



Press Release
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The Dili Court of First Instance hands down an effective penalty of two (2) years in prison against the defendant in a case of mistreatment of a spouse

On 19 February 2025 a Judge from the Dili Court of First Instance presided over a hearing to announce the court's decision in a case of mistreatment of a spouse involving the defendant NRF who allegedly committed the offence against his wife in Dili Municipality. The court handed down an effective prison sentence of two (2) years against the defendant because he was found guilty of committing the crime of mistreatment of a spouse (against his wife).

“JSMP considers this decision to be a step forward or a positive development in preventing criminal acts characterized as domestic violence and it can provide a lesson for the defendant and also society to end the cycle of violent acts in society because every year the number of cases of domestic violence increase dramatically in comparison with other criminal acts”, said Ms. Ana Paula Marçal, the Executive Director of JSMP.

JSMP encourages other judges to use this decision as a reference that can be applied in cases of the same nature or carrying the same gravity, in order to educate the defendant, as well as the community, to avoid having such crimes occur in their family.

In this case the Prosecutor alleged that on 2 July 2021, at 6pm, the defendant grabbed the injured party on her head and arm. Previously, on an unspecified date in February 2021, the defendant struck the injured party three (3) times on the shoulder.

The prosecutor also alleged that in 2009 (at an unspecified time, date and month), the defendant punched the victim once (1) in the face. Also, in 2018, the injured party was just recently discharged from hospital (Dili National Hospital) because she was ill, and the defendant pushed her over and she struck her head on a wall. All of these assaults caused pain to her shoulder and back. She suffered injuries to her head and arm.

The Prosecutor alleged that the defendant violated Article 154 of the Penal Code on the mistreatment of a spouse that carries a prison sentence of 2 years to 6 years, together with Articles 2, 3(a), 35(a) and 36 of the Law Against Domestic Violence.

During the trial the defendant confessed the facts set out in the indictment and stated that he and the injured party have not been living together since 2021, and the injured party is staying in a rental house with their three (3) children.

Also, the injured party confirmed the facts set out in the indictment and added that the defendant has taken no responsibility for the household and the

defendant has been gambling on machines and owes people money. The injured party had to try and find money to pay back the money owing. The injured party added that when the defendant asked her for money and she said '*there is no money*', he took documents regarding ownership of the house as collateral in order to borrow money from someone. Furthermore, the injured party said that the defendant did not treat her as his wife, and mistreated her, and threw her clothes out of the house and ejected her from the house, so she and her children are living in a rental house.

The witness NCF, who is the daughter of the defendant and the injured party, stated that she always heard her mother and father arguing. One day the witness saw the defendant pick up a rock and he was going to throw it at the injured party, however he did not manage to do so because the witness stopped the defendant from committing this act. Also, the witness testified that the defendant always came home late at night after gambling on machines and sometimes people came to their house yelling and asking for money that the defendant owed them, and this made the witness and her younger siblings feel afraid.

The witness added that since 2021 the defendant and the injured party have been living separately, and the injured party pays for the schooling of the witness and her younger siblings. In 2024 the defendant was working with the Ministry of Communication and gave US\$50 - US\$100 to the witness and her younger siblings and picked them up and took them out for the day and they had lunch.

After evaluating the facts, the court found that while the defendant was living with the injured party he caused her significant suffering and grief because he constantly hit her and insulted her, as mentioned in the indictment. Therefore, the court found that all of the facts set out in the indictment were proven.

Based on the facts that were proven, and after considering all of the circumstances surrounding this crime, the court concluded the matter and sentenced the defendant with an effective term of two (2) years in prison.

JSMP recommends for judicial actors to also refer to international conventions relating to cases of gender based violence in their charges to further strengthen the decisions of the courts.

This case was registered by the court as Case No. 0341/21. DICMR, and the trial was presided over by Ana Paula Fonseca, representing a Panel of Judges. Meanwhile, the Prosecution was represented by Luis Hernani Rangel da Cruz, and the defendant was represented by João de Carvalho from the Office of the Public Defender.

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