



Case Summary
The Dili 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 Dili District Court

1. Total cases monitored by JSMP: 11

Articles	Case Type	Total Number
Article 145 of the Penal Code (PC) as well as Articles 2, 3, 35(b) and 36 of the Law Against Domestic Violence (LADV)	Simple offences against physical integrity characterized as domestic violence and types of offences categorised as domestic violence	3
Article 157 (PC)	Threats	1
Article 20 (1), Article 2 (2 f) of the Law on Bladed Weapons	Bladed weapons	2
Article 151 (PC)	Reciprocal offences against physical integrity	1
Article 145 of the PC & Articles 2, 3 (a), and 35 of the LADV and Article 20 (1), Article 2 (2 f) of the Law on Bladed Weapons	Crime of simple offences against physical integrity characterized as domestic violence and use of a bladed weapon	2
Article 145 and Article 20 (1), Article 2 (2 f) of the Law on Bladed Weapons	Simple offences against physical integrity and use of a bladed weapon	2
Total		11



2. Total decisions monitored by JSMP: 8

Types of penalties	Article	Total Number
Suspension of execution of a prison sentence	Article 68 (PC)	4
Validating withdrawal of complaint	Article 262 of the CPC	2
Admonishment	Article 82 (PC)	2
Total		8

3. Total cases adjourned based on JSMP monitoring: 0

4. Total ongoing cases based on JSMP monitoring: 3

1. Crime of simple offences against physical integrity characterized as domestic violence and crime of using a bladed weapon

Case Number : 0058/20.LILIQ
Composition of the Court : Panel
Judges : José Gonçalves, Alvaro Freitas and Jumiatty Freitas
Prosecutor : Luis Hernanio Rangel da Cruz
Defence : José da Silva
Decision : Prison sentence of 3 years, suspended for 3 years

On 7 November 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence and use of a bladed weapon involving the defendant JSC who allegedly committed the offence against his wife in Liquiça Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 26 June 2020, at 3pm, the defendant choked the victim, then pushed the victim who fell down into some water, which caused her pain and she was completely wet. The defendant did not stop there. He then punched the victim once in the chest which caused pain and she suffered trouble breathing. After the assault the victim and her younger sibling came and took the victim's child to the home of the defendant's parents. When the victim was holding their child the defendant grabbed a machete and followed the victim and said to the victim *"If I catch you, I will stab you to death, and feed you to the buffaloes"*. Prior to the assault the defendant and



the victim argued because the defendant took their child to the home of his parents, 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 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 completely confessed all of the facts set out in the indictment, regretted his actions, and promised not to reoffend in the future. Also, the defendant stated that they managed to resolve their problem in accordance with East Timorese custom and the defendant gave US\$ 500, one goat and one buffalo to the victim's family.

Also, the victim confirmed all of the facts in the indictment and stated that after this incident they reconciled and resolved the matter in accordance with East Timorese culture, and the defendant gave US\$500, one goat and one buffalo to the victim's family.

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 confirmation from the victim, therefore the prosecutor requested for the court to sentence the defendant to 3 years in prison, suspended for 3 years.

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 resolved this problem in accordance with East Timorese culture.

Decision

The court evaluated all of the facts, and considered the facts that were proven and also the mitigating circumstances, namely that the defendant confessed, regretted his actions and promised not to reoffend in the future and resolved this problem in accordance with East Timorese culture. Therefore the court concluded this matter and sentenced the defendant to 3 years in prison, suspended for 3 years.

2. Crime of using a bladed weapon

Case Number : 0505/22 DICMR
Composition of the Court : Panel
Judges : Ersilia de Jesus, Ana Paula fonseca and José
Maria



Prosecutor : Osorio de Deus
Defence : Marçal Mascarinhas
Decision : Punishment of 3 years in prison, suspended for 3 years

On 8 November 2023 the Dili Court of First Instance announced its decision in a case of using a bladed weapon involving the defendant Manuel Moniz Vicenti and the community in Beto barat, Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 21 October 2022, at 8:15pm, the defendant was carrying a machete and was walking back and forth on a public road in front of Timor Lodge and yelling, which made community members there feel afraid, and they informed the police to arrest the defendant.

The prosecutor alleged that the defendant violated Article 2.2f and Article 20.1 of the Law on Bladed Weapons.

Examination of evidence

During the trial the defendant stated that all of the alleged facts were true, and the defendant also stated that during the incident he was intoxicated and stressed because his parents in law took his child to be baptized, but they did not use his name. Therefore the defendant drank some alcohol and became heavily intoxicated and took a machete and was walking back and forth on a public road. The defendant also promised not to repeat such behaviour because he caused others to feel traumatized and afraid, and he was a first time offender.

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

Final Recommendations

The prosecutor stated that the defendant was guilty of committing the crime alleged by the prosecution, and also based on the confession of the defendant, however to deter the defendant from reoffending in the future the prosecutor requested for the court to impose a prison sentence of one year, suspended for two years.

Defence

The defence requested for the court to apply a lenient punishment against the defendant, with consideration that the defendant confessed, was a first time offender, and promised not to reoffend in the future.



Decision

The court evaluated all of the facts, and considered the facts that were proven and also the mitigating circumstances, namely that the defendant confessed, was a first time offender and promised not to reoffend in the future. Therefore the court concluded this matter and sentenced the defendant to 3 years in prison, suspended for 3 years.

3. Crime of simple offences against physical integrity and use of a bladed weapon

Case Number	: 0016/22.LILIQ
Composition of the Court	: Panel
Judges	: Ersilia de Jesus, José Maria de Araújo and Ana Paula Fonseca
Prosecutor	: Aderito Tilman
Defence	: Marcelino Coro
Decision	: Prison sentence of 3 years, suspended for 3 years

On 8 November 2023 the Dili Court of First Instance announced its decision in a case of using of a bladed weapon involving the defendant HDS and the victims ADS and DCD, in Liquiça Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 19 March 2022 the victim DCD and his wife, the victim ADS, were heading to their home in Liquiça Municipality with the aim of going to vote, and when they arrived home the victims found out that some unidentified people had damaged their plants in front of their home, so the male victim asked their neighbour, but their neighbour responded that he didn't know who had damaged the plants, and not long after the mother of the male victim emerged and argued with the male victim. Suddenly the defendant emerged from behind the house holding a machete and tried to stab the male victim, but he did not manage to do so, because the male victim moved out of the way, and the defendant took a rock and threw it at the male victim and hit him on the left shoulder.

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 20.1 of the Law on Bladed Weapons.



Examination of evidence

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

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

Final Recommendations

The public prosecutor stated that the defendant totally confessed to all of the facts in the indictment and the Law on Bladed Weapons prohibits the use of certain weapons such as a machete, therefore the prosecutor believed that the defendant was guilty of committing the crime against the male victim, so the prosecutor requested for the court to impose a suspended prison sentence against the defendant.

The defence requested for the court to impose a lenient penalty against the defendant with consideration that the defendant confessed, and was a first time offender.

Decision

After evaluating all of the facts produced during the trial, the court found all of the facts proven. Based on the facts that were proven and consideration of all of the mitigating circumstances, namely that the defendant confessed, and was a first time offender, the court concluded this case and imposed a prison sentence of 3 years against the defendant, suspended for 3 years.

4. Crime of making threats

Case Number	: 0075/23.DINFT
Composition of the Court	: Single Judge
Judge	: José Gonçalves
Prosecutor	: Ricardo Godinho Leite
Defence	: Humberto Alves
Decision	: Validating withdrawal of complaint

On 9 November 2023 the Dili Court of First Instance announced its decision in a case of making threats involving the defendant JAG and the victim MDC in Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that 16 April 2023, at approximately 11:30am, the defendant and the victim were talking about immediately building their house that was



burned several months ago in Deposito penal Sub-Village, and the defendant told the victim that it would be okay, however before building the house, the land should be split in two, and half should be given to the younger siblings to build a house, and the other half to build a house, and when she heard this the victim did not agree and told the defendant “*Our place is small, why would we share it with them?*”. Therefore the defendant and the victim argued and the defendant threatened the victim by saying “*You are slow, I will kill you, and after I have killed you I will be able to have another woman*”. He made the threat to kill with a loud and serious voice which made the victim feel afraid and upset her feelings, her freedom and safety.

The public prosecutor alleged that the defendant violated Article 157 of the Penal Code on making threats with that carries a maximum penalty of 1 year in prison or a fine.

Examination 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 this attempted conciliation the victim wanted to withdraw the complaint against the defendant, because they had reconciled and the defendant promised not to reoffend in the future.

Final Recommendations

The prosecution and defence requested for the court to endorse the request to withdraw the complaint and acquit the defendant from this crime.

Decision

Based on the request to withdraw the complaint, the court concluded this matter and endorsed the amicable agreement.

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

Case Number : 0060/22.DIDIL
Composition of the Court : Panel
Judges : Ana Paula Fonseca, Ersilia de Jesus and
José Maria de Araújo
Prosecutor : Luis Hernanio Rangel da Cruz
Defence : Nelson Borges
Decision : Prison sentence of 1 year, suspended for 2 years



On 14 November 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant BCA who allegedly committed the offence against his wife in Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 16 April 2022, at an unspecified time, the defendant and the victim argued about feeding their child, and after they argued the victim took her clothes to go and stay with her parents. When the victim left the home the defendant followed the victim from behind and swore at the victim and said bad things regarding their intimate relations as a wife and husband and he took a motorcycle key and pressed it into the victim's thumb which caused pain and an injury.

Previously on an unspecified day and date in 2019, the defendant kicked the victim four times on her back, which caused pain to the victim's back.

The public prosecutor alleged that the defendant violated Article 154 of the Penal Code on the mistreatment of a spouse together with Articles 2, 3(a), 35(b) and 36 of the Law Against Domestic Violence.

Examination of evidence

During the trial the defendant stated that some of the facts were true and some were not true. The defendant said it was true that he took a motorcycle key and pressed it into the victim's thumb. Meanwhile, regarding the allegation that the defendant kicked the victim four times in the back, this was not true, however the defendant took a piece of wood and struck the victim twice on her shoulder. The defendant also stated that after the incident he reconciled with the victim, regretted his actions and promised that in the future he would not reoffend.

The victim maintained all of the facts set out in the indictment and the victim also confirmed the statement of the defendant that after the incident they reconciled.

Final Recommendations

The public prosecutor stated that even though the defendant partially confessed to the alleged facts in the indictment, the victim confirmed the charges so the prosecutor believed that the defendant's actions fulfilled the elements of the alleged crime, therefore the prosecutor requested for the court to impose a prison sentence of two years, suspended for two years.

The defence stated that the defendant only admitted the actions he committed and also stated that after the incident he reconciled with the victim, regretted his actions and promised not to reoffend in the future, therefore the defence requested for the court to amend the charges from Article 154 of the Penal Code on mistreatment of a spouse to



Article 145 of the Penal Code on simple offences against physical integrity and requested for the court to impose a fair penalty against the defendant.

Decision

After evaluating all of the facts produced during the trial, the court accepted the request from the defence to amend the charge from the crime of mistreatment of a spouse to the crime of simple offences against physical integrity, because the defence believed that the defendant's actions fulfilled the elements of the crime of simple offences against physical integrity.

Based on these facts that were proven and also the mitigating circumstances, namely that the defendant regretted his actions, reconciled with the victim and promised not to reoffend in the future, the court concluded this matter and sentenced the defendant to 1 year in prison, suspended for 2 years.

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

Case Number : 0067/22.LILIK
Composition of the Court : Single Judge
Judge : Ana Paula Fonseca
Prosecutor : Aderito Tilman
Defence : Henrique João Morais
Decision : Penalty of admonishment

On 17 November 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant LJ who allegedly committed the offence against his son in Liquiça Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 17 October 2022, at 5pm, the defendant had a problem with the victim's mother who is the wife of the defendant. During this incident the defendant and the victim's mother were fighting over a machete and the victim's mother was holding the victim, therefore when they were fighting over the machete, it struck the victim on his forehead and caused an injury to the left side of the victim's forehead and there was heavy bleeding.

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

Examination of evidence

During the trial the defendant completely confessed all of the facts set out in the indictment, regretted his actions, was a first time offender, and promised not to commit any more crimes in the future.

The court did not require the testimony of the witness, because the defendant confessed all of the facts set out in the indictment.

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 therefore the prosecutor requested for the court to impose a suspended sentence against the defendant.

The defence requested for the court to admonish the defendant, with consideration of the mitigating circumstances, namely the defendant confessed, regretted his actions, and promised not to reoffend in the future.

Decision

After assessing all of the facts, the court found that all of the facts were proven. Based on the facts that were proven and consideration of all of the mitigating circumstances, namely that the defendant confessed, regretted his actions, and promised not to reoffend in the future, the court concluded this case and issued an admonishment against the defendant.

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

Case Number	: 0022/21 ALRMX
Composition of the Court	: Single Judge
Judge	: Ana Paula Fonseca
Prosecutor	: Aderito Tilman
Defence	: Henrique João Mariz
Decision	: Penalty of admonishment



On 18 November 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant JdSM who allegedly committed the offence against his wife in Aileu Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 17 September 2021, at approximately 9am, the defendant punched the victim once hard on her head and slapped the victim once on her right cheek. These acts caused the victim to suffer pain to her head and cheek. This incident occurred when the defendant forced the victim talk about her past, but the victim did not want to, so the defendant punched 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 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 totally confessed all of the facts set out in the indictment and stated that since they have been living together this was the first time that he had assaulted the victim, and he regretted his actions and promised not to reoffend in the future.

The court decided not to hear the victim's statement because the defendant completely confessed all of the facts in the indictment.

Final Recommendations

The public prosecutor stated that during the trial the defendant totally confessed to all of the facts in the indictment and therefore the prosecutor believed that the defendant was guilty of committing the crime of simple offences against physical integrity characterized as domestic violence against the victim, so therefore the public prosecutor requested for the court to impose a suspended prison sentence against the defendant.

The defence requested for the court to admonish the defendant, with consideration that the defendant confessed, regretted his actions, and this was the first time he committed a crime against the victim, and he promised not to reoffend against the victim in the future.

Decision



After assessing all of the facts, the court found that all of the facts were proven. Based on the facts that were proven and also the mitigating circumstances, namely that the defendant confessed, regretted his actions, this was the first time he committed a crime against the victim and promised not to reoffend against the victim in the future, therefore, the court concluded this matter and imposed an admonishment against the defendant.

8. Reciprocal offences against physical integrity

Case Number : 0066/23.ERSIC
Composition of the Court : Single Judge
Judge : Afonso Carmona
Prosecutor : Simeão B. Seixas
Defence : Francisco Caetano
Decision : Validating withdrawal of complaint

On 29 November 2023 the Dili Court of First Instance, via the Mobile Court in Ermera Municipality, announced its sentence in a case of reciprocal offences against physical integrity involving the male defendant August Pereira Martins and the female defendant Leopoldina Sousa Trindade, in Ermera Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 19 July 2023, at 12:00 pm, the female defendant swore really badly when she was in her farm because chickens had dug up and ruined her garden plot. Therefore the male defendant's wife asked the female defendant "*Aunty Dina, did you swear at an animal, or at a person?*". However the female defendant did not respond and continue to swear, therefore the male defendant went outside and took a piece of wood and tried to strike the female defendant but missed, and then the male defendant threw the piece of wood and punched the female defendant twice in the forehead and nose which caused the female defendant to fall to the ground, and the female defendant got up and grabbed the male defendant by his shirt and ripped his shirt pocket and shook him until the male defendant fell down, striking his backside hard on the ground.

The public prosecutor alleged that the male defendant and the female defendant violated Article 151 of the Penal Code on reciprocal offences against physical integrity that carries a maximum penalty of two years in prison or a fine.

Process of attempted conciliation



JUDICIAL SYSTEM MONITORING PROGRAMME

PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Pursuant to Article 262.1 of the Criminal Procedure Code on attempted conciliation, before proceeding with the examination of evidence, the judge attempted conciliation between the two defendants, and during this attempted conciliation they wanted to reconcile, therefore the female defendant requested for the judge to compensate her for her injuries, valued at US\$50.00, and the male defendant agreed with this request and immediately compensated the female defendant with US\$50.00.

Final Recommendations

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

Decision

Based on the amicable agreement between the two parties and the request of the two parties to withdraw the complaint, the court concluded this matter and validated the amicable settlement.

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