



Case Summary
The Baucau Court of First Instance
November 2023

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 Court of First Instance

1. Total number of cases monitored by JSMP: 16

Articles	Case Type	Total Number
Article 145 of the Penal Code (PC) and Articles 2, 3, 35(b) and 36 of the Law Against Domestic Violence (LADV)	Simple offences against physical integrity characterized as domestic violence (Article 2 on the concept of domestic violence, Article 3 on family relationships, Article 35 on different types of domestic violence (DV) and Article 36 on domestic violence as a public crime)	3
Article 145 (PC)	Simple offences against physical integrity	1
Article 258 (PC) and Article 20(1), Article 2.2f of the Law on Bladed Weapons	Property damage and use of a bladed weapon	1
Article 157 (PC) and Article 20(1), Article 2 (2 f) of the Law on Bladed Weapons	Threats and using a bladed weapon	1
Article 177 (1) (PC) and Article 182.1a and Article 182.1d (PC)	Aggravated sexual abuse of a minor characterized as domestic violence	2



together with Articles 2, 3, 35(b) and 36 of the LADV		
Article 172 (PC) and Article 173(a) (PC) together with Articles 2, 3, 35 (b) of the LADV	Aggravated rape characterized as domestic violence	1
Article 20 (1), Article 2 (2 f) of the Law on Bladed Weapons	Bladed weapons	2
Article 177 (2) of the PC	Sexual abuse of a minor	1
Article 259 (PC)	Aggravated property damage	2
Article 259 (PC) and Article 20 (1), Article 2 (2 f) of the Law on Bladed Weapons	Aggravated property damage and use of a bladed weapon	1
Article 260 (PC)	Property damage with violence	1
		16

2. Total decisions monitored by JSMP: 8

Type of decision	Article	Total Number
Prison sentence	Article 66 of the PC	2
Suspension of execution of a prison sentence	Article 68 of the PC	5
Fine	Article 67 (PC)	1
Total		8

3. Total cases adjourned based on JSMP monitoring: 3

4. Total ongoing cases based on JSMP monitoring: 5

B. Short description of the trial proceedings and decisions in these cases



1. Crime of simple offences against physical integrity

Case Number : 0085/23.BCBCV
Composition of the Court : Single Judge
Judge : Sribuana da Costa
Prosecutor : Bartolomeo de Araújo
Defence : Germano Guterres Ramos
Decision : 3 months in prison, suspended for 1 year

On 7 November 2023 the Baucau Court of First Instance announced its ruling in a case of simple offences against physical integrity involving the defendant Amaro Tilman Guterres Gusmão and the victim Luis António Da Costa Tilman, in Ana-Ulo Sub-Village, Ba'hu Village, Baucau Vila Administrative Post, Baucau Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 9 April 2023, at 1.00pm, the defendant told the victim *"If you talk rubbish, I will beat you to death"*. The defendant did not stop there. He then choked the victim which caused pain. The incident occurred because the victim said that the defendant's father was a militia member.

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.

Process of attempted conciliation

Pursuant to Article 262 of the CPC, before proceeding with the examination of evidence, the court may attempt conciliation for semi-public crimes. During this attempted conciliation, the victim did not want to withdraw the complaint against the defendant. Therefore the court proceeded with a trial.

Examination of evidence

During the trial, the defendant stated that he did not choke the victim, but he grabbed the victim's collar and the incident occurred because the victim said that the defendant's father was a militia member. The defendant also stated that previously they didn't have any problems about the land and house, and he was a first time offender.

The victim stated that incident occurred when the victim returned from visiting his mother's grave in front of the Santo Antonio Secondary School (ESSA) road in Teulale-Baucau and he saw the defendant get off a motorcycle and he took a rock and threw it at the victim's car, however he missed, and the victim took off towards the W4 shop and was shopping when the defendant arrived at that location and yelled out insults and said *"You think you are tough in front of so many people. If you talk rubbish I will choke you to death"*. After saying this the defendant immediately choked the victim.



The witness Martinha Antónia da Costa, who is the wife of the victim, testified that when they returned from visiting a grave in front of ESSA Teulale Baucau, she saw the defendant take a rock and throw it at their car, but it missed, and when the witness and the defendant and family members arrived at the W4 shop the defendant choked the victim and the witness approached the defendant and asked him to stop and then the defendant released the victim.

Final Recommendations

The prosecutor stated that the defendant was guilty of committing the crime against the victim, and even though the defendant denied some of the facts in the indictment, the victim provided confirmation. Therefore, the public prosecutor requested for the court to impose a prison sentence of three months against the defendant, suspended for one year.

The defence stated that the defendant only grabbed the shirt of the victim and then the witness came over and said something, and he did not choke the victim, and therefore the defence requested for the court to acquit the defendant from this case.

Decision

After evaluating all of the facts, the court found the defendant guilty of choking the victim. Based on the facts that were proven and consideration of the mitigating circumstances, namely the defendant was a first time offender, the court concluded this matter and ordered the defendant to pay a fine of US\$ 30.00 to be paid in daily instalments of US\$ 1.00 for 30 days. The court also imposed an alternative penalty of 20 days in prison if the defendant does not pay this fine.

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

Case Number	: 0045/22.BCBCV
Composition of the Court	: Single Judge
Judge	: Maria Modesta d. A. Viera
Prosecutor	: Bartolomeo de Araújo
Defence	: António Fernandes
Decision	: 4 months in prison, suspended for 1 year

On 7 November 2023 the Baucau Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant ULF who allegedly committed the offence against his wife in Baucau Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on an unspecified day and month in 2021 the defendant punched the victim once above her left eye and took a branch and struck the victim once in the head.



Then on 17 March 2022, at 9pm, the defendant punched the victim once on her cheek. Prior to this assault, the defendant and the victim argued because the victim would not say what she had said to her friends at the market.

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(a), 35(b) and 36 of the Law Against Domestic Violence.

Examination of evidence

During the trial the defendant stated that he had forgotten the day, month and year of this incident, however the defendant remembered that during this incident the defendant punched the victim once above her left eye and took a branch and struck the victim once on the head and victim ran away to her uncles. The defendant added that he has reconciled with the victim. Regarding the incident on 17 March 2022, at 9pm, the defendant assaulted the victim, however he did not tell the victim to tell him about what she had told her friends. Since this incident the victim has not yet returned home and the defendant also stated that he regretted his actions and was a first time offender.

The victim maintained all of the facts in the indictment and stated that after the event she did not want to live with the defendant as husband and wife, because the victim heard that the defendant had taken another woman.

Final Recommendations

The public prosecutor stated that the charges of the prosecution were proven, even though the defendant tried to deny some facts, the victim gave confirmation and since the incident they have not been living together. Therefore the prosecutor requested for the court to impose a prison sentence of three months, suspended for one year against the defendant.

The defence stated that that based on the examination of evidence during the trial, the defence agreed with the recommendation of the prosecutor to impose a prison sentence of three months, suspended for one year against the defendant.

Decision

After evaluating all of the facts, the court found that the defendant committed two crimes, namely in 2021 the defendant punched the victim once above her left eye and took a branch and struck the victim once on the head. On 17 March 2022 the defendant punched the victim once on the cheek.

Based on the facts that were proven and all of the mitigating circumstances, namely that the defendant regretted his actions, and was a first time offender, the court concluded the matter and sentenced the defendant to 4 months in prison, suspended for 1 year.



3. Crime of property damage and use of a bladed weapon

Case Number : 0002/22.PDBAU
Composition of the Court : Panel
Judges : Maria Modesta d. A. Viera and José António d. Escurial and Sribuana da Costa
Prosecutor : Bartolomeo de Araújo
Defence : Germano Guterres Ramos
Decision : Prison sentence of 2 years, suspended for years

On 24 November 2023 the Baucau Court of First Instance announced its decision in a case of property damage and use of a bladed weapon involving the defendant João Lopes Manuel da Costa and the victim Marta dos Santos Perreira, in Kaibada Village, Baucau Vila Administrative Post, Baucau Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 1 December 2021, at 10am, when the victim and her younger sister Ervina were erecting a fence, the defendant came with his machete and slashed the fence of the victim and damaged it and the defendant also removed the victim's Australian pawpaw. The motive behind this incident was because the victim and the defendant had a dispute over this land, and it is being processed by the court.

The prosecutor alleged that the defendant violated Article 258 of the PC on property damage and Article 20.1 and Article 20.2f of the Law on Bladed Weapons.

Process of attempted conciliation

Pursuant to Article 262 of the CPC, before proceeding with the examination of evidence, the court may attempt conciliation for semi-public crimes. Therefore during this attempted conciliation the court asked the defendant and the victim to attempt conciliation in this case, however the victim did not want to withdraw the complaint against the defendant and wanted this case to proceed. Therefore, the court proceeded to trial.

Examination of evidence

During the trial the defendant stated that he came back from his plantation and saw that the victim and her younger sister erecting a fence on the land that was under dispute



and the land dispute is with the court so the defendant became angry and used a machete to slash the fence and damage it.

The victim confirmed the facts set out in the indictment and previously they had a land dispute and the victim did not want the defendant to compensate the victim for the goods that he damaged.

Final Recommendations

The prosecutor stated that during the examination of evidence the defendant confessed all of the facts in the indictment and the victim provided confirmation, so the prosecutor believed that the acts of the defendant fulfilled the elements of the alleged crime, and therefore the prosecutor requested for the court to impose a prison sentence of 3 years in prison, suspended for 3 years against the defendant.

The defence stated that that the defendant was coming back from his plantation with a machete, because he is a farmer, and he saw the victim erecting a fence without his knowledge, because the victim was erecting a fence on land that is the focus of a dispute that is being processed at the court. The defendant's conduct did not fulfil the crime charged by the prosecutor. For this reason the defence requested for the court to acquit the defendant from these charges.

Decision

After evaluating all of the facts the court found that the defendant used a machete to slash the fence erected by the victim and damaged it and the defendant also removed the victim's Australian pawpaw.

Based on the facts that were proven and consideration of all of the mitigating circumstances, namely that the defendant confessed, the court concluded this case and imposed a prison sentence of 3 years against the defendant, suspended for 3 years.

4. Crime of using a bladed weapon and threats

Case Number	: 0018/22. VQOSU
Composition of the Court	: Panel
Judges	: José António d. Escurial and Sribuana da Costa and Maria Modesta d. A. Viera
Prosecutor	: Julio da Silva Correia
Defence	: Albino de Jesus Perreira
Decision	: Prison sentence of 3 years, suspended for 5 years

On 29 November 2023 the Baucau Court of First Instance announced its decision in a case of using a bladed weapon no threats involving the defendant Estevao de Carvalho



against his adoptive mother and the State of Timor-Leste, in Builale Village, Ossu Administrative Post, Viqueque Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 9 April 2022, at 8:00am, the witness was sitting down eating breakfast, and the defendant asked for money for cement totalling US\$25.00, however the victim did not respond so the defendant took a spear and machete and told the witness *“I will cut you into pieces, like a buffalo”*. The actions of the defendant caused the witness to feel afraid and traumatized.

The prosecutor alleged that the defendant violated Article 157 of the Penal Code on threats which carries a maximum prison sentence of 1 year or a fine and Article 20.1, Article 2.2f of the Law on Bladed Weapons.

Process of attempted conciliation

Before continuing with the presentation of evidence, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the court attempted conciliation between the defendant and the victim in relation to the crime of threats made against the victim because this case was classified as a semi-public crime and is a crime on complaint.

During this attempted conciliation, the victim wanted to withdraw the complaint against the defendant, because he is her adopted son. Based on the agreement of the two parties, the court endorsed the withdrawal of complaint. Meanwhile, for the crime of using a bladed weapon, the court proceeded to trial.

Examination of evidence

During the trial the defendant confessed to all of the facts in the indictment and stated that at that time he asked for US\$20.00 not US\$25.00. He has reconciled with the witness, because she is his adoptive mother and he regretted his actions.

The prosecution and defence requested for the court not to hear testimony from the witness, because the defendant confessed to all of the facts in the indictment. The court agreed with the request from the prosecution and defence not to hear the testimony of the witness.

Final Recommendations

The prosecutor stated that the defendant was guilty of committing the crime, based on the confession of the defendant, and the defendant used a spear and machete to commit the crime. Therefore to deter the defendant from engaging in such conduct in the future, the prosecutor requested for the court to impose a prison sentence of three years, suspended for three years, and for the object to be given to the State.



The defence agreed with the recommendation of the prosecutor to impose a suspended prison sentence against the defendant,.

Decision

After evaluating all of the facts, the court found that the defendant took a spear and machete and told the victim “*I will cut you into pieces, like a buffalo*”.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, and has reconciled, the court concluded the matter and sentenced the defendant to 3 years in prison, suspended for 5 years.

5. Crime of aggravated sexual abuse of a minor characterized as domestic violence

Case Number : 0009/21.VQSIC
Composition of the court : Panel
Judges : José António d. Escurial, Sribuana da Costa and
Maria Modesta d. A. Viera
Prosecutor : Julio da Silva Correia
Defence : Albino de Jesus Pereira
Decision : 6 years and 8 months in prison

On 29 November 2023 the Baucau Court of First Instance announced its decision in a case of aggravated sexual abuse of a minor characterized as domestic violence involving the defendant CA, who allegedly committed the offence against the minor aged 13 years and 8 months in Viqueque Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 10 May 2021, at 3:30pm, the defendant called out to the victim to pluck out his white hairs. Therefore, the victim plucked out the defendant's white hairs, and only the two of them were inside the house, and when the victim was plucking out the defendant's white hairs, the defendant started saying things that were not nice about the victim's two older sisters about having sexual intercourse with men, and the defendant did not stop there, he also said things that were not nice to the victim. Then the defendant started touching the victim's stomach with his hand and then he moved his hand up and down with force on the victim's sexual organs and touched her sexual organs from outside of her pants and the defendant also told the victim not to tell her mother about the defendant's acts.



The prosecutor charged the defendant with violating Article 177.2 of the PC on sexual abuse of a minor which carries a penalty of 5 to 15 years in prison and Articles 182.1a and 182.1d of the PC on aggravation as well as Articles 2, 3(c), 35 and 36 of the LADV.

Examination of evidence

During the trial the defendant confessed all of the facts set out in the indictment, stated that he regretted his actions and declared that he was a first time offender.

Also, the victim confirmed all of the facts in the indictment and stated that after the incident the victim told the witness about the incident and the witness went and told the victim's mother, and after she heard this information the victim's mother fainted (lost consciousness) and then after that the victim's mother together with the witness made a complaint to the police.

The witness PCS, who is a neighbor, testified that at that time the victim went to the witness' house and was shaking and crying, and therefore the witness asked the victim what had happened, and the victim told the witness about the incident and the witness immediately told the victim's mother and they went together to make a complaint to the police.

Final Recommendations

The prosecutor stated that the defendant confessed all of the facts in the indictment and the victim provided confirmation, so the prosecutor believed that the acts of the defendant fulfilled the elements of the crime of sexual abuse of a minor, and the defendant is the stepfather of the victim, so the prosecutor requested for the court to impose a prison sentence of 10 years in prison against the defendant.

The defence stated that the defendant's acts did not fulfil the elements of the crime of sexual abuse of a minor, and therefore the defence requested for the court to acquit the defendant from these charges, however if the court decides otherwise, then the defence requests the court to decide the matter based on the evidence.

Decision

After evaluating all of the facts, the court found that the defendant started touching the victim's stomach with his hand and then he moved his hand up and down with force on the victim's sexual organs and touched her sexual organs from outside of her pants.

Based on the facts that were proven and consideration of all of the mitigating circumstances, namely that the defendant confessed, regretted his actions, and was a first time offender, the court concluded this matter and sentenced the defendant to 6 years and 8 months in prison.

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



Case Number : 0011/22.VQLLT
Composition of the Court : Single Judge
Judge : Maria Modesta d. A. Viera
Prosecutor : Julio da Silva Correia
Defence : Laura Valente Lay
Decision : 6 months in prison, suspended for 1 year

On 20 November 2023 the Baucau Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant AC who allegedly committed the offence against his wife in Viqueque Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 4 August 2022, at 12.54pm, the defendant punched the victim once above her right eye, punched her once on her left ribs and slapped her once on her right cheek. Prior to this assault, the defendant and the victim argued because the defendant rang the victim and the victim did not answer, so the assault occurred.

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(a), 35(b) and 36 of the Law Against Domestic Violence.

Examination of evidence

During the trial the defendant stated that he contacted the victim to call out to their child but the victim's phone was engaged continuously, so the defendant and their child went home. The defendant slapped the victim once on her left cheek and the defendant also stated that he did not punch the victim above her eye and did not punch the victim on her left ribs. After the incident they reconciled, and the defendant regretted his behaviour, and was a first-time offender.

Also, the victim confirmed all of the facts in the indictment and stated that they are living together in the same house together with their children, and she also stated that since the incident the defendant has not committed any other acts against the victim.

Final Recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim, even though during the presentation of evidence the defendant tried



to deny some of the facts in the indictment, but the victim confirmed these facts. For this reason the public prosecutor requested for the court to impose a apply prison sentence of 1 year, suspended for 1 year.

The defence requested for the court to impose a fair penalty against the defendant because the defendant regretted his actions, has reconciled with the victim and was a first time offender.

Decision

After evaluating all of the facts, the court found that the defendant punched the victim once above her right eye, punched the victim on her left ribs and slapped the victim once on her right cheek.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed and regretted his actions, the court concluded the matter and sentenced the defendant to 6 months in prison, suspended for 1 year.

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

Case Number : 0004/23.VQVQQ
Composition of the Court : Single Judge
Judge : Maria Modesta d. A. Viera
Prosecutor : Bartolomeo de Araújo
Defence : Germano Guterres Ramos
Decision : Fine of US\$ 45.00

On 30 October 2023 the Baucau Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant JV who allegedly committed the offence against his wife in Viqueque Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 29 January 2023, at 04:00am, the defendant pushed the victim with force, and the victim fell onto a bed on her left ribs. Prior to this assault, the defendant and the victim argued about purchasing some local rice to take to their child in Dili, and then the assault occurred.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity as well as Articles 2, 3(a), 35(b) and 36 of the Law Against Domestic Violence.

Examination of evidence



During the trial, the defendant confessed all of the facts set out in the indictment, regretted his actions, has reconciled with victim, and was a first time offender.

Also, the victim confirmed all of the facts in the indictment and stated that they after the incident they reconciled and since the incident the defendant has not offended against the victim.

Final Recommendations

The prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant and the confirmation of the victim, and to deter such crimes from occurring in the future, the prosecutor requested for the court to impose a fine against the defendant.

The defence requested for the court to impose a lenient penalty against the defendant because the defendant confessed, regretted his actions, reconciled with the victim and was a first time offender.

Decision

After evaluating all of the facts, the court found that the defendant pushed the victim with force, and the victim fell onto a bed on her left ribs.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, has reconciled with the victim, and was a first time offender, the court concluded this matter and ordered the defendant to pay a fine of US\$ 45.00 to be paid in daily instalments of US 50 cents a day for 90 days. The court also imposed an alternative penalty of 60 days in prison if the defendant does not pay this fine.

8. Crime of aggravated sexual abuse of a minor characterized as domestic violence

Case Number : 0037/23.BCBCV
Composition of the Court : Panel
Judges : Sribuana da Costa, Maria Modesta d. A. Viera and
José António d. Escurial
Prosecutor : Bartolomeo de Araújo
Defence : Germano Guterres Ramos
Decision : 15 years in prison

Iha 30 November 2023 the Baucau Court of First Instance announced its decision in a case of aggravated sexual abuse of a minor characterized as domestic violence



involving the defendant EF against his two children aged 9 and 2, in Baucau Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 28 January 2023, at 12:00pm, the victim who was aged nine returned home and was going to bring in the clothes because it was raining, however the victim did not manage to bring in the clothes because the defendant grabbed her by the arm to take her into the bedroom, then the defendant laid the victim on top of the bed. The defendant removed the victim's clothes and he also pulled his pants down to his knees and rubbed his sexual organs on the victim's sexual organs. At the time of the incident the defendant and the victim were the only ones in the house. When the victim's mother returned home, she saw that the clothing that was drying outside had not been collected, so she called out to the victim, and the victim heard her, however she could not respond because the defendant placed his hand over the victim's mouth. The victim's mother kept looking for the victim, but she did not find her and saw that the door to the bedroom was shut tightly, so the victim's mother opened the door and saw the defendant rubbing his sexual organs on the victim's sexual organs. The victim's mother screamed and said "*That is our daughter. What are you doing to her?*" The defendant swore at the victim and said "*I will stab you to death. You are talking nonsense.*" The defendant did not stop there. The defendant took a knife and threatened to kill the victim's mother, because she was going to make a complaint to the police.

Then on 18 February 2023 the victim aged two was sleeping with her grandmother in the bedroom and the defendant was sleeping in the visitor's room. At 3.00am the victim's mother heard a bed squeaking, and she saw that the defendant was not asleep in the visitor's room, therefore the victim's mother called out to the victim's grandmother to open the door and the victim also heard her mother's voice and ran out and hugged her mother and said "*mummy, daddy pulled my legs*". When the victim's mother went into the bedroom looking for the defendant she saw the defendant hiding under the bed, and the defendant came out and grabbed a piece of steel and pointed at the chest of the victim's mother and swore and took a plastic chair to throw it at the door of the bedroom. At the same time the victim's mother needed to go to the toilet, so the defendant took advantage of this and went into their bedroom and locked the door and the victim's mother came back and called out to the defendant, however the defendant



did not open the door and the victim was asleep inside the bedroom and the victim's mother continued to call out to the defendant for almost one hour and only then he opened the door. When the defendant opened the door the victim's mother went into the bedroom and saw the victim standing beside the bed and sperm was all over the cement, however the victim's mother did not say anything because she was afraid of the defendant. The victim's mother picked up the victim and took a sheet that the victim was holding, so that she could wash it, however she saw blood on the sheet, so she didn't wash it and hung it out. At 6pm the victim told her mother that her sexual organs were sore and then the victim's mother told her to go to sleep and she saw signs of swelling, redness and an injury to the victim's sexual organs, so the victim's mother asked the defendant, but the defendant swore at the victim's mother. At 11pm, the victim felt more pain to her sexual organs, and she couldn't sleep and was rolling back and forward. Therefore, on 19 February 2023 the victim told the defendant to go to the plantation so that she could use this opportunity to flee from the defendant and tell the police about this case, and then the police arrested the defendant.

The prosecutor charged the defendant with violating Article 177.1 of the PC on sexual abuse of a minor which carries a penalty of 5 to 15 years in prison and Articles 182.1a and 182.1d of the PC on aggravation as well as Articles 2, 3(c), 35(b) and 36 of the LADV.

Examination of evidence

During the trial the defendant completely denied all of the facts in the indictment and argued that on 18 February 2023 he went into the bedroom and pulled the victim's legs to tell her to get some candles to give to the defendant so he could pray, and the defendant did not threaten the victim's mother and the defendant also stated that he did not commit the acts against his two children.

The victim aged nine confirmed all of the facts in the indictment and stated that when the victim's mother opened her door the victim saw the defendant and her mother arguing and the defendant took a sharp knife to threaten her mother. The court decided not to hear from the victim aged two.



The witness CCM, who is the mother of the victims, testified that at the time of the incident she caught the defendant committing the acts alleged by the prosecution. She also stated that at the time of the incident the defendant took a knife and threatened her, however she did not make a complaint, because she was afraid of the defendant and only after the second incident the witness made a complaint to the police.

The witness FdC, who is the grandmother of the victims, testified that at the time of the incident she was sleeping with her granddaughter who was aged 2 and it was late at night and the light was on in the bedroom and the door to the witness' bedroom was locked from inside and suddenly the defendant was inside the bedroom and the witness only saw the defendant holding the victim. The witness did not see the other incidents.

Final Recommendations

The public prosecutor stated that the defendant completely denied all of the alleged facts, however the victim declared all of the facts in the indictment and this was reinforced by the witness CCM and even though the witness FdC did not have exact knowledge about this incident, she stated that at the time of the incident the defendant went into the bedroom and was holding the victim. Therefore the prosecutor believed that the defendant was guilty of committing the alleged acts against the two victims. For this reason, the prosecutor requested for the court to impose a single prison sentence of 15 years against the defendant.

The defence stated that the defendant did not know anything and the defendant stated that he did not commit these acts against these two victims who are his own daughters, therefore the defence requested for the court to acquit the defendant from the charges.

Decision

After evaluating all of the facts, the court found all of the facts proven, based on the statement of the victim and the confirmation of the witness.

Based on the facts that were proven, and after considering the mitigating and aggravating circumstances surrounding these crimes, the court concluded the matter and sentenced the defendant to a single penalty of 15 years in prison.

For more information, please contact:

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