



JUDICIAL SYSTEM MONITORING PROGRAMME  
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

*Case Summary*  
*Suai District Court*  
**January 2016**

**A. Summary of the trial process at the Suai District Court**

**1. Total cases observed by JSMP : 27**

Case Type	Total
Articles 145 & 35 LADV - Simple offences against physical integrity characterized as domestic violence	21
Article 145 - Simple offences against physical integrity	3
Article 139 - Aggravated homicide	1
Article 225 - Failure to fulfil obligation to provide alimony	1
Articles 316 (1) & 317 - Smuggling and avoidance of customs duties	1
<b>Total</b>	<b>27</b>

**2. Total number of decisions observed by JSMP: 9**

Types of decisions	Total
Prison sentence	0
Prison sentence with other condition (civil compensation)	0
Suspended sentences pursuant to Article 68 of the Penal Code	8
Suspended prison sentence with conditions pursuant to Article 69 of the Penal Code	0
Suspended sentences with rules of conduct pursuant to Article 70 of the Penal Code	-
Suspended sentences with monitoring pursuant to Article 71 of the Penal Code	0
Fine pursuant to Article 67 of the Penal Code	6
Fine with additional conditions in accordance with Article 38(2) of the Law Against Domestic Violence	-
Admonishment pursuant to Article 82 of the Penal Code	-
Settlement was validated	3
Compensation	0
Acquitted	0
<b>Total</b>	<b>17</b>

### 3. Total cases adjourned based on JSMP monitoring: 3

Reason for adjournment	Total
The defendant and the victim were not present	1
The defendant was not present	1
The defendant received a summons	1
<b>Total</b>	<b>3</b>

**Total cases that are still ongoing = 7**

### B. Short description of decisions in cases from January 2016

#### 1. Crime of simple offences against physical integrity

Case No. : 231/PEN/15/TDS  
Composition of judges : Single  
Judge : Maria Modesta  
Public Prosecutor : Mateus Soares  
Public Defender : João Henrique de Carvalho  
Type of decision : Settlement was validated

On 7 January 2016 the Suai District Court conducted a hearing in a case of simple offences against physical integrity involving the defendants JdC, FM, AdC, CdC and AGdC and the victims BB and YA, that allegedly occurred in Suai District.

The Public Prosecutor alleged that on 4 November 2014 the defendants JdC, FM and AdC slapped the two victims once. In addition the defendant FM pulled the hair of the victim BB. This case allegedly occurred because of a dispute over land.

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

During the trial the defendants confessed and testified that they committed the aforementioned crime, however they regretted their actions. The defendants also promised to hand over US\$500.00 to the two victims on 27 January 2016 to demonstrate their remorse.

The victims agreed to the request from the defendants to give US\$500.00. Therefore, they were willing to withdraw their complaint against the defendants.

In their final recommendations, the public prosecutor and public defender accepted the agreement between the two parties regarding the payment of money and the case was withdrawn. Therefore the court was requested to validate the settlement and to acquit the defendants from the charges of the Public Prosecutor.

Based on the agreement between the parties and the victims request to withdraw the case, the court validated this settlement and acquitted the defendants.

## **2. Crime of failure to fulfil obligation to provide alimony**

Case No. : 282/PEN/15/TDS  
Composition of judges : Single  
Judge : Constancio Barros Basmerly  
Public Prosecutor : Mateus Soares  
Public Defender : João Henrique de Carvalho  
Type of decision : Settlement was validated

On 08 January 2016 the Suai District Court tried the defendant AXM for committing the crime of failure to fulfil and obligation to provide alimony for his wife and child. This case allegedly occurred in Ainaro District.

The Public Prosecutor alleged that the defendant neglected his wife and two children and had not provided alimony since 16 December 2006. Therefore, the victim and her children decided to live with her parents. The defendant and the victim are living separately.

The public prosecutor charged the defendant for violating Article 225 of the Penal Code on the crime of failure to fulfill an obligation to provide alimony.

During the trial, the defendant admitted the facts set out in the indictment and promised that he would give alimony from January 2016 onwards. The defendant testified that he will provide alimony to his wife and children of US\$40.00 each month.

On the other hand, the victim testified that she was willing to forgive the defendant and wanted to withdraw her complaint if the defendant fulfilled his obligation to provide alimony to the children each month of US\$40.00.

## **3. Crime of simple offences against physical integrity, characterized as Domestic Violence**

CaseNo : 289/PEN/2015/TDS  
Composition of judges : Single  
Judge : Argentino Luisa Nunes  
Public Prosecutor : João Marques  
Public Defender : João Henrique de Carvalho  
Type of decision : Ordered to pay a fine of US\$ 120.

On 25 January 2016 the Suai District Court conducted a mobile court in Bobonaro District and tried the defendant AdC for committing the crime of simple offences against the physical integrity of her husband. This case occurred in Bobonaro District.

The Public Prosecutor alleged that on 29 October 2015 the defendant choked the victim, bit the victim on the chest, and punched the victim on the back, because when the defendant told the victim to go and look for a chicken that had gone missing the victim not want to do it.

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 her guilt and testified that she regretted his actions. In addition, the victim also confirmed the charges of the Public Prosecutor and testified that he had forgiven the defendant.

In his final recommendations, the public prosecutor requested for the court to impose a sentence of 6 months in prison suspended for 1 year in order to educate the defendant so she would not commit the same crime against her husband in the future.

Meanwhile, the public defender agreed with the recommendations of the public prosecutor and requested for the court to impose an appropriate penalty against the defendant. The public defender considered that the defendant was a first time offender and promised not to repeat her actions in the future, against the defendant or someone else.

After evaluating the facts that were established during the trial, the court concluded this matter and ordered the defendant to pay a fine of US\$120 in daily instalments of US\$1 for 120 days, as well as court costs of US\$20. The court also stipulated an alternative penalty of 80 days in prison if the defendant does not pay this fine.

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

Case No	: 279/PEN/2015/TDS
Composition of judges	: Single
Judge	: Argentino Luisa Nunes
Public Prosecutor	: Matias Soares
Public Defender	: Manuel Amaral
Type of decision	: Sentenced to 6 months in prison, suspended for 1 year.

On 25 January 2016 the Suai District Court conducted a mobile court in Bobonaro District and tried the defendant NBJ for committing the crime of simple offences against the physical integrity of his wife in Bobonaro District.

The public prosecutor alleged that on 10 August 2015 the defendant punched the victim once in the forehead and the victim fell onto a chair. These actions caused the victim to suffer pain and swelling. This case allegedly occurred because the victim suspected the defendant of carrying another woman on his motorcycle.

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 listed in the indictment and testified that he regretted his actions. In addition, the victim maintained the charges of the public prosecutor. Nevertheless, the victim testified that she forgave the defendant because after the incident they immediately reconciled because the defendant also apologized to the victim and until now they have had no further problems.

In his final recommendations, the public prosecutor stated that the defendant had been found guilty of punching the victim in the forehead which caused the victim to suffer swelling. Therefore, to deter domestic violence in general, he asked the court to sentence the defendant to 1 year in jail, suspended for 2 years 6 months.

The public defender stated that the defendant had admitted all of the facts, had cooperated with the court, regretted his actions, and therefore he requested for the court to impose a lenient and fair sentence against the defendant.

After evaluating the facts relating to this case, the court decided the matter and sentenced the defendant to 6 months in jail, suspended 1 year and ordered him to pay court costs of US\$20.

#### **5. Crime of simple offences against physical integrity, characterized as Domestic Violence**

Case No. : 287/PEN/2015/TDS  
Composition of judges : Single  
Judge : Samuel da Costa Pacheco  
Public Prosecutor : Matias Soares  
Public Defender : Manuel Amaral  
Type of decision : Sentenced to 6 months in prison, suspended for 1 year.

On 25 January 2016 the Suai District Court conducted a mobile court in Bobonaro District and tried a case of simple offences against the physical integrity allegedly committed by the defendant LS against his wife. This case allegedly occurred in Bobonaro District.

The public prosecutor alleged that on 24 April 2015 the defendant told the victim to tie up a chicken outside, but the victim answered that whoever ties a chicken here would have to go and tie it outside. Upon hearing the victim's words the defendant threw a stone at the victim and struck her above the eye and caused an injury 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 Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts, regretted his actions and the victim corroborated the facts and stated that the defendant had struck her.

In his final recommendations the public prosecutor requested for the court to hand down a sentence of 1 year in prison, to be suspended for 1 year, because the defendant admitted his actions.

The public defender requested for the court to give justice to the defendant because he regretted his actions, was a first time offender, and stated that they have reconciled.

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

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

Case No : 288/PEN/15/TDS  
Composition of judges : Single  
Judge : Samuel Pacheco  
Public Prosecutor : João Marques  
Public Defender : João Henrique de Carvalho  
Type of decision : Sentenced to 6 months in prison, suspended for 1 year.

On 26 January 2016 the Suai District Court conducted a mobile court in Bobonaro District and tried a case of simple offences against physical integrity allegedly committed by the defendant PdS against his wife. This case allegedly occurred in Bobonaro District.

The public prosecutor alleged that on 02 July 2015 at 10:30am, the defendant struck the victim in the head twice with a machete, slapped her once on her left cheek and punched her in the mouth once and caused the victim to suffer an injury to her mouth. The defendant committed the aforementioned acts because the defendant did not agree with the victim working with a SEFOPE program in Ataebae.

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 listed in the indictment and testified that he regretted his actions. In addition, the victim also strengthened the charges of the Public Prosecutor and testified that he had forgiven the defendant.

In his final recommendations the Public Prosecutor requested for the court to sentence the defendant to 6 months in prison, suspended for 1 year to deter the defendant from repeating his actions in the future.

The public defender also agreed with the charges of the public prosecutor, however he requested for him to apply a lenient and appropriate suspended sentence against the defendant.

After examining the facts relating to this case, the court settled the matter and sentenced the defendant to 6 months in prison, suspended for 1 year and ordered him to pay court costs of US\$10.

## **7. Crime of simple offences against physical integrity**

Case No. : 36 /Pen /2015/TDS  
Composition of judges : Single  
Judge : Alvaro Maria Freitas  
Public Prosecutor : Matias Soares  
Public Defender : Manuel Amaral  
Type of decision : Settlement was validated

On 26 January 2016 the Suai District Court conducted a mobile court in Bobonaro District and tried a case of simple offences against physical integrity involving the defendant Maria dos Santos against Aleixo Bareto. This case allegedly occurred on 12 May 2015 in Bobonaro District.

During the trial the victim submitted a request to withdraw the complaint because they have reconciled.

In his final recommendations the public prosecutor requested for the court to validate this case because the victim wanted to withdraw his complaint and the defendant agreed to this request. The public defender respected and agreed with this arrangement and requested for the court to validate it.

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.

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

Case No.	: 252/pen/2015/TDS
Composition of judges	: Single
Judge	: Alvaro Maria Freitas
Public Prosecutor	: Matias Soares
Public Defender	: Manuel Amaral
Type of decision	: Sentenced to 1 year in prison, suspended for 1 year 6 months.

On 26 January 2016 the Suai District Court conducted a mobile court in Bobonaro District and tried a case of simple offences against physical integrity allegedly committed by the defendant FM against his wife in Bobonaro District.

The Public Prosecutor alleged that on 5 May 2015 the victim requested money from the defendant and the defendant said that he didn't have any money. However the victim keep asking so the defendant became angry and struck the victim 5 times with a roulette stick, 3 times on her helmet and twice right on the victim's head because the helmet was destroyed. The actions of the defendant caused the victim to suffer swelling to her head.

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 charges of the public prosecutor. 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 hand down a prison sentence of 1 year, to be suspended for 1 year. Meanwhile, the public defender requested for the court to impose a fair and proportional fine against the defendant.

Based on the aforementioned evidence the court concluded this case and sentenced the defendant to 1 year in prison, suspended for 1 year 6 months and he was ordered to pay court costs of \$ 25.

### **9. Crime of simple offences against physical integrity, characterized as Domestic Violence.**

Case No. : 255/pen/2015/TDS  
Composition of judges : Single  
Judge : Alvaro Martins  
Public Prosecutor : Matias Soares  
Public Defender : Manuel Amaral  
Type of decision : Sentenced to 2 months in prison, suspended for 1 year.

On 26 January 2016 the Suai District Court, via the mobile court in Bobonaro District, conducted a hearing and sentenced the defendant LG to 2 months in prison, suspended for 1 year and ordered him to pay court costs of US\$20.00. The court found the defendant guilty of committing the crime of simple offences against the physical integrity against his wife. This case allegedly occurred on 24 July 2015 in Bobonaro District.

The court found that the victim suspected the defendant of having a relationship with another woman and urged the defendant to introduce the woman. Therefore the defendant became angry and threw a piece of wood at the victim's hand from a distance off approximately 1 meter. These actions caused the victim to receive treatment in Maliana Reference Hospital.

The facts were deduced based on the testimony of the defendant who admitted that he committed the violence against the victim and this was corroborated by 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.

In his final recommendations the public prosecutor requested for the court to hand down a sentence of 1 year and 6 months in prison because the defendant admitted his actions.

On the other hand, the public defender requested for the court to impose an appropriate fine against the defendant in accordance with the mitigating circumstances such as: the defendant and the victim have reconciled, are living together as husband and wife and have had no further problems until now.

### **10. Crime of smuggling and avoidance of customs duties**

Case No. : 257/pen/2015/TDS  
Composition of judges : Panel  
Judges : Alvaro Maria Freitas, Argentino Luisa Nunes and Samuel da Costa Pacheco  
Public Prosecutor : Matias Soares  
Public Defender : Manuel Amaral  
Type of decision : Ordered to pay a fine of US\$ 120

On 26 January 2016 the Suai District Court, through the mobile court in Bobonaro District, ordered the defendant Rufino Martins to pay a fine of US\$120, to be paid in instalments of



US\$1.00 for 120 days and ordered him to pay court costs of US\$25.00. The court also stipulated an alternative penalty of 80 days in prison if he fails to pay the aforementioned fine.

The court found that the defendant brought a motorcycle into Timor-Leste valued at US\$850.00 through a back road to avoid paying tax to the state.

The court proved these facts based on the indictment of the public prosecutor that the defendant rang his friend Antonio who is an Indonesian citizen to bring the motorcycle from Indonesia to Timor-Leste through the border at Batugede without having legitimate documents. When the defendant returned from the same direction the intelligence section of the police arrested the defendant because he did not have an official permit from the relevant institution.

The court obtained this evidence based on the testimony of the defendant, that he brought the motorcycle into Timor-Leste without a permit. However the defendant stated that when he came in there were no staff at Customs so the defendant did not pay, however the court found that this was not an excuse.

The public prosecutor charged the defendant for violating Article 316 (1) of the Penal Code on smuggling because the defendant brought in goods outside of customs or illegally as well as Article 317 of the Penal Code on avoidance of customs duties.

In his final recommendations the public prosecutor requested for the court to apply a penalty based on Article 316 (1) of the Penal Code on smuggling as well as Article 317 on avoidance of customs duties.

On the other hand, the public defender requested for the court to impose a fine against the defendant because he considered that the defendant had behaved well during the proceedings and regretted his actions.

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

CaseNo	: 154/PEN/2015/TDS
Composition of judges	: Single
Judge	: Alvaro Maria Freitas
Public Prosecutor	: João Marques
Public Defender	: João Henrique de Carvalho
Type of decision	: Ordered to pay a fine of US\$ 120

On 27 January 2016 the Suai District Court conducted a mobile court in Bobonaro District and tried the defendant MT for committing the crime of simple offences against the physical integrity of her husband. This case allegedly occurred in Bobonaro District.

The public prosecutor alleged that on 11 April 2015 the defendant was drunk and twice punched the victim in the mouth and caused the victim to suffer an injury and bleeding to her mouth. The incident occurred because the defendant suspected the victim of having a relationship with another man.

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 his guilt and testified that he regretted his actions. In addition, the victim maintained the charges of the public prosecutor.

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

The public defender requested for the court to impose a fine against the defendant. The public defender considered that the defendant was a first time offender and promised not to repeat these actions in the future, against the defendant or someone else.

After evaluating the facts relating to this case, the court concluded this matter and ordered the defendant to pay a fine of US\$120 in daily instalments of US\$1 for 120 days, as well as court costs of US\$20. The court also stipulated an alternative penalty of 80 days in prison if the defendant does not pay this fine.

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

CaseNo	: 294/PEN/2015/TDS
Composition of judges	: Single
Judge	: Alvaro Maria Freitas
Public Prosecutor	: João Marques
Public Defender	: João Henrique de Carvalho
Type of decision	: Ordered to pay a fine of US\$ 150

On 27 January 2016 the Suai District Court conducted the mobile court in Bobonaro District and tried the defendant BCP for committing the crime of simple offences against the physical integrity of his wife.

The public prosecutor alleged that on 14 November 2015, at 4pm, the defendant was drunk and invited the victim to have sexual intercourse however the victim refused. The defendant suspected the victim of having a relationship with another man so the defendant punched the victim twice in the mouth causing an injury and swelling and kicked the victim once on the back of her neck which caused the victim to fall to the ground.

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 his actions and testified that he regretted his actions. In addition, the victim also corroborated the charges of the Public Prosecutor and testified that she had forgiven the defendant.

In his final recommendations the public prosecutor requested for the court to hand down a prison sentence of 1 year, to be suspended for 2 years, to prevent the defendant from committing similar acts in the future. The public defender considered that the defendant was a first time offender and promised not to repeat his actions in the future, against the defendant or someone else.

After evaluating the facts of this case, the court concluded this matter and ordered the defendant to pay a fine of US\$150 in daily instalments of US\$1 for 150 days, as well as court costs of US\$20. The court also stipulated an alternative penalty of 100 days in prison if the defendant does not pay this fine.

### **13. Crime of simple offences against physical integrity, characterized as Domestic Violence**

Case No	: 285/PEN/2015/TDS
Composition of judges	: Single
Judge	: Alvaro Maria Freitas
Public Prosecutor	: João Marques
Public Defender	: João Henrique de Carvalho
Type of decision	: Ordered to pay a fine of US\$ 120

On 27 January 2016 the Suai District Court conducted a mobile court in Bobonaro District and tried the defendant JPM for committing the crime of simple offences against the physical integrity of his wife. This case allegedly occurred di Bobonaro District.

The public prosecutor alleged that on 24 September 2015 at 4pm the defendant slapped the victim once on her left cheek, punched her once on her back, choked the victim, threw her down and pushed the victim out of the house. The actions of the defendant caused the victim to suffer swelling to her body. This case allegedly occurred because the victim did not accept the actions of the defendant who brought another woman into their house.

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 his guilt and testified that he regretted his actions. In addition, the victim also corroborated the charges of the Public Prosecutor and testified that she had forgiven the defendant.

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

The public defender also agreed with the charges of the public prosecutor, however he requested for the court to apply a lenient and appropriate suspended sentence against the defendant.

After evaluating the facts relating to this case, the court concluded this matter and ordered the defendant to pay a fine of US\$120 in daily instalments of US\$1 for 120 days, as well as court costs of US\$20. The court also stipulated an alternative penalty of 80 days in prison if the defendant does not pay this fine.

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

Case No : 258/PEN/2015/TDS  
Composition of judges :Single  
Judge : Alvaro Maria Freitas  
Public Prosecutor :João Marques  
Public Defender : João Henrique de Carvalho  
Type of decision :Ordered to pay a fine of US\$ 80.00

On 27 January 2016 the Suai District Court conducted a mobile court in Bobonaro District and tried the defendant MB for committing the crime of simple offences against the physical integrity of his wife.This case allegedly occurred in Bobonaro District.

The public prosecutor alleged that on 25 June 2015 the defendant slapped the victim once on her left cheek and choked the victim and squashed the victim's hand with a piece of wood which caused the victim to suffer swelling to her hand.This case allegedly occurred because the victim did not agree with the defendant purchasing goods for 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 his guilt and testified that he regretted his actions.In addition, the victim maintained the charges of the public prosecutor.

In his final recommendations the public prosecutor requested for the court to apply an appropriate suspended sentence against the defendant to educate the defendant not to commit violence against his wife in the future.

On the other hand, the public defender requested for the court to impose a fine against the defendant because he was a first time offender.The defendant also promised not to reoffend in the future.

Based on the evaluation of the facts during the trial, the court concluded this matter and sentenced the defendant to pay a fine of US\$ 80, to be paid in daily installments of US\$ 1.00= for 80 days.The court also stipulated an alternative punishment of 60 days in prison if the defendant does not pay the aforementioned fine.

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

Case No. : 292/PEN/2015/TDS  
Composition of judges : Single  
Judge : Samuel da Costa Pacheco

Public Prosecutor : Matias Soares  
Public Defender : Manuel Amaral  
Type of decision : Sentenced to 6 months in prison, suspended for 1 year.

On 27 January 2016 the Suai District Court, through a mobile court in Bobonaro District, tried a case of simple offences against physical integrity allegedly committed by the defendant AL against his wife. This case allegedly occurred in Bobonaro District.

The public prosecutor alleged that on 14 September 2015 the victim asked the defendant for US\$5.00 but the defendant responded that there was no money. Therefore, they argued and then the defendant choked the victim, struck her on the forehead and pulled her hair. These actions caused the victim to suffer an injury to her neck and swelling to her forehead.

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 aforementioned facts, regretted his actions, testified that they have reconciled and was a first time offender. 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 hand down a sentence of 1 year in prison, to be suspended for 1 year, because the defendant admitted all of the facts set out in the indictment. On the other hand, the public defender requested for the court to impose a fine against the defendant because the defendant admitted the facts set out in the charges, regretted his actions, was a first time offender and they have reconciled.

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

#### **16. Crime of simple offences against physical integrity, characterized as Domestic Violence.**

Case No. : 296/Pen/2015/TDS  
Composition of judges : Single  
Judge : Samuel da Costa Pacheco  
Public Prosecutor : Matias Soares  
Public Defender : Manuel Amaral  
Type of decision : Sentenced to 6 months in prison, suspended for 1 year.

On 27 January 2016 the Suai District Court conducted a mobile court in Bobonaro District and tried a case of simple offences against physical integrity allegedly committed by the defendant CBS against his wife in Bobonaro District.

The public prosecutor alleged that on 23 July 2015 the defendant punched the victim once on the left side of her head, kicked her once in the thigh and choked the victim. This case allegedly occurred because the victim purchased children's clothing without the knowledge of the defendant.

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 he regretted his actions and promised not to reoffend in the future. The victim also corroborated the facts set out in the indictment of the public prosecutor.

In his final recommendations the public prosecutor requested for the court to hand down a sentence of 1 year in prison, to be suspended for 1 year, because the defendant admitted his actions. On the other hand, the public defender requested for the court to apply a fair sentence against the defendant because the defendant confessed, regretted his actions, was a first time offender, the parties have reconciled and the defendant promised not to reoffend in the future.

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

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

Case No.	: 291/Pen/2015/TDS
Composition of judges	: Single
Judge	: Samuel da Costa Pacheco
Public Prosecutor	: Matias Soares
Public Defender	: Manuel Amaral
Type of decision	: Sentenced to 1 month in prison, suspended for 2 years

On 27 January 2016 the Suai District Court conducted a mobile court in Bobonaro District and tried a case of simple offences against physical integrity allegedly committed by the defendant JVT against his wife. This case allegedly occurred in Bobonaro District.

The public prosecutor alleged that on 26 July 2015, the victim summoned the defendant from a neighbor's house, however after waiting for several hours the defendant did not emerge, so the victim went and called him again and urged him to immediately come home. Therefore, they argued and the defendant pulled the victim's hair, struck her once above the eye and kicked her once on the back. These actions caused the victim to suffer pain above her eye, to her head and back.

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 the facts charged against him and testified that he regretted his actions. The defendant also promised not to reoffend against the victim in the future. In addition, the victim also corroborated the facts set out in the prosecutor's indictment and further testified that at that time the defendant punched her until she fell to the ground.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 1 year 6 months in prison, to be suspended for 1 year and 6 months. On the other hand, the public defender requested for the court to apply a fair sentence against the defendant because the defendant confessed, regretted his actions, was a first time offender, the parties have reconciled and the defendant promised not to reoffend in the future.

Based on the evidence produced during the trial, the court concluded this case and sentenced the defendant to 1 month in prison, suspended for 2 years.

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