



Case Summary
Baucau District Court
September 2016

A. Summary of trials at the Baucau District Court

1. Total cases observed by JSMP : 16

Case Type	Total
Article 145 of the Penal Code & Article 35 (B) of the Law Against Domestic Violence – Simple offences against physical integrity characterized as domestic violence	7
Article 145 of the Penal Code - Simple offences against physical integrity	4
Article 154 of the Penal Code - Mistreatment of a spouse	2
Articles 177 & 182 of the Penal Code - Aggravated sexual abuse of a minor	1
Article 259 of the Penal Code - Aggravated property damage	1
Article 207 of the Penal Code - Driving without a license	1
Total	16

2. Total number of decisions observed by JSMP: 12

Type of decision	Total
Prison sentence	1
Suspension of execution of prison sentence - Article 68 of the Penal Code	7

Validating withdrawal of complaint	3
Fine pursuant to Article 67 of the Penal Code	1
Total	12

3. Total cases adjourned based on JSMP monitoring: 4

Reason for adjournment	Total
Adjourned to read out decision	4
Total	4

4. Total cases that are still ongoing according to the observations of JSMP: 4

B. Summary of hearings to announce decision in cases observed by JSMP

1. Crime of simple offences against physical integrity

Case No. : 0450/14.PDBAU
Composition of judges : Single
Judge : Antonio Fonseca
Public Prosecutor : Alfonso Lopez
Public Defender : Cândia Antonio Freitas (Trainee)
Type of decision : Validating withdrawal of complaint

On 20 September 2016 the Baucau District Court attempted conciliation in a case of simple offences against physical integrity, allegedly committed by the defendant HdA against the victim EdCF in Baucau District.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity that carries a penalty of up to three years in prison or a fine.

During the aforementioned attempted conciliation, the defendant apologised to the victim and also gave \$40.00 to the victim to purchase medicine and to obtain treatment for injuries suffered. Therefore the victim requested for the court to withdraw the complaint.

In relation to this request the public prosecutor and the public defender respected the agreement of the two parties and requested for the court to validate this agreement.

Based on the agreement between the two parties and the victim's request to withdraw the case, the court then decided to validate the request to withdraw the complaint.

2. Crime of simple offences against physical integrity

Case No. : 0008/14.PDBAU
Composition of judges : Single
Judge : Hugo da Cruz Pui
Public Prosecutor : Luis Hernani Rangel da Cruz
Public Defender : Aquino Dias Quintas (trainee)
Type of decision : Validating withdrawal of complaint

On 21 September 2016 the Baucau District Court attempted conciliation in a case of simple offences against physical integrity allegedly committed by the defendant AG against the victim FPS in Baucau District.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity that carries a penalty of up to three years in prison or a fine.

During this process the defendant apologized to the victim and promised not to reoffend in the future. Therefore the victim requested for the court to withdraw the complaint.

In relation to this request the public prosecutor and the public defender respected the agreement of the two parties and requested for the court to validate this agreement.

Based on the agreement between the two parties, the court then decided to validate the request to withdraw the complaint.

3. Crime of simple offences against physical integrity

Case No. : 0409/13.PDBAU
Composition of judges : Single
Judge : José Escurial
Public Prosecutor : Alfonso Lopez
Public Defender : Cândio A. Freitas (private lawyer)
Type of decision : The defendants ISB, GP and DdJ sentenced to 6 months in prison, suspended for 1 year

On 21 September 2016 the Baucau District Court conducted a hearing to read out its decision in a case of simple offences against physical integrity involving the defendants ISB, GP and DdJ who allegedly committed the offence against the victim JdJ in Viqueque District.

The public prosecutor alleged that on 25 March 2013, at 11am, the defendant DdJ threw a stone and struck the victim on the back, and the defendants ISB and DdJ used a piece of wood to strike the victim once on the thigh and the defendant GD kicked the victim

once on the back. Also, the defendant DdJ took the victim's machete. This case allegedly occurred because the defendants were using a car to transport rocks from a river without informing the victim. These rocks had been gathered there by the victim.

The public prosecutor charged the defendants for violating Article 145 of the Penal Code regarding simple offences against physical integrity that carries a penalty of up to three years in prison or a fine.

During the trial the defendants chose to remain silent. The victim maintained the facts set out in the indictment.

In his final recommendations the public prosecutor testified that, although the defendants chose to remain silent, the victim had still maintained the facts in the indictment. Therefore he requested for the court to hand down a fair penalty against the defendants. The public defender testified that the defendants chose to remain silent, and therefore requested for the court to impose an adequate penalty against the defendants.

After evaluating the facts proven during the trial, the court concluded this case and sentenced each of the defendants to 6 months in prison, suspended for 1 year.

4. Crime of simple offences against physical integrity

Case No.	: 0106/15.PDBAU
Composition of judges	: Single
Judge	: Hugo da Cruz Pui
Public Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Aquino Dias Quintas (trainee)
Type of decision	: Validating withdrawal of complaint

On 21 September 2016 the Baucau District Court attempted conciliation in a case of simple offences against physical integrity, allegedly committed by the defendant PS against the victim PGM in Viqueque District.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity that carries a penalty of up to three years in prison or a fine.

During this conciliation process the defendant apologized to the victim and promised not to reoffend against the victim in the future. Therefore the victim requested for the court to withdraw the complaint against the defendant.

In relation to this request the public prosecutor and the public defender respected the agreement of the two parties and requested for the court to validate this agreement.

Based on the agreement between the two parties, the court then decided to validate the request to withdraw the complaint.

5. Crime of simple offences against physical integrity characterized as domestic violence

Case No. : 0015/16.VQSIC
Composition of judges : Single
Judge : Ercilia de Jesus
Public Prosecutor : Luis H. Rangel da Cruz
Public Defender : Antonio Fernandes
Type of decision : Sentenced to 2 months in prison, suspended for 1 year.

On 26 September 2016 the Baucau District Court, via the mobile court in Viqueque District, conducted a hearing to announce its decision in a case of simple offences against physical integrity characterized as domestic violence involving the defendant VDP who allegedly committed the offence against her husband in Viqueque District.

The public prosecutor alleged that on 4 May 2016 at 7.30 am, the defendant took a bucket and struck the victim once on the back of the neck and took a rock and struck the victim once on the knee.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity that carries a penalty of up to three years in prison or a fine.

During the trial the defendant admitted all of the facts set out in the indictment, stated that she is a first time offender, she has reconciled with the victim and regretted her actions. The victim corroborated the facts in the indictment.

In the final recommendations the public prosecutor stated that the defendant admitted her acts, was a first time offender and regretted her actions. Therefore, he requested for the court to sentence the defendant to 3 months in prison, suspended for 1 year.

In addition, the public defender also stated that the defendant admitted her actions, was a first time offender and regretted her actions. Therefore he requested for the court to hand down a proportional penalty against the defendant.

After evaluating the facts proven during the trial, the court concluded this case and sentenced the defendant to 2 months in prison, suspended for 1 year, and ordered her to pay court costs of \$ 10.00.

6. Crime of simple offences against physical integrity characterized as domestic violence

Case No. : 0005/16.VQSIC
Composition of judges : Single
Judge : Ercilia de Jesus
Public Prosecutor : Luis H. Rangel da Cruz
Public Defender : Antonio Fernandes
Type of decision : Sentenced to 3 months in prison, suspended for 1 year.

On 27 September 2016 the Baucau District Court, via the mobile court in Viqueque District, conducted a hearing to announce its decision in a case of simple offences against physical integrity characterized as domestic violence involving the defendant PD who allegedly committed the offence against his son in Viqueque District.

The public prosecutor alleged that on 22 February 2016 the defendant was drunk and took a piece of wood and struck the victim on the left leg.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity that carries a penalty of up to three years in prison or a fine, as well as articles 2, 3, 35 and 36 of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts set out in the indictment, stated that he has reconciled with the victim, regretted his actions was a first time offender. The victim maintained the facts in the indictment.

In his final recommendations the public prosecutor stated that the defendant admitted his acts, was a first time offender and this was corroborated by the victim. Therefore, he requested for the court to sentence the defendant to 3 months in prison, suspended for 1 year. The public defender also testified that the defendant admitted the facts, and regretted his actions, and therefore he requested for the court to impose an adequate penalty against the defendant.

After evaluating the facts proven during the trial, the court concluded this case and sentenced the defendant to 2 months in prison, suspended for 1 year, and ordered him to pay court costs of \$ 10.00.

7. Crime of simple offences against physical integrity characterized as domestic violence

Case No.	: 0019/14.VQLLT
Composition of judges	: Single
Judge	: Afonso Carmona
Public Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Antonio Fernandes
Type of decision	: Sentenced to 3 months in prison, suspended for 1 year.

On 28 September 2016 the Baucau District Court via the mobile court in Viqueque District conducted a hearing to announce its decision in a case of simple offences against physical integrity characterized as domestic violence involving the defendant AB who allegedly committed the offence against his wife in Viqueque District.

The public prosecutor alleged that on 29 December 2015, at 2pm, the defendant was drunk and took a piece of burnt wood and struck the victim on her left shoulder.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity that carries a penalty of up to three years in prison or a fine, as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts set out in the indictment, stated that he was a first time offender and regretted his actions and has reconciled with the victim. On the other hand, the victim maintained the facts set out in the indictment of the public prosecutor.

In his final recommendations the public prosecutor stated that the defendant admitted the facts, regretted his actions was a first time offender. Therefore he requested for the court to apply a prison sentence of 3 months, suspended for 1 year.

Also, the public defender stated that the defendant admitted all of the facts listed in the indictment of the public prosecutor and regretted his actions. Therefore, he requested for the court to hand down an adequate punishment against the defendant.

After evaluating all of the evidence presented in the trial the court decided the matter and sentenced the defendant to 3 months imprisonment, suspended for 1 year.

8. Crime of simple offences against physical integrity characterized as Domestic Violence

Case No.	: 0041/15.VQSIC
Composition of judges	: Single
Judge	: Ercilia de Jesus
Public Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Antonio Fernandes
Type of decision	: Sentenced to 3 months in prison, suspended for 1 year.

On 29 September 2016 the Baucau District Court, via the mobile court in Viqueque District, conducted a hearing to announce its decision in a case of simple offences against physical integrity characterized as domestic violence involving the defendant MdA who allegedly committed the offence against his wife in Viqueque District.

The public prosecutor alleged that on 1 December 2015, at 7.00pm, the defendant took a piece of wood and struck the victim once on the head and once on the back and also struck the victim once on the right ear. Therefore the victim took a machete and slashed the defendant¹ 3 times on the head and caused an injury and heavy bleeding. The victim was treated in hospital and the defendant was also admitted to the general hospital in Viqueque.

¹ The alleged offence committed by the victim against the defendant is currently being investigated.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity that carries a penalty of up to three years in prison or a fine as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts set out in the indictment, stated that he has reconciled with the victim, regretted his actions was a first time offender. On the other hand, the victim maintained the facts set out in the indictment of the public prosecutor.

In his final recommendations the public prosecutor testified that the defendant admitted the facts in the indictment, was a first time offender, and therefore he requested for the court to sentence the defendant to 3 months in prison, suspended for 1 year. The public defender stated that the defendant admitted all of the facts set out in the indictment, regretted his actions and was a first time offender. Therefore, he requested for the court to apply an adequate penalty.

After evaluating all of the evidence presented in the trial the court decided the matter and sentenced the defendant to 3 months imprisonment, suspended for 1 year.

9. Crime of driving without a license

Case No. : 0008/16.VQSTR
Composition of judges : Single
Judge : Ercilia de Jesus
Public Prosecutor : Luis H. Rangel da Cruz
Public Defender : Antonio Fernandes
Type of decision : Fine of US\$ 60.00.

On 29 September 2016 the Baucau District Court, via the mobile court in Viqueque District, read out its decision in a case of driving while unlicensed involving the defendant CdF who allegedly committed the offence against the Government, in Viqueque.

The public prosecutor alleged that on 1 April 2016, at 3pm, the defendant was riding a revo motorcycle and collided with a fozu car. Therefore the police investigated and found that the defendant did not have a license.

The public prosecutor charged the defendant for violating Article 207 of the Penal Code on driving unlicensed that carries a sentence of up to 2 years imprisonment or a fine.

During the trial, the defendant admitted all of the facts in the indictment and testified that after the incident in May 2016, the defendant obtained a license. In addition, the defendant stated that he was a first time offender and regretted his actions.

In his final recommendations, the public prosecutor testified that the defendant admitted all of the facts, was a first time offender, and therefore he requested for the court to impose a fine against the defendant.

In addition, the public defender stated that the defendant admitted all of the facts, regretted his actions, and was a first time offender. Therefore he requested for the court to impose a small fine against the defendant.

After examining the evidence established during the trial, the court found the defendant guilty and imposed a fine of US\$ 60.00 against the defendant to be paid in daily installments of 50 cents for 120 days. The court also stipulated an alternative punishment of 80 days jail if the defendant does not pay the aforementioned fine.

10. Crime of simple offences against physical integrity characterized as Domestic Violence

Case No.	: 0004/11.VQSIC
Composition of judges	: Single
Judge	: Hugo da Cruz Pui
Public Prosecutor	: Alfonso Lopez
Public Defender	: Antonio Fernandes
Type of decision	: Sentenced to 4 months in prison, suspended for 1 year.

On 29 September 2016 the Baucau District Court read out its decision in a case involving simple offences against physical integrity characterized as domestic violence involving the defendant MSP who allegedly committed the offence against his wife in Baucau District.

The public prosecutor alleged that on 21 February 2016, at 6pm, the defendant kicked the victim twice in the back.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity that carries a penalty of up to three years in prison or a fine as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts set out in the indictment, stated that he has reconciled with the victim, regretted his actions and was a first time offender. On the other hand, the victim maintained the facts set out in the indictment.

In his final recommendations the public prosecutor stated that the defendant admitted all of the facts and was a first time offender. Therefore he requested for the court to issue a fine against the defendant.

In addition, the public defender stated that the defendant confessed and regretted his actions, and was a first time offender. Therefore he requested for the court to impose a small fine against the defendant.

After evaluating all of the evidence presented in the trial the court decided the matter and sentenced the defendant to 4 months imprisonment, suspended for 1 year.

11. Aggravated sexual abuse of a minor

Case No. : 0025/16. BCBCV
Composition of judges : Panel
Judge : Antonio Fonseca
: Hugo da Cruz Pui
: Jose Quintão
Public Prosecutor : Luis H. Rangel da Cruz
Public Defender : Jose Maria Guterres
Type of Decision : 15 years in prison

On 21 September 2016 the Baucau District Court read out its decision in a case of sexual abuse allegedly committed by the defendant JGX against a child aged 10, in Baucau District.

The public prosecutor alleged that on 3 May 2016, at 9.00 am, the defendant, who was the neighbor of the victim, went into the victim's room and used force to make the victim lie down on bed and then forcefully committed sexual violence against the victim.

The public prosecutor charged the defendant for violating article 177 (a) of the Penal Code relating to the sexual abuse of a minor and Article 182 (a) of the Penal Code that aggravates the offence because the victim was under 12 years of age.

During the trial the defendant partially admitted the facts in the indictment, and testified that he did go into the room of the victim and grabbed the victim on her body, but he did not have sexual intercourse with the victim. However when the court sought confirmation with the victim in relation to these facts, the victim corroborated the facts in the indictment. The victim also testified that after the incident the victim and her family filed a report with the police and the police immediately took the victim to the Baucau Referral Hospital and the victim is now staying at a safe house.

The witness AF (mother of the victim) testified that after she returned from the market and opened the door she saw the defendant putting on his trousers and the victim was naked and she ran to towards the witness crying. On that same day the witness rang her husband and they immediately reported the case to the police and took the victim to the Baucau Referral Hospital.

In his final recommendations, the public prosecutor stated that although the defendant rejected some of the facts in the indictment, the victim maintained the facts that were then corroborated by the witness. Therefore he requested for the court to sentence the defendant to 20 years in prison. On the other hand, the public defender stated that the defendant only admitted several facts in the indictment, so he requested for the court to apply an adequate penalty against the defendant.

After evaluating the facts established during the trial, the court settled this matter and sentenced the defendant to 15 years in prison.

12. Crime of simple offences against physical integrity characterized as Domestic Violence

Case No. : 0024/15. VQWTL
Composition of judges : Single
Judge : Ercilia de Jesus
Public Prosecutor : Luis H. Rangel da Cruz
Public Defender : Antonio Fernandes
Type of decision : Sentenced to 5 months in prison, suspended for 1 year.

On 30 September 2016 the Baucau District Court via the mobile court in Viqueque District, conducted a hearing to announce its decision in a case of simple offences against physical integrity characterized as domestic violence involving the defendant TdC who allegedly committed the offence against his wife in Viqueque District.

The public prosecutor alleged that on 30 November 2015 the defendant used a tree branch to strike the victim 4 times on the back and twice on the shoulder, and punched the victim twice on the back and kicked the victim once on the back.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity that carries a penalty of up to three years in prison or a fine as well as articles 2, 3, and 36 of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts, regretted his actions and testified that he has reconciled with the victim. On the other hand, the victim maintained the facts set out in the indictment.

In his final recommendations the public prosecutor testified that the defendant admitted all of the facts stated in the indictment. Therefore he requested for the court to apply a prison sentence of 3 months, suspended for 1 year.

In addition, the public defender also stated that the defendant admitted all of the facts in the indictment, and has reconciled with the victim. Therefore, he requested for the court to apply an adequate penalty against the defendant.

After evaluating all of the evidence presented during the trial, the court concluded this case and sentenced the defendant to 5 months in prison, suspended for 1 year.

For more information, please contact:

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