



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Case Summary
Oecusse District Court
January 2016

A. Summary of the trial process at the Oecusse District Court

1. Total cases observed by JSMP: 24

Case Type	Total
Articles 145 & 35 of the LADV - Simple offences against physical integrity characterized as domestic violence	14
Article 145 - Simple offences against physical integrity	6
Articles 145 & 185 - Simple offences against physical integrity & unlawful entry	1
Article 258 - Property damage	1
Articles 293 & 294 - Passive corruption for a lawful act & active corruption	1
Article 207 - Driving without a license	1
Total	24

2. Total number of decisions observed by JSMP: 18

Type of decision	Total
Effective prison sentence	2
Suspended sentences pursuant to Article 68 of the Penal Code	11
Fine pursuant to Article 67 of the Penal Code	1
Admonishment pursuant to Article 82 of the Penal Code	1
Suspended	1
Acquitted	2
Total	18

3. Total cases adjourned based on JSMP monitoring: 2

Reason for adjournment	Total
The defendant was not present	1
The defendant and the victim were not present	1
Total	2

Total cases that are still ongoing - based on JSMP monitoring: 4

B. Short summary and description of trials and decisions

1. Crime of simple offences against physical integrity

CaseNo.189/kcrime/2015/TDO

Composition of judges : Single
Judge : João Ribeiro
Public Prosecutor : Ricardo Godinho Leite Leite
Public Defender : Calisto Tout
Type of decision : Acquitted

On 6 January 2015 the Oecusse District Court conducted a hearing in a case of simple offences against physical integrity involving the defendant Ermelindo da Conceicao who allegedly committed the offence against Domingos da Paixao. This case allegedly occurred in Costa Village, Pante-Makassar Sub-District, Oecusse District.

The public prosecutor alleged that on 03 August 2015, at approximately 8pm, the victim entered the yard and hid in the bathroom of the defendant. The defendant chased him and captured the victim but the victim tried to escape. The defendant dragged the victim and caused the victim to suffer an injury to his hand. The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity.

During the trial the defendant testified that he met the victim and took him to his house to ask why the victim entered the defendant's yard. When they arrived in the kitchen, the defendant grabbed the victim however the victim held on to a pillar in the kitchen and did not want to go home. At that time, the victim was holding tightly onto the pillar in the kitchen and this caused him to suffer an injury to his hand.

After that, the defendant handed the victim over to his uncle Florentino Taboy and his uncle gave the victim to his parents. The victim maintained the charges of the Public Prosecutor.

The witness Ercilia Maria Texeira, who is the wife of the defendant, testified that she screamed and called out to the defendant when she saw the victim trying to enter their yard and he was standing under a tree and then he ran into the bathroom. When the defendant approached the victim to greet him, the victim ran away, so the defendant followed him. The defendant was able to capture the victim and then he dragged the victim into the house through the kitchen. However

the victim held tightly onto the pillar in the kitchen and this caused an injury to the victim's hand.

The witness Florentino Taboy, who is the uncle of the victim, testified that he did not see the defendant punch the victim and did not see the victim's injury. The witness only saw the defendant chasing the victim and the defendant capturing the victim and then the defendant handed the victim over to the witness. The victim was sleeping at the witness' house and he only went back to his parent's house the next morning. The witness did not know why the victim entered the defendant's yard.

In his final recommendations the public prosecutor considered that these actions resulted in the commission of a crime, so he requested for the court to order the defendant to pay a fine. The public defender requested for the court to acquit the defendant because there was not enough evidence to convict the defendant. The public defender also believed that the defendant chased the victim because the victim violated Article 185 of the Penal Code on unlawful entry.

After evaluating the facts relating to this case, the court concluded this matter and acquitted the defendant because it was not proven that the defendant assaulted the victim.

2. Crime of simple offences against physical integrity

CaseNo.191/kcrime/2015/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Ricardo Godinho Leite
Public Defender	: Calisto Tout
Type of decision	: Prison sentence of 6 months

On 7 January 2015 the Oecusse District Court tried a case of simple offences against physical integrity involving the defendant LC and the victim MO who was aged 2. This case allegedly occurred in Lelaufe Village, Nitibe Sub-District, Oecusse District.

The public prosecutor alleged that on 20 May 2015, at approximately 11:00am, the defendant together with his friends AdC, KA, UA and UdA chased DO (father of the victim) to his house. When he arrived home, the defendant approached the wife of DO who was holding the victim. After that, the defendant grabbed the head the victim and yanked the victim forcefully from the arms of his mother and threw the victim on to some corn that was stacked on the dirt. These actions caused the victim the suffer pain to his chest and breathing difficulties. This case allegedly occurred because the defendant suspected the victim's father (DO) of stealing cattle that were being looked after by the defendant and his friends.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity. In this case a medical report from PRADET and photos from the VPU-PNTL were provided.

During the trial the court attempted conciliation between the two parties, but was unsuccessful because the victim, who was represented by his parents, requested for the defendant to pay a fine of US\$1,000, but the defendant was not capable of paying this amount and testified that he didn't do anything against the victim.

The defendant denied all of the facts charged against him and testified that at that time they were chasing each other he did not chase DO to his house. Therefore, the defendant did not throw the victim on the ground as was alleged.

DO, who is the father of the victim, testified that at that time the defendants chased him to his house and he ran inside his house and his wife stopped the defendant at the door. DO added that he saw the defendant throw his son (the victim) on to the corn. As a result of this, the victim had to receive treatment at PRADET and photos were taken at the VPU-PNTL.

In addition, another witness, who is the mother of the victim, testified that the defendants chased her husband (DO) to their house and her husband ran inside the house. At that time the witness stopped the defendant from entering the house. The witness testified that she told the defendant and his friends that they couldn't act like that. After her statement, the defendant then grabbed the victim from the witness and threw him on some corn that was on the ground. The friends of the defendant smashed the wall of the house with some steel bars and pieces of wood and they said that they would kill DO.

In his final recommendations the public prosecutor requested for the court to order the defendants to pay a fine. However if the court was of a different opinion, then he requested for the court to apply a prison sentence because the parents of the victim saw the defendant throw the victim to the ground, which was corroborated by the medical report. The actions of the defendant could have caused the victim to die or become disabled because the victim was very young.

The public defender requested for the court to acquit the defendant from the charges of the public prosecutor because the defendant did not chase the victim DO to his house. In addition, the public defender considered the mitigating circumstances, namely that the parties have reconciled, they have four children, the defendant is a farmer and does not have any permanent income.

After examining the facts relating to this case, the court settled the matter and sentenced the defendant to 6 months in prison, and ordered him to pay court costs of US\$20.

The court found the defendant guilty of committing the aforementioned criminal act based on the testimony of the parents of the victim, who said that the defendant threw the victim onto some corn, which was corroborated by the medical report from PRADET and photos from the VPU-PNTL.

3. Crime of simple offences against physical integrity

CaseNo.194/kcrime/2015/TDO

Composition of judges : Single

Judge : João Ribeiro

Public Prosecutor : Ricardo Godinho Leite
Public Defender : Calisto Tout
Type of decision : Suspended sentence of 4 years in prison

On 8 January 2015 the Oecusse District Court read out its decision in a case of simple offences against physical integrity involving the defendants Nilton Fernando Falo, Yohanes Falo, Tomas Obe, Emanuel Jose Falo and Osorio dos Remedios and the victim Emanuel Taequi. This case allegedly occurred in Costa Village, Pante-Makassar Sub-District, Oecusse District.

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

The court proved that the defendant kicked the victim in the stomach and the defendant Nilton Falo punched the victim numerous times all over his body. In addition, the other three defendants Tomas Obe, Emanuel Jose Falo and Osorio dos Remedios punched the victim until he fell to the ground and the victim's face was bleeding.

The court also proved that the testimony of the defendants was conflicting. The defendant Nilton Falo and Osorio Remedios testified that when the incident occurred they were at home, and the defendants Tomas Obe and Emanuel Falo testified that at the time of the incident they were all at the scene of the crime.

In addition, the court also assessed the behavior of the defendants Tomas Obe, Emanuel Jose Falo and Osorio dos Remedios during the examination of evidence where they all kept looking at each other before providing answers to the court. This shows that before coming to the court they already agreed to reduce their culpability for the actions and to put the blame on the defendant Yohanes Falo who was in jail. The court proved the facts based on the medical report from the hospital and photos from the Police.

The court decided to again hear the testimony of Yohanes Falo because he is serving a prison service in Becora for the crime of aggravated murder. Therefore, this trial only involved the other four defendants.

Based on the aforementioned evidence, the court concluded this matter and sentenced the defendant Nilton Fernando Falo to 1 year and 6 months in prison, suspended for 2 years. The three defendants Tomas Obe, Emanuel Jose Falo and Osorio dos Remedios were sentenced to 9 month's jail, suspended for 1 year.

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

Case No. 182/kcrime/2015/TDO

Composition of judges : Single
Judge : João Ribeiro
Public Prosecutor : Ricardo Godinho Leite
Public Defender : Calisto Tout
Type of decision : Sentenced to an effective sentence of 1 year in prison

On 25 January 2015 the Oecusse District Court tried a case involving simple offences against physical integrity characterized as domestic violence involving the defendant JdC who allegedly committed the offence against his wife. This case occurred in Oecusse District.

The public prosecutor alleged that on 05 July 2015 at approximately 5:00 am the defendant returned from a party and was drunk and hit the victim on the back of her neck and once on her right elbow.

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

The trial was adjourned because the defendant was not present even though he had been given a summons. PNTL was unable to arrest the defendant because the defendant fled to West Timor, Indonesia. The court continued to try this matter without the presence of the defendant and proceeded to hear the testimony of the victim.

The victim testified that the defendant was drunk and twice hit her on the back of the neck and once on her right hand. The victim added that they have not yet reconciled because after the incident, the defendant burned down the house and was no longer living together with the victim. The victim and her two children are living together with her grandmother.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 1 year in prison, to be suspended for 1 year and 6 months, based on the mitigating and aggravating circumstances. Meanwhile, the public defender requested for the court to impose a fair and proportional penalty against the defendant.

After examining all of the facts, the court concluded this process and sentenced the defendant to an effective term of 1 year in prison although the defendant is currently in Indonesia.

5. Crime of passive corruption for a legitimate act and active corruption

CaseNo.200/kcrime/2015/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Ricardo Godinho Leite
Public Defender	: Calisto Tout
Type of decision	: Suspended sentence against the two defendants

On 25 January 2015 the Oecusse District Court tried a case of passive corruption for a legitimate act and passive corruption involving the defendant Anselmos Colowho was the village chief and oão Sasi who was the victim of a natural disaster, against the Ministry of Social Solidarity (MSS). This case allegedly occurred in Nipani Village, Pante-Makassar Sub-District, Oecusse District.

The public prosecutor alleged that in 2012 the defendant AnselmosColo, who was the village chief of Nipani, submitted the name of João Sasi to the Ministry of Social Solidarity (MSS) to receive humanitarian support such as housing materials because he was the victim of a natural disaster. The defendant João Sasi promised the defendant Anselmos that he would distribute the goods received. The defendant Joao Sasi eventually received the goods, namely 50 bags of cement, 50 sheets of corrugated iron, 6kg of 7cm and 12 cm nails, 10 x 8mm reinforced steel, 12 x 10mm reinforced steel, 2 rolls of fine wire and US\$600. After receiving these goods the defendant João Sasi gave some to AnselmosColo, namely 25 bags of cement, 4 x 8mm reinforced steel and 4 x 10mm reinforced steel, as well as US\$385.

The public prosecutor charged the defendant for violating Article 293 of the Penal Code on passive corruption for a legitimate act and Article 294 of the Penal Code on active corruption.

During the trial the two defendants admitted all of the facts and testified that they regretted their actions. Meanwhile the defendant AnselmosColo added that he has returned the goods he received to the victim.

In his final recommendations the public prosecutor requested for the court to hand down a prison sentence of 2 years, to be suspended for 3 years against the defendant Anselmos Colo. In relation to the defendant Joao Sasi, the public prosecutor requested the court to impose a sentence of 6 months in prison, suspended for 1 year.

On the other hand, the public defender requested for the court to consider the mitigating and aggravating circumstances, and based on these considerations, requested for the court to impose a fair penalty in accordance with their respective culpability.

After examining the facts, the court concluded this matter and sentenced the defendant AnselmosColo to 1 year in prison, suspended for 1 year and ordered him to pay court costs of US\$20. Meanwhile, in relation to the defendant João Sasi, the court sentenced him to 6 months in prison, suspended for 1 year.

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

CaseNo.201/kcrime/2015/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Ricardo Godinho Leite
Public Defender	: Calisto Tout
Type of decision	: Sentenced to 1 year in prison, suspended for 1 year.

On 25 January 2015 the Oecusse District Court tried a case of simple offences against physical integrity characterized as domestic violence, involving the defendant AE who allegedly committed the offence against his wife. This case allegedly occurred in Oecusse District.

The public prosecutor alleged that on 27 September 2015, at approximately 3pm, the defendant twice kicked the victim in the stomach and the victim wet herself. As a result the victim suffered

swelling to her stomach. This case allegedly occurred because the victim was angry at the defendant because he did not pick up the victim and their children from the market, and the defendant was drinking palm wine with his friends at the house. In this case a medical report from PRADET and photos from the VPU-PNTL were provided.

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

During the trial the defendant admitted all of the facts, testified that this was the first time he committed violence against the victim, and stated that they reconciled after the incident and he testified that he regretted his actions.

The court decided not to hear testimony from the victim because the defendant admitted all of the facts charged by the public prosecutor.

In his final recommendations the public prosecutor requested for the court to impose a punishment of 1 year in prison, suspended for 2 years, because the defendant was guilty of committing the crime against the victim. The public defender requested for the court to impose a reasonable punishment.

After evaluating all of the facts, the court concluded this case and sentenced the defendant to 1 year in prison, suspended for 1 year.

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

CaseNo.198/kcrime/2015/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Ricardo Godinho Leite
Public Defender	: Calisto Tout
Type of decision	: Sentenced to 1 year in prison, suspended for 1 year.

On 26 January 2015 the Oecusse District Court announced its decision against the defendant JE who allegedly committed simple offences against the physical integrity of his wife, in Oecusse District.

The court found that the defendant struck the victim in her back with a piece of wood and she suffered swelling to her back. The facts were proven based on the medical report and photos from the VPU-PNTL.

The public prosecutor alleged that on 12 July 2015, at approximately 10am, the defendant struck the victim on the back numerous times with a piece of wood until the wood broke. This case allegedly occurred because the victim was angry at the defendant who did not hand over the proceeds of selling woven fabric (*tais*) to the victim. In this case a medical report from PRADET and photos from the VPU-PNTL were provided.

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

During the trial the defendant testified that he did not strike the victim with a piece of wood but only slapped the victim on her left ear. The defendant added that he regretted his actions. However the defendant testified that the defendant and the victim have not yet reconciled because the victim is staying with her parents. The victim corroborated the facts set out in the indictment of the public prosecutor.

In his final recommendations the public prosecutor requested for the court to apply a suspended prison sentence of 1 year, in accordance with the facts revealed during the trial. Meanwhile, the public defender requested for the court to impose a fair penalty against the defendant.

Based on the facts deduced during the trial, the court decided this matter and sentenced the defendant to 1 month in prison, suspended for 1 year.

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

CaseNo.190/kcrime/2015/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Ricardo Godinho Leite
Public Defender	: Afonso Gomes Fatima
Type of decision	: Sentenced to 1 month in jail, suspended for 1 year

On 26 January 2015 the Oecusse District Court tried a case of simple offences against physical integrity characterized as domestic violence, involving the defendant MP who allegedly committed the offence against his wife. This case occurred in Oecusse District.

The public prosecutor alleged that on 15 August 2015, at approximately 5pm, the defendant returned from the plantation and asked the victim about two roosters. The victim answered that the roosters were not there and had gone missing. After hearing the victim's statement, the defendant immediately slapped the victim in the vicinity of her left and right eyes. As a result of these actions the victim suffered swelling to her eyes. In this case a medical report from PRADET and photos from the VPU-PNTL were provided.

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

During the trial the defendant admitted all of the facts and stated that this was the first time he committed violence against the victim. The defendant also stated that they have reconciled and he regretted his actions. Because the defendant admitted his actions, the court decided not to hear the testimony of the victim.

In his final recommendations the public prosecutor requested for the court to apply a suspended prison sentence of 1 year, in accordance with the facts revealed during the trial. Meanwhile, the public defender requested for the court to impose a fair penalty against the defendant, proportional to his culpability.

After evaluating all of the facts, the court concluded this case and sentenced the defendant to 1 year in prison, suspended for 1 year.

9. Crime of driving without a license

CaseNo02/krime-sum/2016/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Ricardo Godinho Leite
Public Defender	: Calisto Tout
Type of decision	: Ordered to pay a fine of US\$ 90

On 27 January 2015 the Oecusse District Court tried a case of driving without a license involving the defendants JB and GU. This case allegedly occurred in Costa Village, Pante-Macassar, Oecusse District.

The public prosecutor alleged that on 24 January 2016, at approximately 10am, the traffic police arrested the two defendants who were detained in the police cells because they were driving without a license.

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

During the trial the defendants admitted all of the facts and testified that they regretted their actions. Because they admitted their actions the court did not hear testimony from the witness (PNTL) who had arrested the defendants.

In his final recommendations the public prosecutor requested for the court to impose a fine of US\$60 for each of the defendants because these types of cases occur nearly every day. Meanwhile, the public defender requested for the court to impose a fair penalty in accordance with the culpability of each of the defendants.

After evaluating all of these facts, the court concluded this matter and ordered each defendant to pay a fine of US\$90 in daily instalments of US\$1.00 per day for 90 days. In addition, the court also stipulated an alternative punishment of 60 days jail for each defendant if they fail to pay the aforementioned fine.

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

CaseNo.01/krime/2016/TDO

Composition of judges	: Single
Judge	: João Ribeiro

Public Prosecutor : Mateus Nessi
Public Defender : Calisto Tout
Type of decision :Acquitted

On 27 January 2015 the Oecusse District Court tried a case involving simple offences against physical integrity characterized as domestic violence involving the defendant JN who allegedly committed the offence against his son-in-law. This case occurred in Oecusse District.

The public prosecutor alleged that on 23 October 2015, at approximately 03:00am, the victim returned from a marriage ceremony and was intoxicated. He fell asleep and was squashing his son who was aged 2 and a half years old, so his son cried and the defendant struck the left arm of the victim with a broom.

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

During the trial the defendant admitted all of the facts and testified that she regretted her actions and that they have reconciled. Because the defendant admitted her actions, the court decided not to hear the testimony of the victim.

In his final recommendations the public prosecutor requested for the court to apply a penalty pursuant to Article 145 of the Penal Code. Meanwhile, the public defender requested for the court to impose a fair penalty against the defendant, proportional to her culpability.

After hearing the final recommendations, the court examined the facts of this case and acquitted the defendant from the charge of the public prosecutor because the court considered the actions of the defendant to have saved the victim's child.

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

CaseNo.03/kcrime/2016/TDO

Composition of judges : Single
Judge : João Ribeiro

Public Prosecutor : Mateus Nessi
Public Defender : Afonso Gomes Fatima
Type of decision : Sentenced to 1 year in prison, suspended for 1 year.

On 27 January 2015 the Oecusse District Court tried a case involving simple offences against physical integrity characterized as domestic violence involving the defendant JP who allegedly committed the offence against his wife. This case allegedly occurred in Oecusse District.

The public prosecutor alleged that on 11 September 2015, at approximately at 9am, without a clear reason, the defendant kicked the victim 4 times, twice on her back and twice on the left

elbow of the victim. In this case a medical report from PRADET and photos from the VPU-PNTL were provided.

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

During the trial the defendant admitted to all of the facts, expressed regret, has reconciled with the victim and this was the first time he committed maltreatment against his wife. Because the defendant admitted all of the facts, the court did not hear the testimony of the victim.

In his final recommendations the public prosecutor requested for the court to apply a penalty pursuant to Article 145 of the Penal Code. The public defender requested for the court to uphold the interests of justice for the defendant.

After evaluating all of the facts, the court concluded this case and sentenced the defendant to 1 year in prison, suspended for 1 year.

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

CaseNo.04/kcrime/2016/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Mateus Nessi
Public Defender	: Afonso Gomes Fatima
Type of decision	: Sentenced to 6 months in prison, suspended for 1 year.

On 27 January 2015 the Oecusse District Court tried a case of simple offences against physical integrity characterized as domestic violence, involving the defendant ME who allegedly committed the offence against his wife. This case allegedly occurred in Oecusse District.

The public prosecutor alleged that on 06 July 2015, at approximately 12:00 midday, the defendant threw a stone at the victim, however it missed. The defendant pulled the victim's hair and dragged the victim to the ground. This case allegedly occurred because the defendant did not agree with the victim's suggestion to find someone to look after their kiosk.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity, 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, regretted his actions and stated that he has reconciled with the victim. Because the defendant admitted his actions, the court decided not to hear the testimony of the victim.

In his final recommendations the public prosecutor requested for the court to apply a penalty pursuant to Article 145 of the Penal Code and the Law Against Domestic Violence. The public defender requested for the court to uphold the interests of justice for the defendant.

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

13. Crime of simple offences against physical integrity

CaseNo06/kcrime/2016/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Ricardo Godinho Leite
Public Defender	: Calisto Tout
Type of decision	: Sentenced to 6 months in prison, suspended for 1 year

On 28 January 2015 the Oecusse District Court tried a case of simple offences against physical integrity involving the defendant OctavianosOqui and the defendant Joana Abi (mother of the other defendant) against the victim Hilario da Conceição Sasi who was the teacher of the defendant OctavianosOqui. This case allegedly occurred in Costa Village, Pante-Makassar Sub-District, Oecusse District.

The public prosecutor alleged that on 08 October 2015, at approximately 08:30am, the two defendants went to the defendant's school to ask why the victim had said negative things about the defendant. When he met with the victim, the defendant Octavianos grabbed the victim by the throat and struck him once in the head with a helmet and kicked him once on his left thigh. This case allegedly occurred because the defendant was unhappy that the victim said that the victim was a devil/sorcerer.

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

During the trial, the defendant admitted that he did strike the victim once with a helmet and kicked the victim once on the thigh, however he said he did not grab the victim by the throat. The defendant added that they had not reconciled because the victim did not want to. Currently the defendant has moved to another school because the school expelled the defendant.

The witness LdC who is a teacher testified that he saw the defendant strike the victim with a helmet and kick the victim on the thigh however he did not know the motive for the incident.

Meanwhile the witness AM who was also one of the defendant's teachers testified that when the aforementioned criminal act occurred, he was in the room. After the incident, the witness saw the defendant holding a helmet and many people were blocking the defendant.

In his final recommendations the public prosecutor requested for the court to hand down a prison sentence of 6 years, to be suspended for 1 year against the defendant OctavianosOqui. In relation

to the defendant Joana Abi, the public prosecutor requested for the court to acquit the defendant because the defendant did not commit the aforementioned crime.

The public defender requested for the court to apply a fair penalty against the defendant OctavianosOqui, and in relation to the defendant Joana Abi the public defender agreed with the request of the public prosecutor to acquit this defendant because she did not do anything against the victim.

The court immediately concluded the case and sentenced the defendant OctavianosOqui to 6 months in prison suspended for 1 year and decided to acquit the defendant Joana Abi from the charges of the public prosecutor.

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

CaseNo.184/kcrime/2015/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Ricardo Godinho Leite
Public Defender	: Afonso Gomes Fatima
Type of decision	: Sentenced to 6 months in prison, suspended for 1 year.

On 28 January 2015 the Oecusse District Court tried a case of simple offences against physical integrity characterized as domestic violence, involving the defendant MT who allegedly committed the offence against his younger sister.

The public prosecutor alleged that on 17 August 2015, at approximately 6pm, the defendant slapped the victim once on the eye and struck the victim on her left shoulder with a fan belt from a rice milling unit because the victim spoke about the man who had impregnated the victim.

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

During the trial the defendant admitted all of the facts, expressed regretted for these actions and testified that he has reconciled with the victim. Because the defendant admitted his actions, the court decided not to hear the testimony of the victim.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 6 months in prison, to be suspended for 1 year. The public defender asked the court to hand down a fair punishment against the defendant.

After evaluating all of the facts, the court concluded this case and sentenced the defendant to 6 months in prison, suspended for 1 year.

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

CaseNo.07/kcrime/2016/TDO

Composition of judges : Single
Judge : João Ribeiro
Public Prosecutor : Ricardo Godinho Leite
Public Defender : Calisto Tout
Type of decision : Sentenced to 2 years in prison, suspended for 2 years.

On 28 January 2015 the Oecusse District Court tried a case of simple offences against physical integrity characterized as domestic violence, involving the defendant DL who allegedly committed the offence against his wife.

The public prosecutor alleged that on 07 August 2015, at approximately 12:00pm, the defendant received a summons from the court to attend a trial for previous actions committed against his wife. In the evening, at approximately 8pm, the defendant came home after watching TV at the home of a neighbor, and saw the victim sleeping, so the defendant punched the victim 3 times above her left eye because he thought that the summons would result in him going to jail. The victim tried to explain that the summons was for him to go to attend a trial, and this did not mean that he was going to jail, but the defendant did not believe her.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity, as well as Article 35 (b) of the Law Against Domestic Violence. The case file included a medical report from the Oecusse Referral Hospital and photos from the VPU-PNTL.

During the trial the defendant admitted all of the facts, regretted his actions and stated that they have reconciled. Because the defendant admitted his actions, the court decided not to hear the testimony of the victim.

In his final recommendations the public prosecutor requested for the court to hand down a sentence of 2 years in prison, to be suspended for 2 years, because the defendant admitted his actions. Meanwhile, the public defender requested for the court to impose a fair penalty against the defendant, proportional to his culpability.

After evaluating all of the facts, the court concluded this case and sentenced the defendant to 2 years in prison, suspended for 2 years. In relation to the criminal offence he previously committed against his wife, the defendant was sentenced to 1 year in prison, but it was suspended for 1 year and 6 months.

16. Crime of simple offences against physical integrity

CaseNo.08/kcrime/2016/TDO

Composition of judges : Single
Judge : João Ribeiro
Public Prosecutor : Ricardo Godinho Leite
Public Defender : Calisto Tout
Type of decision : Settlement was validated

On 28 January 2015 the Oecusse District Court tried a case of simple offences against physical integrity involving the defendant JMdC and his mother (AV) and the victim AC who is the younger sister of the defendant AV. This case allegedly occurred in Lalisuk Village, Pante-Makassar Sub-District, Oecusse District.

The public prosecutor alleged that on 14 October 2015, at approximately 10am, the two defendants punched the victim because the victim told others that the defendant JMdC was married and then divorced and said other negative things about the defendant.

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

During the trial the court attempted conciliation between the parties and the victim wanted to reconcile with the two defendants. The defendants agreed because they are related.

In his final recommendations, the public prosecutor requested for the court to validate this case and the public defender agreed with the request of the public prosecutor.

After evaluating the facts, the court then immediately validated the agreement and acquitted the defendant from the charges of the public prosecutor.

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

CaseNo.183/kcrime/2015/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Ricardo Godinho Leite
Public Defender	: Calisto Tout
Type of decision	: Admonishment

On 29 January 2015 the Oecusse District Court read out its decision and admonished the defendant BM after he was found guilty of committing maltreatment characterized as domestic violence against his wife.

The court proved that the defendant punched the victim once in the forehead because the victim pushed on the defendant's forehead until it hurt when they were having sexual intercourse and the victim did not accept this and slapped the defendant twice.

During this trial the public prosecutor had previously alleged that on 12 July 2015, at approximately 5am, the defendant punched the victim once in the forehead because the victim pushed on the defendant's forehead until it hurt when they were having sexual intercourse. However after that, the victim slapped the defendant twice with a sandal made from a rubber tire.

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

After examining all of the facts relating to this case, the court concluded the matter and issued an admonishment against the defendant.

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

CaseNo.09/kcrime/2016/TDO

Composition of judges	: Single
Judge	: João Ribeiro
Public Prosecutor	: Ricardo Godinho Leite
Public Defender	: Afonso Gomes Fatima
Type of decision	: Sentenced to 6 months in prison, suspended for 1 year.

On 29 January 2015 the Oecusse District Court tried a case of simple offences against physical integrity characterized as domestic violence, involving the defendant NdS who allegedly committed the offence against his wife.

The public prosecutor alleged that on 17 August 2015, at approximately 6pm, there was a misunderstanding between the defendant and the victim and in the end the defendant twice slapped the victim in the mouth and the victim suffered a small injury. In this case a medical report from PRADET and photos from the VPU-PNTL were provided.

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

During the trial the defendant admitted all of the facts, regretted his actions and stated that they have reconciled. Because the defendant admitted his actions, the court decided not to hear the testimony of the victim.

In his final recommendations the public prosecutor requested for the court to hand down a sentence of 6 months in prison, to be suspended for 1 year, after considering all of the facts set out in the indictment of the public prosecutor. Meanwhile, the public defender requested for the court to uphold justice based on the mitigating and aggravating circumstances.

After evaluating all of the facts, the court concluded this case and sentenced the defendant to 6 months in prison, suspended for 1 year and ordered the defendant to pay court costs of US\$20.00

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