



JUDICIAL SYSTEM MONITORING PROGRAMME  
PROGRAMA MONITORIZASAUN SISTEMA JUDISIÁRIU

**Case Summary**  
**Baucau District Court**  
**January 2018**

**Statement:** 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 Baucau District Court**

**1. Total cases monitored by JSMP: 32**

Article	Type of Case	Number of cases
Article 145 of the Penal Code (PC) and Articles 2, 3 and 35 (b) of the Law Against Domestic Violence (LADV)	Simple offences against physical integrity characterized as domestic violence and types of offences categorised as domestic violence	16
Article 145 of the PC	Simple offences against physical integrity	5
Article 183 of the PC	Public disclosure of private information	1
Article 154 of the PC	Mistreatment of a spouse	5
Article 258 of the PC	Property damage	1
Articles 172 and 173 of the Penal Code	Rape	2
Article 177 of the PC	Sexual abuse of a minor	2
<b>Total</b>		<b>32</b>

## 2. Total number of decisions monitored by JSMP: 18

Type of decision	Number of cases
Suspension of execution of a prison sentence (Article 68 of the PC)	5
Suspension of execution of a prison sentence with rules of conduct (Article 70 g of the PC)	1
Fine (Article 67 of the PC)	8
Withdrawal of complaint	4
<b>Total</b>	<b>18</b>

## 3. Total cases adjourned based on JSMP monitoring: 11

Reason for adjournment	Number of cases
Defendant and victim not present	3
<b>Total</b>	<b>3</b>

## 4. Total ongoing cases based on JSMP monitoring: 11

### B. Descriptive summary of the decisions handed down in cases that were monitored by JSMP:

#### 1. Property damage

Case No. : 0074/15. PDBAU  
Composition of the Court : Single Judge  
Judge : José Gonsalves  
Prosecutor : Luis Hernanio Rangel da Cruz  
Public Defender : Antonio Fernandes  
Type of Penalty : Validating withdrawal of complaint

On 8 January 2018 the Baucau District Court attempted conciliation in a case of property damage involving the defendant Domingos Hornai Freitas who allegedly committed the offence against the victim Jacinto Correia, in Baucau Vila Sub-District, Baucau District.

#### Charges of the Public Prosecutor

The public prosecutor alleged that on an unspecified date in August 2015 without a clear motive the defendant suddenly kicked down the victim's fence around his crops and slashed the rope that the victim was using to tie the fence and as a result it completely collapsed.

The public prosecutor alleged that the defendant violated Article 258 of the Penal Code on property damage with 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 defendant apologised to the victim, promised not to commit any other crimes against the victim in the future and regretted his actions. 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.

## **2. Crime of simple offences against physical integrity characterized as domestic violence**

Case No.	: 0048/17. BCBCV
Composition of the Court	: Single Judge
Judge	: Jose Escurial
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Grigorio de Lima
Type of Penalty	: Fine

On 9 January 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant LdC who allegedly committed the offence against his wife in Baucau District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 17 August 2017 at 7pm the defendant punched the victim once in the mouth, which caused an injury and bleeding. As a result of this act the victim was treated at PRADET Baucau.

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 Article 2, 3, 35 and 36 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 after the victim returned from PRADET he immediately reconciled with the victim. The defendant stated that he regretted his actions, and promised that he would not commit any crimes against the victim. The victim maintained the facts in the indictment and stated that she has reconciled with the defendant.

### **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. For this reason he requested for the court to impose a prison sentence of 3 years, suspended for 1 year, and asked the court to order the defendant to pay court costs.

The defence stated that the defendant confessed, regretted his actions and reconciled with the victim. Therefore he requested for the court to impose a fair penalty against the defendant.

### **Decision**

The court concluded the matter and ordered the defendant to pay a fine of US\$ 30 to be paid in daily instalments of US\$ 1 for 30 days as well as court costs of US\$ 10. The court also imposed an alternative penalty of 20 days in prison if the defendant does not pay this fine.

### **3. Crime of public disclosure of private information**

Case No.	: 0011/17. LASIC
Composition of the Court	: Single Judge
Judge	: Jose Quintão
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Grigorio de Lima
Type of Penalty	: Validating withdrawal of complaint

On 9 January 2018 the Baucau District Court, attempted conciliation in a case of public disclosure of private information involving the defendant AdC against his girlfriend MMT, in Lautem District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on an unspecified dated and month in 2016, the victim and the defendant were in a bedroom and the victim was sitting down naked, and the defendant took a photo of the victim, but the victim said she didn't want him to and the defendant said that later on he would delete the photo.

Then on an unspecified date in January 2017 the victim logged into her facebook account and saw a photo on facebook showing her naked, which was the same photo that the defendant had taken with his telephone. The defendant committed this act when the victim decided to break up with the defendant.

The public prosecutor alleged that the defendant violated Article 183.1 of the Penal Code on public disclosure of private information that carries a maximum penalty of 1 year 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 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.

## **4. Crime of simple offences against physical integrity characterized as domestic violence**

Case No.	: 0034/17. BCBCV
Composition of the Court	: Single Judge
Judge	: Jose Escorial
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Jose Maria Guterres
Type of Penalty	: 3 months in prison, suspended for 1 year

On 10 January 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MM who allegedly committed the offence against his wife in Baucau District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 26 May 2017, at 10pm, the defendant punched the victim twice in the left ribs which caused the victim to feel pain and swelling and the victim had to be treated at the Wailili Health Centre.

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 Article 2, 3, 35 and 36 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 stated that he regretted his actions, and promised not to reoffend against the victim in the future. The victim maintained the facts in the indictment and stated that she has reconciled with the defendant.

### **Final recommendations**

The public prosecutor stated that the defendant had been proven guilty of committing the crime against the victim based the confession of the defendant. To deter the defendant from committing any further crimes against the victim, the public prosecutor requested for the court to sentence the defendant to 3 months in prison, suspended for 1 year, and to order him to pay court costs.

The public defender stated that the defendant confessed all of the facts set out in the indictment, regretted his actions, reconciled with the victim, and promised that in the future he would not commit any crimes against 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.

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

Case No.	: 0067/17. BCBCV
Composition of the Court	: Single Judge
Judge	: Jose Escurial
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Jose Maria Guterres
Type of Penalty	: 3 months in prison, suspended for 1 year

On 10 January 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant CXFR who allegedly committed the offence against his wife in Baucau District.

### **Charges of the Public Prosecutor**

The prosecutor alleged that on 7 October 2017 at 8.30 pm the defendant slapped the victim six times on both cheeks and caused the victim to suffer pain, swelling and she nearly fainted. The defendant also grabbed the victim by the hair and dragged her to the ground and kicked the victim once on her left side.

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 Article 2, 3, 35 and 36 of the Law Against Domestic Violence.

### **Presentation of evidence**

During the trial the defendant confessed all of the facts set out in the indictment, was a first time offender, regretted his actions, has reconciled with victim, and has not hit the victim since the incident.

### **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 public defender stated that the defendant confessed all of the facts set out in the indictment, regretted his actions, has reconciled with the victim, and was a first time offender. 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.

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

Case No.	: 0038/16. LASIC
Composition of the Court	: Single Judge
Judge	: Jose Quintão
Prosecutor	: Ivonia Maria Guterres
Public Defender	: Antonio Fernandes
Type of Penalty	: Validating withdrawal of complaint

On 17 January 2018 the Baucau District Court attempted conciliation in a case of simple offences against physical integrity involving the defendants Januario da Costa, Abilio Pereira and Moises Ramos against the victim Gilberto Sarmento Pinto in Lospalos District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 23 December 2016, at 17pm, without a clear motive the defendant Abilio Pereira grabbed the victim and held him by the front of his shirt and then the defendant Januario da Costa punched the victim twice on his right cheek and caused the victim to suffer an injury, bleeding and the victim fell to the ground. Also the defendant Moises Ramos then kicked victim twice in the ribs.

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 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 apologised to the victim, because they were all youths from the same neighbourhood and they 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 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.

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

Case No. : 0002/17.BCPVN  
Composition of the Court : Single Judge  
Judge : Jose Quintão  
Prosecutor : Ivonia Maria Guterres  
Public Defender : Antonio Fernandes  
Type of Penalty : Fine

On 18 January 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant DdCB who allegedly committed the offence against his wife in Baucau District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 13 September 2017 at 5pm the defendant and the victim struggled and the defendant grabbed the victim by the back of the neck and threw the victim on the ground. The victim got up but the defendant then grabbed the victim and threw the victim on the ground and grabbed the victim's nose which caused an injury.

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 Article 2, 3, 35 and 36 of the Law Against Domestic Violence.

### **Presentation of evidence**

During the trial the defendant confessed all of the facts set out in the indictment, said he has reconciled with the victim, regretted his actions, has reconciled with victim and promised not to reoffend against the victim. The victim maintained the facts set out in the indictment of the public prosecutor. The victim also stated that she has reconciled with the defendant and since the incident the defendant has not hit her.

### **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 6 months in prison, suspended for 1 year.

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



## **Decision**

The court concluded this matter and ordered the defendant to pay a fine of US\$ 30 to be paid in daily instalments of 50 cents for 60 days. The court also imposed an alternative penalty of 20 days in prison if the defendant does not pay this fine.

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

Case No. : 0004/14. BCPVN  
Composition of the Court : Single Judge  
Judge : Afonso Carmona  
Prosecutor : Ivonia Maria Guterres  
Public Defender : Sidonio M. Sarmento  
Type of Penalty : Validating withdrawal of complaint

On 19 January 2018 the Baucau District Court attempted conciliation in a case of simple offences against physical integrity involving the defendant Vitor d. Sousa who allegedly committed the offence against the victim Ana Maria Belo, who is the neighbour of the defendant, in Venilale Sub-District, Baucau District.

## **Charges of the Public Prosecutor**

The public prosecutor alleged that on 29 July 2014 at 10am the victim and the defendant's wife had an argument, so the defendant punched the victim once in her ribs on the right hand side and this caused the victim to suffer pain and swelling.

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 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 defendant apologised to the victim, 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.

## **9. Crime of mistreatment of a spouse**

Case No. : 0004/17. VQOSU

Composition of the Court : Panel  
Judges : Jose Quintão  
Antonio Fonseca  
Hugo da Cruz Pui  
Prosecutor : Domingos G. Barreto  
Public Defender : Grigorio de Lima  
Type of Penalty : 2 years in prison, suspended for 2 years

On 23 January 2018 the Baucau District Court conducted a hearing to announce its decision in a case of mistreatment of a spouse involving the defendant MdC who allegedly committed the offence against his wife in Viqueque District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 12 January 2017 at 10pm the defendant grabbed the victim and threw her on the ground and after the incident the victim went to live with her older sister.

On 29 December 2016 the defendant took a piece of wood and struck the victim once in the head and once on her left shoulder. The victim tried to run away and the defendant threw a branch at the victim but missed.

The public prosecutor alleged that the defendant violated Article 154 of the Penal Code on the mistreatment of a spouse that carries a prison sentence of 2 - 6 years in prison as well as Articles 2, 3, 35 and 36 of the Law Against Domestic Violence.

### **Presentation of evidence**

During the trial the defendant confessed all of the facts in the indictment, the defendant also stated that he reconciled with the victim and now they are living together again. 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 public prosecutor stated that the defendant was guilty of committing the crime of mistreatment of a spouse against the victim based on the confession of the defendant and the corroboration of the victim. For this reason he requested for the court to impose a prison sentence of 2 years, suspended for 2 years.

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

### **Decision**

Based on the facts that were produced during the trial, the court concluded the matter and sentenced the defendant to 2 years in prison, suspended for 2 years.

## **10. Simple offences against physical integrity characterized as domestic violence**

Case No. : 0036/16. VCSIC  
Composition of the Court : Single Judge  
Judge : Jose Escurial  
Prosecutor : Luis H. Rangel da Cruz  
Public Defender : Sidonio M. Sarmento  
Type of Penalty : 3 months in prison, suspended for 1 year

On 24 January 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant AS who allegedly committed the offence against his daughter EdBS in Baucau District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 23 August 2016 at 9am the defendant punched the victim twice in the back and slapped her once on her head. The defendant also took a piece of wood and struck the victim many times on her body and arms. This assault caused the victim to suffer an injury to her left arm and she needed treatment at the Baucau Referral Hospital.

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 Article 2, 3, 35 and 36 of the Law Against Domestic Violence.

### **Presentation of evidence**

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

### **Final recommendations**

The public prosecutor stated that the defendant had been proven guilty of committing the crime against the victim based the confession of the defendant and the confirmation provided by the victim. For this reason he requested for the court to impose a prison sentence of 3 months, suspended for 1 year.

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

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

Case No. : 0045/17. BCSIC  
Composition of the Court : Single Judge  
Judge : Jose Escurial  
Prosecutor : Luis Hernanio Rangel da Cruz

Public Defender : Sidonio M. Sarmento  
Type of Penalty : Fine

On 24 January 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity involving the defendant Juvinal Carlos Freitas who allegedly committed the offence against the victim Izac Simao Freitas who was his cousin, in Baucau Vila Sub-District, Baucau District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 8 July 2017 at 11am the defendant punched the victim twice in the nose, punched the victim twice in the head and pushed the victim against the wall. The incident occurred when police were resolving a problem that had occurred previously between the victim and his mother. There had been a problem between the victim and his mother and the victim swore at his mother but the victim denied that he swore at his mother, therefore 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**

During the trial the defendant confessed all of the facts in the indictment, and stated that he committed the act against the victim because the victim did not acknowledge that he swore at his mother, and that was why the defendant committed the act against the victim. The defendant also stated that he was a first time offender and regretted his actions. The defendant added that previously he tried to resolve this problem but the victim did not want to. The victim maintained the facts set out in the indictment of the public prosecutor.

The witness MMG (PNTL officer) testified that during the incident there was a misunderstanding between the defendant and the victim and the witness saw the defendant suddenly punch the victim twice in the nose and then the police officer separated the parties.

### **Final recommendations**

The public prosecutor stated that the defendant was guilty of committing the crime against the victim. This was based on the confession of the defendant and the statements of the victim and witness. For this reason he requested for the court to impose a apply prison sentence of 3 months, suspended for 1 year.

The public defender requested for the court to impose a fine against the defendant because the defendant confessed, regretted his actions and is a first time offender. The defendant also tried to reconcile with the victim but the victim did not want to.

### **Decision**

The court concluded the matter and ordered the defendant to pay a fine of US\$ 30 to be paid in daily instalments of US\$ 1 for 30 days as well as court costs of US\$ 10. The court also imposed an alternative penalty of 20 days in prison if the defendant does not pay this fine.

## **12. Crime of simple offences against physical integrity characterized as domestic violence**

Case No. : 0086/16. BCSIC  
Composition of the Court : Single Judge  
Judge : José Gonsalves  
Prosecutor : Luis H. Rangel da Cruz  
Public Defender : Antonio Fernandes  
Type of Penalty : Fine

On 26 January 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant EUdQ who allegedly committed the offence against his wife in Baucau District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 11 October 2016, at 7:30am, the defendant punched the victim once on her left shoulder and then kicked the victim twice on her left shoulder. This act caused the victim to require treatment at the Baucau Referral Hospital and then she stayed at a safe house in Baucau for 4 days.

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 Article 2, 3, 35 and 36 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 after the victim returned from the safe house she immediately reconciled with the victim. The defendant was a first time offender, regretted his actions and promised not to commit any further crimes against victim or other person in the future. The victim maintained the facts set out in the indictment of the public prosecutor.

### **Final recommendations**

The public prosecutor stated that the defendant had been proven guilty of committing the crime against the victim based the confession of the defendant and the confirmation provided by the victim. For this reason he requested for the court to impose a prison sentence of 4 months, suspended for 1 year, and requested for the court to order the defendant to pay court costs of \$20.

The public defender requested for the court to impose a fair penalty against 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**

The court concluded the matter and ordered the defendant to pay a fine of US\$ 90 to be paid in daily instalments of US\$ 1 for 90 days as well as court costs of US\$ 10. The court also imposed an alternative penalty of 60 days in prison if the defendant does not pay this fine.

### **13. Simple offences against physical integrity characterized as domestic violence**

Case No. : 0012/16. BCEVN  
Composition of the Court : Single Judge  
Judge : José Gonsalves  
Prosecutor : Luis H. Rangel da Cruz  
Public Defender : Grigorio de Lima  
Type of Penalty : Fine

On 26 January 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant SG who allegedly committed the offence against his wife in Baucau District.

#### **Charges of the Public Prosecutor**

The public prosecutor alleged that on an unspecified date and month in 2016 at 8am the defendant punched the victim once above her left eye and punched her once on her side and scratched her face. As a result of these acts the victim was treated at the Venilale Health Centre.

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 Article 2, 3, 35 and 36 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 stated that after the incident he immediately reconciled with the victim. The defendant was a first time offender and regretted his actions. The victim 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. Therefore, to deter the defendant from committing any further crimes in the future, he requested for the court to sentence the defendant to 4 months in prison suspended for 1 year.

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

#### **Decision**

The court concluded this matter and ordered the defendant to pay a fine of US\$ 45 to be paid in daily instalments of 50 cents for 90 days. The court also imposed an alternative penalty of 60 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. : 0093/16.BCBSIC  
Composition of the Court : Single Judge  
Judge : José Gonsalves  
Prosecutor : Ivonia M. Guterres  
Public Defender : Antonio Fernandes  
Type of Penalty : Fine

On 30 January 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant AX who allegedly committed the offence against his wife in Baucau District.

#### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 15 November 2016 at 6.30am the defendant took a plastic chair and struck the victim on the left side of the head which caused the victim to suffer an injury and heavy bleeding and the victim ran to the police to make a complaint.

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 Article 2, 3, 35 and 36 of the Law Against Domestic Violence.

#### **Presentation of evidence**

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

#### **Final recommendations**

The public prosecutor stated that the defendant had been proven guilty of committing the crime against the victim based the confession of the defendant and the confirmation provided by the victim, based on the facts set out in the indictment. Therefore he requested for the court to order the defendant to pay a fine.

The public defender requested for the court to impose a fair penalty against the defendant because the defendant confessed, regretted his actions and was a first time offender.

#### **Decision**

The court concluded this matter and ordered the defendant to pay a fine of US\$ 45 to be paid in daily instalments of 50 cents for 90 days. The court also imposed an alternative penalty of 60 days in prison if the defendant does not pay this fine.

## **15. Simple offences against physical integrity characterized as domestic violence**

Case No. : 0003/17. BCLLB  
Composition of the Court : Single Judge  
Judge : Antonio Fonseca  
Prosecutor : Gustavo Augusto da Silva Moreira  
Public Defender : Sidonio M. Sarmento  
Type of Penalty : 8 months in prison, suspended for 1 year with rules of conduct

On 30 January 2017 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant DdC who allegedly committed the offence against his wife in Baucau District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 1 October 2017 at 10pm the defendant punched the victim twice in the head, punched the victim many times in the forehead which caused an injury and bleeding. The defendant then punched the victim many times in the stomach. After the incident the victim made a complaint to the police and was given treatment at the Loilubu Health Centre.

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 Article 2, 3, 35 and 36 of the Law Against Domestic Violence.

### **Presentation of evidence**

During the trial the defendant confessed all of the facts set out in the indictment, declared that he was a first time offender, regretted his actions, and has reconciled with victim. The victim 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 requested for the court to impose a sentence of 5 months in prison, suspended for one year. The defence stated that the defendant confessed all of the facts in the indictment, regretted his actions and was a first time offender. Therefore he requested for the court to impose a lenient penalty against the defendant.

### **Decision**

The court concluded the matter and sentenced the defendant to 8 months in prison suspended for 1 year and ordered him to report once a month for the period of the suspended sentence.

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

Case No. : 0004/17. BCVMS  
Composition of the Court : Single Judge  
Judge : Jose Escurial  
Prosecutor : Gustavo Augusto da Silva Moreira  
Public Defender : Gregorio de Lima  
Type of Penalty : Validating withdrawal of complaint



On 31 January 2018 the Baucau District Court attempted conciliation in a case of simple offences against physical integrity involving the defendants João M. F. da Costa and Celio M. F. da Costa who allegedly committed the offence against the victim Abilio Ribeiro in Vemasse Sub-District, Baucau District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 18 August 2017 at 7.20pm the defendant João M. F. da Costa punched the victim many times above the eye and the defendant Celio M. F. da C punched the victim twice on his right arm and right cheek which caused pain and swelling. The incident occurred because the victim was driving a car and the victim's car scraped the defendants' car.

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 apologised to the victim, regretted their behaviour and promised not to commit any other crimes against the victims in the future. Therefore the victim 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.

### **17. Simple offences against physical integrity characterized as domestic violence**

Case No.	: 0005/17. BCVMS
Composition of the Court	: Single Judge
Judge	: José Gonsalves
Prosecutor	: Gustavo August da Silva Moreira
Public Defender	: Jose Maria Guterres
Type of Penalty	: Fine

On 31 January 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant SS who allegedly committed the offence against his wife in Baucau District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 24 August 2017 at 8pm the defendant threw the victim on the ground and kicked the victim twice on her left and right sides. Therefore the victim made a complaint to the police.

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 Article 2, 3, 35 and 36 of the Law Against Domestic Violence.

### **Presentation of evidence**

During the trial the defendant confessed all of the facts in the indictment. The defendant also stated that after the incident they reconciled and they resolved the matter in accordance with East Timorese custom. The defendant was a first time offender and regretted his actions. The victim maintained the facts in the indictment and corroborated the statement of the defendant that the case had been resolved.

### **Final recommendations**

The public prosecutor stated that the defendant was guilty of committing the crime against the victim, therefore to deter the defendant from committing any further crimes against the victim, the public prosecutor requested for the court to sentence the defendant to 1 year in prison, suspended for 2 years.

The public defender requested for the court to impose a fair penalty against the defendant because the defendant confessed all the facts before the court, regretted his actions and has reconciled with the victim.

### **Decision**

The court concluded this matter and ordered the defendant to pay a fine of US\$ 15 to be paid in daily instalments of 50 cents for 30 days. The court also imposed an alternative penalty of 20 days in prison if the defendant does not pay this fine.

## **18. Simple offences against physical integrity characterized as domestic violence**

Case No.	: 0001/17. VQSIC
Composition of the Court	: Single Judge
Judge	: Jose Escurial
Prosecutor	: Gustavo August da Silva Moreira
Public Defender	: Jose Maria Guterres
Type of Penalty	: 6 months in prison, suspended for 1 year

On 31 January 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant EFS who allegedly committed the offence against his wife in Baucau District.

### **Charges of the Public Prosecutor**

The public prosecutor alleged that on 19 June 2017 at 7.30pm the defendant slapped the victim twice on her left cheek and also kicked the victim twice on her left and right sides. The defendant also kicked the victim once in the lower stomach and slapped the victim twice on the back of the neck.

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, 35 and 36 of the Law Against Domestic Violence.

### **Presentation of evidence**

During the trial the defendant confessed all of the facts set out in the indictment, declared that he has reconciled with victim, was a first time offender and 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 found guilty of committing the crime against the victim. These facts were proven based on the defendant's confession and the confirmation from 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 6 months in prison, suspended for 1 year.

The public defender requested for the court to impose a fair penalty against the defendant, because the defendant confessed all of the facts set out in the indictment, regretted his actions and this was the first time he committed an offence against the victim.

### **Decision**

After evaluating the facts that were proven during the trial, the court concluded the matter and sentenced the defendant to 6 months in prison, suspended for 1 year.

For more information, please contact:

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