



Case Summary

The Suai District Court

July 2017

Affirmation: The following case summaries set out the facts and the proceedings of cases before the court based on JSMP's independent monitoring, and the testimony given by the parties before the court. This information does not reflect the opinions of JSMP as an institution.

JSMP strongly condemns all forms of violence, especially against women and vulnerable persons. JSMP maintains that there is no justification for violence against women.

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

1. Total cases monitored by JSMP: 21

Articles	Type of Case	Number of cases
Article 145 of the PC	Simple offences against physical integrity	8
Article 145 of the Penal Code (PC) as well as Articles 2, 3, 35, 36 of the Law Against Domestic Violence	Simple offences against physical integrity characterized as domestic violence and types of offences categorised as domestic violence	3
Article 177 of the PC	Sexual abuse of a minor	2
Article 157 of the PC	Threats	1
Article 172 of the PC	Rape	1
Article 225 of the PC	Failure to fulfil an obligation to provide food assistance	1
Article 303 of the PC	Forgery of documents or technical report	1
Article 314 of the PC	Tax fraud	1

Article 316 of the PC	Smuggling	1
Article 154 of the PC	Mistreatment of a spouse	1
Articles 258 & 157 (PC)	Property damage and threats	1
Total		21

2. Total number of decisions monitored by JSMP: 19

Type of decision	Number of decisions
Withdrawal of complaint	10
Suspension of execution of a prison sentence (Article 68 of the PC)	4
Fine (Article 67 of the PC)	3
Prison sentence (Article 66 of the PC)	1
Acquitted	1
Total	19

3. Total cases adjourned based on JSMP monitoring: 2

Reason for adjournment	Number of cases
The two defendants did not attend	1
Unable to establish a panel	1
Total	2

B. Short descriptions of these cases

1. Crime of simple offences against physical integrity

Case Number : 0021/16.CVMCT
Composition of the Court : Single Judge
Judge : Constâncio Barros Basmerly
Prosecutor : Napoleão Soares da Silva
Public Defender : Fransisco Caetano Martins
Type of Penalty : Withdrawal of complaint

On 5 July 2017 the Suai District Court attempted conciliation in a case of simple offences against physical integrity involving the defendants DC, TG and QA who allegedly committed the offence against the victim MSP in Covalima District.

Charges of the Prosecutor

The public prosecutor alleged that on 2 July 2016 the defendant QA punched the victim on the left cheek, and the defendant DC punched the victim in the mouth, and the defendant TG punched the victim once in the forehead. This assault caused the victim to suffer pain, swelling to the cheek, lips and forehead. This incident occurred when the victim returned from Rogerio's house and on the bridge the victim met with the defendants, and the defendants shouted out “*what are you doing walking around late at night, spying on us, or spying on our wives?*”

The public prosecutor alleged that the defendants violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine.

Presentation of evidence

Before progressing to the presentation of evidence, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and victim.

During the attempted conciliation the defendants apologized to the victim and promised not to commit such acts in the future. The victim agreed and requested for the court to withdraw the complaint against the defendants.

Final recommendations

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

Decision

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the Court decided to validate the settlement.

2. Crime of simple offences against physical integrity

Case Number	: 0009/16.ANMBS
Composition of the Court	: Single Judge
Judge	: Constância Barros Basmery
Prosecutor	: Napoleão Soares da Silva
Public Defender	: Fransisco Caetano Martins
Type of penalty	: Withdrawal of complaint

On 5 July 2017 the Suai District Court attempted conciliation in a case of simple offences against physical integrity involving the defendant DCA who allegedly committed the offence against the victim YP in Ainaro District.

Charges of the Prosecutor

The public prosecutor alleged that on 23 August 2016 the victim bought some taro at the Maubesi market and the defendant threw some water on the victim that had been used to cook noodles. The defendant also took a knife and tried to stab the victim but was not able to do so. The defendant then threw a stone at the victim but missed, and the defendant chased the victim but the victim fled and made a complaint at the Maubesi Police Station.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine.

Presentation of evidence

Before progressing to the presentation of evidence, pursuant to Article 266 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and victim.

During the attempted conciliation the victim decided to withdraw the complaint against the defendant. The defendant also apologised to the victim and promised not to commit any further crimes against the victim. After apologising to each other, the victim requested for the court to withdraw the complaint against the defendant.

Final recommendations

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

Decision

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the Court decided to validate the settlement.

3. Crime of simple offences against physical integrity

Case Number	: 0024/17.PDSUA.
Composition of the Court	: Single Judge
Judge	: Constáncio Barros Basmery
Prosecutor	: Ricardo Leite Godinho
Public Defender	: Fransisco Caetano Martins
Type of Penalty	: Withdrawal of complaint

On 5 July 2017 the Suai District Court attempted conciliation in a case of simple offences against physical integrity involving the defendant MTB who allegedly committed the offence against the victim FCM in Covalima District.

Charges of the Prosecutor

The public prosecutor alleged that on 25 March 2017 the defendant used a piece of wood to beat the victim five times on the shoulder, and three times on the left thigh. This assault caused the victim to suffer an injury to the thigh and swelling to the shoulder. The incident occurred because the victim went to the defendant's house and insulted the defendant because they had a dispute over land, and for this reason the defendant committed the act against the victim.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine.

Presentation of evidence

Before progressing to the presentation of evidence, pursuant to Article 266 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and victim.

During the attempted conciliation the defendant apologised to the victim, and stated that he regretted his actions and promised not to commit any other crimes against the victim in the future. The victim accepted the apology of the defendant and then requested for the court to withdraw the complaint against the defendant.

Final recommendations

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

Decision

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the court decided to validate the settlement.

4. Crime of smuggling

Case Number : 0022/16.CVSLL
Composition of the Court : Panel
Judges : Argentino Luisa Nunes, Alvaro Maria Freitas,
Benjamin Barros
Prosecutor : Matias Soares
Public Defender : Albino de Jesus Pereira
Type of Penalty : Fine

On 14 July 2017 the Suai District Court conducted a hearing to announce its decision in a case of smuggling involving the defendant CdS and JdN who allegedly committed the offence against the Timor-Leste Directorate of Customs, in Covalima District.

Charges of the Prosecutor

The public prosecutor alleged that on 30 August 2016 the defendants contacted a person in Indonesia via telephone to engage in business for the purchase of two motorcycles, a Honda CBR and a Vixon, worth US\$ 2,450. The defendants purchased these two motorcycles and returned via an illegal pathway at the border area in Maubesi, Tilomar, Suai District, and were arrested by the Border Patrol Unit of the Police, because they did not have a permit from Customs.

The public prosecutor alleged that the defendants violated Article 316 of the Penal Code on smuggling that carries a maximum penalty of 2 - 8 years in prison or a fine.

Presentation of evidence

During the trial the defendants confessed all of the facts set out in the indictment, and they were willing to pay the tax to the State, and the defendants regretted their actions.

Final recommendations

The public prosecutor confirmed that the defendants were guilty of committing the crime against the State, and therefore he requested for the court to order the defendant JdN to pay a fine of US\$300 and for the defendant CdS to pay a fine of US\$250 and for the two motorcycles to be handed over to the State.

The public defendant stated that the defendants confessed all of the facts set out in the indictment, regretted their actions and were willing to pay the tax to the State. Therefore he requested for the court to impose a fine against the defendants in accordance with their capacity and also asked the Court to give the motorcycle to the defendants.

Decision

After assessing the facts that were proven during the trial, the Court found the defendants guilty of the alleged crime based on the testimony of the defendants.

The court concluded the matter and ordered the defendants to pay a fine of US\$120 at a rate of US\$ 1 per day for 120 days, and also to pay judicial costs of US\$50 and to release the two motorcycles to the defendants. The court also imposed an alternative punishment of 80 days in prison, if the defendants do not pay the fine.

5. Crime of simple offences against physical integrity

Case Number	: 0058/15.ANANV.
Composition of the Court	: Single Judge
Judge	: Constância Barros Basmerly
Prosecutor	: Jacinto Babo Soares
Public Defender	: Manuel Amaral
Type of Penalty	: Fine

On 20 July 2017 the Suai District Court announced its decision in a case of simple offences against physical integrity involving the defendant MdA who allegedly committed the offence against the victim MdG in Ainaro District.

Charges of the Prosecutor

The public prosecutor alleged that on 28 November 2016 the defendant was behind the victim and punched the victim on the ear. This assault caused the victim to suffer pain, swelling and bruising to the ear. The incident occurred when the defendant asked about whereabouts of the victim's uncle 7 times but the victim did not respond.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine.

Presentation of evidence

Before progressing to the presentation of evidence, pursuant to Article 266 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and victim.

During the trial the defendant confessed all of the facts set out in the indictment and stated that he regretted his actions, and promised not to reoffend against the victim in the future. The victim maintained the facts set out in the indictment of the public prosecutor.

Final recommendations

The public prosecutor maintained the charges and requested for the court to impose a prison sentence of 6 months, suspended for 1 year.

The public defender requested for the court to apply an appropriate punishment against the defendant, because the defendant confessed all of the facts in the indictment, regretted his actions and promised not to reoffend against the victim in the future.

Decision

After evaluating the facts produced during the trial, the court concluded this matter and ordered the defendant to pay a fine of US\$ 180, to be paid in daily instalments of US\$ 1.50 for 120 days. The court also imposed an alternative penalty of 80 days in prison if the defendant does not pay this fine.

6. Crime of making threats

Case Number : 0055/16.ANANV
Composition of the Court : Single Judge

Judge : Constáncio Barros Basmerly
Prosecutor : Ricardo Leite Godinho
Public Defender : Fransisco Caetano Martins
Type of Penalty : Withdrawal of complaint

On 20 July 2017 the Suai District Court conducted a trial to attempt conciliation in a case of threats involving the defendant MdC who allegedly committed the offence against the victim LC in Ainaro District.

Charges of the Prosecutor

The public prosecutor alleged that on 8 December 2016 when victim was returning from a plantation the defendant was carrying a slug gun to shoot at the victim, however he shot the victim's dog. This case occurred over a land border dispute between the defendant and the victim. This act caused the victim to feel afraid and the victim made a complaint at the Ainaro Police Station.

The public prosecutor alleged that the defendant violated Article 157 of the Penal Code on making threats with that carries a maximum penalty of one year in prison or a fine.

Presentation of evidence

Before progressing to the presentation of evidence, pursuant to Article 266 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and victim.

During the attempted conciliation the defendant apologised to the victim, and stated that he regretted his actions and promised not to commit any other crimes against the victim in the future. The victim agreed and requested for the court to withdraw the complaint against the defendant.

Final recommendations

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

Decision

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the Court decided to validate the settlement.

7. Crime of Rape

Case Number : 0140/15. PDSUA
Composition of the Court : Panel
Judges : Florensia Freitas, Nasson Sarmiento, and
Samuel da Costa Pacheco

Prosecutor : Matias Soares
Public Defender : Manuel Amaral
Type of Penalty : Acquitted

On 28 July 2017 the Dili District Court conducted a hearing to announce its decision in a case of rape involving the defendant AP who allegedly committed the offence against the victim VdSC, in Bobonaro District.

Charges of the Prosecutor

The public prosecutor alleged that on 17 April 2013 the victim went to the home of his grandmother and when the victim returned, she saw the defendant on the road. The defendant approached the victim so he could drag the victim into some bushes and threatened the victim by saying “If you scream I will kill you”. Then the defendant started removing the victim's pants and used force to throw the victim on the ground and had sexual intercourse with the victim. The victim tried to scream and ask for help but nobody heard the victim.

Then on 21 April 2013 at 3:00am the victim was returning from a wake and on the way home the defendant was standing in the dark and the victim asked the defendant “Where are you going?” However the defendant approached the victim and grabbed the victim by the arm to pull her into some long grass and had sexual intercourse with the victim. The victim went to scream but the defendant used his hand to cover the victim's mouth.

The public prosecutor alleged that the defendant violated Article 172 of the Penal Code on rape that carries a maximum penalty of 5-15 years in prison.

Presentation of evidence

During the trial the defendant stated that the defendant and the victim had sexual intercourse based on consent and the sexual intercourse occurred on two occasions. The defendant also stated that before having sexual intercourse the defendant did not make threats or use force and the sexual intercourse occurred because the defendant and the victim were in a romantic relationship.

The victim also confirmed and corroborated the defendant's statement that the sexual relations were based on consent. The defendant did not make threats or force the victim, because they were in a romantic relationship.

Pursuant to Article 140 of the Criminal Procedure Code on cross-examination, the testimony of the defendant and the defendant were cross-examined. During this cross-examination the defendant and the victim maintained their previous statements that the sexual intercourse was based on consent and the defendant did not force the victim, because they were in a romantic relationship.

Final recommendations

The prosecutor referred to the testimony of the defendant and the victim, and requested for the court to carefully consider these facts before making a decision in this case.

The public defender requested for the court to acquit the defendant from these charges, because the sexual intercourse was based on mutual consent. The public defender added that during the cross-examination between the defendant and the victim, the defendant and the victim continued to maintain their testimony that the sexual intercourse between them was based on mutual consent, and the defendant did not make threats or force the victim, because they were in a romantic relationship.

Decision

After evaluating the facts that were proven during the trial, the court found that the sexual intercourse was based on mutual consent and the defendant did not threaten or force the victim. Therefore the court concluded the matter and acquitted the defendant from the charges.

8. Crime of forgery of documents or technical report

Case Number : 0120/16/PDSUA
Composition of the Court : Panel
Judges : Constância Barros Basmerly, Nasson Sarmiento and Samuel da Costa Pacheco
Prosecutor : Ricardo Leite Godinho
Public Defender : Fransisco Caetano Martins
Type of Penalty : Punishment of 3 years in prison, suspended for 4 years

On 27 July 2017 the Suai District Court, via the mobile court in Ainaro District, announced its decision in a case of forgery of documents or technical report involving the defendant MG who allegedly committed the offence against the State of Timor-Leste in Covalima District.

Charges of the Prosecutor

The public prosecutor alleged that, on an unspecified date and month in 2006, the defendant who is an Indonesia citizen entered Timor-Leste and stayed with her family in Becora Dili.

On 9 July 2006 the defendant MG obtained a baptism certificate from the Parish of Our Lady of Fatima in Suai, and said that she was a resident of Suai and was baptised at the Suai Church on 15 January 1985 during the time of Father Francisco Tavares. The defendant committed this forgery to obtain benefits for herself and so she could obtain a voters card.

On 17 May 2012 in Dili the defendant obtained a voters card issued by STAE with the Registration Number of 00678957.

The public prosecutor alleged that the defendant violated Article 303 of the Penal Code on forgery of documents or technical report that carries a maximum penalty of three years in prison or a fine.

Presentation of evidence

During the trial the defendant stated that she does live in Suai District, Kamanasa Village and not in Betun, Atambua. However the court still doubted the testimony of the defendant, and therefore the Court asked the defendant to present other documents to confirm that the defendant was a resident of Suai and was baptized in Suai, but the defendant did not present other documents.

The witness MYB who currently resides in Timor-Leste because he married an East Timorese citizen, testified that he knew the defendant because they had been neighbours since they were young children in Betun, Camenasa, Atambua. Therefore the witness was shocked when he saw the defendant participate in the general election in 2012 as a citizen of Timor-Leste. Therefore the witness made a complaint to the Dili Investigations Section of the Police. During the trial the witness also produced a baptism certificate belonging to the defendant that was issued in Indonesia.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing this crime, and therefore he requested for the court to impose a prison sentence of 2 years, suspended for 2 years, against the defendant. The public defender requested for the court to impose a fair penalty against the defendant.

Decision

After evaluating the facts produced during the trial, the Court found that all of the facts were proven and the court concluded the matter based on the existing evidence and imposed a prison sentence of 3 years suspended for 4 years against the defendant. The court also decided that after the defendant serves her suspended sentence the defendant must return to Indonesia.

9. Crime of simple offences against physical integrity

Case Number	: 0035/16.ANANV
Composition of the Court	: Single Judge
Judge	: Nasson Sarmiento
Prosecutor	: Napoleão Soares da Silva
Public Defender	: Manuel Amaral
Type of Penalty	: Validating withdrawal of complaint

On 25 July 2017 the Suai District Court, through the mobile court in Ainaro District, attempted conciliation in a case of simple offences against physical integrity involving the defendant TM and the defendant AA (husband and wife) who allegedly committed the offence against the victim DP (younger sister of the husband) in Ainaro District.

Charges of the Prosecutor

The public prosecutor alleged that on 20 August 2016 the defendant AA argued with the victim (DP) because the defendant always said bad things about the victim's personal business. The defendant AA was going to throw a stone at the victim, and the defendant TM heard somebody screaming, and the defendant ran to the scene and saw the defendant and the victim arguing, so the defendant slapped the victim twice on the left and right cheek. These acts caused the victim to suffer pain to the cheek.

The public prosecutor alleged that the defendants violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine.

Presentation of evidence

Before progressing to the presentation of evidence, pursuant to Article 266 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and victim.

During the attempted conciliation the defendants apologised to the victim and gave US\$50 to the victim to redress the victim's pain. The victim accepted the apology from the defendants and then requested for the court to withdraw the complaint against the defendants.

Final recommendations

After hearing the statements of the two parties relating to the amicable agreement, the prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

Decision

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the court decided to validate the settlement.

10. Crime of simple offences against physical integrity

Case Number : 0199/16.PDSUA.
Composition of the Court : Single Judge
Judge : Nasson Sarmiento
Prosecutor : Napoleão Soares da Silva

Public Defender : Manuel Amaral
Type of Penalty : Withdrawal of complaint

On 25 July 2017 the Suai District Court, through the mobile court in Ainaro District, attempted conciliation in a case of simple offences against physical integrity involving the defendant AP who allegedly committed the offence against the victim FM in Ainaro District.

Charges of the Prosecutor

The public prosecutor alleged that on 28 November 2016 the defendant and the victim had a dispute over land. When the victim returned home from his plantation he met with the defendant on the road and the defendant took an air rifle and struck the victim three times on his right hand. This act caused the victim to suffer pain, swelling and bruising to his hand.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine.

Presentation of evidence

Before progressing to the presentation of evidence, pursuant to Article 266 of the Criminal Procedure Code on attempted conciliation, the judge may seek to reach conciliation between the defendant and victim.

During the attempted conciliation the defendant apologised to the victim, and stated that he regretted his actions and promised not to commit any other crimes against the victim in the future. The defendant also gave US\$50 to the victim to redress the victim's pain. The victim agreed and requested for the court to withdraw the complaint against the defendant.

Final recommendations

After hearing about the conciliation between the two parties, the prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

Decision

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the court decided to validate the settlement.

11. Crime of failure to meet obligation to provide alimony

Case Number : 0007/15.ANMBS
Composition of the Court : Single Judge

Judge : Alvaro Maria Freitas
Prosecutor : Napoleão Soares da Silva
Public Defender : Albino de Jesus Pereira
Type of Penalty : Withdrawal of complaint

On 25 July 2017 the Suai District Court, through the mobile court in Ainaro District, attempted conciliation in a case of failure to meet obligation to provide alimony involving the defendant FCS who allegedly committed the offence against the victim MC in Ainaro District.

Charges of the Prosecutor

The public prosecutor alleged that on an unspecified day and month, but at some time in 2015, the defendant and the victim argued because victim heard that the defendant had a mistress. After arguing the defendant left the house and never gave alimony to his daughter who is still a minor.

The public prosecutor alleged that the defendant violated Article 225 of the Penal Code on failure to provide food assistance that carries a maximum penalty of 3 years in prison or a fine.

Presentation of evidence

During this attempted conciliation the victim wanted to withdraw the complaint against the defendant, but with the condition that the defendant has to provide US\$40 every month for their child who is still young. The defendant agreed with the request of the victim, and therefore the victim also requested for the court to withdraw the complaint against the defendant.

Final recommendations

After hearing about the conciliation, the prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

Decision

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the court decided to validate the settlement.

12. Crime of sexual abuse against a minor

Case Number : 002/17. ANMBS
Composition of the Court : Panel
Judges : Constância Barros Basmery, Nasson Sarmiento and
Samuel da Costa Pacheco
Prosecutor : Matias Soares
Public Defender : Albino de Jesus Pereira

Type of Penalty : Prison sentence

On 25 July 2017 the Suai District Court, through the mobile court in Ainaro District, announced its decision in a case of sexual abuse against a minor involving the defendant DM and the victim OM (6 years old), in Ainaro District.

Charges of the Prosecutor

The public prosecutor alleged that on 11 January 2017 the defendant called out to the victim to go and play at his house, but the victim did not want to. However, the defendant grabbed the victim's arm and dragged her over the edge of the house to remove the victim's pants and have sexual intercourse. The victim screamed and called out to her aunty saying "come quickly, I am dying". Then F (the victim's aunty) ran over to have a look and grabbed the victim and saw a lot of blood coming from the victim's genitals. Therefore the victim's aunty took the victim straight to her parents and made a complaint to the sub-village chief, police and took the victim for treatment at the Maubisse Referral Hospital.

The public prosecutor accused the defendant of violating Article 177 (a) of the Penal Code on the sexual abuse of a minor that carries a penalty of 5-20 years in prison as well as Article 182 of the Penal Code on aggravation.

Presentation of evidence

During the trial the defendant confessed all of the facts in the indictment. The defendant also stated that he regretted his actions and was a first time offender. The victim maintained the facts set out in the indictment of the public prosecutor.

Final recommendations

The prosecutor believed that the defendant was guilty of committing the crime against the victim based on the defendant's statement and the confirmation of the victim. Therefore, to deter the defendant from committing any further crimes in the future, the public prosecutor requested for the court to sentence the defendant to 19 years in prison.

The public defender requested for the court to impose a penalty less than 19 years because the defendant confessed all of the facts set out in the indictment, regretted his actions and was a first time offender.

Decision

After evaluating the facts produced during the trial, the court found the defendant guilty of committing the crime against the victim. The court concluded this matter and sentenced the defendant to 13 years in prison.

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

Case Number : 0037/16.ANANV
Composition of the Court : Single Judge
Judge : Argentino Luisa Nunes
Prosecutor : Napoleão Soares da Silva
Public Defender : Fransisco Caetano Martins
Type of Penalty : Fine

On 26 July 2017 the Suai District Court, through the mobile court in Ainaro District, announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MdA who allegedly committed the offence against his wife in Ainaro District.

Charges of the Prosecutor

The public prosecutor alleged that on 3 September 2016 the defendant slapped the victim once on the right cheek and kicked her in the ribs which caused the victim to fall to the ground.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Articles 2, 3 and 35(b) of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant confessed all of the facts set out in the indictment, and also stated that he was a first time offender and he regretted his actions. The victim confirmed and maintained the facts set out in the indictment of the public prosecutor.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim. The public prosecutor stated that the defendant was supposed to protect the victim, but on the contrary the defendant committed the crime against his wife. Therefore he requested for the court to order the defendant to pay a fine of US\$100.

The public defender requested for the court to admonish the defendant, because the defendant confessed all of the facts set out in the indictment, regretted his actions and was a first time offender.

Decision

After evaluating the facts produced during the trial, the court concluded this matter and ordered the defendant to pay a fine of US\$ 20 to be paid in daily instalments of US\$ 1.00

for 20 days. The court also imposed an alternative penalty of 30 days in prison if the defendant does not pay this fine.

14. Crime of simple offences against physical integrity

Case Number : 0011/16.ANMBS
Composition of the Court : Single Judge
Judge : Argentino Luisa Nunes
Prosecutor : Napoleão Soares da Silva
Public Defender : Fransisco Caetano Martins
Type of Penalty : Withdrawal of complaint

On 26 July 2017 the Suai District Court, through the mobile court in Ainaro District, attempted conciliation in a case of simple offences against physical integrity involving the defendants EA and VM who allegedly committed the offence against the victim MB in Ainaro District.

Charges of the Prosecutor

The public prosecutor alleged that on 7 September 2016 the defendants and the victim argued about the land boundaries of a farm and then the defendants threw stones at the victim and struck the victim on the hand. This act caused the victim to suffer pain, swelling and bruising to his hand.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine.

Presentation of evidence

During the attempted conciliation the victim decided to withdraw the complaint against the defendants and the defendants apologised to the victim. In addition, the defendants also gave US\$200 to redress the victim's pain and promised not to commit any further crimes against the victim or other person.

Final recommendations

After hearing about the conciliation between the two parties, the prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

Decision

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the Court decided to validate the settlement.

15. Crime of simple offences against physical integrity

Case Number : 0011/16.ANTHU
Composition of the Court : Single Judge
Judge : Argentino Luisa Nunes
Prosecutor : Matias Soares
Public Defender : Manuel Amaral
Type of Penalty : Withdrawal of complaint

On 26 July 2017 the Suai District Court, through the mobile court in Ainaro District, attempted conciliation in a case of simple offences against physical integrity involving the defendants SdS and MF (brothers) who allegedly committed the offence against the victim AdS (neighbour) in Ainaro District.

Charges of the Prosecutor

The public prosecutor alleged that on 1 August 2016 the defendants argued with the victim, and the defendant SdS slapped the victim once on the right cheek, punched the victim once in the chest and the Defendant MF grabbed the victim's hair to drag the victim onto the road. This assault caused the victim to suffer pain and swelling to her cheek and chest.

The public prosecutor alleged that the defendants violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine.

Presentation of evidence

During the attempted conciliation the victim decided to withdraw the complaint against the defendants because the defendants apologised to the victim and gave a *tais* (traditional cloth) and a pig to redress her suffering. The defendants also promised that they would not commit such acts against the victim or other person.

Final recommendations

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

Decision

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the court decided to validate the settlement.

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

Case Number : 0061/16.ANANV
Composition of the Court : Single Judge
Judge : Argentino Luisa Nunes

Prosecutor : Matias Soares
Public Defender : Manuel Amaral
Type of Penalty : 3 months in prison, suspended for 1 year

On 26 July 2017 the Suai District Court, through the mobile court in Ainaro District, announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant FS who allegedly committed the offence against his mother in Ainaro District.

Charges of the Prosecutor

The public prosecutor alleged that on 25 December 2016 the defendant was angry and punched the victim's window and door, and grabbed the victim's hair and dragged the victim inside. The incident occurred when the defendant asked the victim to give her pig to the defendant so he could give it to his sister, but the victim did not want to. This assault caused the victim to suffer pain and swelling to her head.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Articles 2, 3 and 35(b) of the Law Against Domestic Violence.

Presentation of evidence

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

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim and therefore he asked for the court to sentence the defendant to 3 months in prison, suspended for 1 year.

The defence stated that the defendant confessed all of the facts set out in the indictment, regretted his actions and has reconciled with the victim. Therefore he requested for the court to impose a fair penalty against the defendant.

Decision

After evaluating the facts that were proven during the trial, the court concluded the matter and sentenced the defendant to 3 months in prison, suspended for 1 year.

17. Crime of mistreatment of a spouse

Case Number : 0059/16.ANANV
Composition of the Court : Panel
Judges : Constáncio Barros Basmerly, Samuel da Costa Pacheco
Nasson Sarmiento
Public Prosecutor : Matias Soares
Public Defender : Albino de Jesus Pereira
Type of Penalty : Prison sentence of 2 years 6 months, suspended for 3 years

On 27 July 2017 the Suai District Court announced its decision in a case of mistreatment of a spouse involving the defendant JdA who allegedly committed the offence against his wife in Ainaro District.

Charges of the Prosecutor

The public prosecutor alleged that on 21 December 2016 the defendant punched the victim once in the forehead, and the victim also punched the defendant on the forehead and then the defendant punched the victim twice on the forehead, pushed the victim into the door and punched the victim once in the chest. This assault caused the victim to fall to the ground and she had trouble breathing.

The public prosecutor alleged that the defendant violated Article 154 of the Penal Code on the crime of mistreatment of a spouse that carries a prison sentence of 2 - 6 years in prison.

Presentation of evidence

During the trial the defendant confessed all of the facts set out in the indictment, the defendant also stated that he has reconciled with victim, was a first time offender and regretted his actions. In addition, the victim maintained the facts set out in the indictment. The victim also stated that after the incident the defendant has not committed any more crimes against the victim.

Final recommendations

The public defender stated that the defendant confessed all of the facts set out in the indictment, was a first time offender and regretted his actions. To deter the defendant from committing such crimes against the victim 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 change the charge from mistreatment of a spouse to reciprocal offences against physical integrity, because the act did not fulfil the elements of the crime of mistreatment of a spouse, and he also asked that the defendant be given fair justice.

Decision

After evaluating the facts that were proven during the trial, the court concluded the matter and sentenced the defendant to 2 years and six months in prison, suspended for 3 years and ordered him to pay court costs of US\$ 50.

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

Case Number : 0038/16.ANANV
Composition of the Court : Single Judge
Judge : Nasson Sarmiento
Prosecutor : Napoleão Soares da Silva
Public Defender : Fransisco Caetano Martins
Type of Penalty : 3 months in prison, suspended for 1 year

On 27 July 2017 the Suai District Court, through the mobile court in Ainaro District, announced its decision in a case of simple offences against physical integrity involving the defendant AB who allegedly committed the offence against his wife in Ainaro District.

Charges of the Prosecutor

The public prosecutor alleged that on 16 September 2016 the defendant punched the victim twice in the head and punched the victim above the eye. This assault caused the victim to suffer pain and swelling above the eye.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Articles 2, 3 and 35(b) of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant confessed all of the facts set out in the indictment, regretted his actions and declared that he was a first time offender. The victim confirmed and maintained the facts set out in the indictment of the public prosecutor.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant and the corroboration of the victim. Therefore he requested for the court to order the defendant to pay a fine.

The public defender stated that the defendant confessed all of the facts set out in the indictment, regretted his actions and was a first time offender. Therefore he requested for

the court to impose a fine on the defendant, with consideration to the defendant's circumstances.

Decision

After evaluating the facts that were proven during the trial, the court concluded the matter and sentenced the defendant to 3 months in prison, suspended for 1 year.

19. Crime of property damage and threats

Case Number : 0069/15.ANANV.
Composition of the Court : Single Judge
Judge : Benjamin Barros
Prosecutor : Napoleão Soares da Silva
Public Defender : Manuel Amaral
Type of Penalty : Withdrawal of complaint

On 27 July 2017 the Suai District Court, through the mobile court in Ainaro District, attempted conciliation in a case of property damage and the crime of threats involving the defendants PdC who allegedly committed the offence against the victims FdC and AdA in Ainaro District.

Charges of the Prosecutor

The public prosecutor alleged that on 1 December 2015 the defendant grabbed a machete and went looking for the victims at their home, but the victims were not there. The defendant found the victims at the home of AM and the defendant threatened the victims by saying “*lucky you two aren't at home, otherwise I would kill you two*”. After threatening the victims, the defendant took a machete and slashed a rope that was tied to a pillar.

The public prosecutor alleged that the defendant violated Article 157 of the Penal Code on threats as well as Article 258 of the Penal Code on property damage that carries a maximum penalty of three years or a fine.

Presentation of evidence

During the attempted conciliation the victims decided to use their own initiative to withdraw their complaint against the defendant. Also, the defendant apologised to the victims and gave a *tais* (traditional cloth) and a pig to the victims to redress their suffering. The defendant also promised that in the future he would not commit any such crimes against the victim or other person.

The prosecution and defence accepted the amicable agreement between the two parties and requested for the court to settle this process.

Decision

Based on the request of the victims to withdraw the case and the amicable agreement between the parties, the Court decided to validate the settlement.

For more information, please contact:

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