



**Case Summary**  
**Baucau District Court**  
**February 2022**

**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 Baucau District Court**

**1. Total number of cases monitored by JSMP: 29**

Articles	Case Type	Total Number
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 (Article 2 on the concept of domestic violence, Article 3 on family relationships, Article 35 on different types of domestic violence (DV) and Article 36 on domestic violence as a public crime)	9
Article 154 of the PC & Articles 2, 3, and 35 (a) of the Law Against Domestic Violence	Mistreatment of a spouse	4
Article 20 (1) of the Law on Bladed Weapons	Bladed weapons	2
Articles 145 & 258 (PC)	Crime of simple offences against physical integrity and property damage	2
Article 145 of the PC	Simple offences against physical integrity	3
Article 172 of the PC	Rape	1
Article 258 of the PC	Property damage	1

Article 145 of the PC & Articles 2, 3, and 35 (b) of the LADV and Article 20 (1), Article 2 (2 f) of the Law on Bladed Weapons	Simple offences against physical integrity characterized as DV and use of a bladed weapon	1
Article 138 of the PC & Article 20 (1), Article 2 (2 f) of the Law on Bladed Weapons	Homicide and use of bladed weapon	1
Article 258 of the PC & Articles 252.1 & 145 of the PC	Aggravated property damage, larceny and simple offences against physical integrity	1
Article 157 of the PC & Article 20 (1), Article 2 (2 f) of the Law on Bladed Weapons	Threats and using a bladed weapon	1
Article 146 (1) of the PC	Serious offences against physical integrity	1
Article 157 of the PC & Article 154 of the PC and Articles 2, 3 and 35(a) of Law Against Domestic Violence	Threats and mistreatment of a spouse	1
Article 145 of the PC & Article 20 (1), Article 2 (2 f) of the Law on Bladed Weapons	Simple offences against physical integrity and use of a bladed weapon	1
<b>Total</b>		<b>29</b>

## 2. Total decisions monitored by JSMP: 22

Type of decision	Articles	Total Number
Prison sentence	Article 66	2
Suspension of execution of a prison sentence	Article 68 of the PC	13
Fine	Article 67 of the PC	2

Endorsed Agreement	Article 216 of the CPC	5
<b>Total</b>		<b>22</b>

**3. Total cases adjourned based on JSMP monitoring: 0**

**4. Total ongoing cases based on JSMP monitoring: 7**

**5. Short description of the trial proceedings and decisions in these cases:**

**1. Crime of mistreatment of a spouse**

Case Number : 0015/19. VQWCB

Composition of the Court : Panel

Judges : Florencia Freitas, Jumaity Maria Freitas and  
Sribuana da Costa

Prosecutor : Ambrósio Rangel Freitas

Defence : Sidonio Maria Sarmento

Decision : Prison sentence of 2 years, suspended for 2 years

On 2 February 2021 the Bacau District Court announced its decision in a case of mistreatment of a spouse involving the defendant VP who allegedly committed the offence against his wife in Viqueque Municipality.

**Charges of the Prosecutor**

The public prosecutor alleged that on 24 October 2019 the defendant returned from Baucau and suddenly choked the victim, punched the victim three times in the head, and when the victim screamed the defendant stopped his actions. On 25 October 2019 the victim was asleep and the defendant took a wood saw and struck the victim three times on her back and the victim tried to run away but the defendant punched her three times in the shoulder and used a wood saw to strike the victim once in the head. When the victim went to visit her family, the defendant always became angry so the victim did not feel comfortable with the defendant's behaviour and finally the victim went to live with her parents.

The public 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 prison as well as Articles 2, 3(a) and 35 (a) 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 in relation to the incidents that occurred on 24 and 25 October 2019 he was drunk, and now they are separated and he regretted his actions, and he was a first time offender.

The victim stated that on 24 and 25 October 2019 the defendant was drunk and without any reason the defendant suddenly assaulted her and previously when the defendant got drunk he always argued with the victim. The victim was uncomfortable with the defendant's actions therefore she is now living with her parents and the victim does not want to go back to the defendant.

### **Final recommendations**

The public prosecutor stated that the defendant was guilty of mistreating his spouse based on the confession of the defendant and confirmation of the victim, and the victim also felt uncomfortable with the defendant's cruel actions for two days in a row therefore the victim fled to the home of her parents and now is separated from the defendant, and to prevent the defendant from committing such acts in the future, the public prosecutor requested for the court to apply a prison sentence of two years, suspended for two years.

Meanwhile, the public defender requested for the court to impose a lenient penalty against the defendant considering that he confessed the facts, regretted his actions and was a first time offender.

### **Decision**

After evaluating all of the facts, the court found that on 24 October 2019 the defendant choked the victim and punched her three times in the head. On 25 October 2019 the victim took a wood saw and struck the victim three times on her back and the victim tried to run away but the defendant punched her three times in the shoulder and used a wood saw to strike the victim once in the head. The defendant and the victim are now separated.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed the facts, regretted his actions, and was a first time offender, the court concluded this case and imposed a prison sentence of 2 years against the defendant, suspended for two years.

## **2. Crime of using a bladed weapon**

Case No.	: 0008/20. VQWCB
Composition of the Court	: Panel
Judges	: Florencia Freitas, Jumaity Maria Freitas and Sribuana da Costa
Prosecutor	: Julio da Silva Correia
Defence	: António Fernandes
Decision	: Prison sentence of 3 years, suspended for 3 years

On 3 February 2021 the Baucau District Court announced its decision in a crime of using a bladed weapon involving the defendant João Basilio who allegedly committed the offence against the State of Timor-Leste in Irabin de Baisu Village, Watukarbau Administrative Post, Viqueque Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 1 May 2020 at 6pm, the defendant smashed three plastic chairs and then the defendant took a knife to stab the victim, however he was unable to do so because Mr. Tome, who was a witness, took the knife from the defendant. The actions of the defendant cause the victim to feel afraid and traumatized.

The public prosecutor alleged that the defendant violated Article 20.1 of the Law on Bladed Weapons that carries a maximum penalty of 3-6 years in prison.

### **Examination of evidence**

During the trial the defendant stated that on 1 May 2020 at 6pm the witness was talking a lot and told the defendant to tie up a buffalo and the defendant became angry and kicked a chair and damaged it and took a vegetable knife from the kitchen and then the witness Tome came and took the knife away. The defendant did not use the knife to threaten the witness.

Also, the witness Julio Fernandes stated that he told the defendant to tie up a buffalo, and suddenly the defendant kicked three plastic chairs and damaged them and the witness saw the defendant take out a knife from his pocket and he threw it behind him and then his older brother Tome hit the defendant and the defendant did not use the knife to threaten the witness.

The witness Tome Fernandes stated that he heard his father tell the defendant to go and tie up a buffalo and suddenly the defendant kicked three chairs and damaged them and took out a knife from his pocket and threatened his father and so the witness stopped him.

### **Final recommendations**

The public prosecutor stated that the defendant confessed that he was holding a knife and the witness Tome also said that the defendant used the knife to threaten the witness Julio although the witness Julio denied the facts set out in the indictment. The prosecutor said that the defendant was guilty of committing the crime of using a bladed weapon, therefore the prosecutor requested for the court to impose a prison sentence of 2 years, suspended for 2 years.

Meanwhile, the defence state that during the examination of evidence it was noted that the defendant did not use a knife to threaten the witness Julio and the witness Julio also said that the defendant did not use a knife to threaten him, and for these reason the defence requested for the court to acquit the defendant from the charges.

## **Decision**

After evaluating all of the facts the court found the defendant guilty of using a knife to threaten the victim after the witness stopped him.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed to the facts, regretted his actions, has reconciled with the victim, 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.

### **3. Crime of simple offences against physical integrity and property damage**

Case No.	: 0007/18. BCQLC
Composition of the Court	: Single Judge
Judge	: Florencia Freitas
Prosecutor	: Ambrósio Rangel Freitas
Defence	: Grigório Maria Lourdes de Lima
Decision	: Validating withdrawal of complaint

On 7 February 2022 the Baucau District Court held a hearing to attempt conciliation and endorse an agreement in relation to a crime of simple offences against physical integrity and property damage involving the defendants Ricardo Boavida, Manuel Freitas and Mateus Soares de Jesus and the victim Clementino Cabral, in Bualale Village, Kelikai Administrative Post, Baucau Municipality.

#### **Charges of the Prosecutor**

The public prosecutor alleged that in February 2018 at 5pm the defendant Manuel Freitas arrived at the victim's house and took a shovel to hit the wall and pillar and damaged nearly all of it. Then the other defendant Ricardo Boavida kicked the victim once on his right leg and took away the victim's walking stick which caused him to fall to the ground and when the victim tried to stand up the defendant Mateus Soares again took away his walking stick which caused the victim to fall to the ground. The motive behind this incident was because the victim was occupying the defendants' land.

The public prosecutor alleged that the defendants 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 258 of the Penal Code on property damage that carries a maximum penalty of three years in prison or a fine.

#### **Process of attempted conciliation**

Pursuant to Article 262 of the CPC, before proceeding with the examination of evidence the court may attempt conciliation for semi-public crimes. During the attempted conciliation the victim wanted to withdraw his complaint against the defendants because they are all related. Before the court the three defendants shook hands with the victim and apologised to the victim and the defendants showed their remorse for what they did to the victim and said that this was not good behaviour.

### **Final recommendations**

The public prosecutor stated that during the attempted conciliation the victim wanted to withdraw his complaint because proceedings depend on the victim's decision to continue or not with the matter. Before the court the defendants apologised to the victim. Based on their agreement before the court the prosecutor requested for the court to endorse the withdrawal of complaint.

The defence stated that before the court the defendants showed their regret and apologised to the victims, who are their relatives. Based on this agreement the defence requested for the court to endorse the withdrawal of complaint and acquitted the defendant from the charges.

### **Decision**

Pursuant to Article 262 of the CPC, the court attempted conciliation between the parties and the victim withdrew his complaint against the defendants on the condition that the defendants apologise to the victim, therefore the court issued a decision to endorse the withdrawal of complaint and acquitted the defendants from the charges.

#### **4. Crime of simple offences against physical integrity**

Case No.	: 0013/20. BCLGA
Composition of the Court	: Single Judge
Judge	: Sribuana da Costa
Prosecutor	: Ambrósio Rangel Freitas
Defence	: Grigório Maria Lourdes de Lima
Decision	: Validating withdrawal of complaint

On 7 February 2022 the Baucau District Court conducted a hearing to attempt conciliation and to endorse an agreement relating to the crime of simple offences against physical integrity involving the defendants Aderito da costa Xavier and Marcelino da Costa Xaviers and the victim Jeronimo de Almeida, in Samalri Village, Laga Administrative Post, Baucau Municipality.

#### **Charges of the Prosecutor**

The public prosecutor alleged that on 1 April 2020 at 6:30 pm victim was riding a mio street motorcycle with the numberplate O. 5287.TL, and the defendants stopped on the road so the victim also stopped his motorcycle and then the defendant Aderito approached the victim and said '*where are you going*' and the defendants punched the victim on the back of the neck and kicked him once in the back. Then the defendant Marcelino also kicked the victim twice in the chest.

The public prosecutor alleged that the defendants 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.

### **Process of attempted conciliation**

Pursuant to Article 262 of the CPC, before proceeding with the examination of evidence the court may attempt conciliation for semi-public crimes. During the attempted conciliation the victim wanted to withdraw his complaint against the defendants because they are all related. Before the court the two defendants shook hands with the victim and apologised to the victim and the defendants showed their remorse and said that what they did to the victim was not good.

### **Final recommendations**

The public prosecutor stated that during the attempted conciliation the victim wanted to withdraw his complaint because proceedings depend on the victim's decision to continue or not with the matter. Before the court the defendants apologised to the victim. Based on their agreement before the court the prosecutor requested for the court to endorse the withdrawal of complaint.

The defence stated that before the court the defendants showed their regret and apologised to the victims, who are their relatives. Based on this agreement the defence requested for the court to endorse the withdrawal of complaint and to acquit the defendant from the charges.

### **Decision**

Pursuant to Article 262 of the CPC, the court attempted conciliation between the parties and the victim withdrew his complaint against the defendants on the condition that the defendants apologise to the victim, and therefore the court issued a decision to endorse the withdrawal of complaint and acquitted the defendants from the charges.

## **5. Crime of simple offences against physical integrity and property damage**

Case No.	: 0072/21. BCBCV
Composition of the Court	: Single Judge
Judge	: Sribuana da Costa
Prosecutor	: Ambrósio Rangel Freitas
Defence	: Sidonio Maria Sarmiento
Decision	: Validating withdrawal of complaint

On 7 February 2022 the Baucau District Court held a hearing to attempt conciliation and endorse an agreement in relation to a crime of simple offences against physical integrity and property damage involving the defendant Jorge Delio Marçal Cabral Belo and the victim Agostinho Soares, in Tirilolo Village, Baucau Vila Administrative Post, Baucau Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 3 July 2021 at 11pm in Watulete Neighbourhood, Lutumutu Sub-Village, the victim was watching a soccer match between Italy and Belgium, and the victim saw the defendant and his friends drinking palm wine and the defendant told the victim to drink with them however the victim did not want to so the



defendant argued with the victim and suddenly the defendant kicked the victim twice in the back which caused the victim to fall on the asphalt on his right side which was injured and his left shoulder was injured and swollen, and the defendant punched the victim three times in his mouth, which caused an injury, and struck him once on his ear. The defendant ripped the victim's clothing.

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.

### **Process of attempted conciliation**

Pursuant to Article 262 of the CPC, before proceeding with the examination of evidence the court may attempt conciliation for semi-public crimes. During the attempted conciliation the victim wanted to withdraw his complaint against the defendant because they are all young people who live in the same neighbourhood. Before the court the defendant used his own conscience to provide US\$200.00 for the victim's injuries, and he apologised to the victim and the victim accepted the apology and agreed to withdraw his complaint against the defendant.

### **Final recommendations**

The public prosecutor stated that during the attempted conciliation the victim wanted to withdraw his complaint because proceedings depend on the victim's decision to continue or not with the matter. Before the court the defendant met the conditions of the agreement and apologised and gave US\$200.00 to the victim to redress his suffering. Based on their agreement before the court the prosecutor requested for the court to endorse the withdrawal of complaint.

Meanwhile, the defence stated before the court that the defendant showed remorse and apologised and gave US\$200.00 to the victim to redress the victim's suffering. Based on this agreement the defence requested for the court to endorse the withdrawal of complaint and to acquit the defendant from the charges.

### **Decision**

Pursuant to Article 262 of the CPC, the court attempted conciliation between the parties and the victim withdrew his complaint against the defendant with consideration that the defendant apologized and gave US\$200.00 to the victim, therefore the court issued a decision to endorse the withdrawal of complaint and acquitted the defendant from the charges.

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

Case Number	: 0030/21. LALPL
Composition of the Court	: Single Judge
Judge	: Florencia Freitas
Prosecutor	: Bartolomeu de Araújo
Defence	: Grigório Maria Lourdes de Lima

Decision : 4 months in prison, suspended for 1 year

On 8 February 2022 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant JG who allegedly committed the offence against his wife in Lautem District.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 13 June 2021 at 02:00am the defendant contacted his lover and the victim heard him and asked what was going on. Suddenly the defendant choked the victim and ripped off her clothes and struck the victim on her body.

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 stated that he contacted his younger sister but the victim misunderstood, and they had an argument and the defendant became angry and slapped the victim twice on her back, and the rest of the facts were correct. They have not yet reconciled; the defendant was a first time offender and promised not to reoffend in the future. The defendant works as a farmer to sustain his family.

Also, the victim stated that on 13 June 2021 at 02:00am the victim heard the defendant contact his lover so the victim asked him about it, and they argued and the defendant choked the victim, punched the victim once on her ear. The victim did not go to hospital for treatment. After the incident the victim decided to live separately from the defendant and went to live with her parents in Viqueque Municipality.

### **Final recommendations**

The public prosecutor stated that the defendant denied the facts however he stated that he only slapped the victim twice on the back. Slapping is a crime. However, the victim provided sworn testimony that confirmed all of the facts in the indictment that the defendant assaulted her, as charged. For this reason the public prosecutor requested for the court to impose a prison sentence of 2 months, suspended for 1 year.

Meanwhile, the defence stated that the defendant partially confessed but the defendant showed remorse, therefore the defence requested for the court to apply an appropriate sentence against the defendant.

### **Decision**

After evaluating all of the facts, the court found that the defendant choked the victim and ripped off her clothes and punched her once in the ear.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, the court concluded this case and imposed a prison sentence of 4 months against the defendant, suspended for 1 year.

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

Case Number : 0011/19. BCEVN  
Composition of the Court : Single Judge  
Judge : Florencia Freitas  
Prosecutor : Ambrósio Rangel Freitas  
Defence : Sidonio Maria Sarmiento  
Decision : Fine of US\$ 30.00

On 9 February 2022 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant ELDs who allegedly committed the offence against her husband in Bacau District.

#### **Charges of the Prosecutor**

The public prosecutor alleged that on 17 May 2019, at 10am, the defendant punched the victim once in the bicep, punched the victim once in the stomach and slapped his cheek and ripped his clothes. The reason for this incident was because the victim wanted to separate from the defendant or did not want to live with the defendant anymore.

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 examination of evidence the defendant stated that the victim did not come home after working in England but he went to live with another woman, and suddenly the victim turned up at home and the defendant became angry and assaulted the victim. The defendant and her two children are now living in the house where the victim was living before he went to England and now the victim is with another woman.

The victim confirmed the facts set out in the indictment, and the victim and the defendant have not yet reconciled and the victim is with another woman, and the defendant regretted her actions.

#### **Final recommendations**

During the trial the defendant confessed all of the facts that constitute a crime and the victim also confirmed the facts in the indictment, and they have not yet reconciled, and the defendant cooperated with justice and did not make it difficult for the court to find the truth in this matter. Therefore, the public prosecutor requested for the court to impose a prison sentence of six months against the defendant, suspended for one year.

The public defender requested for the court to impose a lenient penalty against the defendant because the defendant confessed all of the facts in the indictment without reservation, and regretted her actions.

### **Decision**

After evaluating all of the facts, the court found that the defendant punched the victim on his left bicep, punched him once in the stomach, slapped his cheek, and ripped his clothes.

Based on the facts that were proven, and with consideration of the mitigating circumstances, namely the defendant regretted their actions, was a first time offender, and they are separated, therefore the court concluded this matter and ordered the defendant to pay a fine of US\$30 to be paid in instalments of US 50 cents per day for 60 days. The court also imposed an alternative penalty of 40 days in prison if the defendant does not pay this fine.

### **8. Crime of mistreatment of a spouse**

Case No.	: 0011/20. VQLLT
Composition of the Court	: Panel
Judges	: Florencia Freitas, Jumiaty Freitas and Sribuana da Costa
Prosecutor	: Ambrósio Rangel Freitas
Defence	: Sidonio Maria Sarmiento
Decision	: Prison sentence of 2 years, suspended for 2 years

On 10 February 2022 the Baucau District Court announced its decision in a case of mistreatment of a spouse involving the defendant SFS who allegedly committed the offence against his wife in Viqueque Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 29 August 2020 the defendant took a branch and struck the victim many times in the head and on 31 August 2020 the defendant took a branch and struck the victim many times on her body. The incident occurred because the victim went to sell things at the market but left their child at home alone.

The public 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 in prison as well as Articles 2, 3 and 35 of the Law Against Domestic Violence.

### **Examination of evidence**

During the trial, the defendant confessed to all of the facts in the indictment stated that after the incident he did not hit the victim again, regretted his actions, has reconciled and promised to the court not to repeat his actions against the victim or other person in the future, was a first time offender, and works as a farmer to support his family.

The victim confirmed all of the facts set out in the indictment and stated that after this incident the defendant has not physically assaulted the victim. The victim also stated that after the incident they immediately reconciled and he has not hit the victim again.

### **Final recommendations**

The prosecutor said that the defendant's actions were proven based on all of the facts in the indictment because during the examination of evidence the defendant totally confessed and the victim confirmed the charges without reservation, therefore the prosecutor believed that the defendant was guilty of committing the crime that he was charged with, for this reason the prosecutor requested for the court to impose a prison sentence of two years, suspended for two years.

The public defender stated that during the examination of evidence the defendant collaborated with the court and confessed to all of the facts in the indictment, regretted his actions, has reconciled, was a first time offender. Therefore, the defence requested for the court to impose a lenient penalty against the defendant.

### **Decision**

After evaluating all of the facts, the court found that on 29 August 2020 the defendant took a branch and struck the victim many times in the head and on 31 August 2020 the defendant took a branch and struck the victim many times on her body.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, was a first time offender, and has reconciled with the victim, therefore the court concluded this case and imposed a prison sentence of 2 years against the defendant, suspended for 2 years.

## **9. Crime of Sexual Coercion**

Case No.	: 0001/21. VQWCB
Composition of the Court	: Panel
Judges	: Florencia Freitas, Jumiaty Freitas and Sribuana da Costa
Prosecutor	: Ambrósio Rangel Freitas
Defence	: Sidonio Maria Sarmiento
Decision	: Prison sentence of 3 years, suspended for years

On 10 February 2022 the Baucau District Court announced its decision in a case of sexual coercion involving the defendant JX and the victim LP, which allegedly occurred in Viqueque Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 25 January 2021, at approximately 7am, Cipriano went to the defendant's place of residence to ask him to work on Mr. Cipriano's rice field which is located in the area of Mauleuk Viqueque. Therefore at 11am the defendant went to the rice field, and when he arrived at the rice field the defendant told Mr. Ciprinano that he was ill, therefore the defendant went to sleep in a hut in the rice field. The victim went to the hut to get some rice to cook for her brothers who were working in the rice field. When the victim went inside she saw that the defendant was asleep and the victim went to get some rice to put it in a winnowing basket so it could be sorted, and suddenly the defendant woke up and grabbed the victim's two arms and then he squeezed the victim on the left side of her chest, and the victim struck out at the defendant and hit him in the chest, and the defendant let her go, and the victim took the winnowing basket and went to leave the hut but the defendant held the victim from behind and squeezed both of the victim's breasts but the victim used her elbow to strike the defendant in the chest and the defendant let her go and the rice spilled out of the basket. The victim ran away from the hut and told her brother Cipriano who was in the rice field.

The public prosecutor alleged that the defendant violated Article 171 of the Penal Code on sexual coercion that carries a maximum penalty of 2-8 years in prison.

### **Examination of evidence**

During the trial, the defendant stated that at that time the defendant was asleep in the hut in the rice field and was sleeping on top of some rice on a bench and suddenly the victim took the rice that the defendant was sleeping on and the defendant was surprised and the defendant shook off his hand and made contact with the victim's chest and the winnowing basket also fell to the ground and then the victim took the winnowing basket and struck the defendant and said that he grabbed her on the breast.

The victim confirmed all of the facts in the indictment, and after the incident the defendant went to the police station and the victim and her brother followed the defendant to the police station to immediately inform the police about this case.

The witness Cipriano da Costa Ximenes, who is the brother of the victim, testified that the defendant said he was sick so he was sleeping in the hut in the rice field and the witness was with the others planting rice, and suddenly the victim ran out and said that the defendant grabbed her breasts so the victim and witness went home and then went to the Police and saw the defendant was at the police station.

### **Final recommendations**

The public prosecutor stated that even though the defendant partially confessed to the facts, the victim provided confirmation and the witness also heard information from the victim and went to the police station to make a complaint to the police. The defendant did not show any remorse and did not collaborate with the court to discover the truth, therefore to prevent the defendant from committing such acts in the future the

prosecutor requested for the court to impose a prison sentence of four years against the defendant.

The public defender stated that that based on the examination of evidence during the trial the defendant had no intention to grab the victim on the chest but the victim took some rice and did not tell the defendant and he was surprised and he shook off his hands and made contact with the victim's chest. The defendant was a first time offender, and therefore for the aforementioned reasons the defence requested for the court to impose a lenient penalty against the defendant.

### **Decision**

After evaluating all of the facts, the court gave more weight to the statement of the victim who confirmed the charges, and it was proven that the defendant grabbed both hands of the victim and then used his right hand to squeeze the right breast of the victim, and then the victim took some rice in a winnowing basket and wanted to leave the hut and the defendant grabbed her from behind and squeezed both of her breasts.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant 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.

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

Case No.	: 0019/21.BCLGA.
Composition of the Court	: Panel
Judge	: Florencia Freitas
Prosecutor	: Bartolomeu de Araújo
Defence	: Sidonio Maria Sarmiento
Decision	: Effective penalty of 2 years in prison

On 15 February 2021 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant AVdCP who allegedly committed the offence against his wife in Bacau District.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 10 September 2021 at 1:30pm the defendant was walking and met with the victim and the victim asked for money to buy groceries however the defendant did not give her any money and the victim demanded the money, so the defendant became angry and punched the victim once in the head, punched the victim once on her right cheek, punched the victim once on her right ear, and took a piece of pipe and struck the victim once on her left knee, and kicked her once in the chest and kicked her once in the ribs which caused the victim to fall to the ground. The defendant was no longer with the victim and their children and did not provide them with daily necessities.

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

### **Examination of evidence**

During the trial the defendant confessed the alleged facts and the defendant acknowledged that he had a criminal record.

The victim confirmed all of the facts in the indictment and stated that they are living separately and the defendant has not looked after the day to day needs of the victim and their children.

### **Final recommendations**

The prosecutor alleged that the defendant had previously committed the same crime against the victim and received a prison sentence of six months suspended for one year as well as committing a crime against his second wife for which he received a prison sentence of four months, suspended for one year. This case shows that the defendant has not displayed remorse during the period of suspension, so the prosecutor therefore requested for the court to impose a prison sentence of 1 year against the defendant, suspended for two years.

The public defender stated that based on the examination of evidence, the defendant agreed with the prosecutor's statements.

### **Decision**

After evaluating the facts produced during the trial, the court found that the defendant committed the crime of simple offences against physical integrity characterized as domestic violence against the victim and the defendant had two prior convictions, for an offence against the victim who was his second wife, identified as Case No. 0008/19.BCLGA, which was decided on 4 April 2021 for which the defendant received a prison sentence of six months suspended for one year. The second offence was committed against his first wife, identified as Case No. 0008/19.BCLGA, which was decided on 26 October 2021 for which the defendant received a prison sentence of four months suspended for one year. The defendant did not show remorse when the court applied the suspended sentences against him, so the court concluded this matter and decided to impose an effective prison sentence of 1 year against the defendant.

#### **11. Crime of mistreatment of a spouse**

Case Number : 0061/20. VQVQQ

Composition of the Court : Panel

Judges : Florencia Freitas, Jumaity Maria Freitas and  
Sribuana da Costa

Prosecutor : Julio da Silva Correia

Defence : Sidonio Maria Sarmento



Decision : Prison sentence of 2 years, suspended for years

On 15 February 2022 the Bacau District Court announced its decision in a case of mistreatment of a spouse involving the defendant ASG who allegedly committed the offence against his wife in Viqueque Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 5 December 2020 at 09:00pm the victim told the defendant to cook some rice and then the defendant and victim argued, the defendant became angry and struck the victim once on the back of the neck which caused her to fall to the ground and then the defendant kicked the victim on her backside and grabbed her by the arms to drag her and the victim suffered an injury to her arm. On 11 November 2020 at 11:00 the defendant punched the victim five times in the head and on 28 November 2020 at 11pm the defendant punched the victim once in the head.

The public 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 prison as well as Articles 2, 3(a) and 35 (a) and 36 of the Law Against Domestic Violence.

### **Examination of evidence**

During the trial the defendant stated that that regarding the incident on 5 December 2020 the alleged facts were correct and regarding the incidents on 11 November and 28 November 2020 the defendant and the victim argued because the victim did not want to perform housework, so the defendant became angry and committed the assaults as detailed in the indictment. The defendant regretted his actions, was a first time offender, has reconciled and has not hit the victim again.

The victim confirmed all of the facts in the indictment and stated that in relation to the final incident the victim spent one night in hospital, and needed five days to recover from her injuries, and she has reconciled and the defendant has not hit her again.

### **Final recommendations**

The public prosecutor stated that the defendant was guilty of committing the crime against the victim based on his confession and the confirmation of the victim. The victims committed cruel acts against the victim who is his spouse, and what is worse is that the victim fell over and the defendant continued to assault the victim, and his actions were violent, and even though they have reconciled, the prosecutor requested a sentence that can deter the defendant from reoffending in the future and also to educate the community. Based on these considerations, the public prosecutor requested for the court to sentence the defendant to 2 years in prison, suspended for 3 years.

The public defender stated that that based on the examination of evidence during the trial, they have reconciled, and the defendant has not hit the victim again and they are working together to sustain their family, and for these reasons the defence requested for the court to impose a fair and appropriate sentence on the defendant.

### **Decision**

After evaluating all of the facts, the court found that on 5 December 2020 at 09:00 the defendant punched the victim once on the back of the neck which caused the victim to fall to the ground and then the defendant kicked the victim once on her backside, grabbed the victim by her arms to drag her which caused the victim to suffer an injury to her arm. On 11 November 2020 at 11:00 the defendant punched the victim five times in the head and on 28 November 2020 at 11pm the defendant punched the victim once in the head.

Based on the facts that were proven and consideration of all of the mitigating circumstances, namely that the defendant was a first time offender, regretted his actions and has reconciled with the victim, the court concluded this case and imposed a prison sentence of 2 years against the defendant, suspended for 2 years.

### **12. Crime of simple offences against physical integrity**

Case No.	: 0024/21. LALPL
Composition of the Court	: Single Judge
Judge	: Sribuana da Costa
Prosecutor	: Bartolomeu de Araújo
Defence	: Germano Guterres Ramos
Decision	: Validating withdrawal of complaint

On 21 February 2022 the Baucau District Court, through the mobile court in Lautem Municipality, conducted a hearing to attempt conciliation for the crime of simple offences against physical integrity involving the defendants Manuel Sarmiento Mota, Costodio Mota, Delio Mota and Fidelio Mota and the victims Valente Mota and Anita do santos, in Fuiluru Vilalge, Lospalos Administrative Post, Lautem Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 7 May 2021 at 13:30 the defendant Manuel Sarmiento Mota suspected his younger sibling or victim of secretly selling their buffalo, therefore they had an argument. During this argument the defendant Manuel Sarmiento Mota punched the victim many times in the head which caused the victim to fall down and then the defendant Costodio Mota kicked the victim once on his left ribs, the defendant Delio Mota punched and kicked the victim multiple times in the back and ear whilst the defendant Fidelio Mota punched and kicked the victim multiple times on his back and right cheek. During this incident the defendants also assaulted the victim's wife or the victim Anita do Santos. The defendant Costodio Mota punched the victim

many times in the head and punched the victim once above her left eye, and the defendant Fidelio Mota kicked the victim many times in the back, and the defendant Delio Mota punched the victim many times in the head, whilst the victim Manuel Sarmiento Mota punched and kicked the victim multiple times in the chest.

The public prosecutor alleged that the defendants 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.

### **Process of attempted conciliation**

Pursuant to Article 262 of the CPC, before proceeding with the examination of evidence, the court may attempt conciliation for semi-public crimes. During the attempted conciliation the parties agreed for the defendants to apologise to the victims and to provide two pieces of *tais* (traditional cloth) for men to the victims to strengthen their family relations, and based on this condition the victims withdrew their complaint against the defendants.

### **Final recommendations**

The public prosecutor stated that during the attempted conciliation the victims wanted to withdraw their complaint because proceedings depend on the victims' decision to continue or not with the matter. The defendants gave two *tais* to the victims and apologized with a sincere statement that in the future no problems will occur between them. Based on their agreement, the prosecutor requested for the court to endorse the withdrawal of complaint.

Meanwhile, the prosecutor stated that before the court the defendants apologized for their behaviour and gave two *tais* to strengthen their relations. Based on this agreement the defence requested for the court to endorse the withdrawal of complaint and acquitted the defendant from the charges.

### **Decision**

After the attempted conciliation, as provided for in Article 262 of the CPC, the victims withdrew their complaint against the defendants on the condition that the defendants must apologise and give two *tais* to the victims, therefore the court issued an instruction to endorse the withdrawal of complaint and acquitted the defendants from the charges.

## **13. Crime of property damage**

Case No.	: 0011/20. LALMAR
Composition of the Court	: Single Judge
Judge	: Florencia Freitas
Prosecutor	: Bartolomeu de Araújo
Defence	: Germano Guterres Ramos
Decision	: Validating withdrawal of complaint

On 21 February 2022 the Baucau District Court, through the mobile court in Lautem Municipality, conducted a hearing to attempt conciliation for the crime of property damage involving the defendant Jaime Jeronimo and the victim Ermelinda Miranda, in Ailebere Village, Iliomar Administrative Post, Lautem Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 6 September 2020 at an unknown time in the area of Paitomar, Lailor Sub-Village, Aileibere Village the victim went to her plantation and saw the defendant's buffalo had entered the victim's farm and damaged crops and food such as corn, cassava, papaya, pumpkins, string beans, mung beans and peanuts.

The public prosecutor alleged that the defendant violated Article 258 of the Penal Code on property damage with that carries a maximum penalty of 3 years in prison or a fine.

### **Process of attempted conciliation**

Pursuant to Article 262 of the CPC, before proceeding with the examination of evidence, the court may attempt conciliation for semi-public crimes. During the attempted conciliation the victim wanted to withdraw her complaint against the defendant on the condition that the defendant must ensure that his buffalo does not damage the crops of the victim and the defendant accepted the request of the victim before the court and apologized to the victim.

### **Final recommendations**

The public prosecutor stated that during the attempted conciliation the victim did not ask anything from the defendant but in the future the defendant needs to make sure his buffalo does not damage the victim's crops. They are related and the defendant agreed and apologized to the victim and the victim withdrew the complaint against the defendant before the court. Therefore the court endorsed the withdrawal of complaint.

The defence stated that before the court the defendant regretted his behaviour and apologized to the victim, and they are relatives. Therefore the defence requested for the court to endorse the withdrawal of complaint and to acquit the defendant from the charges.

### **Decision**

After the attempted conciliation pursuant to Article 262 of the CPC the victim withdrew the complaint against the defendant because he apologized, therefore the court issued an instruction to endorse the withdrawal of complaint and acquitted the defendant from the charges.

### **Crime of simple offences against physical integrity characterized as domestic violence**

Case No. : 0005/21. LALAT.  
Composition of the Court : Single Judge  
Judge : Sribuana da Costa  
Prosecutor : Bartolomeu de Araújo

Defence : Germano Guterres Ramos  
Decision : 1 month in prison, suspended for 1 year

On 21 February 2022 the Baucau District Court, via the mobile court in Lautem District, announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant APdS who allegedly committed the offence against his wife in Lautem District.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 27 January 2021 at 8:00am the victim told the defendant to watch their child however the defendant said no, and they argued and the defendant became angry and punched the victim once in her forehead and punched the victim once in the chest which caused swelling and pain to the victim's forehead and chest.

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 stated the alleged facts were correct, and they reconciled after the incident, he regretted his actions, was a first time offender and promised not to repeat such acts against the victim in the future.

Also, the victim said that she was going to do some chores in the kitchen and she told the defendant to look after their child however the defendant did not want to, so they argued and the defendant became angry and punched the victim once in her forehead and punched the victim once in the chest and after the incident they immediately reconciled and the victim has not hit the victim again.

### **Final recommendations**

The public prosecutor stated that the defendant is also obliged to look after their children when the victim is performing chores, and the defendant committed the crime of simple offences against physical integrity against his wife characterized as domestic violence, and even though they have reconciled, in order to deter the defendant from reoffending in the future the prosecutor requested for the court to apply a prison sentence of one month, suspended for one year.

The defence stated that during the examination of evidence the defendant confessed to all of the alleged facts, expressed remorse for his actions, has reconciled, and was a first time offender, therefore the defence requested for the court to impose a fair penalty against the defendant.

### **Decision**

After evaluating all of the facts, the court found that the defendant punched the victim once in the chest and punched her once in the chest.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, was a first time offender, and has reconciled with the victim, the court concluded this case and imposed a prison sentence of 1 month against the defendant, suspended for 1 year.

#### **14. Crime of simple offences against physical integrity characterized as domestic violence**

Case Number : 0029/20. LALPL  
Composition of the Court : Single Judge  
Judge : Sribuana da Costa  
Prosecutor : Bartolomeu de Araújo  
Defence : Germano Guterres Ramos  
Decision : 1 month in prison, suspended for 1 year

On 22 February 2022 the Baucau District Court, via the mobile court in Lautem District, announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant EdC who allegedly committed the offence against his wife in Lautem District.

#### **Charges of the Prosecutor**

The public prosecutor alleged that on 17 December 2020 at 11:30am for no reason at all the defendant slapped the victim many times on her left and right cheeks and punched the victim many times on her back.

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 acknowledged that he assaulted the victim however the defendant did not know why, because the defendant suddenly assaulted the victim. He regretted his actions, was a first time offender and after three days they reconciled and he has not hit the victim again.

Also, the victim stated that she was at home and suddenly the defendant assaulted her by slapping her many times on her left and right cheeks and also punched her many times in the back. They have reconciled and since the incident the defendant has not hit her again.

#### **Final recommendations**

The public prosecutor stated that the defendant was at home and for no reason he assaulted the victim. The defendant's conduct fulfilled the elements of Article 145 of the

Penal Code, therefore even though they have reconciled, it is necessary to deter the defendant from reoffending against any person in the future. For this reason, the public prosecutor requested for the court to impose a prison sentence of 1 month, suspended for 1 year.

The defence stated that the defendant confessed all of the facts set out in the indictment, has reconciled, regretted his actions and was a first time offender. Therefore the defence requested for the court to admonish the defendant.

### **Decision**

After evaluating all of the facts, the court found that the defendant slapped the victim many times on her left and right cheeks and punched her many times in the back.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed to the facts, regretted his actions, was a first time offender, has reconciled with the victim, the court concluded this case and imposed a prison sentence of 1 month against the defendant, suspended for 1 year.

### **15. Crime of using a bladed weapon**

Case No.	: 0015/21. LALPL
Composition of the Court	: Panel
Judges	: Florencia Freias, Sribuana da Costa and José António d. Escurial,
Prosecutor	: Bartolomeu de Araújo
Defence	: Germano Guterres Ramos
Decision	: Prison sentence of 3 years, suspended for years

On 23 February 2022 the Baucau District Court, through the mobile court in Lautem Municipality, conducted a hearing for the crime of using a bladed weapon involving Julio Alegria who allegedly committed the offence against the State of Timor-Leste in Fuiluru Village, Lospalos Administrative Post, Lautem Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 25 December 2020 at 8:00am the defendant was intoxicated and was holding a sword and went to the home of the witness Marizito Fernades and the defendant slashed at corrugated iron and caused damage.

The public prosecutor alleged that the defendant violated Article 2.1b, 2e and Article 20.1 of the Law on Bladed Weapons that carries a maximum penalty of 3-6 years in prison.

### **Examination of evidence**

During the trial the defendant stated that at that time he was intoxicated and he admitted he used a sword, he regretted his behaviour, was a first time offender, and the defendant works on public transport with a monthly wage of US\$115.00.

Also, the court did not require the testimony of the witness Marizito Fernades because the defendant confessed all of the alleged facts in the indictment.

### **Final recommendations**

The public prosecutor stated that the defendant confessed that he used the sword for improper purposes, as he committed a crime. The prosecutor said that the defendant was guilty of committing the crime of using a bladed weapon, therefore the prosecutor requested for the court to impose a prison sentence of 3 years, suspended for 3 years.

The defence stated that during the examination of evidence the defendant confessed and cooperated with justice and regretted his actions, therefore the defence requested for the court to impose a fair penalty against the defendant.

### **Decision**

After evaluating all of the facts, the court found that the defendant used a sword to damage the corrugated iron belonging to the witness.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, 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.

### **16. Crime of simple offences against physical integrity characterized as domestic violence**

Case Number	: 0009/21. LALPL
Composition of the Court	: Single Judge
Judge	: Florencia Freitas
Prosecutor	: João Marques
Defence	: Germano Guterres Ramos
Decision	: 1 month in prison, suspended for 1 year

On 23 February 2021 the Baucau District Court, via the mobile court in Lautem District, announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant AG who allegedly committed the offence against his wife in Lautem District.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 11 February 2021 at 5pm the defendant and the victim went to their plantation, and the defendant punched the victim on her right cheek and pushed the victim to the ground, stood on the victim's left cheek and choked the victim and took a branch to stick it in the victim's mouth, however he did not manage to do so, and used the branch to strike the victim twice on her backside and the victim ran away to her parent's home.



The public prosecutor alleged that defendant committed two crimes as a joinder that 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 stated that at that time the defendant was intoxicated and when he sobered up he found out that he had hit the victim He has reconciled, regretted his actions, and was a first time offender.

Also, the victim stated that the defendant was intoxicated and the victim didn't know why but suddenly the defendant assaulted the victim, as alleged. They reconciled after the incident and the defendant has not hit her again.

### **Final recommendations**

The public prosecutor stated that the defendant was guilty of committing the crime against the victim based on the statement of the defendant and the confirmation of the victim, and even though they have reconciled it is necessary to deter the defendant from repeating his behaviour against a family member in the future. For this reason the public prosecutor requested for the court to impose a prison sentence of 1 year, suspended for 1 year.

Meanwhile, the defence stated that at that time the defendant was intoxicated and when he sobered up he found out that he had assaulted the victim. The defendant regretted his behaviour, has reconciled with the victim, and was a first-time offender. Therefore the defence requested for the court to impose a fair penalty against the defendant.

### **Decision**

After evaluating all of the facts, the court found that the defendant punched the victim on her right cheek and pushed her to the ground, stood on the victim's left cheek and choked the victim and took a branch to put it in the victim's mouth, however he did not manage to do so, and then he punched the victim twice on her backside.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, was a first time offender and has reconciled with the victim, the court concluded this case and said that the defendant committed the crime against his wife, so the court imposed a prison sentence of 1 month against the defendant, suspended for 1 year.

### **17. Crime of simple offences against physical integrity characterized as domestic violence**

Case Number	: 0074/21. LASIC
Composition of the Court	: Single Judge
Judge	: Florencia Freitas
Prosecutor	: Bartolomeu de Araújo
Defence	: Grigório Maria Lourdes de Lima

Decision : Single penalty of 4 months in prison, suspended for 1 year

On 23 February 2021 the Baucau District Court, via the mobile court in Lautem District, announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MR who allegedly committed the offence against his wife AAdC and child AdCF in Lautem District.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 11 October 2020 at 8am the defendant came home from work and the victim did not greet the defendant, so he became angry and threw a torch at the victim but missed. The defendant took a piece of rattan and struck the victim three times on her back and the tip of the rattan struck the victim AdCF (their child) on his body.

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 stated that all of the alleged facts were true, and after the incident they immediately reconciled, and he has continued to live with his wife and son, he regretted his actions, was a first time offender. The defendant works as a farmer to sustain his family.

Meanwhile the victim stated that at that time the defendant suspected the victim of having a romantic relationship with another man so they argued and the defendant took a torch and threw it at the victim but he missed, and then he took a piece of rattan and struck the victim three times on her back and the tip of the rattan hit their son who the victim was holding at the time. After the incident they reconciled and now they are working together to sustain themselves.

### **Final recommendations**

The public prosecutor stated that during the trial the defendant confessed and the victim confirmed all of the facts in the indictment, and based on the statements of the victim the prosecutor believed that the crime of assault was committed, therefore the prosecutor requested for the court to impose a single sentence of three months against the defendant, suspended for one year.

The defence stated that that based on the examination of evidence during the trial, the defendant confessed, they have reconciled, and the defendant has not hit the victim again and they are working together to sustain their family, and for these reasons the defence requested for the court to impose a fair sentence on the defendant.

### **Decision**

After evaluating all of the facts, the court found that the defendant took a piece of rattan and struck the victim AadC three times on her back and the tip of the rattan struck the victim AdCF on his body.

Based on the facts that were proven and also consideration of the mitigating circumstances such as the defendant has reconciled with the victim, the court concluded this matter and sentenced the defendant to a single penalty of four months in prison, suspended for 1 year.

### **18. Crime of simple offences against physical integrity characterized as domestic violence**

Case No. : 0015/21. LALPL  
Composition of the Court : Single Judge  
Judge : José António d. Escurial  
Prosecutor : Bartolomeu de Araújo  
Defence : Germano Guterres Ramos  
Decision : Fine of US\$ 15.00

On 23 February 2022 the Baucau District Court, via the mobile court in Lautem District, announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant CMG who allegedly committed the offence against his wife in Lautem District.

#### **Charges of the Prosecutor**

The public prosecutor alleged that on 14 March 2021 at 4pm the defendant and his son had a fight so the victim scolded the defendant, so the defendant and the victim argued, and the defendant became angry and pulled the victim's hair which caused her to suffer a head ache.

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 stated that they were preparing some flowers to place on their daughter's grave and the defendant saw their two children arguing so he became angry and yelled and the victim came over and they argued so the defendant became angry and pulled the victim's hair, and then one day after the incident they reconciled. The defendant regretted his actions, was a first time offender, and they started their family in 1988 and have 7 children. The defendant works as farmer and tradesperson.

The victim confirmed that their children were arguing so the defendant yelled at the victim therefore they argued and the defendant became angry and assaulted the victim, and pulled the victim's hair and the victim felt pain and she made a complaint at the

Lospalos Police Station, and one day after the incident they reconciled and the defendant has not hit the victim again.

### **Final recommendations**

The public prosecutor stated that the defendant should not have assaulted the victim, and the defendant could not control himself, and even though they have reconciled the prosecutor requested for the court to impose a fine against the defendant of US\$15, to be paid in daily instalments of 50 cents for 30 days.

The defence stated that that the defendant confessed all of the facts, has reconciled with the victim, regretted his behaviour, and they have been together for a very long time and this was the first time that he had assaulted the victim, therefore the defence requested for the court to issue an appropriate penalty against the defendant.

### **Decision**

After evaluating all of the facts, the court found that the defendant pulled the victim's hair.

Based on the facts that were proven, and with consideration of the mitigating circumstances, namely the defendant confessed, regretted his actions, was a first time offender, and has reconciled with the victim, the court concluded this matter and ordered the defendant to pay a fine of US\$15 to be paid in instalments of US 50 cents per day for 30 days. The court also imposed an alternative penalty of 20 days in prison if the defendant does not pay this fine.

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

Case Number	: 0009/20. MNLLB
Composition of the Court	: Panel
Judges	: Sribuana da Costa, Florencia Freitas and José António d. Escurial
Prosecutor	: Ambrósio Rangel Freitas
Defence	: Sidonio Maria Sarmento
Decision	: Single punishment of 3 years, suspended for 3 years

On 28 February 2022 the Baucau District Court 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 FS (uncle) who allegedly committed the offence against his niece TC and the State of Timor-Leste in Manatuto District.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 21 July 2020 at 09:00am the victim was sitting down sewing some clothes and suddenly the defendant turned up and pointed a

machete at the victim's head and said "*one day you will pay with your body*" and suddenly the defendant slashed the victim on the left side of her forehead, and the victim tried to run away but couldn't because her two children were also sitting there. The victim received treatment at the Health Centre and received two stitches to her wound.

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 and Article 20.1 and Article 2.2 (f) of the Law on Bladed Weapons that carries a penalty of 3-6 years in prison.

### **Examination of evidence**

During the trial, the defendant stated that victim was out walking and the defendant saw that they victim's baby had soiled himself and was rubbing the poo on his body so they defendant went to clean the baby and when the victim appeared the defendant asked her "*Where did you go, because the baby has soiled himself. It's very dirty*" and the victim told the defendant "*don't tell me what to do*", so the defendant got angry and took a machete and used the back of the machete to stab the victim in the head, and the defendant did not say "*one day you will pay with your body*". After the incident they reconciled, and the defendant regretted his actions, was a first time offender and the defendant works as a farmer to sustain his family.

Meanwhile, the victim stated that at that time she was sitting down and sewing some clothes and suddenly the defendant came and said "*one day you will pay with your body*" and suddenly the machete struck the victim in the head and the victim did not know if it was the back of the machete or the blade which struck her because she was crouching down and did not see. After the incident they reconciled and until now the defendant has not assaulted the victim again.

### **Final recommendations**

The public prosecutor stated that the defendant was guilty because the defendant and the victim confirmed the facts. Therefore, the public prosecutor requested for the court to impose a single prison sentence of two years and six months against the defendant, suspended for three years.

The defence stated that the defendant confessed, has reconciled with the victim, regretted his actions and now they are living together as uncle and niece. Therefore the defence requested for the court to impose a lenient penalty against the defendant.

## **Decision**

After evaluating all of the facts, the court found that the defendant pointed a machete at the victim's head and slashed the victim on the left side of her forehead and the victim received treatment at the Laklubar Health Centre and received two stitches to her injury.

Based on the facts that were proven and all of the mitigating circumstances, namely that the defendant regretted his actions, and was a first time offender, and has reconciled, the court concluded this case and imposed a single prison sentence of 3 years against the defendant, suspended for 3 years.

### **20. Crime of homicide and use of bladed weapon**

Case Number : 0095/20. BCSIC  
Composition of the Court : Panel  
Judges : Sribuana da Costa, Florencia Freitas and José António d. Escurial  
Prosecutor : João Marques  
Defence : Ismail Asunção Lopes (Lawyer)  
Decision : 10 years in prison

On 28 February 2022 the Baucau District Court announced its decision in a case of homicide and using a bladed weapon involving the defendant Joao Freitas da Costa and the victim Joanico da Costa Perreira and the State of Timor-Leste, in Baucau Vila Administrative Post, Baucau Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 31 December 2020 at 21:30 at the RSS vila nova Baucau the defendant and his group attacked and threw stones and some young people including the victim from the loriku neighbourhood, and during this attack the defendant was carrying a machete and when he met the victim he slashed him in the head which caused a serious injury and after he slashed him, the defendant ran away from the scene of the crime and handed himself to the police.

The public prosecutor alleged that the defendant violated Article 138 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of 8-20 years in prison as well as Article 20.1 and Article 2.2 (f) of the Law on Bladed Weapons that carries a penalty of 3-6 years in prison.

### **Examination of evidence**

During the trial the defendant stated that his older brother is a soothsayer and every year he performs rituals for people who are sick, and suddenly the victim and his group came and attacked them, and the defendant saw the victim hiding under a tree and he threw a rock and the defendant was hit in the stomach and therefore the defendant took

a machete, and chased and slashed the victim once in the head, and then the defendant fled and handed himself into the police. The victim did not die at the scene, however he died when they got back to their neighbourhood.

The witness Aguida Juleita Freitas Soares stated that at that time she heard the defendant and his group throw stones at her house and other houses in the neighbourhood, and the witness ran away and two of her children were throwing stones so she called them to come home, then the witness saw the victim walking with his head tilted to one side and the witness saw that he had an injury to his head so she called her husband to take the victim to the Baucau Regional Hospital.

### **Final recommendations**

The public prosecutor stated that during the examination of evidence the defendant confessed that he used a machete to slash the victim in the head which cause him to die in hospital, and the witness stated that the defendant and his group had attacked the victim's neighbourhood. Therefore the prosecutor requested for the court to issue a single penalty of 12 years in prison against the defendant.

The defence state that the court should not just consider the outcome of the crime, but should consider the crime committed by the defendant, namely serious offences against physical integrity, and therefore the defendant should be acquitted from the crime of homicide. In relation to the crime of using a bladed weapon, the defence requested for the court to uphold justice for the defendant.

### **Decision**

After evaluating all of the facts, the court found that the defendant took a machete and slashed the victim in the head which caused an injury and the victim died in hospital.

Based on the facts that were proven and consideration of all of the mitigating circumstances, namely that the defendant regretted his actions, and was a first time offender, the court concluded this case and imposed a single prison sentence of 10 years against the defendant.

### **21. Crime of simple offences against physical integrity characterized as domestic violence**

Case Number	: 0052/20.MNMNT
Composition of the Court	: Single Judge
Judge	: Sribuana da Costa
Prosecutor	: Ambrósio Rangel Freitas
Defence	: Sidonio Maria Sarmento
Decision	: Single penalty of 6 months in prison, suspended for 1 year

On 28 February 2022 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterized as domestic violence involving the defendant ASE who allegedly committed the offence against his wife LAdSdC and daughter LDRdRE in Manatuto Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 3 December 2020 at 5pm the victim Ledisiza was fighting with her sister Ana and the defendant became angry and took a branch and struck the victim twice in the stomach. The victim Ledisizia told her mother Luiza about this incident and the victim Luiza said to the defendant "*You are a homo, when the children were fighting, you intervened and hit the kid*". When the defendant heard the word 'homo' he became angry and punched the victim three times on her left ear, and punched the victim twice on her right arm and punched her twice in the head.

The public prosecutor alleged that the defendant committed a joinder of crimes in violation of 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, 35(b) of the Law Against Domestic Violence.

### **Examination of evidence**

During the trial, it was stated that the victim Ledisiza was play fighting with her cousin and the defendant took a branch and struck her three times on her calf, not in the stomach. When the victim Luisa came over and called the defendant a 'homo' he became angry and slapped the victim three times on her right cheek near her ear and punched the victim twice in the head.

Meanwhile the victim stated that Luisa had an argument with the defendant because he hit the victim Ledisiza and the victim called the defendant a 'homo' so the defendant punched the victim three times on her left ear, punched her twice on her right arm and punched the victim twice in the head and the victim Ledisiza stated that the defendant used a branch to strike her twice on her calf.

### **Final recommendations**

The public prosecutor stated that during the trial the defendant partially confessed however the victim Luisa confirmed the allegations and the victim Ledisiza confirmed the statement of the defendant that he struck her on the calf. Even though they have reconciled, it is necessary to deter the defendant from engaging in such conduct in the future by assaulting family members. For this reason the prosecutor requested for the court to impose a single prison sentence of 6 months, suspended for 2 years.

The defence stated that that even though the defendant partially confessed the defendant confessed to the facts that constitute a crime that was committed against the victim, and they immediately reconciled, and he has not hit the victims again, he regretted his actions, and works as a farmer to sustain his family and for these reasons the defence requested for the court to impose a lenient penalty against the defendant.

### **Decision**

After evaluating all of the facts, the court found that the defendant used a branch to strike his daughter twice on her calf and assaulted his wife by punching her three times



on her left ear, and punched her twice on her right arm, and punched her twice in the head.

Based on the facts that were proven and consideration of all of the mitigating circumstances, namely that the defendant confessed the facts, regretted his actions, was a first time offender, and has reconciled, the court concluded this case and imposed a single prison sentence of 6 months against the defendant, suspended for 1 year.

## **22. Crime of threats and using a bladed weapon**

Case No. : 0011/20. BCVMS  
Composition of the Court : Panel  
Judges : Sribuana da Costa, Florencia Freitas and  
Jumiaty Maria Freitas  
Prosecutor : João Marques  
Defence : Sidonio Maria Sarmento  
Decision : Endorsed an agreement, prison sentence for 3 years,  
suspended for 3 years

On 28 February 2021 the Baucau District Court conducted a hearing to attempt conciliation for the crime of threats and examined evidence regarding the crime of using a blade weapon involving the defendant Johanes Antonio Gonzaga da Silva and the victim, his wife Bendita de Jesus Freitas, and the State of Timor-Leste, in Baucau Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 25 September 2020 at 10am the defendant took a machete and threatened the victim by saying '*I will stab you and your parents to death*'. The incident occurred because the victim took the children to her parent's house and did not tell the defendant.

The prosecutor alleged that the defendant violated article 157 of the PC on threats which carries a prison sentence of 1 year and fine and Article 20 (1) of the Law on Bladed Weapons which carries a sentence of 3-6 years.

### **Attempted conciliation**

Before continuing with the presentation of evidence, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the court attempted conciliation between the defendant and the victim in relation to the crime of threats made against the victim because this case was classified as a semi-public crime and is a crime on complaint.

During this attempted conciliation, the victim wanted to withdraw the complaint against the defendant. Based on the agreement of the two parties, the court endorsed the

withdrawal of complaint. Meanwhile, for the crime of using a bladed weapon, the court proceeded to trial.

### **Examination of evidence**

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

Because the defendant confessed therefore the court did not need testimony from the victim.

### **Final recommendations**

The public prosecutor stated that the defendant was guilty of using a machete to frighten the victim, and it is necessary to deter the defendant from repeating such acts in the future, therefore the prosecutor requested for the court to impose a minimum penalty against the defendant, to be suspended for the same period.

The defence stated that during the examination of evidence the defendant confessed to all of the facts, regretted his actions, therefore the defence requested for the court to impose a lenient penalty against the defendant.

### **Decision**

After evaluating all of the facts, the court found that the defendant used a machete to threaten the victim.

Based on the facts that were proven and consideration of all of the mitigating circumstances, namely that the defendant confessed, regretted his actions, 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.

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