



## *Case Summary*

### *Baucau District Court*

#### *January 2015*

## **Summary of the trial process at the Baucau District Court – January 2015**

### *Introduction*

On 16 January 2015 the court recommenced trial activities as normal after its annual judicial recess in 2014. During this period JSMP monitored 23 of the 29 cases heard by the court. The 23 cases observed by JSMP were comprised 22 were criminal cases and 1 civil case.

These cases comprised 1 case of negligent offences against physical integrity, 2 cases of property damage, 1 case of sexual abuse of a minor, 1 case of making threats, 4 cases of simple offences against physical integrity characterized as domestic violence, 3 cases of simple offences against physical integrity, 1 case of homicide, 1 case of failure to comply with a lawful order, 2 cases of serious offences against physical integrity, 1 case of aggravated theft, 1 case of simple offences against physical integrity and making threats, 1 case of murder and destruction, theft, hiding or desecration of a corpse, 1 case of illegal import and export of goods or merchandise, 1 case of theft and 1 case of sexual coercion. The civil case related to an inheritance matter.

Of these 23 cases, 9 were decided by the court and the remaining 14 cases are still ongoing. These cases were adjourned because parties did not appear because they had moved address or because the judge handling these cases was attending training overseas. In addition, one case was delayed because the judge who was previously presiding over the matter was affected by the government and parliamentary resolutions that were issued in October 2014.

The information below outlines the cases observed:

### **1. Negligent offences against physical integrity - Case No. 0575/12.PDBAU**

Composition of judges : Single  
Judge : Jose Gonçalves  
Public Prosecutor : Alfonso Lopez  
Public Defender : Juvinal Yanes  
Conclusion : Trial adjourned

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On 20 January 2015 the Baucau District Court adjourned the trial of a case of negligent offences against physical integrity involving the defendant HJH who allegedly committed the offences against AEM. This case allegedly occurred on 3 November 2012 in Wailili Village, Baucau District.

The trial was adjourned because the judge handling this case was attending training in Portugal. Therefore, the court was unable to set a definitive date to continue the trial of this case.

## **2. Crime of property damage - Case No. 0313/12.PDBAU**

|                       |  |
|-----------------------|--|
| Composition of judges | : Single   |
| Judge                 | : Jose Gonçalves   |
| Public Prosecutor     | : Alfonso Lopez  |
| Public Defender       | : Juvinal Yanes  |
| Conclusion            | : Sentenced to 6 months prison suspended for 1 year and ordered to pay civil compensation of US\$30. |

On 20 January 2015 the Baucau District Court conducted a hearing of a case of property damage committed by the defendant AM against the victim A FM. This case occurred on 27 June 2012 in Waitame Village, Baucau District.

The public prosecutor alleged that on 27 June 2012 at 6pm, the victim's dog bit the defendant on the leg. On the next day the defendant took a machete to the home of the victim and slashed the dog to death.

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

During the trial, the defendant confessed and confirmed his actions and testified that he killed the victim's dog because it bit his leg and caused an injury. The victim confirmed that the defendant killed his dog.

Because the defendant admitted his actions, in his final recommendations the public prosecutor requested that the court issue a punishment proportional to the actions of the defendant and asked for him to pay compensation.

The public defender requested the court acquit the defendant from all charges because the victim's dog had bitten the defendant.

On 27 January 2015 the court concluded this matter and sentenced the defendant to 6 months in prison, suspended for 1 year. In addition, the court also ordered the defendant to pay US\$30 to the victim.

## **3. Crime of sexual abuse of a minor - Case No. 0277/13.PDBAU<sup>1</sup>**

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<sup>1</sup> See also: Case summary Baucau District Court December 2014 and JSMP Press Release, 23 January 2015, "Baucau District Court sentences defendant to 17 years' prison in case of sexual abuse of a minor" available at [www.jsmp.tl](http://www.jsmp.tl)

Composition of judges : Panel  
Judge : Antonio Fonseca (representing the panel)  
Public Prosecutor : Domingos Barreto  
Public Defender : Juvinal Yanes  
Conclusion : Sentenced to 17 years in prison

On 20 January 2015 the Baucau District Court sentenced the defendant GG to 17 years' prison for committing the crime of sexual abuse of a minor. The court found the defendant guilty of committing sexual abuse of a minor who was aged 10 years old. This case occurred on 20 July 2013 in Baucau District.

The court found that the defendant grabbed the victim by the arm and dragged her into some bushes and under a coconut tree. The defendant then began to force the victim to have sexual intercourse. However, he was unable to continue the act because the aunt of the victim (DdCC) saw them and screamed at the defendant and then reported it to the victim's family.

The court also found that in 2013 (date and month unknown), at approximately 10am, the victim was walking alone and the defendant approached the victim and dragged the victim into the defendant's room. The defendant then had sexual intercourse with the victim. After that, the defendant gave US\$ 0.75 to the victim and told the victim to "*go and buy some cake to eat and come back here again sometime*".

Based on these facts, the court concluded the matter and sentenced the defendant to 17 years in prison.

#### **4. Crime of making threats - Case No. 0473/11.PDBAU**

Composition of judges : Single  
Judge : Afonso Carmona  
Public Prosecutor : Domingos Barreto  
Public Defender : Juvinal Yanes  
Conclusion : Defendant sentenced to 1 year in prison, suspended for 2 years

On 20 November 2015 the Baucau District Court conducted a hearing to announce its decision in a case of making threats committed by Leopoldo Pinto against Angelo Maria Aparicio. This case occurred on 12 October 2011 in Baguia, Baucau District.

The court found that on 12 October 2011, at 8am, the defendant argued with the victim in the victim's plantation when the victim was cleaning it up. At that time the defendant threatened to kill the victim which caused the victim to feel afraid and traumatized.

Based on these facts, the court concluded the matter and sentenced the defendant to 1 year in prison, suspended for 2 years.

Previously, the public prosecutor charged the defendant with violating 157 of the Penal Code on making threats which carries a penalty of 2 years in prison or a fine.

#### **5. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 0006/14.PDBAU**

Composition of judges : Single  
Judge : Carlos Filipe  
Public Prosecutor : Domingos Barreto  
Public Defender : Juvinal Yanes  
Conclusion : Trial adjourned

On 21 January 2015 the Baucau District Court adjourned the trial of a case involving simple offences against physical integrity allegedly committed by the defendant FMX against his wife AX. This case allegedly occurred on 23 April 2014 in Manatuto District.

The trial was adjourned because the judge handling this case has returned to his country of origin to abide by the Parliamentary Resolution No. 11/2014 and Government Resolutions No. 29/2014 and 32/2014 regarding an audit of the judicial sector and the cancellation of the work visas of 8 international court actors, and this case was reassigned to another judge.

The court has not yet set a date to continue the trial of this case.

#### **6. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 0029/12.PDBAU**

Composition of judges : Single  
Judge : Jose Gonçalves  
Public Prosecutor : Domingos Barreto  
Public Defender : Juvinal Yanes  
Conclusion : Trial adjourned

On 21 January 2015 the Baucau District Court adjourned the trial of a case involving simple offences against physical integrity allegedly committed by the defendant MM against his wife AS. This case allegedly occurred on 08 December 2012 in Viqueque District.

The trial was adjourned because the judge handling this case was attending training in Portugal. As a result, the court has not yet set a date to continue the trial of this case.

#### **7. Crime of simple offences against physical integrity - Case No. 0323/13.PDBAU**

Composition of Judges : Single  
Judge : Afonso Carmona  
Public Prosecutor : Alfonso Lopes  
Public Defender : Grigório de Lima  
Conclusion : Settlement was validated

On 21 January 2015 the Baucau District Court conducted a hearing to attempt conciliation of a case of simple offences against physical integrity involving the defendants Sabino dos Santos da Costa, Pedro Pereira, Reinato Hornai da Cruz and Luis Belo de Jesus (*members of the F-FDTL Military Police*) who allegedly committed the offences against the victims Arnaldo Freitas, Domingos Tiborsio, Julio de Jesus Freitas and Domingos Ximenes. This case occurred on 27 July 2013 in Bairro Vila Nova, Baucau District.

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

During the attempted conciliation the two parties informed the court that they had already reconciled. The court requested the defendants to once again apologize to the victims before the court. After the defendants apologized to the victims, the court validated the settlement of this case.

#### **8. Crime of aggravated murder - Case No. 0313/12.PDBAU**

Composition of judges : Panel  
Judges : Antonio Fonseca, Hugo da Cruz Pui and Jose Q.S. Celestino  
Public Prosecutor : Luis Hernani Rangel da Cruz  
Public Defender : Gregório de Lima  
Conclusion : Ongoing

On 22 January 2015 the Baucau District Court tried the defendants EB (member of F-FDTL - platoon commander), CP (member of F-FDTL) and JdS (member of F-FDTL) who allegedly killed the deceased Pedro da Costa Carmo. This case occurred on 27 August 2010 in Laivai Village, Lautem District.

The public prosecutor alleged that on 27 August 2010, at approximately 5pm, the defendants received a phone call from AC, who is the daughter in law of AM, to say that a person was beating AM (also a member of F-FDTL) at the Lavai bridge.

At 6pm, the defendants left from Lanud Baucau in a F-FDTL ambulance to go to the scene. When they arrived at the scene the defendant FB yelled out “Don’t move! Don’t move! Stay calm, we are from the military...!” After yelling, the defendants got out and beat the victim. Further, the defendants continued to beat the victim in the face and head with their weapons. These acts caused the victim to die instantly at the scene of the crime.

The public prosecutor charged the defendants with violating Article 138 of the Penal Code on murder.

During the trial the defendants EB, CP and JdS rejected the facts alleged by the Public Prosecutor. The defendants testified that at that time, when they arrived at the scene, they saw their friend and the deceased sprawled out on the bridge. Therefore, they picked up the two victims and put them in the ambulance and took them to the Baucau Referral Hospital. The defendants testified that they didn’t know what happened to the victim who passed away.

After hearing testimony from witnesses, the court listed the case for the 5<sup>th</sup> and 12<sup>th</sup> February to hear testimony from the witnesses and to hear final recommendations.

#### **9. Inheritance - Case No. 0246/14.CV.TDB**

Composition of judges : Single  
Judge : Hugo da Cruz Pui  
Public Prosecutor : Domingos Barreto  
Public Defender : Juvinal Yanes  
Conclusion : Concluded

On 22 January 2015 the Baucau District Court heard a civil case relating to an inheritance matter involving AS and her children ZM, JS, J M, AM, and Z S, against BNU Bank. In this

case A S and her children requested the court grant permission to AS to access her husband's money (the deceased) that was stored at BNU Bank.

During the conference (hearing) of this case the court decided that JdS would be the executor who could accompany AS (as the head of the family) to withdraw the money of the deceased held with BNU totalling US\$ 1,312.50.

#### **10. Crime of failure to comply with a lawful order - Case No. 0041/15.PDBAU**

On 22 January 2015 the Baucau District Court adjourned the trial in a case of failure to comply with a lawful order involving the defendants DP, A G and C A against the State of RDTL. This case occurred on 31 December 2014 in Caibada Village, Baucau District.

The trial was adjourned because the defendant DP was not present because he was sick and was being held at the Becora Correctional Facility. The defendant was previously convicted of another crime. Therefore, the court adjourned the trial until 5 February 2015, at 2pm.

#### **11. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 0258/13.PDBAU**

|                       |                    |
|-----------------------|--------------------|
| Composition of judges | : Single           |
| Judge                 | : Antonio Fonseca  |
| Public prosecutor     | : Domingos Barreto |
| Public Defender       | : Juvinal Yanes    |
| Conclusion            | : Trial adjourned  |

On 22 January 2015 the Baucau District Court adjourned the trial of a case involving simple offences against physical integrity allegedly committed by the defendant AMC (husband), JMC and SMC (children) against EF who was the wife of the defendant AMC and mother of JMC and SMC. This case allegedly occurred on 01 May 2013 in Lautem District.

The trial was adjourned because the defendants and 3 witnesses did not appear in court although they had already received the court summons.

Due to their failure to comply with the summons the court will issue a warrant of arrest against the defendants. The trial was adjourned until 21 April 2015, at 2.30pm.

#### **12. Crime of simple offences against physical integrity - Case No. 0373/14.PDBAU**

|                       |                           |
|-----------------------|---------------------------|
| Composition of judges | : Single                  |
| Judge                 | : Antonio Fonseca         |
| Public Prosecutor     | : Domingos Barreto        |
| Public Defender       | : Jonas Henrique da Costa |
| Conclusion            | : Trial adjourned         |

On 22 January 2015 the Baucau District Court adjourned the trial of a case involving simple offences against physical integrity allegedly committed by the defendant CP against VdC. This case allegedly occurred on 05 June 2009 in Quelicai, Viqueque District.

The trial was adjourned because the defendant had passed away. For this reason the court did not set a date for a new trial.

### **13. Crime of serious offences against physical integrity Case No. 0014/14.PDBAU**

Composition of judges : Panel  
Judges : Antonio Fonseca, Hugo da Cruz Pui and Jose Q.S.  
Celestino (*trainee judge*)  
Public Prosecutor : Domingos Barreto  
Public Defender : Juvinal Yanes  
Conclusion : Trial adjourned

On 23 January 2015 the Baucau District Court adjourned the trial of a case of serious offences against physical integrity involving the defendant DS who allegedly committed the offence against AS. This case allegedly occurred on 17 January 2014 in Lautem District.

The trial was adjourned because the defendant was not present although he had been served with a summons. In relation to this failure to comply, the court will issue a warrant of arrest against the defendant. The court adjourned the trial until 17 July 2015, at 9am.

### **14. Crime of simple offences against physical integrity - Case No. 0918/10.PDBAU**

Composition of judges : Single  
Judge : Ercilia de Jesus (*trainee judge*)  
Public Prosecutor : Alfonso Lopez  
Public Defender : Gregório de Lima  
Conclusion : Trial adjourned

On 27 January 2015 the Baucau District Court adjourned the trial of a case of simple offences against physical integrity involving the defendants JdCG, DC, CC and EG who allegedly committed the offence against JBX (member of F-FDTL). This case allegedly occurred on 27 March 2010 in Laga, Baucau District.

The trial was adjourned because the defendants have moved address and the court could not issue them with a summons. Therefore, the court adjourned the trial until 12 May 2015, at 9am.

### **15. Crime of theft - Case No. 0231/13.PDBAU**

Composition of judges : Single  
Judge : Antonio Fonseca  
Public Prosecutor : Domingos Barreto  
Public Defender : Gregório de Lima  
Conclusion : Settlement was validated

On 27 January 2015 the Baucau District Court conducted a hearing to attempt conciliation in a case involving theft committed by the defendant Gil Freitas against Pedro da Costa Freitas (the victim). This case occurred on 13 March 2013, in Samalari Village, Baucau District.

The public prosecutor alleged that on 13 March 2013, the defendant killed and ate a pig that walked onto his plantation. However, the defendant has since paid the victim for the pig.

The public prosecutor considered that these actions violated Article 251 of the Penal Code on theft.

Before the hearing the defendant and the victim entered into an amicable agreement and therefore the victim wanted to withdraw the case. Based on the agreement between the parties and the victim's request to withdraw the case, the court validated this settlement.

**16. Crime of simple offences against physical integrity and making threats - Case No. 0048/12.PDBAU**

Composition of judges : Single  
Judge : Jose Q.S. Celestino (*trainee judge*)  
Public Prosecutor : Domingos Barreto  
Public Defender : Jonas Henrique da Costa  
Conclusion : Trial adjourned

On 27 January 2015 the Baucau District Court adjourned the trial of a case involving simple offences against physical integrity and making threats allegedly committed by the defendants DC, EM, RX, MR and JPS against the victim EMH. This case allegedly occurred on 14 January 2012 in Ossu, Viqueque District.

The trial was adjourned because the defendant was being treated at the Baucau Referral Hospital. For this reason the court adjourned the trial until 14 May 2015 at 4pm.

**17. Crime of murder, destruction, theft, hiding or profaning of a corpse - Case No. 0026/12.PDBAU**

Composition of judges : Panel  
Judge : Antonio Fonseca, Hugo da Cruz Pui and Jose Q.S. Celestino (*trainee judge*)  
Public Prosecutor : Alfonso Lopez  
Public Defender : Juvinal Yanes  
Conclusion : Ongoing

On 27 January 2015 the Baucau District Court tried a case of murder and destruction, theft, hiding or desecrating a corpse which involved the defendant MX against the deceased VH. This case occurred on 27 April 2014 in Lospalos, Lautem District.

The public prosecutor alleged that on 27 April 2014, at approximately 10am the defendant argued with the victim because the victim accused the defendant of killing his buffalo. Because of this, the victim became angry and took a machete to strike the defendant but he did not manage to strike him. The defendant then took a piece of bamboo and struck the victim knocking the machete to the ground.

When he saw the machete fall on the ground, the defendant grabbed it and slashed the victim on the back of the neck and throat which caused the victim to die at the scene. After that, the defendant took some rope and tied the feet of the victim and dragged him and buried him in



the plantation. The defendant secretly buried the victim in the plantation and hid the machete that he used to kill the victim. One day later the defendant showed the police where the body of the victim was buried.

The public prosecutor charged the defendant with violating Article 138 of the Penal Code on murder as well as Article 224 of the Penal Code on destruction, theft, hiding or desecrating a corpse.

During the trial the defendant admitted the facts alleged by the Public Prosecutor. Because the defendant admitted his actions, in his final recommendations the public prosecutor requested the court sentence the defendant in accordance with the charges and impose a sentence of 16 years in prison.

The public defender requested the court consider the mitigating circumstances such as the fact that the defendant regretted his actions, has 12 children, 7 of them are minors and 5 of them are still at school. Therefore, he requested the court hand down a proportional penalty against the defendant.

After hearing the final recommendations, the court adjourned the trial to announce its decision on 11 February 2015, at 2pm.

#### **18. Serious offences against physical integrity - Case No. 0459/13.PDBAU**

|                       |  |
|-----------------------|--|
| Composition of judges | : Panel  |
| Judges                | : Afonso Carmona, Hugo da Cruz Pui and Ercilia de Jesus<br>(trainee judge) |
| Public Prosecutor     | : Domingos Barreto   |
| Public Defender       | : Jonas H. da Costa  |
| Conclusion            | : Ongoing  |

On 27 January 2015 the Baucau District Court conducted a hearing in a case of serious offences against physical integrity allegedly committed by the defendant AF against the victim HdS (his older brother). This case occurred on 22 September 2013 in Lospalos, Lautem District.

The public prosecutor alleged that the father of the defendant and the victim was sick and was being treated at the Baucau Referral Hospital. In accordance with local custom, the defendant slaughtered a chicken and cracked three eggs to find out what illness their father was suffering.

On the morning of 22 September 2013 the defendant rang the victim to go to the home of the defendant to take care of Timorese cultural matters/customs and find out what illness their father was suffering, however, the victim did not go and only came to the home of the defendant together with other family members in the afternoon.

The defendant and the victim argued at the home of the defendant about the illness their father was suffering. The victim also wanted to go to his uncle's house but the defendant slashed his head from behind with a machete. These actions caused the victim to require 3 stitches.

The public prosecutor charged the defendant with violating Article 146 of the Penal Code regarding serious offences against physical integrity.

During the trial the defendant testified that he did not slash the victim, and that he was walking behind the victim and hit the right arm of the victim who was holding a machete. Because of this the victim's machete struck his left hand near the fingers and the end of the machete struck the victim in the eye. In addition, the victim also gave testimony that mirrored the defendant's testimony in the trial.

Because the defendant admitted his actions, in his final recommendations, the public prosecutor requested that the court convict the defendant based on the evidence obtained during the trial.

The public defender requested that the court amend Article 146 of the Penal Code on serious offences against physical integrity to Article 145 of the Penal Code on simple offences against physical integrity.

After hearing the final recommendations, the court adjourned the trial to announce its decision on 11 February 2015, at 11am.

**19. Crime of simple offences against physical integrity characterized as domestic violence - Case No. 0092/14.PDBAU**

|                       |                                  |
|-----------------------|----------------------------------|
| Composition of judges | : Single                         |
| Judge                 | : Hugo da Cruz Pui               |
| Public Prosecutor     | : Luis H. Rangel da Cruz         |
| Public Defender       | : Jonas Henrique da Costa        |
| Conclusion            | : Ordered to pay a fine of \$45. |

On 28 January 2015 the Baucau District Court conducted a trial in a case of simple offences against physical integrity committed by the defendant AB against MM (his wife). This case occurred on 21 August 2014 in Buibau Village, Baucau District.

The public prosecutor alleged that on 21 August 2014, at 3pm, the defendant ordered the victim to go and sell a rooster for US\$18. After selling the rooster the victim went home and the defendant took US\$10 to go and gamble and the defendant lost. Because the defendant lost, the victim became angry because all of the money to buy rice was gone. At that time, the victim did not want to breast feed their child and the child cried so the defendant became angry and slapped the victim one time in the back and kicked her one time in the back.

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

At the trial the defendant admitted all of the facts described in the indictment of the public prosecutor. In addition, the victim testified that since the incident the defendant has not committed any further violence against the victim and they have reconciled and are living together as husband and wife.

In his final recommendations the public prosecutor stated that all of the facts alleged against the defendant had been proven, and therefore requested that the court impose a fine. The public defender requested the court apply an appropriate penalty against the defendant because he admitted all of the facts.

After evaluating the facts revealed during the trial, the court concluded this matter and ordered the defendant to pay a fine of US\$45 in instalments of US\$0.50 per day for 90 days. The court also ordered that a prison sentence of 60 days would be imposed if the defendant does not pay this fine and ordered the defendant to pay court costs of US\$10.

## **20. Crime of illegal import or export of goods or merchandise - Case No. 0003/15.BCSIC**

|                       |                                |
|-----------------------|--------------------------------|
| Composition of judges | : Single                       |
| Judge                 | : Afonso Carmona               |
| Public Prosecutor     | : Alfonso Lopes                |
| Public Defender       | : Gregório de Lima             |
| Conclusion            | : Suspended sentence of 1 year |

On 28 January 2015 the Baucau District Court conducted a trial in a case of illegal import or export of goods or merchandise involving three defendants who are Indonesian citizens, namely YW, OW and AS who committed the offences against the State of RDTL. This case occurred on 21 January 2015, in Waiaka-Mulia, Laga Sub-District, Baucau District.

The public prosecutor alleged that on 21 January 2015, at approximately 5am, the defendants were travelling on a ship named KM –*Maju Bersama* from Wetar, Indonesia and entered the Waika-Mulia region, Baucau, Timor-Leste.

The defendants were transporting 60 pieces of timber measuring 10 x 20 and 62 wooden boards measuring 6 x 20. There was 7 cubic meters of timber. The defendants did not have a letter of permission, did not have documents indicating payment of taxes, did not have passports and visas to enter the waters of Timor-Leste and the defendants did not pass through immigration and customs.

The public prosecutor charged the defendants with violating Article 315 of the Penal Code on illegal import or export of goods or merchandise.

During the trial the defendants admitted their actions. Because the defendants admitted their actions, in his final recommendations, the public prosecutor requested the court declare that the 7 cubic meters of timber should be confiscated by the State and that the court decide on what to do with the ship.

The public defender requested that the court impose an appropriate penalty against the defendants because they admitted their actions and were willing to pay for their crimes.

On 29 January 2015 at 3pm the court concluded this matter and sentenced the defendants to 6 months in prison, suspended for 1 year. The court also decided that the 7 cubic meters of timber and the ship would belong to the State of Timor-Leste.

## **21. Crime of property damage - Case No. 0086/12.PDBAU**

Composition of Judges : Single  
Judge : Antonio de Carmo  
the public prosecutor : Alfonso Lopes  
Public Defender : Jonas Henrique da Costa  
Conclusion : Settlement was validated

On 29 January 2015 the Baucau District Court conducted a trial to attempt conciliation in a case of property damage committed by the defendants Domingos Rodrigues and Daniel da Costa against the victim Anacleto Ribeiro. This case occurred on 26 December 2011, in Buibau Village, Baucau District.

The public prosecutor charged the defendants with violating Article 258 of the Penal Code on property damage.

During the trial, the defendants apologized to the victim and the victim accepted the apology and withdrew the case. Based on the agreement between the parties and the victim's request to withdraw the case, the court validated this settlement.

## **22. Crime of robbery - Case No. 0533/11.PDBAU**

Composition of judges : Single  
Judge : Afonso Carmona  
Public Prosecutor : Luis Hernani Rangel da Cruz  
Public Defender : Jonas Henrique da Costa  
Conclusion : Trial adjourned

On 29 January 2015 the Baucau District Court adjourned the trial of a case of robbery allegedly committed by the defendants IFdS against DF. This case allegedly occurred on 17 December 2011 in Vemassee, Baucau District.

The trial was adjourned because the defendants have moved address and the court could not issue them with a summons.

For this reason the court has not yet set a date to continue the trial of this case.

## **23. Crime of sexual coercion - Case No. 0479/13.PDBAU**

Composition of judges : Panel  
Judges : Hugo da Cruz Pui, Ercilia de Jesus and Jose Q.S  
Celestino (*trainee judge*)  
The public prosecutor : Pascasio de Rosa Alves  
Public Defender : Jonas Henrique da Costa  
Conclusion : Ongoing

On 30 January 2015 the Baucau District Court tried the defendant EL for allegedly committing the crime of sexual coercion against the victim AMG (his step daughter). This case occurred on 22 July 2013 in Viqueque District.

The public prosecutor alleged that on 22 July 2013 at approximately 12 midday the defendant went into the victim's room when the victim was sound asleep. The victim was surprised

when the defendant grabbed her. The victim felt afraid and managed to run from her room and go tell her mother who was looking after the kiosk.

The public prosecutor charged the defendant with violating Article 171 of the Penal Code on sexual coercion as well as Articles 2, 3 and 35 of the Law Against Domestic Violence.

During the trial, the defendant denied the facts contained in the indictment and testified that at that time he was drunk and went into the victim's room to ask for a telephone. At that time the victim was still awake and the defendant slapped her thigh however he did not commit the crime mentioned in the indictment.

During the trial, the victim also testified that the defendant did not grab her. The victim added that at that time she was sleeping in the room and suddenly the defendant came in and asked for a mobile phone and struck her thigh. The victim felt afraid and ran out of the room. The victim added that they have only been using one telephone all this time.

In his final recommendations the public prosecutor requested the court acquit the defendant.

Just like the public prosecutor, the public defender also requested the court acquit the defendant from the charges of the public prosecutor because his actions did not fulfil the elements of the crime set out in Article 171 of the Penal Code on sexual coercion.

After hearing the final recommendations, the court then adjourned the trial until 12 February 2015, at 2pm, to announce its final decision.

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