



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Case Summary
Dili District Court
January 2016

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

1. Total cases observed by JSMP : 42

Case Type	Total
Articles 145 & 35 LADV - Simple offences against physical integrity characterized as domestic violence	6
Article 145 - Simple offences against physical integrity	6
Articles 157 and 145 - Threats and simple offences against physical integrity	1
Article 171 - Sexual coercion	1
Article 154 - Mistreatment of a spouse	2
Article 267 - Aggravated fraud	1
Article 258 - Property damage	3
Articles 145 & 258 - Ordinary maltreatment and property damage	1
Article 139 - Aggravated homicide	2
Article 146 - Aggravated fraud	1

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Article 151	- Reciprocal offences against physical integrity	1
Article 243	- Obstructing a public authority	1
Article 226	- Abduction of a minor	1
Articles 151 and 157 and threats	- Reciprocal offences against physical integrity	1
Article 1 of Law No.5/1997 on Psychotherapy and Article 1.6 of the Indonesian Law on Narcotics No.35/2009 and Article 101 of the Penal Code on prohibition from driving and cancellation of license to carry a weapon.		1
Total		20

2. Total number of decisions observed by JSMP: 29

Type of decision	Total
Prison sentence	2
Prison sentence with other condition (civil compensation)	1
Suspended sentences pursuant to Article 68 of the Penal Code	8
Suspended prison sentence with conditions pursuant to Article 69 of the Penal Code	2
Suspended sentences with rules of conduct pursuant to Article 70 of the Penal Code	7
Settlement was validated	5
Acquitted	1
Total	20

3. Total cases adjourned based on JSMP monitoring: 2

Reason for adjournment	Total
The defendant did not appear in court, so the court issued a warrant of arrest so the defendant would be present during the trial.	4
Total	4

4. Total cases that are still ongoing - based on JSMP monitoring:11 (10 criminal cases and 1 civil case)

B. Short description of cases decided

1. Crime of aggravated murder

Case No. : 0268/14.PDDIL
Composition of judges : Panel
Judge : Jumiaty Freitas (representing a panel of judges)
Public Prosecutor : Reinato Bere Nahak
Public Defender : Marcal Mascarinhas
Conclusion : Prison sentence

On 06 January 2016 the Dili District Court read out its decision and sentenced the defendant Lino Martins to 18 years in prison and acquitted the defendants Carlito Goveia and Francisco Soares from the crime of aggravated murder allegedly committed against the victim Rafael Babo (deceased). This case allegedly occurred on 7 May 2015 in Ermera District.

Previously the public prosecutor alleged that the victim died because the three defendants killed him when the defendant LM, together with the victim, went to the home of the defendants CG and FS to ask why the defendant CG threatened the victim and stepmother of the defendant LM.

The court proved that on 7 May 2015 the defendant Lino Martins, who is the step grandfather of the victim, slashed the victim on the neck three times which severed the victim's neck and he died at the scene. This case allegedly occurred because the defendant Lino Martins and the victim were carrying a machete and stones and planned to kill the defendants CF and FS, however on the way the defendant LM suddenly took the machete from the victim and slashed the victim causing his death.

During the examination of evidence the court found that the defendant CF and the defendant FS were not involved in this case because the two of them were not at the scene.

These facts were proven based on the confession of the defendant Lino Martins, the statement of the witness AF (step mother of the defendant LM) and based on the medical report.

After evaluating the facts established during the trial, the court settled this matter and sentenced the defendant Lino Martins to 18 years in prison and acquitted the defendants CG and FS.

2. Simple offences against physical integrity

Case No. : 001/16.ALSIC
Composition of judges : Single
Judge : Francisca Cabral
Public Prosecutor : Pedro Baptista
Public Defender : Estaque Guterres
Conclusion : Settlement was validated

On 7 January 2015 the Dili District Court conducted a hearing to attempt conciliation in a case of ordinary maltreatment involving the defendants ZS, EsdC, AdC, JM and the victims RedR and PM. This case allegedly occurred on 3 January 2016 in Aileu District.

During the attempted conciliation the defendants admitted their guilt and apologized to the victims and their families. The defendants also promised not to repeat the same acts against the victims in the future.

On the other hand, the victims also testified that they have forgiven the defendants. Therefore the victims decided to withdraw the complaint.

Based on the request to have the case withdrawn, the court validated the settlement in this case and acquitted the defendants from the charges of the public prosecutor.

3. Crime of property damage

Case No. : 596/13.PDDIL
Composition of judges : Single
Judge : Jacinta Correia
Public Prosecutor : Ivonia Maria Guterres
Public Defender : Marcelino Coro
Conclusion : Sentenced to 6 months in prison, suspended for 1 year.

On 7 January 2016 the Dili District Court tried a case of property damage involving the defendant Izaquel Mendonsa who allegedly committed the offence at the 4 September Senior High School in Balide. This case allegedly occurred on 30 March 2013 in Dili District.

The public prosecutor alleged that on 30 March 2013 the defendant verbally abused some teachers and kicked a door causing it to become unhinged. This case allegedly occurred because the defendant wanted to find a student who had hit his younger sibling. However the teachers did provide this information to the student.

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

During the trial the defendant admitted all of the facts set out in the indictment of the public prosecutor, and these facts were corroborated by the witness Izaquel Manuel Sarmento.

In her final recommendations the public prosecutor requested for the court to apply a penalty pursuant to Article 258 of the Penal Code. On the other hand, the public defender requested for the court to uphold justice for the defendant because the defendant was a first time offender and admitted his guilt.

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

4. Crime of property damage

Case No.	: 0472/11.PDDIL
Composition of judges	: Single
Judge	: Jacinta Correia
Public Prosecutor	: Ivonia Maria Guterres
Public Defender	: Manuel Sarmento
Type of decision	: Settlement was validated

On 07 January 2016 the Dili District Court conducted a hearing to attempt conciliation in a case of property damage involving the defendant NdS and the victim JdR. This case allegedly occurred on 12 May 2014 in Dili District.

During the trial the victim agreed to withdraw his complaint against the defendant and the defendant also accepted this request.

The public prosecutor and public defender agreed with the settlement made by the two parties and requested to acquit the defendant.

Based on the victim's request to withdraw the complaint, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the court concluded the matter and validated the settlement.

5. Reciprocal offences against physical integrity and threats

Case No.	: 0181/14.PDDIL
Composition of judges	: Single
Judge	: Jacinta Correia
Public Prosecutor	: Jacinto Babo
Public Defender	: Estaque Pereira

Conclusion : Sentenced to 30 days in prison, suspended for 1 year.

On 8 January 2016 the Dili District Court conducted a hearing in a case of reciprocal offences against physical integrity and threats involving the defendant HL who allegedly committed the offence against his father in law and former wife, on 23 August 2014 in Dili District.

The public prosecutor charged the defendant with violating Article 151 of the Penal Code on reciprocal offences against physical integrity and Article 157 on making threats.

The court found that the defendant sent a message that contained a threat against the victim and stated that he would kill the victim if he saw the victim walking together with another man. In addition, the defendant also verbally abused the victim. These actions caused the victim to feel afraid and until now the victim cannot go to work.

The court proved that the defendant also had a fight with his father in law (the victim) because he heard that the defendant threatened to kill the other victim if he saw her walking together with another man. Therefore the father in law (the victim) went to look for and find the defendant and the victim immediately struck the defendant in the head. Then the defendant choked the victim and slammed the victim's head into a wall twice, punched the victim once in the mouth and threw the victim on the ground.

Based on the facts deduced during the trial, the court decided this matter and sentenced the defendant to 1 year and 2 months in prison, suspended for 2 years. The court also stipulated an additional penalty that obliges the defendant to report to the court once a month for the first year.

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

CaseNo.	: 0381/2012.TDD
Composition of judges	: Single
Judge	: Jacinta Correia
Public Prosecutor	: Rogerio Viegas
Public Defender	: Humberto Alves
Conclusion	: Sentenced to 4 months in prison, suspended for 1 year.

On 12 January 2016 the Dili District Court conducted a hearing to announce its decision against the defendant RSA and sentenced the defendant to 4 months in prison, suspended for 1 year. The court found that the defendant committed the crime of ordinary maltreatment against her husband in Dili District.

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 of the Law Against Domestic Violence.

The court found that on 1 January 2012, the defendant scratched the victim's face and threw a rock at the victim's hand. These actions caused the victim to suffer injuries to his face and pain to

his hand. This case allegedly occurred when the victim stopped the defendant who was fighting with the mistress of the victim.

Based on the facts deduced during the trial, the court decided this matter and sentenced the defendant to 4 months in prison, suspended for 1 year.

7. Crime of aggravated murder

CaseNo. : 0111/15. ERMERA
Composition of judges : Panel
Judge : Jacinta Correia da Costa
Public Prosecutor : Osorio de Deus
Public Defender : Sergio Dias Quintas
Conclusion : Prison sentence

On 12 January 2016 the Dili District read out its decision and sentenced the defendant RS to 18 years in prison, the defendant AS to 10 years in prison, and the defendant JS to 8 years in prison; after the defendants were found guilty of committing the crime of aggravated murder against the victim JM in Ermera District. In addition, the court ordered the defendants to pay compensation of US\$ 5,000 to the family of the victim.

The public prosecutor charged the defendants for violating Article 139 of the Penal Code on aggravated murder.

The court found that on 13 June 2015, at approximately 2pm, the defendants returned from a plantation carrying a machete and hoe and waited for the victim on the side of the road. When the victim passed by, the defendant slashed the victim's leg so he fell to the ground and the defendant RS repeatedly slashed the body of the victim. These acts caused the victim to suffer heavy bleeding and the victim passed away at the scene.

In relation to the defendants AS and JS, the court considered that they were complicit based on Article 32 of the Penal Code because previously they also planned to kill the victim. When the defendant RS committed the aforementioned crime, the defendants AS and JS did not prevent it, and they just allowed the defendant RS to slash the victim until he died.

The court also found that after the incident the defendant AS requested the defendant RS to surrender to the police however the defendant RS refused.

Based on the facts established during the trial and the circumstances relating to the aforementioned criminal act, the court concluded this matter and convicted the defendants and ordered them to pay compensation to the family of the victim.

8. Crime of mistreatment of a spouse

CaseNo. : 0275/2012. PDDIL
Composition of judges : Panel

Judges : Francisca Cabral, Sribuan da Costa, and José M. Araujo
Public Prosecutor : Pedro Pabtista
Public Defender : José da Silva
Conclusion : Sentenced to 3 years in prison, suspended for 3 years.

On 13 January 2016 the Dili District Court announced its decision and sentenced the defendant AJ to 3 years in prison, suspended for 3 years, after he was found guilty of committing maltreatment against his wife in Dili District.

The public prosecutor alleged that on 13 October 2012 the defendant and the victim argued because the defendant told the victim to go and get their child from a wake; however the victim did not go. Therefore the defendant slapped the victim once on her left cheek and the victim suffered swelling and pain.

Then, on 21 October 2012, the defendant was drunk and verbally abused the victim and destroyed some goods in the house which caused the victim to be traumatized and then she reported it to the police.

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

During the trial, the defendant only admitted some of the facts that related to the incident on 13 October 2012 in relation to the defendant slapping the victim. In relation to the second incident, on 21 October 2012 the defendant testified that he did not verbally abuse the victim, and that he only damaged a jerry can (used to fetch water). Nevertheless, the defendant testified that he regretted his actions and has apologized to the victim and they have reconciled.

The court checked the facts and the victim corroborated the facts set out in the indictment of the public prosecutor.

The witness AJS told the court that he did not see the defendant hit the victim, however the victim ran out of the house screaming that the defendant was hitting her. The witness also did not hear anything else about the defendant verbally abusing the victim on 21 October 2012.

In his final recommendations, the public prosecutor considered that the defendant was guilty of committing the crime of mistreatment of a spouse. To deter similar acts in the future, the public prosecutor requested for the court to sentence the defendant to 3 years in prison, suspended for 3 years.

The public defender requested for the court to impose an appropriate punishment because the defendant cooperated with the court, regretted his actions, and apologized to the victim.

After evaluating the facts proven during the trial, the court concluded this case and sentenced the defendant to 2 months in prison, suspended for 3 years, and ordered him to pay court costs of \$20.

9. Crime of obstructing a public authority

CaseNo. : 0268/14.ERERM
Composition of judges : Panel
Judges : Jacinta Correi, Maria Solana & Ercilia de Jesus
Public Prosecutor : Jacinto Babo
Public Defender : Albino de Jesus Pereira
Conclusion : Sentenced to 2 years in prison, suspended for 3 years.

On 15 January 2016 the Dili District Court tried a case of aggravated property damage allegedly committed by the defendant NBE against the Secretariat of State for Water and Sanitation (SAS) and Public Works. This case allegedly occurred at the Mahosa River, Ermera District.

The public prosecutor alleged that on 22 May 2011, an unknown person disassembled and damaged a water level (an instrument to measure water discharge) that had been installed by the SAS and Public Works at the Mahosariver. The SAS and Public Works then repaired and reinstalled it.

Then on 15 December 2013 the defendant again disassembled the water level and caused damage to the Ermera District SAS because he was not happy because the SAS had failed to value him as a land owner.

Previously, the public prosecutor charged the defendant for violating Article 259 on aggravated property damage, however during the trial this was amended to Article 243 on obstructing a public authority.

During the trial the defendant admitted all of the facts set out in the charges. The defendant also testified that he disassembled the water level because it was installed near his plantation without his knowledge as a land owner. The defendant also felt worried that when it rains it could cause a land slide and damage his plantation.

On the other hand, the SAS, represented by the public prosecutor, testified that when they installed the water level in the river it was not on the plantation of the defendant. The water level was installed to measure water discharge and climatic temperature for the public interest.

The witness IFP from the SAS testified that when they were going to install the water level they had permission from the local authorities, and had a meeting with the community, which included the defendant himself. The witness added that the water level was small and was installed in the water on a rock and did not damage the plantation of the defendant and his crops.

In his final recommendations, the public prosecutor requested for the court to apply a suspended sentence of 3 years against the defendant, because the defendant was found to have disassembled and damaged property of the State. The public defender asked the court to hand down a lenient penalty against the defendant.

After evaluating the facts that were established during the trial, the court concluded this case and sentenced the defendant to 2 years in prison, suspended for 3 years. The court also requested for the defendant to report twice a year to the court, for 6 months.

10. Crime of simple offences against physical integrity

Case No. : 0026/15.ERMHAT
Composition of judges : Panel
Judges : Jacinta Correia, Ivan Patrosino Antonino, Albertina Neves
Public Prosecutor : Rogerio Viegas
Public Defender : Sebastião Amado de Almeida
Conclusion : Sentenced to 1 year in jail, suspended for 3 years and ordered to pay compensation

On 15 February 2016 the Dili District Court conducted a hearing in a case of aggravated maltreatment involving the defendant JdR who allegedly committed the offence against the victim LdR/Mausoko in Ermera District.

The public prosecutor alleged that on 22 January 2015 the defendant struck the victim 3 times on the left side of his head with a piece of wood, because the victim told many people that the defendant was a ninja in their area. These actions caused the victim to fall to the ground unconscious and then he was treated at the Hatolia Health Centre for 1 night and received 7 stitches.

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

During the trial the defendant admitted all of the facts set out in the charges. The victim also confirmed the facts alleged by the public prosecutor. The victim also testified that he spent US\$50 for treatment.

The witness Denora Gomes (wife of the victim) testified that the victim was struck in the head with a piece of wood approximately 1 meter long, which caused the victim to fall to the ground, lose consciousness and suffer heavy bleeding.

In his final recommendations, the public prosecutor testified that the defendant admitted all of the facts charged against him. The victim and the witness also confirmed the charges. The victim was treated at the hospital for 1 night and used his own money for treatment. Therefore, the public prosecutor requested for the court to sentence the defendant to 2 years and 6 months in prison, and requested for the defendant to pay compensation of US\$50.00

Meanwhile, the public defender requested for the court to amend Article 146 to Article 145 and apply an appropriate suspended sentence against the defendant because he confessed, regretted his actions and was a first time offender.

After evaluating the facts that were established during the trial, the court concluded this case and sentenced the defendant to 1 year in prison, suspended for 3 years and ordered him to pay compensation of US\$ 50.

11. Crime of drugsmuggling

CaseNo. : 0095/14. PNSIC
Composition of judges : Panel
Judges : Zulmira A. B. da Silva, Jose Q.S Celestino, & Ana P. Fonseca
Public Prosecutor : Lidia Soares
Public Defender : Marçal Mascarinhas
 : Pedro Aparico and Pedro Camoes (private lawyers)
Conclusion : Prison sentence

On 15 January 2016 the Dili District Court read out its decision in a case of drug smuggling involving the defendants VM, UL, LCP, AFD and JdF who allegedly committed the offence against the State of Timor-Leste. This case allegedly occurred on 4 September 2014 in Dili District.

The public prosecutor alleged that on 4 September 2014 the defendant VM bought drugs, in the form of methamphetamines from Indonesia and sold it to the other defendants.

On 7 September the police together with the F-FDTL raided the home of the defendant VM and found the drugs in a sack of sugar covered by plastic as well as American dollars, Australian dollars and Chinese money under the defendant's bed.

The public prosecutor charged the defendants for violating Article 1 of Indonesian Law No.5/1997 on Psychotherapy and Article 1.6 of the Indonesian Law on Narcotics No.35/2009 and Article 101 of the Penal Code on prohibition from driving and cancellation of license to carry a weapon.

The court proved that the defendant VM committed the crime of trading in drugs and keeping a prohibited gun and 22 caliber bullets. The gun was found when the police conducted a raid on the home of the defendant.

In relation to the other defendants UL, LCP, AFD and JdF, the court found that they were involved in smuggling methamphetamine drugs to be consumed by them and to be sold between them. They normally met at the Pertamina location in Pantai Kelapa as well in front of the Aimutin Police Station to conduct their transactions in methamphetamines.

The court also found that the purchase and sale of these drugs started in September 2013 and they were discovered on 7 September 2014. When the police arrested the defendant JdF, they found the other defendant AFD, and then found the defendant LCP and the defendant UL as well as the defendant VM. The defendant VM testified that he bought them from an Indonesian citizen named Mas Erno however now he does not live in Timor-Leste.

After evaluating the facts that were proven during the trial, the court concluded the process and sentenced the defendant VM to 9 years in prison after he was found guilty of committing 3

crimes, namely drug smuggling, consumption of drugs and of being in possession of a prohibited gun. The court also ordered the defendant to pay court costs of US\$ 50.

The court sentenced the defendants UL and LCP to a prison sentence of 5 years and ordered them to pay court costs of US\$50. The defendant LCP was sentenced to 4 years in prison and ordered to pay court costs of US\$50, because he was proven to be involved in a drug network, and consumed and distributed drugs to others.

The defendants AFD and JdF were sentenced to a suspended prison sentence of 2 years, and ordered to pay court costs of US\$20, because they were first time offenders and tried to consume drugs and sell them to others.

12. Crime of reciprocal offences against physical integrity

Case No. : 0145/2015/EREM
Composition of judges : Single
Judge : Jacinta Correia
Public Prosecutor : Regorio Viegas
Public Defender : Agostinha de Oliveira
Conclusion : Sentenced to 1 month in jail, suspended for 2 years

On 15 January 2016 the Dili District Court read out its decision against the defendant EdC, after he was found guilty of committing ordinary maltreatment against his wife. This case allegedly occurred on 29 July 2015 in Ermera District.

The public prosecutor alleged that on 29 July 2015, the defendant and the victim argued because the defendant did not greet the victim's mother in front of the shop. Therefore, the victim was very angry and struck the defendant in the eye with a piece of wood. Then the defendant struck the victim above the eye, choking the victim which caused the victim to bite her own tongue and this resulted in bleeding.

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 of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts set out in the charges. The court checked with the victim, and the victim testified that the victim had struck the defendant first, and the defendant choked the victim which caused the victim to bite her own tongue which resulted in bleeding.

After hearing testimony from the defendant and the victim, the court amended Article 145 of the Penal Code on simple offences against physical integrity to Article 151 of the Penal Code on the crime of reciprocal offences against physical integrity.

In his final recommendations the public prosecutor stated that there is a very high rate of domestic violence, and to deter such crimes in the future, the public prosecutor requested for the court to sentence the defendant to 1 month in prison, suspended for 2 years.

Meanwhile, the public defender requested for the court to impose an appropriate penalty in accordance with the wrongdoing of the defendant and to consider the mitigating circumstances, namely that the defendant confessed and regretted his actions, has reconciled with the victim and cooperated with the court.

After evaluating the facts that were established during the trial, the court concluded this case and sentenced the defendant to 1 year and 6 months in prison, suspended for 2 years, and ordered for the defendant to report to the court once a month.

13. Crime of simple offences against physical integrity

Case No. : 0434/13.PDDIL
Composition of judges : Single
Judge : Jacinta Correia
Public Prosecutor : Napoleão Soares da Silva
Public Defender : Laura Lay
Type of decision : Settlement was validated

On 18 January 2016 the Dili District Court attempted conciliation in a case of ordinary maltreatment against physical integrity, allegedly committed by the defendant EVP against AS, in Dili District.

During the attempted conciliation the defendant admitted his guilt and apologized to the victim. In addition, the defendant also paid compensation to the victim totaling US\$400.00, because at that time the defendant punched the victim in the head and the victim required treatment at the hospital. Whilst the victim received treatment the defendant only bought medicine at the chemist to treat the injuries suffered.

In addition, the defendant also promised not to reoffend in the future. On the other hand, the victim forgave the defendant and decided to withdraw the case.

Based on the request to have the case withdrawn, the court validated the settlement in this case and acquitted the defendant from the charges of the public prosecutor.

14. Crime of making threats and simple offences against physical integrity

Case No. : 0135/12/DIBIR.
Composition of judges : Single
Judge : Ana Paula Fonseca
Public Prosecutor : Hipólito Santa
Public Defender : Marçal Mascarinhas

Conclusion : Acquitted

On 19 January 2016 the Dili District Court read out its decision in a case of making threats and simple offences against physical integrity involving the defendant EFGdS and the victim JG. This case allegedly occurred on 12 October 2012 and 11 November 2012 in Dili District.

The public prosecutor alleged that on 12 October 2012 the victim and his wife were cleaning grass in their plantation and at the same time blocked the road that was normally used to enter and exit. Therefore, the uncle of the defendant admonished them and grabbed a shovel from the victim's wife and said that they could not block the road. After that an argument took place between the uncle of the defendant and the victim's wife, and the defendant tried to separate his uncle to stop him arguing with his wife.

During the trial the defendant stated that he did not punch the victim and his wife, but only separated them.

The victim also stated that the defendant did not hit the victim, and only threatened the victim and his wife that if the victim wanted to, "then they would just fight without arguing with the parents". The defendant's testimony matched that statement of the defendant.

In addition the victim also testified that on 11 November 2012, there was an argument between the victim and the defendant at the Bidau bridge, however they did not end up fighting. The victim suspected that it was the defendant who ordered people to attack the victim's house and hit his wife. The victim said this because only several hours after the victim and the defendant argued, the uncle and niece of the defendant went and attacked the victim's house.

The victim confirmed that he only suspected this, but the victim did not see the defendant take part in this attack.

In the past the defendant and the victim had differing political ideologies. The victim was pro-autonomy and wanted Timor-Leste to remain part of the Republic of Indonesia and the defendant was pro-independence and wanted independence for Timor-Leste. Until now, based on the admission of the victim and the defendant they don't really get along.

In his final recommendations the public prosecutor requested for the court to issue a fair and appropriate punishment against the defendant based on the facts that were proven. However, if the court decides otherwise, he requested for the court to acquit the defendant from the charges of the public prosecutor if there was not enough evidence.

On the other hand the public defender agreed with the charges of the public prosecutor because after considering the facts, it had not been proven that the defendant committed the acts against the victim. Therefore the public defender requested for the court to acquit the defendant from the charges of the public prosecutor.

After examining the evidence revealed during the trial, the court decided this case and acquitted the defendant from the charges of the public prosecutor.

15. Crime of abduction of a minor

Case No. : 0283/14.PDDIL
Composition of judges : Single
Judge : Francisca Cabral
Public Prosecutor : Hipólito Santa
Public Defender : Manuel Exposto
Conclusion : Settlement was validated

On 19 January 2016 the Dili District Court attempted conciliation in a case of abduction of a minor, allegedly committed by the defendant JS against JMC, in Dili District.

Based on this attempted conciliation, the court validated the settlement of this case because the victim requested to withdraw the complaint. In this matter the victim requested for the defendant to make a promise before the court to fulfil his responsibility to pay alimony for minors totaling US\$50 per month for his two children.

On the other hand, the defendant was willing to provide alimony before the court made its decision, however the defendant requested for the victim and her family to allow the defendant to visit his two children in accordance with the decision made by the court in 2012.

After hearing the request to withdraw the complaint and the agreement of the two parties, the court concluded that the court would wait for the defendant to fulfil his responsibility to pay and take a receipt from the Bank to the court and then the court would validate the agreement.

Before settling the matter the court told the defendant to fulfil his responsibilities to provide alimony, starting from the date of the agreement between the parties in the civil decision that was made in 2012.

16. Crime of simple offences against physical integrity

Case No. : 0242/15.DICMR
Composition of judges : Single
Judge : Jumiati Maria Freitas
Public Prosecutor : Pascasio de Rosa Alves
Public Defender : Sebastião Amado de Almeida
Conclusion : Sentenced to 1 year and 2 months in prison, suspended for 2 years.

On 20 January 2016 the Dili District Court tried and sentenced the defendant AE to 1 year and 2 months in prison after finding him guilty of committing ordinary maltreatment and property damage against the victim FBC, in Dili District.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code on simple offences against physical integrity and Article 258 of the Penal Code regarding property damage.

The court found that on 12 February 2014 the victim became angry and asked who stole his firewood that was behind the house. After making this statement the victim continued to ask and yell so the defendant became angry and stoned three pieces of corrugated iron and damaged them, and threw a chainsaw at the victim's neck which required 12 stitches.

The court also considered that this case was resolved through customary law via the village chief, and the defendant gave US\$100, a goat and 1 woven cloth (*tais*) to the victim.

During the trial on 7 January 2016 the defendant testified that this case occurred because the victim struck his hand and thigh with a crowbar. Therefore the defendant threw a chainsaw that he was holding and it struck the victim in the neck and he did this to defend himself.

The court checked with the victim, and the victim testified that at that time the victim was searching for two pieces of firewood that had gone missing. The victim testified that he did not accuse anyone of taking the firewood. The victim only stated that the two pieces of firewood were large and it would have been impossible for children to take them, only an adult could have taken them. After hearing this, the defendant threw stones at the victim and his children but did not strike them, but it struck the corrugated iron and damaged it. The victim also testified that he did not use a piece of steel to strike the defendant, however the defendant threw a chainsaw at the victim and it struck the victim's neck and 12 stitches were required.

In his final recommendations, the public prosecutor requested for the court to sentence the defendant in accordance with his acts, because this case had been resolved at the village level. The public defender asked the court to hand down a lenient penalty against the defendant.

After evaluating all of the evidence presented in the trial the court decided the matter and sentenced the defendant to 1 year and 2 months in prison, suspended for 2 years, and ordered the defendant to pay court costs of \$10.

17. Crime of simple offences against physical integrity

Case No.	: 0096/13.DIBCR
Composition of judges	: Single
Judge	: Jumiati Maria Freitas
Public Prosecutor	: Gustava
Public Defender	: Joana Cristina Pinto

Conclusion : Settlement was validated

On 21 January 2016 the Dili District Court attempted conciliation in a case of ordinary maltreatment against physical integrity, allegedly committed by the defendant FJFB against HMF. This case allegedly occurred in 2013 in Dili District.

Based on the attempted conciliation, the victim requested to withdraw the complaint against the defendant. The public prosecutor and public defender approved the agreement between the two parties. Nevertheless, before validating the agreement, the public prosecutor requested for the defendant not to commit any crime against the victim or other person.

Based on the request to withdraw the complaint, based on Article 262 of the Criminal Procedure Code the court validated this agreement.

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

CaseNo. : 0122/13/PDDIL
Composition of judges : Single
Judge : Jacinta Correia da Costa
Public Prosecutor : Remizia de Fatima da Silva
Public Defender : Abito Tavares (private lawyer)
Conclusion : Sentenced to 1 year in prison, suspended for 2 years.

On 22 January 2016 the Dili District Court sentenced the defendant to 1 year in prison, suspended for 2 years, after he was found guilty of committing ordinary maltreatment against his wife in Dili District.

The public prosecutor alleged that on 8 April 2013, at approximately at 1.00pm, the defendant and the victim argued because the defendant asked for US\$10 from the victim however the victim did not give it to him. Therefore the defendant punched the victim once on the shoulder, and twice struck the victim in the leg until she fell to the ground. Then the victim was able to stand up but the defendant again kicked her twice in the stomach. These actions caused the victim to suffer pain to her stomach, shoulder and face.

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 of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts set out in the charges. In addition, the victim maintained the charges of the public prosecutor.

In his final recommendations the public prosecutor testified that the defendant was guilty of committing the crime against the victim, and previously the defendant was involved in another matter, therefore he requested for the court to sentence the defendant to prison.

On the other hand the public defender testified that the defendant regretted his actions, has reconciled with the victim, and therefore he requested for the court to hand down an admonishment against the defendant.

After hearing the charges and the final recommendations of the parties, and based on the facts proven during the trial, the court concluded this case and sentenced the defendant to 1 year in prison, suspended for 2 years.

19. Crime of Sexual Coercion

Case No.	: 0972/11.PDDIL
Composition of judges	: Panel
Judges	: Jose Maria, Francisca Cabral and Benjamin Barros
Public Prosecutor	: Gostavo Soares
Public Defender	: Albino de Jesus Pereira
Conclusion	: Sentenced to 6 months in prison, suspended for 2 years and 6 months.

On 23 January 2016 the Dili District Court announced its decision and sentenced the defendant JAA to 2 years in prison, suspended for 2 years and 6 months, after he was found guilty of committing sexual coercion against the victim LdRMin Ermera District.

The public prosecutor charged the defendant with violating Article 171 of the penal code on sexual coercion.

The court proved that in 2011 the defendant committed the offences against the victim, who is his sister in law. The defendant allegedly embraced the victim, pressed her against the wall and groped her breast, bottom and genitals. The defendant requested for the victim to have sexual intercourse, however the victim refused and fled. The defendant committed these acts when his wife and his parents in law went out and the victim was alone in the house.

The evidence was established based on the testimony of the victim and be witnesses who saw the reconciliation process between the victim and the defendant, although the defendant did not confess during the trial. However, during the reconciliation process the defendant gave a traditional woven cloth (*tais*), 1 pig and US\$100 to the victim.

After evaluating the evidence that was established during the trial, the court concluded this case and sentenced the defendant to 2 years in prison, suspended for 2 years and 6 months.

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

Case No. : 0127/14.EREM
Composition of judges : Single
Judge : Ana Paula Fonseca
Public Prosecutor : Regorio Viegas
Public Defender : Marcelino Colo
Conclusion : Sentenced to 1 year in prison, suspended for 1 year and 6 months.

On 26 January 2016 the Dili District Court announced its decision and sentenced the defendant JMB to 1 year in prison, suspended for 1 year and 6 months, after he was found guilty of committing ordinary maltreatment against his wife in Ermera District.

The public prosecutor alleged that on 26 July 2014, at approximately 06.00am, the defendant and the victim argued because the victim wanted to take her sisters' clothing to the hospital, but the defendant did not allow her. Therefore the defendant twice punched the victim above the eye which caused the victim to suffer pain and swelling.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity, as well as Articles 2, 3 and 35 of the Law Against Domestic Violence.

During the trial, the defendant admitted all of the facts stated in the indictment, and the defendant realized that punching his wife is against the law. However the defendant testified that he punched the victim because he was angry. The court checked with the victim, and the victim corroborated the charges of the public prosecutor.

In his final recommendations the public prosecutor considered all of the facts to have been proven based on the confession of the defendant and the testimony of the victim. Therefore, he requested for the court to sentence the defendant to 3 months in prison, suspended for 1 year.

On the other hand the public defender requested for the court to impose a lenient sentence against the defendant, because the defendant admitted his actions, has reconciled with the victim, and since the incident the defendant did not commit any further violence against the victim.

After evaluating the facts that were established during the trial, the court concluded this case and sentenced the defendant to 1 year in prison, suspended for 1 year and 6 months, and ordered the defendant to report to the court once a month for the probation period.

21. Crime of property damage

Case No. : 00013/13. PDDIL
Composition of judges : Single
Judge : Jacinta Correia
Public Prosecutor : Osorio de Deus
Public Defender : Nelson Magno (private lawyer)
Conclusion : Settlement was validated

On 27 January 2016 the Dili District Court attempted conciliation in a case of property damage involving the defendants RVS, JV, JC and AO and the victim AR, in Liquica District.

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

During the attempted conciliation, the victim agreed to withdraw his complaint, however the victim requested for the defendants to pay for the goods that were damaged, totaling US\$485. The defendants accepted the request of the victim but asked if they could make two payments, because they didn't have the capacity to pay once only. They agreed to pay an initial amount of US\$242.50 on 29 February 2016, and to pay the remaining amount on 28 March 2016.

Based on the agreement between the victim and the defendants, which was reinforced by the public prosecutor and public defender, the court validated the agreement and acquitted the defendants from the charges.

22. Crime of mistreatment of a spouse

Case No.	: 0076/2015.DICMR
Composition of judges	: Panel
Judges	: Zulmira da Silva, Ana Paula Fonseca, Ercilia de Jesus
Public Prosecutor	: Ivonia Guterres replaced by Osorio de Deus
Public Defender	: Manuel Sarmiento
Conclusion	: Sentenced to 2 years in prison, suspended for 3 years.

On 27 January 2016 the Dili District Court read out its decision and sentenced the defendant FLB after he was found guilty of committing ordinary maltreatment against his wife in Dili District.

The public prosecutor alleged that on 28 January 2015, an SMS was received on the mobile phone of the defendant. That SMS asked the defendant to meet with someone. Therefore, the defendant and the victim argued and the defendant slapped the victim once on the face, twice on her cheek and he punched her face causing bruising.

However, on an unspecified day and time in 2011 the defendant slapped the victim repeatedly in the mouth because the defendant and the victim argued about the defendant getting home late from his workplace.

In 2012, on an unspecified day and date the defendant slapped the victim repeatedly on the cheek, and defendant and the victim argued because the victim told the defendant to carry their child but defendant refused.

The public prosecutor charged the defendant for violating Article 154 of the Penal Code on mistreatment of a spouse as well as Article 2, 3 and 35(a) of the Law Against Domestic Violence.

During the hearing the defendant used his right to remain silent. Nevertheless, the court checked with the victim, and the victim testified that all of the facts listed in the indictment of the public prosecutor were correct.

In addition the victim also testified that after the incident they lived separately for two weeks. However after that the families of the two parties settled the problem in accordance with customary law and the defendant and the victim started living together again as husband and wife.

In his final recommendations the public prosecutor maintained the charges because the defendant knew that he was obliged to provide protection to his wife but in fact the defendant committed violence against his wife. In his final recommendations the public prosecutor requested for the court to sentence the defendant to 2 years in prison, suspended for 3 years.

The public defender testified that the defendant had apologized in accordance with customary law and the victim had forgiven the defendant, so he requested for the court to impose a lenient sentence on the defendant.

After hearing the charges and the final recommendations of the parties, and based on the facts proven during the trial, the court concluded this case and sentenced the defendant to 2 years in prison, suspended for 3 years, and ordered the defendant to pay court costs of US \$20.

The court also reminded the defendant that the court was not sending the defendant directly to jail, but reminded the defendant not to commit any further crimes. If the defendant commits any crime then the court can revoke the suspended sentence and send the defendant to prison.

23. Crime of simple offences against physical integrity

Case No.	: 0148/11.PDDIL
Composition of judges	: Single
Judge	: Ana Paula Fonseca
Public Prosecutor	: Gostavo da Silva
Public Defender	: Sebastião Amado de Almeida
Conclusion	: Settlement was validated

On 27 January 2016 the Dili District Court attempted conciliation in a case of ordinary maltreatment against physical integrity, allegedly committed by the defendant JdS against the victim RP, in Dili District.

During the attempted conciliation the defendant admitted his guilt and apologized to the victim. The defendant also promised not to repeat such acts in the future, the victim forgave the defendant and decided to withdraw the complaint because but they have reconciled.

Based on the request to withdraw the complaint, the court validated this settlement between the parties.

24. Crime of aggravated fraud

Case No.	: 0504/14.TDDIL
Composition of judges	: Panel
Judges	: Jose Maria de Araujo, Francisca Cabral, Eusebio Vitor Xavier
Public Prosecutor	: Reinato Bere Nahak
Public Defender	: Sebastião Amado Almeida
Conclusion	: Sentenced to 1 year in prison, suspended for 2 years.

On 27 January 2016 the Dili District Court tried a case of aggravated fraud allegedly committed by the defendant RAG against SdO. This case allegedly occurred in Dili District on 3 December 2013.

The public prosecutor alleged that on 3 December 2013 the defendant borrowed US\$3,000 from the victim and promised to return the money with 30% interest to the victim within 3 months. Based on this agreement, if the money was not returned within the specified time, the victim would take the land and house of the defendant's father. The aim of borrowing this money was to care for his father who was being treated in Surabaya, Indonesia.

The public prosecutor charged the defendant for violating Article 267 on aggravated fraud because after the deadline the defendant did not return the money.

During the trial, the defendant admitted his guilt and testified that he could return the money and the interest to the victim within 3 months. The defendant testified that he borrowed the money to facilitate the needs of his brother and sister in law and they promised that they would return the money.

On 24 April 2015 the sister in law of the defendant returned US\$4,000 to the victim at the PNTL Police Station in Kaikoli, Dili.

The court checked with the victim and the victim testified that he had received US\$4,000.00 from the sister in law of the defendant however he still demanded for the defendant to pay the interest on the borrowed money of US\$6,000 in accordance with their agreement.

In his final recommendations, the public prosecutor requested for the court to sentence the defendant to a suspended jail term so that he could return the interest to the victim because the defendant did not intend to fulfil the promises set out in their contract.

On the other hand, the public defender testified that the sister in law of the defendant had given money to the victim and the Civil Code states that any person, including banks, that lend money to people are not allowed to ask for more than 6% interest. The public defender believed that the law does not allow it, so the public defender requested for the court to acquit the defendant from the charges of the public prosecutor because the money received by the victim was already more than 6% interest.

After examining the evidence established during the trial, the court concluded this matter and sentenced the defendant to 1 year in prison, suspended for 2 years and also ordered the defendant to pay US\$1,880.00 compensation to the victim and court costs of US\$20. This compensation was set at the interest rate of 6% by the court pursuant to Article 1066 of the Civil Code, even though previously the defendant and the victim agreed to pay interest of 30%, because the sentence did not allow it.

25. Crime of simple offences against physical integrity

Case No. : 0232/12.DICMR
Composition of judges : Single
Judge : Jose Maria de Araujo
Public Prosecutor : Reinato Bere Nahak
Public Defender : Fransisco Caitano Martins
Conclusion : Settlement was validated

On 27 January 2016 the Dili District Court attempted conciliation in a case of ordinary maltreatment against physical integrity, allegedly committed by the defendant IdSC against the victim FM, in Dili District.

During the attempted conciliation the defendant admitted his guilt and apologized to the victim. The defendant also promised not to reoffend in the future. On the other hand, the victim forgave the defendants and decided to withdraw the case because they are related.

Based on the request to withdraw the case and the agreement between the parties, the settlement was validated.

26. Crime of simple offences against physical integrity

Case No. : 0218/14.PDDIL
Composition of judges : Single
Judge : Jacinta Correia da Costa
Public Prosecutor : Pascasio de Rosa Alves
Public Defender : João Dun (private lawyer)
Type of decision : Settlement was validated

On 27 January 2016 the Dili District Court attempted conciliation in a case of ordinary maltreatment against physical integrity, allegedly committed by the defendant JSM against BC, in Dili District.

During the attempted conciliation the defendant admitted his guilt and apologized to the victim. The defendant also promised not to reoffend in the future. On the other hand, the victim forgave the defendants and decided to withdraw the case.

Based on the victim's request to withdraw the case and the agreement made by the parties, the court validated the agreement and acquitted the defendant from this case.

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

Case No.	: 0446/13. DDIL
Composition of judges	: Single
Judge	: Antonio Helderdo Carmo
Public Prosecutor	: Ivonia Maria Guterres
Public Defender	: Olga Barreto
Conclusion	: Sentenced to 6 months in prison, suspended for 1 year with additional conditions

On 29 February 2016 the Dili District Court read out its decision and sentenced the defendant SM to 6 months in prison, suspended for 1 year. The court also stipulated additional conditions and ordered the convicted person to report to the court once a month for a period of 3 months. The court found that the defendant committed the crime of ordinary maltreatment against his wife in Dili District.

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 of the Law Against Domestic Violence.

The court found that on 23 December 2013 the defendant and the victim argued because the victim told the defendant to hold their child because the victim wanted to cook some rice porridge. However the defendant refused and verbally abused the victim, and the victim also verbally abused the defendant. Therefore, the defendant hit the victim once above the eye and once on the back of the neck. These acts caused the victim to suffer a black eye and pain to the back of her neck.

The evidence was proven based on the indictment of the public prosecutor, the confession of the defendant and corroboration from the victim.

Based on these established facts and the circumstances relating to the aforementioned criminal act, the court concluded the process and convicted the defendant.

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

Case No.	: 0271/14.ERRL
Composition of judges	: Single
Judge	: Zulmira Auxiliadora Barros da Silva

Public Prosecutor : Rogerio Viegas
Public Defender : Fransisco Caetano
Conclusion : Sentenced to pay a fine

On 29 January 2016 the Dili District Court, via the mobile court in Ermera District, summoned the defendant AdCS and ordered him to pay a fine of US\$60. The defendant has to pay US\$0.50 each day and if he fails to pay then the defendant will be sent to prison for 45 days.

The public prosecutor alleged that on 14 January 2015 the defendant punched the victim once in the forehead, twice on the chest and kicked the victim in the back.

The defendant committed this crime because the defendant returned home intoxicated and was angry at the victim and the children and told them to get out of the house. Therefore, the victim requested for the defendant to go to sleep if he was drunk, but the defendant then committed the violence against 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 Articles 2, 3 and 35 of the Law Against Domestic Violence.

During the trial, the defendant admitted all of the facts stated in the indictment, and the defendant realized that punching his wife is against the law. The court checked with the victim and the victim reinforced the facts set out in the prosecutor's indictment.

In his final recommendations the public prosecutor testified that all of the facts had been proven based on the confession of the defendant and corroboration from the victim. Therefore, he requested for the court to sentence the defendant to 6 months in prison, suspended for 1 year.

On the other hand the public defender requested for the court to impose a fine against the defendant, because the defendant admitted his actions, has reconciled with the victim, and has not repeated these acts against the victim.

After examining the facts that were proven during the trial, the court decided the matter and punished the defendant with a fine.

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

Case No. : 0188/15.ERERM
Composition of judges : Single judge
Judge : Zulmira Auxiliadora Barros da Silva
Public Prosecutor : Regerio Viegas
Public Defender : Abilio Pereira
Conclusion : Sentenced to 1 month in jail, suspended for 2 years

On 29 January 2016 the Dili District Court, via the mobile court in Ermera District, tried the defendant SEM and sentenced the defendant to 1 year in prison, suspended for 2 years. The court

found the defendant guilty of committing ordinary maltreatment against his wife in Ermera District.

The public prosecutor alleged that on 17 September 2015 at 9.00pm, the victim received a message on her telephone. The defendant read it and threw the mobile against the wall and punched the victim in the ear multiple times, choked the victim and punched the victim in the head multiple times.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity, as well as Articles 2, 3 and 35 of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts set out in the indictment and regretted his actions. The court checked the facts with the victim, and the victim then corroborated the charges of the public prosecutor. The victim testified that they reconciled one month after the incident.

In his final recommendations the public prosecutor considered all of the facts to have been proven based on the confession of the defendant and the testimony of the victim. Therefore, he requested for the court to sentence the defendant to 6 months in prison, suspended for 3 years.

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