asked the court to apply an appropriate sentence in accordance with the actions of the two defendants.

On the other hand the public defender believed that the defendants used the cars to meet with their constituents, not to conduct a campaign, and there was no evidence showing that the defendants used these vehicles for campaigning. Therefore, the public defender asked the court to acquit the two defendants from the charges.

After evaluating the facts relating to this case, the court concluded the matter and acquitted the two defendants from the charges of the public prosecutor.

28. Crime of making threats and property damage - Case No.507/13.TDDIL

Composition	:Single
Judge	:Antonio de Carmo
Public Prosecutors	:Benvinda do Rosario, Napoleão Soares and Recardino Leite Godinho
Public Defenders	:Manuel Exposto and Agustinha de Oliveira
Conclusion	:Ongoing

On 28 January 2015 the Dili District Court tried the defendant SdS for allegedly committing the crime of making threats and property damage against the victim AA. This incident allegedly occurred on 18 April 2012 in Fatuhada, Dili District.

The public prosecutor alleged that on 18 April 2012, at approximately 7am, the defendant smashed a wall built by the victim that had 8 pieces of corrugated iron and 6 house walls made from palm stalks. In addition to smashing the wall, the defendant threatened to burn the victim because the wall he had built jutted onto the defendant's land that he had purchased from the victim. This allegedly occurred because the victim constructed a wall that jutted onto the defendant's land.

The public prosecutor charged the defendant with violating Article 157 of the Penal Code for making threats as well as Article 258 of the Penal Code for property damage.

During the hearing, the defendant testified that he smashed a wall built by victim because when the victim built the wall it went over the land boundary and jutted onto his land that he had bought from the victim. However in relation to the charge of making threats, the defendant testified that he had never threatened the victim. In addition, during the hearing the defendant expressed his regret and promised not to reoffend in the future.

Meanwhile, the victim testified that the defendant smashed the wall and threatened to burn the victim because of a dispute over the land boundary. The victim testified that he suffered damage of approximately US\$65.

In their final recommendations, the public prosecutors asked the court to impose a sentence of 1 year in prison, suspended for 2 years, for property damage. However, for the crime of making threats, they decided to dismiss this charge because there was not enough evidence and there was doubt.

Meanwhile, the public defenders requested for the court to acquit the defendant from the charges of the public prosecutor because the corrugated iron and palm stem walls were still in good condition and could be used. However, if the court decides otherwise, they asked the court to impose a fair penalty on the defendant.

After hearing the final recommendations of the parties, the court adjourned proceedings to announce its final decision on 6 February 2015 at 10am.

29. Crime of simple offences against physical integrity - Case No.791/2014/TDDIL

Composition of judges	:Single
Judge	:Jacinta Correia da Costa
Public Prosecutor	:Benvinda do Rosario
Public Defender	:Câncio Xavier
Conclusion	:Ongoing

On 28 January 2015, the Dili District Court conducted a hearing in a crime of simple offences against physical integrity involving the defendants TdJ and TS (husband and

wife) against the victim EF, their neighbor. This incident allegedly occurred on 17 October 2013 in Dili District.

The public prosecutor alleged that on 17 October 2013, at approximately 6am, the defendant TdJ punched the victim numerous times in the head and back. In addition, the defendant TS struck the victim numerous times on the back. This incident allegedly occurred because the victim damaged a pipe belonging to the defendant that was used for channeling dirty dishwater and covered it up with stones.

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

During the hearing, the defendant testified that the facts in the prosecutor's charges were not true because at the time, the victim punched him first in the nose and the defendant fell to the ground. The defendant also added that he had lodged a complaint about the violence committed by the victim.

In addition, the defendant TS confirmed the testimony of the defendant TdJ in relation to this case.

Nevertheless, the victim maintained the facts listed in the public prosecutor's charges.

After hearing the testimony from the defendants and the victim, the court adjourned proceedings until 11 February 2015 in order to wait for the defendants to initiate a new case currently being processed by the Public Prosecution Service so the court can include it in this matter. However, the court stated that it would continue to final recommendations if the defendants did not submit their complaint within the given timeframe.

30. Crime of simple offences against physical integrity - Case No. 57/2014/TDDIL

Composition of judges	:Single
Judge	:Ana Paula Fonseca
Public Prosecutor	:Hipólito Santa
Public Defender	:Marcal Mascharenhas
Conclusion	:Sentenced to 2 months in prison, suspended for 2 year and 6 months.

On 28 January 2015, the Dili District Court conducted a hearing in a case of simple offences against physical integrity involving the defendant AM and the victim ASM. This incident occurred on 13 September 2012 in Aileu District.

The public prosecutor alleged that on 13 September 2012 at approximately 6pm the defendant slashed the victim in the forehead with a machete and caused the victim to fall to the ground. These actions caused the victim to suffer an injury to his forehead and he had to get treatment at the Aileu hospital. This allegedly occurred because the victim asked the defendant why the defendant had closed off a road that normally the victim used to get to his house.

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

During the trial, the defendant testified that some of the facts were untrue because at that time, the victim entered the house and was carrying a machete to slash the defendant. Therefore, the defendant used a piece of wood to strike the victim in the hand, and the machete injured his head and hand. Nevertheless, the defendant also testified that they had reconciled, they were relatives and he promised not to reoffend in the future.

On the other hand, the victim maintained the facts in the public prosecutor's charges and testified that he did not go to attack the defendant at his house. However, the victim also testified that they were relatives and they had reconciled.

The witness, who is the wife of the defendant, testified that the victim went to their house and yelled out "*why did you close off this road and how are we going to get through...?*" After that the defendant challenged him by saying "*try and come here if you think you are tough.*" The defendant approached the victim and cut the door which struck the victim in the forehead. However, the two parties have reconciled.

After evaluating the facts produced during the examination of evidence and the defendant's confession of some of the facts, the public prosecutor asked the court to amend the charge from simple offences against physical integrity to the crime of serious offences against physical integrity because the victim suffered a serious injury to his hand and is now suffering from a permanent disability.

On the other hand, the public defender asked the court to apply a lenient sentence because the defendant had expressed regret, the parties had reconciled and they were related. Therefore, the public defender asked the court to maintain the original charge of the public prosecutor regarding the crime of simple offences against physical integrity.

After observing and analyzing all of the facts and the final recommendations of the parties, the court concluded the matter and sentenced the defendant to 2 years in prison, suspended for 2 years 6 months.

31. Crime of simple offences against physical integrity characterized as domestic violence – Case No.798/2014/TDD

Composition	:Single
Judge	:Francisca Cabral
Public Prosecutor	:Vicente Brites
Public Defender	:Manuel Exposto
Conclusion	:Trial adjourned

On 28 January 2015, the Dili District Court adjourned proceedings in a case of simple offences against physical integrity involving the defendant ML who allegedly committed the offences against his wife.

The trial was adjourned because the defendant was not present, although he had been given a summons.

In relation to his failure to adhere to the summons, the court decided that the defendant must provide justification for his absence within 5 days. If he did not provide justification within five days, the court would issue a warrant or arrest against the defendant to attend the hearing.

In relation to this impediment, the court adjourned proceedings until 3 March 2015 at 11 am.

32. Crime of simple offences against physical integrity - Case No.827/2014/TDDIL

Composition of judges	:Single
Judge	:Francisca Cabral
Public Prosecutor	:ReinatoBereNahak
Public Defender	:Manuel Exposto
Conclusion	:Settlement was validated

On 28 January 2015, the Dili District Court attempted conciliation to acquit the defendant MS who allegedly committed simple offences against the physical integrity of the victim NdS. This incident allegedly occurred in Dili District.

The defendant and the victim had reconciled previously, so during the hearing the victim asked the court to withdraw the complaint.

Considering that this matter was semi-public in nature, the public prosecutor and the public defender agreed with the request from the victim to withdraw the case.

Based on the victim's request to the court to withdraw the matter, the court concluded this process and validated the settlement.

33. Crime of mistreatment of a spouse - Case No.302/2014/TDD

Composition	:Panel
Judges	:Jacinta Correa, Zumiaty Freitas and Albertina Neves (trainee)
Public Prosecutor	:ReinatoBereNahak
Public Defender	:Sebastião Amado
Conclusion	:Ongoing

On 28 January 2015, the Dili District Court tried the defendant HSG for committing mistreatment of a spouse. This incident allegedly occurred on 9 February 2012 in Dili District.

The public prosecutor alleged that on 9 February 2012, at 8 am, after returning from Ermera the defendant and the victim argued because when they were in Ermera the victim's family did not invite the defendant to eat with them. This made the defendant

angry and he punched the victim twice in the cheek and back, once in the throat, and kicked the victim in the leg causing her to fall to the ground and wet herself.

On 9 April 2012 at 9pm the defendant elbowed the victim in the mouth. This incident allegedly occurred because the victim did not want to get a jacket when the defendant told her to.

On 19 April 2013 at 8pm the defendant hit the victim four times on the back of the neck with a broom. In addition, the defendant ordered the victim to kneel and prohibited the victim from carrying a telephone, and prohibited her from going to school or visiting her family. This allegedly occurred because the victim did not want to fetch a photo album that was at the house of the victim's brother when the defendant told her to.

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

During the hearing, the defendant testified that the facts alleged by the public prosecutor were true, that he regretted his actions and that he had reconciled with the victim. Separately, the victim confirmed the facts that were raised by the defendant during the hearing.

In his final recommendations, the public prosecutor stated that the defendant was guilty of committing mistreatment of a spouse. Therefore, he asked the court to sentence the defendant in accordance with the charges.

The public defender asked the court to apply a suspended sentence against the defendant because he confessed, regretted his actions and had reconciled with the victim.

After hearing the final recommendations of the parties, the court adjourned proceedings to announce its decision on 6 February 2015 at 2pm.

34. Crime of aggravated theft – pre-trial hearing

Composition	:Single
Judge	: Antonio do Carmo
Public Prosecutor	:ReinatoBereNahak
Public Defender	:Jose Guterres
Conclusion	:Ongoing

On 28 January 2015, the Dili District Court conducted a pre-trial hearing in a case of aggravated theft allegedly committed by the defendant TM against NdC. This incident allegedly occurred on 22 and 24 January 2015 in Bebonuk, Dili District.

Previously, on 5 January 2015, the court imposed Proof of Identity and Residence (TIR) restrictive measures against the defendant because he was found to have stolen a laptop on 3 January 2015 in Bebonuk.

The public prosecutor charged the defendant with violating Article 252 of the Penal Code for aggravated theft.

After hearing from the parties, the court decided to impose restrictive measures requiring the defendant to report three times a week to the police while waiting for the proceedings to recommence.

35. Crime of simple offences against physical integrity - Case No. 271/2014/TDD

Composition :Single
Judge :Ana Paula Fonseca
Public Prosecutor :Lidia Soares
Public Defender :Olga Barreto
Conclusion :Trial adjourned

On 29 January 2015, the Dili District Court adjourned proceedings in a case of simple offences against physical integrity involving the defendant MM who allegedly committed the offences against AdSA.

Like an earlier case, this case was adjourned because the defendant was not present, even though he had been summoned by the court.

For his failure to heed the summons the court decided that the defendant must provide justification for his absence and, if the defendant did not do so within five days, the court would issue a warrant of arrest against the defendant to attend the hearing. The court then adjourned the trial until 19 March 2015 at 2:30pm.

36. Crime of simple offences against physical integrity - Case No.1182/14.TDDIL

Composition :Single
Judge :Jose Maria de Araujo
Public Prosecutor :ReinatoBereNahak
Public Defender :Sergio Quintas
Conclusion :Ongoing

On 29 January the Dili District Court tried a case of simple offences against physical integrity involving the defendant FCB and the victim JGG. This incident allegedly occurred on 11 January 2014 in Dom Aleixo Sub-District, Dili District.

The public prosecutor alleged that on 11 January 2014, at 7am, the defendant asked the victim to provide him with a key, as the defendant is the owner of a house that was being rented by the victim. However, the victim said nothing and did not respond so the defendant became angry then squeezed the right hand of the victim causing pain and redness. This allegedly occurred because the victim and his family were renting the home of the defendant and borrowed the defendant's money, but the victim did not respond nicely to the defendant when the defendant asked for the money and requested a key to the house.

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

During the trial the defendant testified that all of the charges of the public prosecutor were true. Meanwhile, the victim testified that the defendant wanted to choke him, but he used his hand to stop the defendant from squeezing his throat. The victim added that at that time he had already conveyed to the defendant that key was not with him but the defendant did not listen and continued to squeeze his hand.

In his final recommendations the public prosecutor asked the court to hand down a fair penalty because the defendant had been to have committed the alleged crime in accordance with the facts charged by the public prosecutor.

Meanwhile, the public defender believed that this case occurred because of provocation by the victim who did not want to give the key for the house they were renting. The public defender also requested the court to consider the mitigating circumstances, including that the defendant admitted his actions and was a first time offender. Therefore he requested for the court to issue a fair punishment.

After hearing the final recommendations of the parties, the court adjourned the proceedings to announce its decision on 12 February 2015 at 2pm.

37. Crime of simple offences against physical integrity characterized as domestic violence – Case No.673/2014/TDDIL

Composition of judges	:Single
Judge	:Francisca Cabral
Public Prosecutor	:Ivonia Maria Guterres
Public Defender	:Marcia Sarmiento
Conclusion	:Ordered to pay a fine of \$45.

On 29 January 2015, the Dili District Court heard a case of simple offences against physical integrity involving the defendant COG who committed the offences against his wife. This incident occurred on 30 August 2013 in Dili District.

The public prosecutor alleged that on 30 August 2013, at approximately 10:00pm, the defendant and the victim argued because the defendant came home late at night without giving a reason to the victim. In addition, on 31 August 2013, at approximately 1pm the defendant poured hot water on the hip of the victim and caused injury and swelling. This occurred because the victim did not prepare lunch when the defendant got home from work. The victim was angry at the defendant about a problem that had occurred when the defendant had previously come home late. When the defendant was getting some hot water to make some instant noodles, the victim was still angry, so the defendant became angry and committed the crime against the victim.

The public prosecutor charged the defendant with violating Article 145 of the Penal Code for simple offences against physical integrity in conjunction with Articles 3 and 35 of the Law Against Domestic Violence.

During the hearing, the defendant confessed and testified that he felt regret for his actions and promised not to reoffend in the future.

Because the defendant admitted his actions and expressed regret, in his final recommendations the public prosecutor asked the court to hand down a prison sentence of 6 months, to be suspended for 1 year.

The public defender asked the court to apply a fair sentence against the defendant because of the mitigating circumstances, namely that the defendant expressed regret, had reconciled with the victim and was a first time offender.

After hearing the final recommendations of the parties, the court immediately concluded the matter and ordered the defendant to pay a fine of US\$45. The court also imposed an alternative penalty of 70 days prison if the defendant did not pay the fine. The court also ordered the defendant to pay court costs of US\$10.

38. Crime of making threats – Case No.245/14.TDDIL

Composition :Single
Judge : Ana Paula Fonseca
Public Prosecutor : Benvinda do Rosário
Public Defender : Laura Lay
Conclusion :Ongoing

On 29 January 2015, the Dili District Court tried the defendant FA for allegedly committing the crime of making threats against IOMJ, the second wife of her former husband. This incident allegedly occurred on 24 January 2013 in Bemori, Dili District.

The public prosecutor alleged that on 24 January 2013, at approximately 10am, the defendant went to the home of her former parents in law in Bemori. She wanted to find AF (her former husband) who had abandoned her in 2012. When she arrived, the defendant met the victim. Then the defendant asked the victim “*is AF’s child in your stomach yet?*” However, the victim did not respond to the defendant’s question. The defendant yelled and threatened the victim by saying “*one day I will stab a knife into your stomach*”.

After speaking like this, the defendant took out a knife from her bag to stab the victim. However, she was unable to because the victim ran inside and asked her parents in law for help. The defendant’s former parents in law threw her from the house, verbally abused her, then chased the defendant back to her house.

The public prosecutor charged the defendant with violating Article 157 of the Penal Code for making threats.

During the trial the defendant testified that she did go to the home of her former parents in law to meet with her former husband to discuss the issue of schooling for their adopted child. The defendant also admitted that she met with the victim at the home of her former parents in law and asked about the child in her stomach. However, she denied using a knife to threaten to kill her. According to the defendant, she just got back from teaching at school and is not accustomed to carrying a knife.

Meanwhile, the victim testified that she did not see the defendant take out a knife from her bag. The victim only had a suspicion because the defendant threatened to kill her, and at that moment her hand was inside the bag.

In her final recommendations, the public prosecutor asked the court to hand down a prison sentence of 1 year, to be suspended for 2 years, to prevent the defendant from committing similar acts in the future.

Meanwhile, the public defender asked the court to acquit the defendant because in addition to not having any witnesses, the testimony of the victim raised some doubts about the knife allegedly used by the defendant to threaten the victim.

After hearing the final recommendations of the parties, the court adjourned the matter to announce its decision on 5 February 2015 at 2pm.

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