



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Case Summary
The Oecusse District Court
September 2018

Affirmation: 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	Number of cases
Article 154 of the Penal Code (PC)	Mistreatment of a spouse	1
Articles 171, 176, 181, 145 and Article 157 (PC)	Sexual coercion, child pornography, sexual exhibitionism, simple offences against physical integrity and the crime of threats	1
Article 316 of the PC	Smuggling	5
Article 252 of the PC	Aggravated larceny	1
Articles 316 and 211 of the Penal Code	Smuggling and crime of prohibited weapons	1
Articles 252 and 271 of the Penal Code	Aggravated larceny, crime of simple reception of stolen goods	1
Article 145 of the PC	Simple offences against physical integrity	1
Total	11	11

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2. Total decisions monitored by JSMP: 1*

Type of decision	Number of cases
Withdrawal of complaint	1
Total	1

3. Total cases adjourned based on JSMP monitoring: 2

Reason for adjournment	Number of cases
The defendant was absent	2
Total	2

4. Total ongoing cases based on JSMP monitoring: 8

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

1. Crime of simple offences against physical integrity

Case No. : 0002/18.OEBCN
Composition of the Court : Single judge
Judge : João Ribeiro
Prosecutor : Mateus Nesi
Public Defender : Marcelino Marques Coro
Type of penalty : Validating withdrawal of complaint

On 24 September 2018 the Oecusse District Court attempted conciliation in a case of simple offences against physical integrity involving the defendant Maria Sufa Quebo and the victim Octaviano Caet (10 years old), in Beneufe Village, Nitibe Sub-District, Oecusse District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 9 January 2018, at approximately 2.00pm, the defendant used the blunt end of a machete to strike the victim once on her left side, once on the victim's left elbow. The defendant then struck the victim once on the left shoulder and struck the victim once

* This case summary is very limited because during the first and second weeks the Oecusse District Court was still on its judicial recess. The courts, including the Oecusse District court, only recommenced their normal activities in the third week of September 2018, but there were no trials scheduled because the Judge Administrator of the Oecusse District Court was participating in a conference in Brazil. The court only scheduled a trial in the fourth week on 25 September 2018.

on the head. The incident occurred because the victim and the defendant's child were fighting, so the defendant committed these acts against the victim. This case also included a medical report from the Baocnana Health Centre and photos from the Vulnerable Persons Unit of the Police.

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.

Presentation 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 the attempted conciliation the defendant apologised to the victim, and stated that she regretted her actions and promised not to commit any other crimes against the victim in the future. The victim agreed and requested for the court to withdraw her complaint against the defendant.

Final recommendations

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

Decision

Based on the request of the victim to withdraw the case and the amicable agreement between the parties, the Court decided to validate the settlement.

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