



Case Summary
Baucau District Court
November 2019

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: 20

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 and Article 36 on domestic violence as a public crime)	13
Article 154 of the PC	Mistreatment of a spouse	3
Article 139g (PC) and Article 20.1 of Law No. 5/2017	Aggravated homicide and use of a bladed weapon	1
Article 146 (PC) and Article 20.1 of Law No. 5/2017	Serious offences against physical integrity and use of a bladed weapon	1
Article 145 (PC) and Article 20.1 of Law No.	Simple offences against physical integrity and use of a bladed weapon	1

5/2017		
Total		20

2. Total decisions monitored by JSMP: 17

Types of penalties	Total Number
Prison sentence (Article 66)	1
Fine (Article 67)	8
Suspension of execution of a prison sentence (Article 68 of the PC)	6
Suspension of execution of a prison sentence (Article 68 of the PC) with rules of conduct (Article 70 g)	1
Suspension of execution of a prison sentence (Article 68 of the PC) - Endorsed Agreement	1
Total	17

3. Total number of cases adjourned based on JSMP monitoring: 0

4. Total ongoing cases based on JSMP monitoring: 3

B. Descriptive summary of decisions handed down in cases that were monitored by JSMP:

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

Case Number : 0060/19. BCBCV
Composition of the Court : Single Judge
Judge : José Quintão Soares Celestino
Prosecutor : Remizia de Fátima da Silva
Defence : José Maria Caetano Guterres
Decision : 3 months in prison, suspended for 1 year

On 5 November 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant SdC who allegedly committed the offence against his wife in Baucau District.

Charges of the Prosecutor

The prosecutor alleged that on 24 April 2019, at 11:45, the victim and their two underage children were going to visit their grandmother in Suai Municipality, but the defendant did not

accept this. Therefore, they argued and the defendant kicked the victim once on her back. The defendant also took a coconut and struck the victim once on the thigh and twice on the victim's left arm and tried to choke the victim but failed to do so because the victim knocked his hands away. Then, the defendant punched the victim once in the head. The victim received treatment at PRADET in Baucau.

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.

Presentation of evidence

During the trial the defendant confessed all of the facts alleged by the prosecutor and stated that the defendant did not accept the victim and the children going to visit their grandmother because at that time one of their children was sick. The defendant was a first time offender and before the court he promised not to reoffend against the victim or other family members in the future. The defendant regretted his actions and has not hit the victim again.

In addition, the victim reinforced the facts set out in the indictment and confirmed the defendant's statement that they have reconciled and until now the defendant has not beaten her again.

Final recommendations

The public prosecutor stated that based on the confession of the defendant, and the confirmation of the victim, regarding the facts alleged in the indictment, the defendant was guilty of committing the crime against the victim. Therefore, even though they have reconciled, the public prosecutor requested for the court to impose strong measures to prevent the defendant from reoffending in the future. Based on these considerations, the public prosecutor requested for the court to sentence the defendant to 9 months in prison, suspended for 1 year.

Meanwhile, the defence stated that the defendant confessed, cooperated with justice and was a first time offender. Therefore, the public defender 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 kicked the victim once on her back, took a coconut and struck the victim on her thigh and twice on her left arm. The court also found that the defendant tried to choked the victim but did not manage to do so because the victim knocked the defendant's hands away, then the defendant punched the victim once in the head. Based on the facts that were proven and with consideration of all of the mitigating circumstances in this case, namely that the defendant confessed, regretted his actions, has not reoffended against the victim, and was a first time offender, the court imposed a prison sentence of 3 months against the defendant, suspended for 1 year.

2. Crime of mistreatment of a spouse

Case Number	: 0076/18. BCSIC
Composition of the Court	: Panel
Judges	: José Gonçalves, Florencia Freitas and José António de Jesus Escurial da Silva Faria
Prosecutor	: Remizia de Fátima da Silva
Defence	: José Maria Caetano Guterres
Decision	: Prison sentence of 2 years, suspended for 2 years

On 7 November 2019 the Baucau District Court conducted a hearing to announce its decision in a case of mistreatment of a spouse involving the defendant OEF who allegedly committed the offence against his wife in Baucau District.

Charges of the Prosecutor

The public prosecutor alleged that on 26 December 2018, at 8:30pm, the defendant kicked the victim once on her right side, pulled the victim's hair and held her down on the ground, then struck her three times on the back of the neck. Prior to this incident on July 2018 the defendant kicked the victim many times in the stomach until the victim fell to the ground.

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.

Presentation of evidence

During the trial the defendant confessed to the facts set out in the indictment and stated he started a relationship with the victim in 2017 and has one child and was a first time offender. The defendant also stated that he regretted his behaviour, has reconciled with the victim and since the incident the defendant has not hit the victim. The defendant is the breadwinner of his family.

In addition, the victim also confirmed the facts set out in the indictment and added that prior to the assault on 26 December 2018 the defendant and the victim argued about missing vehicle registration papers and after the defendant committed the assault the victim decided to stay at a shelter for three days. Meanwhile, in relation to the incidents that occurred in July 2018 the victim added that the defendant always left the home when the victim was looking after her newborn baby and the victim spoke to the defendant and then the defendant assaulted the victim.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime alleged in the indictment based on the confession of the defendant, and the confirmation of the victim.

Although the defendant committed maltreatment against the victim, he regretted his actions and has not reoffended, and therefore the public prosecutor requested for the court to impose the minimum sentence applicable for this crime against the defendant.

Meanwhile, the defence stated that the defendant confessed his actions, regretted his actions, has reconciled with the victim, and the defendant is the only breadwinner of his family. Therefore the public defender 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 kicked the victim once on her right side, pulled the victim's hair and held her down on the ground, then the defendant struck the victim three times on the back of the neck. The court also found that one year prior to this incident the defendant kicked the victim many times in the stomach until the victim fell to the ground. Based on the facts that were proven, including all of the circumstances, the court sentenced the defendant to 2 years in prison, suspended for 2 years.

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

Case Number	: 0007/17. LALPL
Composition of the Court	: Panel
Judges	: Florencia Freitas Ersilia de Jesus and José António de Jesus Escurial da Silva Faria
Prosecutor	: Remizia de Fátima da Silva
Defence	: Sidónio Maria Sarmiento
Decision	: 3 years in prison, suspended for 3 years and agreement endorsed

On 7 November 2019 the Baucau District Court announced its decision in a case of using a bladed weapon and simple offences against physical integrity involving the defendant Juvinal Matias and the victim Eduardo Tezeira, in Lospalos Sub-District, Lautem District.

Charges of the Prosecutor

The prosecutor alleged that that on 20 June 2017, at 8am, the victim heard the defendant shouting loudly at the gate in front of a shop and saying “All of you workers come out and you will be killed”. At the same time the defendant also shoved the gate with great force. Therefore, the victim approached the gate and suddenly the defendant stabbed the victim in the nose with a spear that caused an injury and bleeding. The victim fainted and fell to the ground.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Article 2.1(b) and Article 20.1 of Law 5/2017 on bladed weapons.

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 simple offences against physical integrity because this case was classified as a semi-public crime and is a crime on complaint.

During this attempted conciliation, the defendant apologised to the victim and promised not to repeat such acts in the future. Therefore, the victim wanted to withdraw his complaint in relation to the crime of simple offences against physical integrity. 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.

Presentation of evidence

During the trial the defendant confessed to all of the facts set out in the indictment, the defendant also stated that he regretted his actions and has not reoffended against any person. The defendant also was a first time offender and is a farmer and he relies on his harvest for food.

In addition, the victim confirmed the facts set out in the indictment and stated that at that time the victim was working the Salvasaun shop when the defendant committed crime against him.

Final recommendations

The prosecutor stated that the defendant was guilty of committing the crime in accordance with the indictment. Therefore, the public prosecutor requested for the court to impose a minimum prison sentence available for this crime against the defendant.

The public defender requested for the court to consider the mitigating circumstances such as the defendant was a first time offender and regretted his actions. In relation to sentencing, the defence agree with the statements of the public prosecutor.

Decision

After evaluating all of the facts, the court found that the defendant used a spear to stab the victim in the nose which caused bleeding. Even though such instruments (spears) are prohibited by the State, the defendant used a spear to stab 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, and was a first time offender, the court concluded this matter and imposed a prison sentence of 3 years against the defendant, suspended for 3 years.

4. Crime of mistreatment of a spouse

Case Number : 0012/19. VQSIC

Composition of the Court : Panel

Judges : Florencia Freitas Ersilia de Jesus and José António de Jesus Escurial da Silva Faria
Prosecutor : Domingos Gouveia Barreto
Defence : José Maria Caetano Guterres
Decision : Prison sentence of 3 years, suspended for 3 years

On 7 November 2019 the Baucau District Court conducted a hearing to announce its decision in a case of mistreatment of a spouse involving the defendant XdC who allegedly committed the offence against his wife in Viqueque District.

Charges of the Prosecutor

The public prosecutor alleged that on 23 April 2019, at 6pm, the victim asked for a machete so that the defendant could split a coconut but the defendant did not pay any attention and immediately choked the victim. On the next day, 24 October 2019, at 7am, the defendant and the victim argued about the incident from the previous day and the victim tore the defendant's shirt. Therefore, the defendant punched the victim once above her right eye and kicked the victim once on her left thigh.

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

Presentation of evidence

During the trial, the defendant used his right to remain silent. In addition, the victim reinforced the facts set out in the indictment and stated that after this incident they reconciled and until now the defendant has not beaten her again. The victim stated that this was the first time that the defendant struck the victim.

Final recommendations

The public prosecutor requested for the court to consider that although the defendant chose to remain silent, he had made a statement before the public prosecution service acknowledging his acts against the victim and during the presentation of evidence the victim confirmed the facts set out in the indictment. Also, the public prosecutor stated that it was necessary to effectively deter the defendant from engaging in such behaviour, and to educate community members to reduce the incidence of maltreatment against spouses in society, because such crimes involving cruel treatment against victims continue to rise. For this reason the prosecutor requested for the court to impose a prison sentence of 2 years, suspended for 2 years against the defendant.

The public defender stated that even though the defendant chose the right to be silent, the victim also stated that after this incident, they reconciled and until now the defendant has not beaten the

victim. Therefore the public defender 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 choked the victim, punched the victim once above her right eye and kicked the victim once on her left thigh. Based on the facts that were proven and consideration of all of the mitigating circumstances, namely that the defendant regretted his actions, and has not reoffended, the court concluded this matter and imposed a prison sentence of 3 years against the defendant, suspended for 3 years.

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

Case Number	: 0004/19. VQWCB
Composition of the Court	: Single Judge
Judge	: José António Jesus Escurial da Silva Faria
Prosecutor	: Domingos Gouveia Barreto
Defence	: José Maria Caetano Guterres
Decision	: Fine of US\$30.00

On 7 November 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant AS who allegedly committed the offence against his wife and his two children (boy and girl) in Viqueque District.

Charges of the Prosecutor

The public prosecutor alleged that on 1 March 2019, at 4pm, the defendant's pig jumped out of its pen. Therefore, the defendant became angry and took a hose and struck his son on the right side of his stomach and struck his daughter on the left side of her stomach. Because she was afraid the defendant's daughter ran over to the defendant's wife. However the defendant used the aforementioned hose and struck his wife once on her left leg and punched the victim once in the head.

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.

Presentation of evidence

During the trial, the defendant stated that all of the facts alleged by the prosecutor were true and that he regretted his actions. The defendant has reconciled with his wife and has not reoffended against his children. In addition, the defendant said that while they were living together this was

the first time the defendant offended against the victims. The defendant is a teacher with a monthly income of US\$150.00.

In addition, the victims reinforced the facts set out in the indictment and confirmed the defendant's statement that until now the defendant has not hit them again.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the actions alleged in the indictment because the defendant confessed his actions and the victims confirmed the facts. Therefore, it had been proven that the defendant committed three crimes against the three victims. Based on this evidence the public prosecutor requested for the court to impose a prison sentence of three months against the defendant for each crime, with the three penalties to be accumulated, and requested for the court to impose a single sentence of nine months in prison, suspended for one year.

Meanwhile, the defence stated that the defendant confessed the alleged facts, regretted his actions, has reconciled with the victims, and the defendant is the only breadwinner of his family. 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 hose to strike his son once on the right side of his stomach, and struck his daughter once on the left side of her stomach, and struck his wife once on her left leg and punched the victim once in the head. Based on the facts that were proven, and consideration of all of the circumstances, the court ordered the defendant to pay a fine of US\$ 30 to be paid in daily instalments of 50 cents for 60 days. The court also imposed an alternative penalty of 40 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	: 0009/19. BCEVN
Composition of the Court	: Single Judge
Judge	: José Quintão Soares Celestino
Prosecutor	: Bartolomeu de Araújo
Defence	: José Maria Caetano Guterres
Decision	: Fine of US\$ 15.00

On 13 November 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant SS who allegedly committed the offence against his wife in Baucau District.

Charges of the Prosecutor

The public prosecutor alleged that on 17 April 2019, at 10pm, the victim was boiling water in the kitchen. The defendant followed the victim into the kitchen and tipped out the hot water. The victim took a chair so she could sit down but the defendant dragged the victim from the kitchen and she fell to the ground. The defendant was still holding on to the victim's hand and dragged her into the bedroom.

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.

Presentation of evidence

During the trial the defendant totally confessed to all of the facts alleged by the public prosecutor and stated that they have been living together for a long time, and now they are elderly. Even though they don't have any children, they have two adopted boys. This was the first time the defendant has hit the victim and the defendant was a first time offender. The defendant also stated that he regretted his actions, has reconciled with the victim, and promised that he would not reoffend against the victim in the future. The defendant is a farmer and earns US\$60.00 per month to support his family.

In addition, the victim confirmed the facts set out in the indictment and stated that the defendant's actions caused her to suffer pain to her left arm and all over her body. The victim also confirmed the defendant's statement that they have reconciled, this was the first time he had hit the victim and has not hit the victim since then.

Final recommendations

The prosecutor stated that the facts alleged in the indictment had been proven. Therefore, the public prosecutor requested for the court to issue an admonishment against the defendant as the most appropriate penalty because the defendant and the victim have been living together for a long time and now they are elderly. The defendant also regretted his actions, this was the first time he hit the victim and he has reconciled with the victim.

In addition, the defence agreed with the recommendations of the public prosecutor because during the presentation of evidence it was revealed that the defendant is the only breadwinner of the family.

Decision

After evaluating the facts, the court found that the defendant dragged the victim from the kitchen and caused the victim to fall to the ground and he was still holding on to the victim's hand and he

dragged her into the bedroom. Based on the mitigating circumstances, namely the defendant confessed, regretted his actions, has reconciled with the victim and was a first time offender, the court 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 30 days in prison if the defendant does not pay this fine.

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

Case Number	: 0040/18. VQSIC
Composition of the Court	: Single Judge
Judge	: José Gonçalves
Prosecutor	: Bartolomeu de Araújo
Defence	: Antonio Fernandes
Decision	: Fine of US\$ 30.00

On 19 November 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant AdS who allegedly committed the offence against his wife in Viqueque District.

Charges of the Prosecutor

The public prosecutor alleged that on 29 October 2018, at 9:30am, the defendant and his family had just returned from Same, and when they arrived at their home in Viqueque, the defendant and the victim went inside the bedroom and argued because the victim did not answer her phone when the defendant and his family members where travelling back from their home in Viqueque. Therefore, the defendant struck the victim three times in the back. The defendant and the victim argued out on the veranda and the defendant pushed the victim against a bamboo bench.

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.

Presentation of evidence

During the trial the defendant confessed all of the facts alleged by the public prosecutor and stated that three days later they reconciled. The defendant stated that he regretted his actions and has not hit the victim again. Also, the defendant stated that he has five children from this relationship that started in 2008 and this was the first time the defendant had hit the victim.

The victim maintained all of the facts in the indictment and confirmed the statement of the defendant that this was the first time he has hit the victim and until now he has not hit the victim again.

Final recommendations

The public prosecutor stated that in relation to the facts alleged in the indictment based on the confession of the defendant and the confirmation of the victim, the defendant was guilty of committing the assault against the victim. Therefore, even though the defendant and the victim have reconciled, the public prosecutor requested for the court to impose strong measures to prevent the defendant from reoffending in the future. Therefore the public defender requested for the court to provide justice to the defendant.

Meanwhile, the defence stated that the defendant confessed, regretted his actions, cooperated with the court, was a first time offender, and is the breadwinner of his family. Therefore, the public defender requested for the court to impose a fair sentence to guarantee the livelihood of the defendant and his family in the future.

Decision

After evaluating the facts, the court found that the defendant struck the victim three times in the back and pushed the victim against a bamboo bench. Based on these proven facts, including the mitigating circumstances, such as the defendant confessed, regretted his actions, has not reoffended, is a first time offender, the court concluded the matter and ordered the defendant to pay a fine of US\$30.00 with daily instalments of US\$0.50 for 60 days. If the defendant does not pay this fine then he will be sent to prison for 40 days as an alternative punishment.

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

Case Number	: 0056/19. BCBCV
Composition of the Court	: Single Judge
Judge	: Ersilia de Jesus
Prosecutor	: Remizia de Fátima da Silva
Defence	: Sidónio Maria Sarmiento
Decision	: 3 months in prison, suspended for 1 year, with rules of conduct

On 19 November 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MP who allegedly committed the offence against his wife in Baucau District.

Charges of the Prosecutor

The public prosecutor alleged that on 24 April 2019, at 8pm, the defendant kicked the victim once in the head and caused the victim to fall to the ground and strike her head against a wall. When the victim stood up, the defendant grabbed the victim's arm and threw her on the ground. Prior to this incident, their son fell down and hurt his head because he ran after the victim who was going to collect some water. The defendant and the victim immediately took their son for

treatment at the Baucau Referral Hospital and when they returned home they argued and the defendant committed the aforementioned assault against the victim.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Articles 2, 3(a), 35(b) and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant confessed his behaviour and said that this was the first time he had hit the victim, and was a first time offender. The defendant also stated that they have reconciled and since the incident the defendant has not hit the victim. The defendant is a construction labourer who provides for his family.

In addition, the victim reinforced the facts set out in the indictment and confirmed that they have reconciled and until now the defendant has not beaten her again. The victim added that she lives with her parents in the mountains and the defendant is living together with his son from his first wife in Baucau in order to work. The defendant visits the victim and their three children every weekend.

Final recommendations

The prosecutor stated that the defendant was guilty of committing the crime against his wife who is his partner who looks after their children, and he should not have committed physical violence against the victim. The defendant's conduct was against the victim's will and disadvantaged the victim. For this reason the public prosecutor requested for the court to impose a prison sentence of 6 months, suspended for 6 months.

Meanwhile, the defence requested for the court to consider the mitigating circumstances, namely the defendant cooperated with justice, this was the first time he had hit the victim, he regretted his actions and has reconciled with the victim. 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 kicked the victim once in her head, which caused the victim to fall to the ground and strike her head on a wall. The court also found that when the victim stood up, the defendant grabbed the victim's arm and threw her on the ground. Based on this evidence and also the mitigating circumstances, namely that the defendant was a first time offender and has reconciled with the victim, the court imposed a prison sentence of three months against the defendant, suspended for one year and applied rules of conduct for the defendant report once a month to the court for three months.

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

Case Number	: 0065/19. BCBCV
Composition of the Court	: Single Judge
Judge	: Ersilia de Jesus
Prosecutor	: Bartolomeu de Araújo
Defence	: Grigório Maria Lourdes de Lima
Decision	: Fine of US\$ 120.00

On 19 November 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant JdC who allegedly committed the offence against his wife in Baucau District.

Charges of the Prosecutor

The prosecutor alleged that on 1 May 2019, at 2pm, the defendant struck the victim three times on her left shoulder and struck her three times on her right shoulder. The defendant took a medium sized piece of wood and struck the victim twice in her stomach. Then, the defendant punched the victim once on the back of the neck and kicked her many times in the back. Prior to this assault the defendant told the victim to cook, but she was tired because she just got back from the market.

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.

Presentation of evidence

During the trial the defendant confessed all of the facts set out in the indictment, the defendant also stated that he regretted his actions. The defendant also stated that he reconciled with the victim in front of their two families and the victim's family came from Oecusse. The defendant added that he has two children from this relationship that started in 2011 and this was the first time the defendant hit the victim. The defendant promised not to hit the victim in the future.

In addition, the victim confirmed some of the facts in the indictment and stated that the defendant struck the victim six times on the right side and left side of her stomach and used a medium sized piece of wood to strike her twice on the knee. The victim also stated that the defendant punched the victim once on the back of her head, kicked the victim once on her side and struck the victim in the back with his knee. The victim stayed in a shelter in Baucau for two weeks and the defendant apologised and took the victim home. The victim added that this was the first time that the defendant had hit the victim and has not hit her since then.

Final recommendations

The public prosecutor stated that based on the confession of the defendant, and the confirmation of the victim, regarding the facts alleged in the indictment, the defendant was guilty of committing the crime against the victim. Even though the defendant and the victim have reconciled, the prosecutor stated that it was necessary to effectively deter the defendant, to ensure that the defendant does not reoffend in the future. For this reason the public prosecutor requested for the court to impose a prison sentence of three months, suspended for 1 year.

The defence stated that the defendant totally confessed to the facts set out in the indictment, regretted his actions, has reconciled with the victim and since they have been living together this was the first time the defendant had hit the victim. 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 facts set out in the indictment were proven, namely that the defendant struck the victim three times on her left shoulder and three times on her right shoulder. The court also found that the defendant used a medium sized piece of wood and struck the victim twice in her stomach, punched the victim once on the back of the neck and kicked her many times in the back. Based on this evidence and with consideration of the mitigating circumstances, namely that the defendant was a first time offender and has reconciled with the victim, the court imposed a fine of US\$120.00 against the defendant that needs to be paid via daily instalments of US\$1.00 for 120 days. If the defendant does not pay this fine, then the defendant will have to serve a prison sentence of 80 days as an alternative penalty.

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

Case Number	: 0052/19. BCBCV
Composition of the Court	: Single Judge
Judge	: Ersilia de Jesus
Prosecutor	: Ambrósio Rangel Freitas
Defence	: Sidónio Maria Sarmiento
Decision	: Fine of US\$ 60.00

On 22 November 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant RdC who allegedly committed the offence against his wife in Baucau District.

Charges of the Prosecutor

The public prosecutor alleged that on 17 April 2019, at 9pm, the defendant slapped the victim twice on her left cheek and right cheek and also took a clump of dirt and threw it at the victim's

back. Then the defendant dragged the victim inside. The victim received treatment at PRADET in Baucau. Prior to the incident the victim admonished the defendant who went outside to sit with his friends and did not close the door. Therefore, they argued and the defendant committed the acts against the victim.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Articles 2, 3 (a), 35 (b) and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant confessed all of the facts set out in the indictment, the defendant stated that they have reconciled, and he has not hit the victim again. The defendant stated that he was a first time offender and promised not to commit the same crime against the victim or other family members in the future. The defendant works as a farmer with a monthly income of US\$100.00.

In addition, the victim reinforced the facts set out in the indictment and confirmed the defendant's statement that they have reconciled and until now the defendant has not beaten her again.

Final recommendations

The prosecutor stated that the defendant confessed the acts alleged in the indictment and these facts were confirmed by the victim. Therefore, the public prosecutor requested for the court to impose a fine of US\$ 60.00 to be paid within 60 days via instalments of US\$ 1.00 per day, including an alternative penalty of 40 days in prison if the defendant does not pay this fine.

Meanwhile, the defence requested for the court to impose a lenient penalty against the defendant because the defendant confessed the facts in the indictment, regretted his actions, was a first time offender, and promised not to reoffend in the future.

Decision

After evaluating the facts, the court found that the defendant slapped the victim twice on her left cheek and right cheek, and the defendant took a clump of dirt and threw it at the victim's back. Then the defendant dragged the victim inside. 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 ordered the defendant to pay a fine of US\$60 to be paid in instalments of US\$1.00 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.

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

Case Number	: 0049/19. PDBAU
Composition of the Court	: Single Judge
Judge	: José Quintão Soares Celestino
Prosecutor	: Bartolomeu de Araújo
Defence	: Sidónio Maria Sarmiento
Decision	: 10 months in prison, suspended for 1 year

On 25 November 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant EGP who allegedly committed the offence against his wife in Baucau District.

Charges of the Prosecutor

The prosecutor alleged that on 10 June 2017, at 10pm, at the roundabout in Vila Nova, Baucau, the defendant threw a bottle of perfume at the victim's head, and took a plastic chair and struck the victim once on the back until the chair broke. Then the defendant kicked the victim once on the thigh and stabbed the victim in the arm with a pair of scissors which caused an injury and bleeding. However, they reconciled and are still living together as husband and wife.

On 14 April 2018, at 10pm, the defendant punched the victim once above the eye and struck the victim many times in the 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.

Presentation of evidence

During the trial the defendant partially confessed to the acts that allegedly occurred on 10 June 2017. The defendant acknowledged that he struck the victim once in the head, once on the leg and once on the side. However, he said that he did not stab the victim with scissors. After this incident, the victim fled to her parents and then the defendant and his family followed the victim in order to resolve this problem, but the victim decided that she did not want to live together with the defendant. The defendant also stated that on the next day the victim was holding their child and left their child with the defendant but the defendant could not find the victim.

Meanwhile in relation to the facts that alleged occurred on 14 April 2018, the defendant totally confessed and stated that now they have reconciled and are living together as husband and wife. The defendant also stated that he was a first time offender, and works as a driver with a monthly income of US\$200.00.

Meanwhile, the victim confirmed the facts set out in the indictment but stated that the defendant did not stab the victim's arm with scissors on 10 June 2017 but the incident actually occurred on 14 April 2018. Also, the victim stated that she waited for the defendant and his family to resolve the aforementioned problem that occurred on 10 June 2017 but the defendant and his family did not try to resolve it.

Then in April 2018 the defendant met the victim at her parent's house and they decided to return home, but on 14 April 2018 the defendant again assaulted the victim, punched the victim once above the eye, struck the victim many times in the back and used scissors to stab the victim in the arm which caused an injury and bleeding. After this incident the defendant and the victim immediately separated but not long after they reconciled and have continued living together as husband and wife until now.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the two crimes based on the facts set out in the indictment because the defendant partially confessed his actions, and victim stated that the defendant assaulted the victim. For this reason the public prosecutor requested for the court to impose a prison sentence of 1 year, suspended for 2 years against the defendant.

Meanwhile, the defence requested for the court to consider the defendant's statement about his actions and the mitigating circumstances, namely the defendant was a first time offender, regretted his actions, the defendant and the victim decided to live together as husband and wife in the interests of their child's future. Therefore, the defence requested for the court to impose a lenient penalty against the defendant.

Decision

After evaluating the facts, the court found that the defendant commit two crimes (joinder) because he committed the crime on two occasions against the victim. Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed some of the facts, regretted his actions, was a first time offender and has reconciled with the victim, the court imposed a prison sentence of four months against the defendant for the crime that occurred on 10 June 2017 and imposed a prison sentence of eight months against the defendant for the crime that occurred on 14 April 2018. The court accumulated these two penalties and imposed a single penalty of ten months in prison against the defendant, suspended for one year.

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

Case Number : 0045/18. VQSIC
Composition of the Court : Single Judge
Judge : José António de Jesus Escurial da Silva Faria
Prosecutor : Domingos Gouveia Barreto
Defence : José Maria Caetano Guterres
Decision : Fine of US\$ 30.00

On 26 November 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant JS who allegedly committed the offence against his wife in Viqueque District.

Charges of the Prosecutor

The public prosecutor alleged that on 24 November 2018, at 4pm, the victim told the defendant in a loud voice to take a piece of corrugated iron to cover up some water in a hole that the defendant was digging and the victim kept on commenting about it. Therefore the defendant dragged the victim inside which caused the victim to suffer injuries to her arms and legs and her head struck some wood. The defendant also slapped the victim twice on her left ear and kicked the victim twice on her left leg.

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.

Presentation of evidence

During the trial the defendant totally confessed to all of the facts alleged by the public prosecutor, was a first time offender, reconciled in front of the family and promised not to repeat his actions in the future.

In addition, the victim reinforced the facts set out in the indictment and confirmed that she has reconciled with the defendant and until now the defendant has not beaten her again.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing all of the facts in the indictment and the victim confirmed the facts. Even though they reconciled, the defendant should still be convicted because the defendant is the husband of the victim and is responsible for protecting his family, but on the contrary he assaulted the victim. For this reason the public prosecutor requested for the court to impose a prison sentence of 1 year, suspended for 2 years against the defendant.

Meanwhile, the defence requested for the court to impose a fair sentence against the defendant based on the mitigating circumstances, namely that the defendant was a first time offender, the defendant has not reoffended, the defendant works as a farmer and is the main breadwinner of the family.

Decision

The court proved that the defendant dragged the victim inside which caused the victim to suffer injuries to her arms and legs and her head struck some wood. The court also proved that the defendant also slapped the victim twice on her left ear and kicked the victim twice on her left leg. Based on these proven facts, including the mitigating circumstances, namely the defendant confessed, regretted his actions, was a first time offender, so the court concluded the matter and ordered the defendant to pay a fine of US\$30.00 with daily instalments of US\$1.00 for 30 days. If the defendant does not pay this fine then he will be sent to prison for 40 days as an alternative punishment.

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

Case Number	: 0005/19. VQLLT
Composition of the Court	: Single Judge
Judge	: José António de Jesus Escurial da Silva Faria
Prosecutor	: Domingos Gouveia Barreto
Defence	: Sidónio Maria Sarmiento
Decision	: 6 months in prison, suspended for 1 year

On 26 November 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant LdR who allegedly committed the offence against his wife in Viqueque District.

Charges of the Prosecutor

The prosecutor alleged that on 23 February 2019, at 6pm, the defendant and the victim returned from a wake, and when they got home the defendant asked for US\$0.50 so the victim could play cards at the wake. However the victim did not want to give money to the defendant and they argued and then the defendant took a piece of wood and struck the victim once on the fingers of her right hand, and struck the victim once on her right elbow, and struck the victim once on her left leg, punched the victim once on her left cheek, kicked the victim once in the back, punched the victim twice in the ear and kicked the victim once more in the back and the victim fell to the ground. When victim fell down, the defendant took a medium sized rock and threw it at the victim's 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.

Presentation of evidence

During the trial, the defendant stated that the facts about the assault were all true but the defendant rejected that he threw a rock at the victim's back. The defendant also stated that he has reconciled with the victim and apologised to the victim in front of their two families. The defendant regretted his actions, promised not to repeat his actions in the future and since this incident he has not hit the victim. The defendant is a farmer and provides for his family.

Meanwhile, the victim confirmed some of the facts in the indictment, and also confirmed the defendant's statement that he did not throw a rock at the victim's back and stated that they have reconciled and the defendant has not hit the victim since then.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the facts, however the defendant did not throw a rock at the victim's back and the victim also confirmed this. Even though the defendant and the victim have reconciled, the defendant should still be convicted because the defendant is the husband of the victim who is responsible for protecting his family, but on the contrary he assaulted the victim. For this reason the public prosecutor requested for the court to impose a prison sentence of 6 months, suspended for 1 year against the defendant.

Meanwhile, the defence requested for the court to impose a lenient sentence against the defendant based on the mitigating circumstances, namely that the defendant was a first time offender, the defendant has not reoffended, the defendant works as a farmer and is the main breadwinner of the family.

Decision

After evaluating the facts, the court found that the defendant took a piece of wood and struck the victim once on the fingers of her right hand, and struck the victim once on her right elbow, and struck the victim once on her left leg, punched the victim once on her left cheek, kicked the victim once in the back, punched the victim twice in the ear and kicked the victim once more in the back and the victim fell to the ground. Based on the facts that were proven and all of the mitigating circumstances, namely that the defendant confessed, regretted his actions, was a first time offender, and has reconciled with the victim, and the court imposed a prison sentence of six months against the defendant, suspended for 1 year.

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

Case Number	: 0011/19. VQOSU
Composition of the Court	: Single Judge
Judge	: José António Jesus Escurial da Silva Faria
Prosecutor	: Bartolomeu de Araújo
Defence	: Grigório Maria Lourdes de Lima
Decision	: 9 months in prison, suspended for 1 year and 6 months

On 26 November 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MdS who allegedly committed the offence against his wife in Viqueque District.

Charges of the Prosecutor

The public prosecutor alleged that on 27 February 2019, at 6pm, the victim returned home and left the defendant at their plantation which is approximately two kilometres from their house. When the defendant returned home they argued and the defendant kicked the victim once above her left eye, kicked the victim once above the right eye and once in the 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.

Presentation of evidence

During the trial the defendant stated that victim had returned home and did not call out to the defendant so the defendant committed the assault against the victim. The defendant also stated that he was a first time offender, works as a farmer and he is the breadwinner of his family. The defendant stated that he has reconciled with the victim, regretted his actions and promised that in the future he would not hit the victim.

In addition, the victim reinforced the facts set out in the indictment and stated that after this incident, they reconciled and until now the defendant has not beaten her again.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim and stated that the victim had perhaps returned home to prepare dinner. However, it is important that the defendant keeps his promise so he can take responsibility for supporting his family. For this reason the public prosecutor requested for the court to impose a prison sentence of 5 months against the defendant, suspended for 1 year.

Meanwhile, the defence requested for the court to consider the defendant's confession and the mitigating circumstances, namely that this was the first time that the defendant had hit the victim, he regretted his actions and promised in front of the court that he was ready to protect his family in the future. Therefore the defence requested for the court to impose a fair penalty against the defendant.

Decision

After evaluating all of the facts, the defendant kicked the victim once above her left eye, kicked the victim once above the right eye and once in the back. Based on the facts that were proven and all 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 imposed a prison sentence of nine months against the defendant, suspended for six months.

15. Crime of aggravated homicide and use of a bladed weapon

Case Number	: 0002/19. BCBQI
Composition of the Court	: Panel
Judges	: Florencia Freita, Dr. José Gonçalves and José Quintão Soares Celestino
Prosecutor	: Bartolomeu de Araújo
Defence	: José Maria Caetano Guterres
Decision	: 18 years in prison

On 26 November 2019 the Baucau District Court conducted a hearing to announce its decision in a case of aggravated homicide and use of a bladed weapon involving the defendant AM who allegedly committed the offence against his mother RM in Baucau District.

Charges of the Prosecutor

The public prosecutor alleged that on 17 January 2019, at 09:00am, the victim and the defendant's older brother (LMM) returned from the home of the victim's older brother. On the way to their traditional house, the victim and LMM met the defendant who was holding a machete and he asked the victim and LMM “where are you two going?” At the same time the defendant also told LMM “You better get out of the way, otherwise I will stab you both to death”. When he heard the defendant say these words LMM told the defendant “Younger brother, our grandparents never acted like this in the past”. Then the three of them went together to their traditional house but on the way the defendant kept swearing at the victim, so LMM went to his home.

When the victim and the defendant arrived at their traditional house, from a distance of approximately 10 metres LMM saw the victim grab the defendant's legs so the defendant could not stab her. LMM yelled out to the defendant “You can't do this, she is our mother”. However

the defendant did not listen and grabbed the victim's hair then slashed the victim's throat all the way through and the victim died instantly at the scene. When he saw this LMM felt afraid and ran to call family members.

The public prosecutor alleged that the defendant violated Article 139(g) of the Penal Code on aggravated homicide that carries a prison sentence of 12 years to 25 years prison as well as Article 20.1 of Law No. 5/2017 on bladed weapons.

Presentation of evidence

During the trial, the defendant used his right to remain silent. The witness LMM who is the son of the victim and the defendant's older brother testified in accordance with the facts set out in the indictment and added that the witness rang his own father and his father went to inform the Baguia Police Station. The witness also testified that the defendant has a criminal record, because he was in prison from 2015 - 2017 for stealing a motorcycle.

The witness ABMS, who is the Deputy Commander of the Baguia Police Station, testified that after he received information from the victim's family, the witness went immediately to the scene and saw the victim lying down on a bamboo bench. The witness held the victim's head to take a photo but suddenly the victim's head fell on to the ground. At the same time, the witness also arrested the defendant at the scene.

Final recommendations

The public prosecutor stated that even though the defendant chose to remain silent the witness LMM witnessed the defendant stab the victim and the witness ABS also saw that the victim had been decapitated. The defendant's actions cannot be excused because he killed his own mother who had given birth to him. The defendant already had a criminal record. Therefore, the public prosecutor requested for the court to impose the most severe penalty possible against the defendant.

Meanwhile, the defence stated that even though the defendant chose to remain silent, the court should consider the evidence produced during the trial to ensure justice for the defendant.

Decision

After evaluating the facts, the court found that the defendant decapitated the victim, who was his own mother, and she died instantly at the scene even though the victim had grabbed the defendant's legs and the defendant's older brother had yelled out from some distance away and told the defendant not to kill the victim because she was their mother. However the defendant did not listen and grabbed the victim's hair then slashed the victim's throat all the way through and the victim died instantly at the scene. The court also found that before the defendant slashed the victim, the defendant swore at the victim many times. The defendant also had a criminal record

for committing the crime of aggravated larceny, therefore the defendant had shown no remorse. Based on the evidence, and with consideration of all of the circumstances, the court concluded this case and imposed a single penalty of 18 years in prison against the defendant.

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

Case Number : 0054/19.BCBCV
Composition of the Court : Single Judge
Judge : José António de Jesus Escurial da Silva Faria
Prosecutor : Ambrósio Rangel Freitas
Defence : José Maria Caetano Guterres
Decision : Fine of US\$22.50

On 26 November 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant SdC who allegedly committed the offence against his wife and son in Baucau District.

Charges of the Prosecutor

The public prosecutor alleged that on 20 April 2019, at 7am, the defendant told his son to wait for the water tanker to fill up the water, but he waited until the afternoon because the water tank did not come. Therefore at 8am the defendant saw that there was no water and the defendant took a broom from inside and struck his son on his body many times. When she saw the defendant beating their son, the defendant's wife told him to stop hitting their son. Therefore, the defendant took the aforementioned broom and struck his wife on the right side of 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.

Presentation of evidence

During the trial the defendant totally confessed to all of the facts alleged by the public prosecutor and stated that since have been together in 2004 they have three children, but this was the first time that he had hit the victims and appeared in court. The defendant also stated that he has reconciled with the victims, regretted his actions, and promised that he would not reoffend in the future. The defendant sells vegetables in the market with a monthly income of US\$60.00, to support his family.

Meanwhile, the two victims reinforced the facts set out in the indictment and confirmed that they have reconciled and until now the defendant has not beaten the victims again.

Final recommendations

The prosecutor stated that during the presentation of evidence the defendant confessed all of the facts to the court and the victims confirmed all of the facts in the indictment. The public prosecutor believed that the defendant was guilty of committing the crime against the victims and therefore the public prosecutor requested for the court to impose a single penalty of one year and six years, suspended for 3 years.

Meanwhile, the defence requested for the court to impose a fair sentence against the defendant based on the mitigating circumstances, namely that the defendant was a first time offender, regretted his actions and has reconciled with the victims, the defendant has not reoffended, the defendant sells vegetables at the market and is the main breadwinner of the family.

Decision

The court found that the defendant took a broom and struck their son on his body many times and it was also proven that he struck his wife with this broom on the right side of her body. Based on these proven facts, and consideration of the mitigating circumstances, namely the defendant confessed, regretted his actions, was a first time offender, and has reconciled with the victims, the court ordered the defendant to pay a fine of US\$22.50 via daily instalments of US 50 cents for 45 days, and the defendant was also ordered to pay court costs of US\$ 10.00. The court also determined that if the defendant does not pay this fine then he will be sent to prison for 30 days as an alternative punishment.

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

Case Number	: 0015/19. BCLGA
Composition of the Court	: Single Judge
Judge	: José Quintão Soares Celestino
Prosecutor	: Ambrósio Rangel Freitas
Defence	: Antonio Fernandes
Decision	: Fine of US\$ 22.50

On 26 November 2019 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant EX who allegedly committed the offence against her husband in Baucau District.

Charges of the Prosecutor

The public prosecutor alleged that on 9 April 2019, at 5pm, the defendant took a piece of dried wood and struck the victim once on the back of his head, and struck him once on the back and broke the piece of wood. The defendant also stood on the victim's nose and throat. The victim received treatment at the Atelari Health Centre. Prior to the incident the defendant and the victim argued because the defendant was using *WhatsApp* with another man and the victim caught her and admonished her.

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.

Presentation of evidence

During the trial the defendant confessed the facts set out in the indictment of the public prosecutor and stated that after the victim returned from the police and received treatment at the health centre, the defendant apologised to the victim. The defendant also stated that she has four children from this relationship that started in 2012 and this was the first time the defendant has hit the victim. The defendant stated that she regretted his actions, and promised not to hit the victim again. The defendant is a delegate of the sub-village with a quarterly income of US\$90.00.

In addition, the victim confirmed the facts set out in the indictment and also confirmed the statement of the defendant, namely that they have four children and the defendant apologised, and promised not to hit the victim again.

Final recommendations

The public prosecutor stated that the defendant assaulted the victim (her husband) and the defendant is a delegate of the sub-village and is supposed to provide a good example for her community, but actually she did the opposite. Therefore, the public prosecutor requested for the court to impose a fine of US\$ 15.00 to be paid via daily instalments of US\$ 0.50 per day for 30 days. The court also determined an alternative penalty of 30 days in prison if the defendant does not pay this fine.

Meanwhile, the defence requested for the court to consider the defendant's admission of the facts, and that the defendant regretted her behaviour, has reconciled with the victim and is 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 took a dry piece of wood and struck the victim once on the back of the head, struck him once on the back breaking the piece of wood, and stood on the victim's nose and throat. Based on this evidence and with consideration of the mitigating circumstances, namely that the defendant was a first time offender, and has reconciled with the victim, the court imposed a fine of US\$22.50 against the defendant that needs to be paid via daily instalments of US\$0.50 for 45 days. If the defendant does not pay this fine, then the defendant will have to serve a prison sentence of 30 days as an alternative penalty.

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