



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Case Summary
Oecusse District Court
May 2019

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 Oecusse District Court

1. Total cases monitored by JSMP: 11

Articles	Case Type	Total
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.	10
Article 157, 145 of the Penal Code and Articles 2, 3 and 35 (b) of the Law Against Domestic Violence (LADV)	Crime of threats and simple offences against physical integrity characterized as domestic violence	1
Total		11

2. Total number of decisions monitored by JSMP: 10

Type of decision	Total
Prison sentence (Article 66 of the PC)	1
Suspension of execution of a prison sentence (Article 68 of the PC)	7
Fine (Article 67 of the PC)	2
Total	10

3. Total cases adjourned based on JSMP monitoring: 0

Reason for adjournment	Total
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Total	0
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4. Total ongoing cases based on JSMP monitoring: 1

B. Short description of proceedings in these cases

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

Case No. : 0192/18.OESIC
Composition of the Court : Single Judge
Judge : João Ribeiro
Prosecutor : Mateus Nesi
Defence : Marcelino Marques Coro
Decision : 6 months in prison, suspended for 1 year

On 13 May 2019 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant JMQ who allegedly committed the offence against his wife in Oecusse District.

Charges of the public prosecutor

The public prosecutor alleged that on 30 October 2018, at approximately 9pm, the defendant punched the victim once in the forehead, causing swelling and pain. A medical report from PRADET and photographs from Police-VPU were also attached to this case file.

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.

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. The defendant is a farmer, and has no fixed monthly income, and has two children. In addition, the defendant has reconciled with the victim, and the defendant is a first time offender.

The court disregarded the victim's statement because the defendant confessed all of the facts in the indictment.

Final recommendations

The prosecutor stated that based on the confession of the defendant, he was guilty of committing the crime of domestic violence against his wife, who he was supposed to protect. The public prosecutor reinforced that domestic matters are not just the responsibility of the wife, including the preparation of food for the family, and a husband or father can prepare food if the victim is unable to do so. For this reason the prosecutor requested for the court to convict the defendant pursuant to Article 145 of the Penal Code.

The public defender requested for the court to apply a lenient sentence proportionate to the defendant's wrongdoing. The defence made this statement with consideration that during the

examination of evidence the defendant himself completely confessed to the facts, regretted his actions, has two children, and has reconciled with the victim and the defendant is the breadwinner of his family.

Decision

After evaluating all of the facts, the court found that the defendant punched the victim once in the forehead which caused swelling and pain. The court stated that the defendant could cook if victim was unable to do so. The court reaffirmed that the defendant should have used another way to remind his spouse, instead of using violence. Based on the facts that were proven, including consideration of all of the circumstances, the court sentenced the defendant to 6 months in prison, suspended for 1 year.

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

Case No.	: 0194/18.OESIC
Composition of the Court	: Single Judge
Judge	: João Ribeiro
Prosecutor	: Mateus Nesi
Defence	: Marcelino Marques Coro
Decision	: Prison sentence of 1 year and 6 months, suspended for 1 year and 6 months

On 13 May 2019 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant PB who allegedly committed the offence against his wife in Oecusse District.

Charges of the public prosecutor

The public prosecutor alleged that on 3 November 2018, at approximately 8am, the defendant suspected that the victim was having a romantic relationship with another man and the defendant slapped the victim twice in the mouth, choked her and pushed the victim to the ground. This physical assault caused the victim to suffer swelling and redness to her mouth, scraped knees and pain. A medical report from the Kinat Clinic and photographs from Police-VPU were also attached to this case file.

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.

Presentation of evidence

During the trial the defendant completely confessed all of the facts set out in the indictment of the prosecutor, and the defendant also stated that he regretted his actions. The defendant stated that this was the first time he had offended against the victim, he works as a farmer, has no fixed monthly income, and has four children. The defendant also stated that he has reconciled with the victim and they are living together as husband and wife.

The court disregarded the victim's statement because the defendant confessed all of the facts in the indictment.

Final recommendations

The public prosecutor stated that the defendant's behaviour fulfilled the elements of the crime of simple offences against physical integrity based on the statement of the defendant. For this reason the prosecutor requested for the court to convict the defendant pursuant to Article 145 of the Penal Code.

Meanwhile, the defence requested for the court to impose a lenient penalty on the defendant proportionate to the defendant's wrongdoing because the defendant collaborated with the court, confessed to all of the facts in the indictment, regretted his actions, has four children, has no fixed monthly income and has reconciled with the victim.

Decision

After evaluating all of the facts, the court found that the defendant committed the crime based on the facts set out in the indictment of the prosecutor, namely the defendant slapped the victim twice in the mouth, choked her, and pushed the victim to the ground and caused the victim to suffer swelling and redness to her mouth, scraped knees and pain. Based on the facts that were proven, the court imposed a prison sentence of one year and six months against the defendant. However the court gave consideration to the fact that the defendant has young children, so the court suspended the prison sentence for one year and six months.

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

Case No.	: 0188/18.OESIC
Composition of the Court	: Single Judge
Judge	: João Ribeiro
Prosecutor	: Mateus Nesi
Defence	: Marcelino Marques Coro
Decision	: Effective prison sentence of 6 months

On 14 May 2019 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant DA who allegedly committed the offence against his wife in Oecusse District.

Charges of the public prosecutor

The public prosecutor alleged that on 25 October 2018, at approximately 9am, the defendant suspected that the victim was having a romantic relationship with another man and the defendant choked her twice and punched the victim once in the mouth. This physical assault caused the victim to suffer an injury to her mouth, swelling and pain to her throat. A medical report from PRADET and photographs from Police-VPU were also attached to this case file.

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.

Presentation of evidence

During the trial the defendant confessed to all of the facts in the indictment and acknowledged that punching another person would cause injury or pain, but the defendant still committed the

assault. However the defendant stated that he regretted his actions, has reconciled with the victim, has seven daughters and has no fixed monthly income. In addition to the facts set out in the indictment, the defendant also stated that previously, the defendant committed the crime of simple offences against physical integrity (DV) against the victim and on 16 November 2017, the court imposed a prison sentence of one year against the defendant, suspended for one year, because the defendant was found guilty of committing that crime.

Meanwhile, the victim confirmed all of the facts set out in the indictment of the prosecutor and confirmed the defendant's statement that they have reconciled. However, the victim added that after reconciling the defendant did not change his behaviour and always physically assaulted the victim, even though sometimes the defendant himself caused the problem, the defendant always blamed the victim. In addition, before this case occurred the defendant always physically assaulted the victim. For all of these reasons the victim stated that she wanted the defendant to go to jail to teach him to change his behaviour in the future.

Final recommendations

The public prosecutor stated that the defendant had been proven guilty of committing the crime of physical assault against the victim based on the confession of the defendant and the statement of the victim. The defendant also had strong intent to beat the victim and express no regret for the previous crime even though the court imposed a prison sentence of one year, suspended for one year. For this reason the prosecutor requested for the court to convict the defendant pursuant to Article 145 of the Penal Code.

The public defender requested for the court to apply an appropriate punishment proportionate to the wrongdoing of the defendant, namely a non-custodial sentence. This recommendation was based on the consideration that the defendant confessed all of the facts, regretted his actions, has seven children, has reconciled with the victim and the defendant is the breadwinner of his family.

Decision

After evaluating all of the facts, the court found that the defendant physically assaulted his wife by choking her twice and punching her once in the mouth. The court found that the defendant did not express remorse for the previous crime because he repeated the same crime whilst serving a suspended prison sentence against the same person. Based on the facts that were proven and all of the relevant circumstances in this case, namely that the defendant had a criminal record, the court imposed an effective prison sentence of six months against the defendant.

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

Case No.	: 0038/18.OEPMK
Composition of the Court	: Single Judge
Judge	: João Ribeiro
Prosecutor	: Mateus Nesi
Defence	: Marcelino Marques Coro
Decision	: 1 year in prison, suspended for 1 year

On 14 May 2019 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant FL who allegedly committed the offence against his wife in Oecusse District.

Charges of the public prosecutor

The public prosecutor alleged that on 8 July 2018, at approximately 8am, the defendant pulled off the victim's sarong and pushed her on the ground which caused her to suffer scraped knees, swelling, pain and the victim felt humiliated. During this incident the defendant was drunk and suspected that the victim was having a romantic relationship with another man. A medical report from PRADET and photographs from Police-VPU were also attached to this case file.

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.

Presentation of evidence

The defendant totally confessed to all of the facts in the indictment and said that such actions were wrong and against the law but the defendant continued to physical assault the victim. The defendant stated that he regretted his actions, has reconciled with the victim, works as a farmer, and has no fixed monthly income, has eight children, and he was a first time offender.

The court did not require the victim's statement, because the defendant confessed to all of the facts in the indictment and admitted that he committed these crimes against the victim.

Final recommendations

The public prosecutor stated that the defendant was found guilty of committing the crime against the victim because he confessed to his actions. In addition, the prosecutor reaffirmed that the defendant had strong intent to hit the victim even though the defendant knew that the victim was not physically strong enough to resist the defendant. Therefore the public prosecutor requested for the court to convict the defendant in accordance with the charges of the prosecutor.

The public defender stated that the defendant confessed all of the facts set out in the indictment, regretted his actions and promised that he would not commit any further crimes against his family members or any other person. In addition, the defendant collaborated with the court, has eight children, has reconciled with the victim, has no fixed monthly income and the defendant is the breadwinner of his family. Therefore, the public defender requested for the court to impose a lenient penalty.

Decision

The court found that the defendant pulled off the victim's sarong and pushed her on the ground which caused her to suffer scraped swelling, pain and injuries to her knees and the victim felt humiliated. Based on all of the facts that were proven, the court sentenced the defendant to 1 year in prison, suspended for 1 year.

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

Case No. No. : 0206/18.OESIC
Composition of the Court : Single Judge
Judge : João Ribeiro
Prosecutor : Mateus Nesi

Defence : Marcelino Marques Coro
Decision : Fine of US\$ 150.00

On 15 May 2019 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant RJP who allegedly committed the offence against his wife in Oecusse District.

Charges of the public prosecutor

The public prosecutor alleged that on 29 November 2018, at approximately 11am, the defendant kicked the victim once on her right elbow and caused a dislocation, swelling, bruising and pain. The defendant slapped the victim once on the left cheek and caused the victim to suffer swelling and pain. Before the assault, the defendant asked the victim for money to change his motorcycle wheel but the victim told the defendant that there was no money yet. A medical report from PRADET and photographs from Police-VPU were also attached to this case file.

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.

Presentation of evidence

During the trial the defendant confessed the facts set out in the indictment of the prosecutor and stated that he knew that hitting another person could cause pain or injury therefore the defendant regretted his actions. The defendant also stated that he was a first time offender, has reconciled with the victim, has two children and works as a teacher with a monthly income of US\$262.

The court did not require the victim's statement, because the defendant confessed to all of the facts in the indictment that he committed this crime against the victim.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim and the crime of domestic violence is prevalent in the Oecusse Region in comparison with other municipalities. The prosecutor argued that there was no reason for the defendant to hit his wife. Therefore he requested for the court to apply the penalty prescribed in Article 145 of the Penal Code against the defendant.

The defence requested for the court to impose an appropriate penalty against the defendant with consideration that during the examination of evidence the defendant collaborated with the court and confessed to all of the facts in the indictment. The defendant also regretted his actions, was a first time offender, has two children, has reconciled with the victim and the defendant is the breadwinner of his family.

Decision

The court found that the defendant kicked the victim once on her right elbow which caused a dislocation, swelling, bruising and pain. The court found that the defendant punched the victim once on the left cheek and caused the victim to suffer swelling and pain. The defendant is a teacher and should deal with any problems calmly because teachers have a good understanding

about criminal acts, but on the contrary the defendant acted brutally by punching and kicking the victim. The court believed that the defendant had strong intent to hit the victim because she was not physically capable of resisting him. However, the court also found that the defendant was a first time offender, the defendant regretted his actions and has two children.

Based on the facts that were proven, the court concluded this matter and ordered the defendant to pay a fine of US\$150.00 through daily instalments of US\$ 1.00 for 150 days, as well as court costs of US\$20. If the defendant does not pay this fine then he will be sent to prison for 100 days as an alternative punishment.

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

Case No. : 0019/18.OEPSB
Composition of the Court : Single Judge
Judge : João Ribeiro
Prosecutor : Mateus Nesi
Defence : Marcelino Marques Coro
Decision : Prison sentence of 1 year, suspended for 1 year and 6 months

On 22 May 2019 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant PD who allegedly committed the offence against his wife in Oecusse District.

Charges of the public prosecutor

The public prosecutor alleged that on 6 October 2018, at approximately 7.30pm the defendant took a piece of wood and hit the victim once on her left thigh and once on her left foot. This physical assault caused the victim to suffer swelling and pain. Before the incident the victim yelled at the defendant to feed their pig which was in the pigpen but the defendant said no. A medical report from the Pasabe Medical Centre and photographs from Police-VPU were also attached to this case file.

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.

Presentation of evidence

During the trial the defendant completely confessed all of the facts set out in the indictment of the prosecutor, and the defendant also stated that he regretted his actions. The defendant stated that he knew that hitting another person could cause pain or injury. The defendant also stated that after the incident he immediately reconciled with the victim and was a first time offender. The defendant promised not to reoffend against his wife or other person in the future. The defendant stated that he works as private security guard with PAX and has a monthly income of US\$150 and has two children.

The court did not require the statement of the victim because the defendant confessed all of the facts.

Final recommendations

The public prosecutor stated that the defendant is the victim's husband and actually the defendant should deal with any problem with the victim in a dignified manner. Therefore the prosecutor requested for the court to convict the defendant in accordance with the provisions of Article 145 of the Penal Code.

The defence stated that before the court the defendant confessed all of the facts set out in the indictment and regretted his actions. The defence reiterated that the defendant promised not to reoffend against a family member or other person and the defendant collaborated with the court. The defendant has two children and works as a private security guard with PAX and has a monthly income of US\$150. Therefore, the defence requested for the court to impose a lenient penalty against the defendant.

Decision

The court found that the defendant used a piece of wood to strike the victim once on her left thigh and once on her left foot which caused swelling and pain. The defendant, as the husband of the victim, should have acted appropriately to protect the victim in a number of ways. The defendant regretted his actions and works as private security guard with PAX and has a monthly income of US\$150 and has two children.

Based on the facts that were proven and the mitigating circumstances, the court sentenced the defendant to 1 year in prison, suspended for 1 year and 6 months, and ordered him to pay court costs of US\$ 20.

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

Case No.	: 0024/18.OEPSB
Composition of the Court	: Single Judge
Judge	: João Ribeiro
Prosecutor	: Mateus Nesi
Defence	: Marcelino Marques Coro
Decision	: 1 year in prison, suspended for 1 year

On 22 May 2019 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MC who allegedly committed the offence against his wife in Oecusse District.

Charges of the public prosecutor

The public prosecutor alleged that on 7 November 2018, at 3.30am, the defendant took a piece of wood and hit the victim once in the forehead which caused the victim to suffer redness, swelling and pain. The incident occurred when the defendant and the victim returned from a cultural ceremony. Prior to the incident, the defendant asked the victim to go home but the victim said no. A medical report from the Pasabe Medical Centre and photographs from Police-VPU were also attached to this case file.

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.

Presentation of evidence

During the trial the defendant completely confessed all of the facts set out in the indictment of the prosecutor, and the defendant also stated that he regretted his actions. The defendant stated that he knew that hitting a family member could cause an injury or pain. The defendant works as a farmer, and has no fixed monthly income. The defendant also stated that he reconciled with the victim, has six children, and was a first time offender.

The court did not require the victim's statement because the defendant confessed all of the facts in the indictment.

Final recommendations

The public prosecutor stated that the defendant's behaviour fulfilled the elements of the crime of simple offences against physical integrity characterised as domestic violence. The public prosecutor also stated that the crime of domestic violence is prevalent in the Oecusse Region in comparison with other municipalities. Therefore the prosecutor requested for the court to convict the defendant in accordance with the indictment of the prosecutor.

The defence stated that the defendant confessed all of the facts set out in the indictment and regretted his actions. The defendant has reconciled with the victim, is living with her, has six children and the defendant is the breadwinner of the family. The defendant also promised not to repeat his behaviour in the future and has time to improve his behaviour. Therefore the public defender requested for the court to provide justice to the defendant.

Decision

After evaluating all of the facts, the court found that the defendant used a piece of wood to hit the victim once in the forehead which caused redness, swelling and pain. The court stated that the defendant had strong intent to hit his wife even though the defendant knew that hitting a person could cause injury or pain. The defendant's behaviour is a crime and actually the defendant should have protected the victim because the defendant is physically stronger than the victim. However, the court also considered the mitigating circumstances such as the defendant regretted his actions, has six children, is a farmer, has no fixed monthly income, has reconciled with the victim, and is a first time offender.

Based on this evidence and all of the mitigating and aggravating circumstances the court settled this matter and sentenced the defendant to 1 year in prison, suspended for 1 year.

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

Case No.	: 0027/18.OEPSB
Composition of the Court	: Single Judge
Judge	: João Ribeiro
Prosecutor	: Mateus Nesi
Defence	: Marcelino Marques Coro

Decision : Prison sentence of 1 year and 6 months, suspended for 1 year and 6 months

On 22 May 2019 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant CP who allegedly committed the offence against his wife in Oecusse District.

Charges of the public prosecutor

The public prosecutor alleged that on 19 November 2018, at approximately 8am, the defendant slapped the victim three times on the left cheek and she fell to the ground. When victim was on the ground, the defendant kicked the victim once in the mouth and once in the forehead. This physical assault caused the victim to suffer redness, swelling and pain. Prior to the incident, the victim complained that the defendant ate all of the dinner. A medical report from the Pasabe Medical Centre and photographs from Police-VPU were also attached to this case file.

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.

Presentation of evidence

The defendant completely confessed all of the facts, and regretted his actions. The defendant also stated that he knew that hitting or kicking a family member could cause an injury or pain. The defendant is a farmer, has no fixed monthly income, and has seven children. The defendant reinforced that he has reconciled with the victim, is living with his wife, and was a first time offender.

The court did not require the victim's statement because the defendant confessed all of the facts in the indictment of the public prosecutor.

Final recommendations

The public prosecutor stated that the defendant was guilty of physically assaulting the victim and the crime of domestic violence is prevalent in the Oecusse Region in comparison with other municipalities. Therefore the public prosecutor requested for the court to convict the defendant in accordance with the charges of the prosecutor.

The public defender stated that the defendant confessed all of the facts set out in the indictment, regretted his actions and promised that in the future he would not commit any crimes against the victim. The defendant has seven children, no fixed monthly income and was a first time offender. Therefore the public defender requested for the court to impose a fair penalty against the defendant proportionate to his crime.

Decision

The court found that the defendant slapped the victim three times on her left cheek and she fell to the ground. The court found that when the victim was on the ground, the defendant kicked the victim once in the mouth and once in the forehead. The court stated that the defendant had strong intent to hit his wife even though the defendant knew that hitting or kicking a person could cause

injury or pain. The defendant's behaviour is a crime and actually the defendant should have protected the victim. The court also considered other circumstances such as the defendant regretted his actions, has seven children, works as a farmer, has no fixed monthly income, and was a first time offender. In addition the defendant has reconciled with the victim.

Based on the facts that were proven, including all of the circumstances, the court sentenced the defendant to 1 year and 6 months in prison, suspended for 1 year and 6 months.

9. Crime of threats and simple offences against physical integrity characterized as domestic violence

Case No.	: 0047/18.OEPMK
Composition of the Court	: Single Judge
Judge	: João Ribeiro
Prosecutor	: Mateus Nesi
Defence	: Marcelino Marques Coro
Decision	: Fine of US\$ 150

On 23 May 2019 the Oecusse District Court announced its decision in a case of threats and simple offences against physical integrity characterised as domestic violence involving the defendant JA who allegedly committed the offence against his wife in Oecusse District.

Charges of the public prosecutor

The public prosecutor alleged that on 13 July 2018, at approximately 10pm, the defendant slapped the victim once on her right cheek, which caused pain. The defendant also threatened that he would kill the victim with a machete, so the victim felt afraid and traumatized. The act occurred when the victim yelled at the defendant who was eating at a neighbour's house. A medical report from the Oecusse Referral Hospital and photos from the VPU-PNTL were included in the case file.

The public prosecutor alleged that the defendant violated Article 157 of the Penal Code on threats that carries a maximum penalty of two years in prison or a fine and 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, c) and 35 (b) and 36 of the Law Against Domestic Violence.

Before proceeding to the examination of evidence, the court attempted conciliation for the crime of threats. During this attempted conciliation, the victim wanted to make up with the defendant and withdraw her complaint against the defendant because they had already reconciled and are living together as husband and wife. The defendant also agreed with the victim's request. Based on the amicable agreement between the two parties and the request of the victim to withdraw the complaint, the Court decided to validate the settlement. Meanwhile the court continued to try the crime of simple offences against physical integrity characterized as domestic violence.

Presentation of evidence

The defendant totally confessed that he slapped the victim once on her right cheek and said that he regretted his actions. The defendant added that he works as a teacher with a monthly income

of US\$260, has two children and has reconciled with the victim. Also, the defendant added that on 19 April 2017 the Court imposed a prison sentence of 6 months, suspended for 1 year against the defendant, after finding him guilty of committing the crime of simple offences against the physical integrity of his wife.

The court did not require the statement of the victim and witnesses because the defendant confessed all of the facts in the indictment.

Final recommendations

The public prosecutor stated that the defendant had been proven guilty of physically assaulting the victim based on the confession of the defendant. Therefore, the prosecutor advised the court to impose an effective prison sentence against the defendant considering that the defendant had no remorse for his previous crime after the court imposed a suspended prison sentence against the defendant.

The public defender requested for the court to impose a lenient penalty against the defendant. The defence stated that during the examination of evidence the defendant collaborated with the court by confessing to all of the facts in the indictment of the prosecutor, and again declaring that he regretted his actions. In addition, the defendant has two children and has reconciled with the victim, the defendant is responsible for his wife and children, and has time to improve his behaviour. The defendant also promised to the court that he would not repeat such behaviour in the future.

Decision

After evaluating all of the facts, the court considered all of the aggravating and mitigating circumstances and imposed a fine of US\$150 to be paid in daily instalments of US\$1.00 for 150 days. The court also ordered the defendant to pay court costs of US\$20. If the defendant does not pay this fine then he will be sent to prison for 100 days as an alternative punishment.

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

Case No.	: 0018/18.OEPSB
Composition of the Court	: Single Judge
Judge	: João Ribeiro
Prosecutor	: Mateus Nesi
Defence	: Marcelino Marques Coro
Decision	: 6 months in prison, suspended for 1 year

On 29 May 2019 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant CO who allegedly committed the offence against his wife in Oecusse District.

Charges of the public prosecutor

The public prosecutor alleged that on 15 September 2018, at approximately 6:30am, the defendant grabbed the victim by the throat and pushed the victim out of the bedroom. This act caused the victim to suffer pain to her throat. The defendant also grabbed and twisted the victim's left arm backwards which caused pain. The incident occurred when the defendant was asleep and

the victim woke up the defendant. A medical report from the Pasabe Medical Centre and photographs from Police-VPU were also attached to this case file.

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.

Presentation of evidence

During the trial the defendant completely confessed all of the facts set out in the indictment of the prosecutor, and the defendant also stated that he regretted his actions. The defendant stated that he has reconciled with the victim, works as a farmer, has no fixed monthly income, and he was a first time offender.

The court did not require the victim's statement because during the examination of evidence the defendant confessed all of the facts in the indictment.

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. In addition, the prosecutor argued that actually the defendant should have protected the victim who is his wife. The public prosecutor reiterated that the defendant had strong intent to physically assault the victim. Therefore, to deter the defendant from committing further crimes in the future, the prosecutor requested for the court to convict the defendant pursuant to Article 145 of the Penal Code.

The defence requested for the court to provide justice for the defendant considering that during the examination of evidence the defendant collaborated with the court because he confessed to all of the facts in the indictment, regretted his actions, has reconciled with his wife and the defendant is the breadwinner of the family.

Decision

After evaluating all of the facts, the court found that the defendant grabbed the victim by the throat pushed her out of the bedroom. This act caused the victim to suffer pain to her throat. The court also found that the defendant grabbed and twisted the victim's left arm backwards which caused pain. Based on all of the facts that were proven and all of the relevant circumstances, the court sentenced the defendant to 6 months in prison, suspended for 1 year.

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