



Case Summary
The Dili Court of First Instance
October 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 Court of First Instance

1. Total number of cases monitored by JSMP: 13

Articles	Case Type	Total Number
Article 145 PC	Simple offences against physical integrity characterized as domestic violence together with Articles 2, 3, 35(b) and 36 of the LADV.	9
Articles 154 and Article 157 of the PC	Mistreatment of a spouse and threats	1
Article 258 PC	Property damage	1
Article 252 PC	Aggravated larceny	1
Article 243 PC	Obstructing public authority	1
Total		13

2. Total decisions monitored by JSMP: 9

Types of penalties	Article	Total Number
Fine	Article 67 PC	4
Suspension of execution of a prison sentence	Article 68 PC	2
Penalty of admonishment	Article 82 PC	2
Acquitted		1
Total		9

3. Total cases adjourned based on JSMP monitoring: 0

4. Total ongoing cases based on JSMP monitoring: 4

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

Case Number : 0075/22.DINFT

Composition of the Court : Single Judge



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Judge : Ana Paula Fonseca
Prosecutor : Napoleão Soares da Silva
Defence : José Maria Guterres
Decision : Fine of US\$ 45.00

On 3 October 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 NJMDR who allegedly committed the offence against his wife in Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 24 April 2022, at 8pm, the defendant punched the victim once very hard in the right eye, which caused pain, swelling, redness and bruising below the eye and to the eye socket. Prior to this assault the defendant and the victim had an argument because the defendant suspected the victim of having a romantic relationship (affair) with another man.

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 and 36 of the Law Against Domestic Violence.

Examination of evidence

During the trial the defendant completely confessed to all of the facts in the indictment and stated that he was a first time offender, he regretted his actions, and stated that since this incident he tried to apologise to the victim and the victim did not want to live together with the defendant anymore.

Also, the victim confirmed all of the facts in the indictment and stated that she has not yet reconciled, and the defendant and the defendant decided to reach an agreement through a customary elder to live separately and just look after the children.

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 the victim did not want to live together with the defendant anymore, so the prosecutor requested for the court to impose a fine against the defendant.

The defence requested for the court to apply a fair punishment against the defendant, with consideration that the defendant confessed, regretted his actions, 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, regretted his actions and promised not to reoffend in the future. Therefore 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\$ 1.00 for 45 days. The court also imposed an alternative penalty of 40 days in prison if the defendant does not pay this fine.

2. Crime of property damage

Case No. : 0055/23.PDDIL
Composition of the Court : Single Judge



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Judge : Maria Solana
Prosecutor : Osorio de Deus
Defence : Joana Cristina Pinto
Decision : Fine of US\$ 75.00

On 4 October 2023 the Dili Court of First Instance conducted a hearing to announce its decision in a case of property damage involving the defendant Pedro Cardozso and the victim Virgilio da Silva Cruz, that allegedly occurred in Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that in relation to the victim's farm located in moris ba dame Sub-Village, Bairo Pite Village, Dom Aleixo Administrative Post, Dili Municipality, the documents relating to this land were in the name of the victim's father João da Cruz, and during the Indonesian occupation the victim and his father used the farm to plant crops, so in 1996 the victim planted teak trees along his boundary inside the farm and the teak trees were planted almost 27 years ago. On an unspecified date in 2018 the victim warned the defendant not to cut down the teak trees and at that time the defendant responded to the victim by saying "*I won't cut them down, I will just clean them up so they provide shade*". However in January 2023 the defendant cut down the teak trees without the knowledge of the victim, and each teak tree is worth up to US\$250.00, based on the price calculated by the victim based on the experiences of others who sell teak trees.

The public prosecutor alleged that the defendant violated Article 258.1 of the Penal Code on property damage that carries a maximum penalty of 3 years in prison or a fine.

Examination of evidence

During the trial the defendant stated that some of the allegations were true, and some were not. He said it was not true that the victim planted the teak trees on his own farm, because based on what the defendant knew this land belonged to Mr. Cristovão da Silva and since 2017 the defendant has been living in this place and at that time the teak trees were small and in 2023 January the defendant cut down these teak trees because some of the branches covered the defendant's house and also when there were strong winds there was a threat to the defendant's house therefore the defendant cut them down.

Also the victim confirmed that the victim planted these teak trees during the Indonesian occupation in 1996 and before the defendant cut down these teak trees the victim told the defendant that he could not cut them down, and at that time the defendant responded to the victim by saying "*I won't cut them down, I will just clean them up so they provide shade*" however in the end the defendant cut them down without the knowledge of the victim.

The witness testified that the teak trees that were cut down by the defendant were planted by the victim in 1996, and at that time the witness was still in Pre-Secondary School, class 3, and the defendant did not take the teak trees that were cut down by the defendant and they were left there, and the defendant used all of the timber.

Final Recommendations

The public prosecutor stated that the defendant's actions had all been proven, even though the defendant denied some of the facts, namely that the farm did not belong to the victim. However



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the victim stated and the witness also stated that the farm belonged to the victim and the teak trees were planted by the victim during the Indonesia occupation in 1996 and the teak trees were 27 years old, and the victim told the defendant not to cut down these teak trees, however in the end the defendant cut them down without the knowledge of the victim, and therefore the prosecutor requested for the court to order the defendant to pay a fine of US\$200.00.

The public defender stated that the teak trees threatened the home of the defendant because some of the branches covered the defendant's house and they could break in strong wind and damage the defendant's house, and that is why the defendant cut down these trees. Therefore the public defender requested for the court to impose a fair and appropriate penalty against the defendant.

Decision

After evaluating all of the facts, the court found that the teak trees cut down by the defendant belonged to the victim, and the defendant cut down these teak trees because some branches threatened the defendant's house. However this was without the knowledge of the victim and the teak trees cut down by the defendant were all used by the defendant.

Based on these facts that were proven, the court concluded this matter and ordered the defendant to pay a fine of US\$ 75 to be paid in daily instalments of US \$ 1.00 for 75 days. The court also imposed an alternative penalty of 60 days in prison if the defendant does not pay this fine.

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

Case Number	: 0317/23. DICMR
Composition of the Court	: Single Judge
Judge	: Afonso Carmona
Prosecutor	: Napoleão Soares da Silva
Defence	: Marcelo da Roza (Private Lawyer)
Decision	: Fine of US\$ 45.00

On 5 October 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 TM who allegedly committed the offence against his wife in Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 21 May 2023, at 5:40pm, the defendant took a small teacup and threw it at the victim and struck her in the head, and as a result of the defendant's actions the victim suffered an open wound and heavy bleeding. This case occurred when the defendant was drinking with his friends and came home drunk, and the defendant's daughter was playing and suddenly she fell over, and the defendant stepped over to pick up his daughter, and the victim came over and was angry and asked the defendant "Why did the child fall over? You went out somewhere and came home drunk, and don't you feel embarrassed if the neighbours find out?" and the victim said a lot to the defendant and then the assault occurred.



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The public prosecutor alleged that the defendant violated Article 145.1 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 confessed all of the facts set out in the indictment, regretted his actions, has reconciled with the victim and promised not to reoffend in the future.

The victim maintained all of the facts in the indictment and stated that she has reconciled with the defendant.

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, so the prosecutor requested for the court to impose a fine against the defendant.

The defence requested for the court to apply a fair punishment against the defendant, with consideration that the defendant confessed, regretted his actions, has reconciled with the victim and promised not to reoffend in the future.

Decision

After evaluating all of the facts, the court found that the defendant committed the crime against the victim, and based on the facts that were proven and also considering the mitigating circumstances surrounding this crime, the court concluded this matter and ordered the defendant to pay a fine of US\$45.00, to be paid in daily instalments of 50 cents for 90 days. If the defendant does not pay this fine, the defendant will spend 60 days in prison as an alternative punishment.

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

Case Number	: 0561/22.DICMR
Composition of the Court	: Single Judge
Judge	: Albertina Neves
Prosecutor	: Ivonia Maria Guterres
Defence	: José Guterres
Decision	: 3 months in prison, suspended for 1 year and 6 months

On 6 October 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 MDSX who allegedly committed the offence against his wife in Dili Municipality.

Charges of the Public Prosecutor

The public prosecutor alleged that on 24 November 2022, at 9pm, the defendant slapped the victim once on her right cheek, which caused swelling and pain, and the defendant then punched the victim once on the right side of her head and kicked the victim once on her back and slapped the victim once on her right cheek. Prior to this assault the defendant and the victim argued because the victim said to the defendant “It is already late, take the child over there,” and the defendant responded by saying “Your family members can carry the child back and forth,” and the victim responded to the defendant by saying “People have a lot of black



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magic and it is late at night and you can't take the child outside. Why are you taking a sick child outside?", 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 and 36 of the Law Against Domestic Violence.

Examination of evidence

During the trial the defendant completely confessed to all of the facts in the indictment. The defendant stated that he was a first time offender, regretted his actions, apologized to the victim and promised not to reoffend in the future.

Also, the victim confirmed all of the facts in the indictment and stated that the defendant did not hit the victim for the first time in 2022, because in 2021 when the victim's child was still very young the defendant hit and slapped the victim, but the victim did not do anything and on 24 November 2022 the victim made a complaint to the police and the victim and the defendant have reconciled and the defendant regretted his actions and promised not to reoffend in the future.

Final Recommendations

The prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant. However to deter such crimes from occurring in the future, the prosecutor requested for the court to impose a prison sentence of 6 months against the defendant, suspended for 3 years.

The defence requested for the court to apply a fair punishment against the defendant, with consideration that the defendant confessed, regretted his actions, has reconciled with the victim and promised not to reoffend in the future.

Decision

The court evaluated all of the facts, and found the defendant guilty of committing the crime against the victim based on this facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, has reconciled with the victim and promised not to reoffend in the future. Therefore the court concluded this matter and sentenced the defendant to 3 months in prison, suspended for 6 months.

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

Case Number	: 0073/22.LILIQ
Composition of the Court	: Single Judge
Judge	: José Gonçalves
Prosecutor	: Ivonia Maria da Costa Guterres
Defence	: Francisco Caetano
Decision	: Fine of US\$ 90.00

On 9 October 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 JPS who allegedly committed the offence against his wife in Liquiça Municipality.



Charges of the Public Prosecutor

The prosecutor alleged that on 9 November 2022, at 8pm, the defendant slapped the victim once on her right cheek and slapped the victim once on her left cheek, choked the victim, and the victim felt pain and screamed, however the defendant did not stop there, and he grabbed both of the victim's arms and twisted them behind her back and took a piece of wood and struck the victim many times all over her body until the piece of wood broke into pieces. Before the assault, the defendant and the victim argued because the victim asked the defendant to hold their child who was crying, so that the victim could cook dinner. However the defendant took his slingshot outside to shoot bats. When the defendant came home the defendant asked the victim for dinner but the victim said "Before, I told you to hold the child so I could cook rice for dinner, but you didn't want to, therefore I didn't cook any rice because the child would not stop crying," 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 confessed to all of the facts in the indictment and stated that after this incident the victim fled to her family for five days and the defendant went there to apologise to the family of the victim and also to give US\$250, 1 case of Bintang beer and a billy-goat. He reconciled with the victim and they are still living together, he regretted his behaviour and promised not to reoffend in the future.

Also the victim confirmed all of the facts in the indictment and stated that after this incident she went to her family so they could take her to hospital for treatment and after four days she recovered, and now they have reconciled and are living together, and the victim also confirmed the statement of the defendant that he apologized and gave money and the things mentioned above.

Final Recommendations

The public prosecutor stated that actions of the defendant fulfilled the elements of the crime of simple offences against physical integrity characterized as domestic violence based on the confession of the defendant and the confirmation provided by the victim, and therefore the public prosecutor requested for the court to impose a prison sentence of one year against the defendant, suspended for three years.

The defence requested for the court to apply a fair punishment against the defendant or to acquit the defendant, considering that the defendant confessed, regretted his actions, has reconciled with the victim and promised not to reoffend in the future.

Decision

The court evaluated all of the facts, and the court found the defendant guilty of committing the crime against the victim, based on this facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, has reconciled with the victim and promised not to reoffend in the future. Therefore the court concluded this matter and ordered the defendant to pay a fine of US\$ 90.00 to be paid in daily



instalments of US\$ 1.00 for 90 days. The court also imposed an alternative penalty of 60 days in prison if the defendant does not pay this fine.

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

Case Number : 0144/23 DICMR
Composition of the Court : Single Judge
Judge : Ana Paula Fonseca
Prosecutor : Napoleão da Silva Soares
Defence : Manuel Amaral
Decision : Prison sentence of 1 year and nine months, suspended for 2 years, and requirement to report to the court once a month for 1 year.

On 20 October 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 JSA who allegedly committed the offence against his wife in Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 8 March 2023, at 5pm, the defendant choked the victim with force and threw her into a wall and then dragged her and threw her on the bed, punched her many times in the head, slapped the victim twice on her left cheek and then threw the victim on the ground. Prior to the assault, the defendant and the victim argued and this problem occurred because the victim asked for \$ 1.00 to give to their child to go to school and the defendant became angry and assaulted the victim. As a consequence of the defendant's acts the victim suffered pain. Previously the defendant hit the victim. This happened on four occasions and the victim made two complaints and also attended a trial at the court.

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 used his right to remain silent. The victim confirmed the facts set out in the indictment and stated that, in relation to the incident that occurred at 7am, the defendant was asleep and the victim asked for US\$1.00 from the defendant to buy some breakfast for their child to take to school, however the defendant swore at the victim and they argued and then the defendant assaulted the victim.

Final Recommendations

The public prosecutor stated that even though the defendant used his right to remain silent, the victim confirmed all of the facts in the indictment, so the prosecutor stated that the actions of the defendant fulfilled the elements of the crime of simple offences against physical integrity pursuant and for this reason the prosecutor requested for the court to sentence the defendant to 1 year and 6 months in prison, suspended for 2 years. The defence requested for the court to order the defendant to pay a fine.

Decision



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The court checked the database and the defendant was convicted in two cases and given suspended prison sentences, but they have been archived. After evaluating all of the facts, the court found that all of the facts were proven, and even though the defendant chose the right to be silent, the victim confirmed all of the facts.

Based on the facts that were proven, the court concluded the matter and sentenced the defendant to 1 year and 9 months in prison, suspended for 2 years and ordered him to report once a month to the court for one year.

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

Case Number : 0190/23 PCCIC
Composition of the Court : Single Judge
Judge : Ana Paula Fonseca
Prosecutor : Napoleão da Silva Soares
Defence : Manuel Amaral
Decision : Penalty of admonishment

On 20 October 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 JAS who allegedly committed the offence against his wife in Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 23 April 2023, at 10am, the victim received a phone call from another man, and the defendant asked the victim, but she did not want to give him the phone, then the victim ran away to sleep at a friend's house for one night and when she came home the defendant got angry and kicked the victim once on the right side of her forehead and pushed her against a wall. The actions of the defendant caused the victim to feel pain and she suffered swelling to her forehead.

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 to all of the facts in the indictment, and told the court that since they have been living together this was the first time that he assaulted the victim, and after the incident they immediately reconciled, and they have not had any more problems until now, and he was a first time offender.

The court decided not to hear the 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 defendant's actions fulfilled the elements of the crime of simple offences against physical integrity characterized as domestic violence, so therefore the public prosecutor



requested for the court to order the defendant to pay a fine. The defence did not object and agreed with the recommendation of the prosecutor.

Decision

After evaluating all of the facts, the court found the defendant guilty of committing the crime against the victim. Based on the facts that were proven and consideration of all of the mitigating circumstances, namely that after the incident they reconciled, and they have had no further problems, and this was the first time that the defendant assaulted the victim, the court concluded this case and issued an admonishment against the defendant.

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

Case Number	: 0045/23 DIBCR
Composition of the Court	: Single Judge
Judge	: Ana Paula Fonseca
Prosecutor	: Napoleão da Silva Soares
Defence	: José da Silva
Decision	: Penalty of admonishment

On 25 October 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 CSdC who allegedly committed the offence against his wife in Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 20 March 2023, at 12:00 pm, the defendant punched the victim once with force on the top part of her nose which caused an open wound, bleeding and required two stitches, and the victim was treated at PRADET. As a consequence of the defendant's actions the victim felt pain to her nose.

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 to all of the facts in the indictment, and after the incident they reconciled, and have had no further problems and the defendant was a first time offender.

The court did not require testimony from the victim, because the defendant fully admitted 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 defendant's actions fulfilled the elements of the crime of simple offences against physical integrity characterized as domestic violence, so therefore the public prosecutor requested for the court to order the defendant to pay a fine for 30 days, with daily instalments of US\$ 1.00.



The defence requested for the court to carefully consider the capacity of the defendant, to apply a penalty based on the capacity of the defendant because the defendant totally confessed to the alleged crime, regretted his actions and was a first time offender.

Decision

After evaluating all of the facts, the court found the defendant guilty of committing the crime against the victim. Based on the facts that were proven and consideration of all of the mitigating circumstances, namely that the defendant confessed, was a first time offender and regretted his actions, the court concluded this case and issued the defendant with an admonishment.

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

Case Number	: 0126/22.DIBCR
Composition of the Court	: Single Judge
Judge	: Jose Maria
Prosecutor	: Napoleão Soares da Silva
Defence	: Joana Cristina
Decision	: Acquitted

On 30 October 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 GVGB who allegedly committed the offence against his father in Dili Municipality.

The public prosecutor alleged that on 26 July 2022, at 4:00pm, the defendant took a broom and struck the victim once on his head, however the victim defended himself with his hand and the broom handle struck him on his left inner arm. Prior to this assault, the defendant and the victim argued because the victim yelled in a loud voice at the defendant's mother, so the defendant thought that the victim was going to hit his mother so the defendant came out of his bedroom and took the broom and struck the victim. The actions of the defendant caused the victim to suffer extreme pain to the left side of his inner arm.

The public prosecutor alleged that the defendant violated Article 145.1 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 partially confessed to the facts in the indictment, the defendant also stated that that he had no intention of hitting his father, however he wanted to separate his parents who were arguing, and the defendant also stated that his mother was holding the broom because she was arguing with the victim, so the defendant got up and took the broom from her so the defendant's mother could not hit the victim, but when he grabbed the broom it struck the victim on the arm.

Also, the victim stated that the defendant did not take the broom and did not strike the victim but rather the defendant took the broom from his mother and it struck the victim on the arm, and because some people witnessed it the police came and took the victim and the defendant to the Becora Police Station for questioning.



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Final Recommendations

The public prosecutor stated that the defendant denied the facts and the victim confirmed that the defendant had no intention of hitting the victim, so the prosecutor requested for the court to ensure justice for the defendant.

The defence stated that the defendant testified that he had no intention of striking his father, but rather he wanted to resolve the problem between his parents, and this was confirmed by the victim that the defendant's mother was holding the broom and the defendant took it from her, and therefore the defendant requested for the court to acquit the defendant.

Decision

After evaluating all of the facts, the court found that the defendant had no intention of striking his father because the victim was the father of the defendant and the defendant is the oldest son who is still studying at university, so the court concluded the matter and acquitted the defendant from the charges.

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