



Case Summary
Baucau District Court
July 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: 28

Articles	Case Type	Total Number
Article 145 of the Penal Code (PC) and Articles 2, 3, 35 (b) and 36 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)	
Article 154 of the PC & Articles 2, 3, and 35 (a) of the Law Against Domestic Violence	Mistreatment of a spouse	1
Article 20 (1) of the Law on Bladed Weapons	Bladed weapons	2
Article 145 of the PC	Simple offences against physical integrity	3
Article 157 of the PC, Article 145 of the PC and	Threats, mistreatment of a spouse	1

Article 20.1 of the Law on Bladed Weapons		
Articles 177 & 182 (PC)	Aggravated sexual abuse of a minor	1
Article 140 of the PC	Manslaughter	2
Articles 140 & 207 of the PC	Manslaughter, driving without a license	2
Total		28

2. Total decisions monitored by JSMP: 21

Type of decision	Articles	Total Number
Prison sentence	Article 66	1
Suspension of execution of a prison sentence	Article 68 of the PC	6
Fine	Article 67 of the PC	10
Suspended sentence and validation	Articles 68 & 216 of the PC	1
Penalty of admonishment	Article 82 of the PC	1
Endorsed Agreement	Article 216 of the CPC	2
Total		21

3. Total cases adjourned based on JSMP monitoring: 0

4. Total ongoing cases based on JSMP monitoring: 7

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

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

Case Number : 0006/21.BCBQI
Composition of the Court : Single Judge
Judge : Sribuana da Costa
Prosecutor : João Marques
Defence : Grigório Maria Lourdes de Lima
Decision : 2 months in prison, suspended for 1 year

On 1 July 2022 the Baucau District Court read out its sentence in a case of simple offences against physical integrity characterized as domestic violence involving the

defendant MDR who allegedly committed the offence against his wife in Baucau Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 11 August 2021 at 7pm, the victim was cooking food in the kitchen and suddenly the defendant appeared intoxicated and was carrying a coconut and struck the victim once on her left leg, struck the victim once on her right leg, struck the victim once in the stomach and struck the victim once on her backside.

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

Examination of evidence

During the trial the defendant confessed to all of the facts in the indictment, and also stated that he assaulted the victim, because at that time they made a grave and the defendant drank alcohol and become intoxicated, therefore the defendant told the victim that they would go home together, however the victim went home first and then the defendant went home later, therefore when he got home the defendant committed these acts against the victim. The defendant also stated that after this incident they immediately reconciled, he regretted his actions and he was a first time offender.

Also, the victim confirmed all of the facts in the indictment and stated that after the incident they reconciled and the defendant has not assaulted the victim again.

Final recommendations

The prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant and the confirmation of the victim, and even though they have reconciled, he requested for the court to impose a penalty to prevent the defendant from reoffending in the future and to educate the community living near the defendant. Therefore, the public prosecutor requested for the court to impose a prison sentence of three months against the defendant, suspended for one year.

The defence requested for the court to impose an educational penalty against the defendant because the defendant confessed, regretted his actions, has reconciled and was a first time offender.

Decision

After evaluating all of the facts, the court proved that the defendant came home intoxicated and was carrying a coconut and struck the victim once on her left leg, struck the victim once on her right leg, struck the victim once in the stomach and struck the victim once on her backside.

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 2 months against the defendant, suspended for 1 year.

2. Crime of simple offences against physical integrity

Case Number : 0053/18. BCBCV
Composition of the Court : Single Judge
Judge : José António d. Escurial
Prosecutor : Bartolomeu de Araújo
Defence : Sidonio Maria Sarmento
Decision : Validating withdrawal of complaint

On 4 July 2017 the Baucau District Court attempted conciliation in a case of simple offences against physical integrity involving the defendant Manuel Freitas Piedade who allegedly committed the offence against the victim Jaime Joao da Costa in Wailili Village, Baucau Vila Administrative Post, Baucau Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 1 January 2022, at 4pm the victim was riding a Mio Beat motorcycle from the direction of Triloka heading towards Venilale and when he arrived at the intersection in front of the Wailili church the defendant stopped the victim and punched the victim once in the nose.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine.

Examination of evidence

Before progressing to the presentation of evidence, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the judge requested an attempt to reach conciliation between the defendant and victim.

During this attempted conciliation, the victim wanted to withdraw his complaint against the defendant, because they are both youths. Also the defendant agreed to the victim's request and used his own initiative to give US\$100.00 to the victim for the victim's injury and the defendant also apologized to the victim, regretted his actions and said that his behaviour towards the victim was not good and he promised not to commit further acts in the future.

Final recommendations

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

Decision

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

3. Crime of simple offences against physical integrity

Case Number : 0014/21. VQWTL
Composition of the Court : Single Judge
Judge : Florencia Freitas
Prosecutor : Julio da Silva Correia
Defence : Grigório Maria Lourdes de Lima
Decision : Validating withdrawal of complaint

On 12 July 2022 the Baucau District Court conducted attempted conciliation for the crime of simple offences against physical integrity involving the defendants Marcelino de Almeida and Adelino Guterres Soares and the victim Julio do Rosario, which allegedly occurred in Matahoi Village, Uatulari Administrative Post, Viqueque Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 13 March 2021, at 10am, the victim Julio do Rosario was together with his two friends in the rice field, driving a tractor to plough the field and suddenly Mr. Adelino Guterees and the defendant Marcelino de Almeida emerged and stopped them. The defendants and victim argued and the defendant Adelino Guterres Soares took the tractor and ran over the large toe on the victim's left foot and the defendant Marcelino de Almeida punched the victim once above his left eye.

The public prosecutor alleged that the two 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.

Examination of evidence

Before progressing to the presentation of evidence, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the judge requested an attempt to reach conciliation between the defendants and victim.

During this attempted conciliation the victim wanted to withdraw the complaint against the defendants because the defendants apologized to the victim, regretted their actions and knew that their actions against the victim were not good and promised not to commit such actions in the future.

Final recommendations

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

Decision

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

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

Case Number : 0028/22. BCBCV
Composition of the Court : Single Judge
Judge : José António d. Escurial
Prosecutor : Ambrósio Rangel Freitas
Defence : Sidonio Maria Sarmento
Decision : Penalty of admonishment

On 12 July 2022 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant PJdC who allegedly committed the offence against his adopted daughter in Bacau District.

Charges of the Prosecutor

The public prosecutor alleged that on 18 February 2022, at approximately 11am, the defendant slapped the victim once on the back of her neck. Prior to this assault, the defendant and the victim argued when the defendant came back from his plantation and he was hungry, but there was no food. Then the assault occurred.

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

Examination of evidence

During the trial the defendant confessed all of the facts set out in the indictment, and the defendant said that after the incident they reconciled, he regretted his actions, was a first time offender, and he works as a farmer to sustain his family.

Also, the victim confirmed all of the facts in the indictment and stated that after the incident they reconciled and since the incident the defendant has not hit the victim.

Final recommendations

The prosecutor stated that the defendant was guilty of committing the crime of simple offences against physical integrity categorised as domestic violence, based on the confession of the defendant and the confirmation of the victim, and even though they have reconciled, it is necessary to deter the defendant from repeating such crimes in the future. Therefore, the public prosecutor requested for the court to issue a fine against the defendant.

The defence requested for the court to impose a lenient penalty against the defendant because the defendant confessed, regretted his actions, was a first time offender and has reconciled with the victim.

Decision

After evaluating all of the facts, the court found that the defendant slapped the victim once on the back of her neck.

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 case and issued an admonishment against the defendant.

5. Crime of threats, mistreatment of a spouse and use of a bladed weapon

Case Number	: 0007/20. BCBCV
Composition of the Court	: Panel
Judges	: José António d. Escurial and Florencia Freitas, Sribuana da Costa
Prosecutor	: Julio da Silva Correia
Defence	: Grigório Maria Lourdes de Lima
Decision	: Prison sentence of 3 years, suspended for 3 years

On 13 July 2020 the Baucau District Court conducted a hearing to announce its decision in a case of threats, mistreatment of a spouse and using a bladed weapon involving the defendant AMT who allegedly committed the offence against his wife in Baucau District.

Charges of the Prosecutor

The public prosecutor alleged that on 9 May 2018, at 1:00pm, the defendant kicked the victim once on her back, which caused the victim to fall to the ground and the defendant took a rock and struck the victim once on her back. There was no clear motive for this incident and at the time of the incident the victim was seven months pregnant.

Then on 28 January 2020, at 12:00pm, the victim was returning from the market and saw a neighbour's goat entering the victim's plantation so she became angry and argued with the neighbor, and when the defendant saw the victim arguing with the neighbor, the defendant became angry and threw four stones at the victim but he missed, and then the defendant threw another stone and struck the victim on her back and this caused the victim to fall to the ground, and then the defendant grabbed a machete and threatened to kill the victim, therefore the victim fled.

The public prosecutor alleged that the defendant violated Article 157 of the Penal Code on threats which carries a sentence of 1 year in prison or a fine, Article 154 on the mistreatment of a spouse which carries a sentence of 2-6 years in prison, in conjunction with Article 20.1 of the Law on Bladed Weapons.

Examination of evidence

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 because this case was classified as a semi-public crime and is a crime on complaint. During this attempted conciliation, the defendant and the victim stated that previously they had resolved this problem in accordance with East Timorese tradition. Therefore, the victim wanted to withdraw the complaint against the defendant in relation to the crime of threats. Based on the agreement of the two parties, the court endorsed the withdrawal of complaint regarding the crime of threats. Meanwhile, for the crimes of mistreatment of a spouse and using a bladed weapon, the court proceeded to trial.

Examination of evidence

During the trial the defendant confessed all of the facts set out in the indictment, and stated that after the incident he immediately reconciled with the victim. The defendant and the victim started a family in 2006 and have four children, and this was the first time the defendant has hit the victim. The defendant also stated that he regretted his actions and promised that in the future he would not hit the victim. The defendant works with the Sanitation Department and has a monthly income of US\$115.00.

Also, the victim confirmed all of the facts in the indictment and stated that after the incident the victim received treatment at Pradet in Baucau and when she returned from Pradet they immediately reconciled.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing a cruel assault against the victim who is his wife. The defendant as her husband is supposed to protect the victim, however on the contrary he committed these crimes against the victim, and although they have reconciled it is necessary to prevent the defendant from repeating such acts against a family member or other person in the future. For this reason the prosecutor requested for the court to impose a prison sentence of 3 years, suspended for 3 years against the defendant.

The defence stated that the defendant confessed all of the facts set out in the indictment, regretted his actions, 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 kicked the victim once in the back which caused the victim to fall to the ground and the defendant took a rock and then struck the victim once in the back and the defendant became angry and threw four stones at the victim but he missed, and then the defendant threw another stone and struck the victim on her back and this caused the victim to fall to the ground, and then the defendant grabbed a machete and threatened to kill the victim, therefore the victim fled.

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.

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

Case Number : 0054/21.BCSIC
Composition of the Court : Single Judge
Judge : Florencia Freitas
Prosecutor : Julio da Silva Correia
Defence : Sidonio Maria Sarmiento
Decision : Fine of US\$ 45.00

On 13 July 2022 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant HBG who allegedly committed the offence against his wife in Bacau Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 20 December 2021, at 11.58am, the defendant slapped the victim once on her left cheek and kicked the victim once on the side of her stomach which caused the victim to fall to the ground and the victim struck her head on some cement. Prior to this assault, the defendant and the victim argued because the victim asked the defendant about a new phone number on his mobile phone, and then the assault occurred.

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

Examination of evidence

During the trial the defendant confessed all of the facts set out in the indictment, the defendant also stated that he regretted his actions. After the incident they immediately reconciled and continued to live together as wife and husband, the defendant regretted his actions, was a first time offender, and the defendant works as a farmer to sustain his family.

Also, the victim confirmed all of the facts in the indictment and stated that after the incident she reconciled with the defendant.

Final recommendations

The prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant and the confirmation of the victim,

however to deter such crimes from occurring in the future, the prosecutor requested for the court to impose a prison sentence of 6 months against the defendant, suspended for 1 year.

The defence requested for the court to impose a lenient penalty against the defendant because the defendant confessed, regretted his actions, reconciled with the victim and was a first time offender.

Decision

After evaluating all of the facts, the court found that the defendant slapped the victim once on her left cheek and kicked her on the side of her stomach which caused the victim to fall to the ground and strike her head on some cement.

Based on the facts that were proven and 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 ordered the defendant to pay a fine of US\$ 45 to be paid in daily instalments of US 50 cents for 90 days. The court also imposed an alternative penalty of 60 days in prison if the defendant does not pay this fine.

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

Case Number	: 0001/22.MNLCL
Composition of the Court	: Single Judge
Judge	: Florencia Freitas
Prosecutor	: Julio da Silva Correia
Defence	: Grigório Maria Lourdes de Lima
Decision	: 2 months in prison, suspended for 2 years

On 14 July 2022 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence and threats involving the defendant FS who allegedly committed the offence against his wife in Manatuto Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 24 January 2022, at 10am, the defendant choked the victim, pulled the victim's arm and pushed the to the ground, the defendant also told the victim "*you are lucky, otherwise I would stab you to death.*" This case occurred when the defendant returned home intoxicated and the victim questioned him and the assault occurred.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine, as well as Articles 2, 3(a), 35(b) and 36 of the Law Against Domestic Violence, as well as Article 157 of the Penal Code on threats that carries a maximum penalty of 1 year in prison or a fine.

Examination of evidence

During the trial, the defendant stated that at the time of this incident the defendant was intoxicated, and the victim told the defendant to grill some fish for sale, therefore the defendant and the victim argued and the defendant choked the victim, however he did not pull the victim's arm or threaten the victim. The defendant also stated that since the incident they have not yet reconciled, the defendant was a first time offender and promised not to reoffend in the future. The defendant is a farmer and uses his produce to sustain his family.

The victim confirmed all of the facts in the indictment regarding the threats made against her, because she felt afraid, but she still goes to see her child who is staying with the defendant. The victim also declared that since the incident they have not reconciled.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim, even though the defendant denied some of the facts, but the victim confirmed the facts and until now they have not reconciled. For this reason the prosecutor requested for the court to impose a prison sentence of 2 years, suspended for 2 years.

Meanwhile, the defence stated that the defendant admitted his actions, regretted his actions, and therefore the defence made a request to the court regarding the case of simple offences against physical integrity to issue the defendant with a lenient penalty, and regarding the crime of threats requested for the court to acquit the defendant.

Decision

After evaluating all of the facts, the court found that the defendant choked the victim, pulled her arm and pushed her to the ground and also threatened her.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant regretted his actions, the court concluded this case and imposed a prison sentence of 2 months against the defendant, suspended for 1 year.

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

Case Number	: 0035/21. VQOSU
Composition of the Court	: Single Judge
Judge	: Florencia Freitas
Prosecutor	: Bartolomeu de Araújo
Defence	: Grigorio de Lima
Decision	: Fine of US\$ 45.00

On 18 July 2022 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant LGP who allegedly committed the offence against his wife in Viqueque Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 18 July 2022, at 5:30pm, the defendant punched the victim once in the head, kicked the victim on the back of her neck and choked her. Prior to this assault the defendant and the victim argued because when the victim and their two children went to mass and came home from mass they were on a motorcycle with their grandfather and the defendant was concerned, so the assault occurred.

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

Examination of evidence

During the trial the defendant confessed to the alleged facts and after the incident they reconciled. He regretted his actions and has not hit the victim again. They have two children and this was the first time that he assaulted the victim.

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

Final recommendations

The public prosecutor stated that even though they have reconciled and have continued living together as husband and wife, to prevent the defendant from becoming accustomed to using violence against the victim and the children in the future, the prosecutor requested for the court to impose a prison sentence of one month, suspended for one year.

The defence stated that the defendant confessed all of the facts, has reconciled with the victim, regretted his actions, and this was the first time that he 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 punched the victim once in the head, kicked the victim on the back of her neck and choked her.

Based on the facts that were proven and 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 ordered the defendant to pay a fine of US\$ 45 to be paid in

daily instalments of US 50 cents for 90 days. The court also imposed an alternative penalty of 60 days in prison if the defendant does not pay this fine.

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

Case Number : 0127/21.BCBCV
Composition of the Court : Single Judge
Judge : Jose Escorial
Prosecutor : Bartolomeu de Araújo
Defence : Americo Luis Freitas Belo
Decision : Fine of US\$ 30.00

On 19 July 2022 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant IdS who allegedly committed the offence against his wife in Bacau Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 3 December 2021, at 09:00am, the defendant's uncle asked for some sand, however the victim did not want to give any, so the defendant took a plastic chair and struck 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 stated that his uncle asked for 6 buckets of sand to repair his house, however the victim did not want to give any, so the defendant became angry and took a plastic chair and struck the victim twice on her back, and after the incident the victim and their two children went to stay at the home of the victim's parents and they have not returned home. The defendant also stated that he regretted his actions, was a first time offender and the defendant works as a driver of a tilt-truck with a monthly income of US\$180.00.

The victim confirmed all of the facts in the indictment and stated that after the incident the victim and their two children have been living with her parents until now. The victim also stated that previously the defendant regularly hit the victim, but she did not make any complaints.

Final Recommendations

The public prosecutor stated that the defendant was guilty of committing the alleged crime and his behaviour caused the victim to leave him because the defendant has regularly assaulted the victim in the past, but the victim did not make any complaints. Therefore,

the public prosecutor requested for the court to impose a prison sentence of one month against the defendant, suspended for one year.

Meanwhile, the defence stated that the defendant confessed the alleged facts, 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 took a plastic chair and struck the victim many times on her back.

Based on the facts that were proven, and with consideration of the mitigating circumstances, namely the defendant regretted his actions, was a first time offender, 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\$ 1 dollar per day for 30 days. The court also imposed an alternative penalty of 40 days in prison if the defendant does not pay this fine, and court costs of US\$ 20.00.

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

Case Number	: 0075/21. BCBCV
Composition of the Court	: Single Judge
Judge	: José António d. Escurial
Prosecutor	: Bartolomeu de Araújo
Defence	: Sidonio Maria Sarmiento
Decision	: Prison sentence of 1 year, suspended for 3 years

On 19 July 2022 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant CdSH who allegedly committed the offence against his wife in Bacau Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 1 August 2021, at 10am, the victim asked for some money to buy some necessities for their child, and the defendant grabbed the victim by the leg and threw her on the ground and then kicked and punched her many times in the back. The victim ran away and the defendant chased her and caught her and then grabbed her by the arm and threw her on the ground and punched the victim 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.

Examination of evidence

During the trial the defendant stated that he only slapped the victim once on her cheek, and denied committing the other actions. After the incident the victim and their two children went to live in Dili and they are living separately. Previously the defendant appeared before the court for committing the same crime against the victim and the court ordered the defendant to pay a fine of US\$15.00. The defendant is a carpenter with a monthly income of US\$120.00.

Meanwhile the victim confirmed all of the facts in the indictment, and before they separated the defendant got together with another woman and the defendant stated that he was willing to take responsibility for two wives, so the victim accepted the second wife living in the same house but staying in a separate bedroom. After the last incident the victim decided to separate from the defendant.

Final Recommendations

The public prosecutor stated that even though the defendant partially confessed, the victim confirmed the allegations without reservation and previously the defendant committed the same crime against the victim, therefore the prosecutor stated that the defendant did not regret his actions, and therefore requested for the court to sentence the defendant to one year in prison, suspended for one year.

Meanwhile, the defence stated that the defendant admitted to the actions that he committed, and the defendant and the victim have two children and the defendant is responsible for looking after them, therefore the defence requested for the court to apply a lenient sentence against the defendant.

Decision

After evaluating all of the facts, the court found that the defendant grabbed the victim by the leg and threw her on the ground and then punched the victim many times on her back. The victim ran away and the defendant chased her and caught her and then grabbed her by the arm and threw her on the ground and punched the victim once in the back.

Based on the facts that were proven, the court concluded the matter and sentenced the defendant to 1 year in prison, suspended for 3 years.

11. Crime of simple offences against physical integrity

Case Number	: 0015/21. BCVMS
Composition of the Court	: Single Judge
Judge	: José António d. Escurial
Prosecutor	: Ambrósio Rangel Freitas
Defence	: Sidonio Maria Sarmento
Decision	: Fine of US\$ 15.00

On 20 July 2022 the Baucau District Court read out its sentence in a case of simple offences against physical integrity characterized as domestic violence involving the defendant Eliza Freitas Monteiro and the victim Ediana Ines Freitas (her sister in law), that allegedly occurred in Vemasse Village, Vemasse Administrative Post, Baucau Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 21 November 2021, at 4:18pm, the defendant went to the home of the victim and asked about her husband, however the victim replied that she did not know, so the defendant threw a rock at the victim and struck her in the forehead which caused a small injury.

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.

Examination of evidence

During the trial the defendant confessed all of the facts set out in the indictment, and after the incident the defendant and her young child returned to her parents in Ossu, and she regretted her actions, was a first time offender and works as a farmer to provide for her child.

The victim maintained all of the facts in the indictment and also stated that since the incident the defendant has gone to live with her parents and has not returned.

Final Recommendations

The public prosecutor stated that the defendant was guilty of committing the alleged crime based on her confession, and the confirmation of the victim. This is a simple case based on the actions of the defendant, and the defendant and her husband are separated. For these reasons, the public prosecutor requested for the court to impose a prison sentence of three months against the defendant, suspended for one year.

Meanwhile, the defence requested for the court to impose a lenient sentence against the defendant based the evidence produced during the trial, namely that the defendant regretted her actions, was a first time offender, and cooperated with the judicial authorities.

Decision

After evaluating all of the facts, the court found that the defendant took a rock and threw it at the victim and struck the victim in the forehead and caused a small injury.

Based on the facts that were proven and also considering the mitigating circumstances namely that the defendant confessed, regretted her actions, and was a first time offender, therefore the court concluded this matter and imposed a fine of US\$15.00, to be paid in

daily instalments of US\$ 0.50 cents for 30 days. If the defendant does not pay this fine, the defendant will spend 20 days in prison as an alternative punishment.

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

Case Number : 0006/21. VQVQQ
Composition of the Court : Single Judge
Judge : José António d. Escurial
Prosecutor : Julio da Silva Correia
Defence : Sidonio Maria Sarmiento
Decision : Fine of US\$ 30.00

On 25 July 2022 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant JMP who allegedly committed the offence against his niece in Viqueque Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 1 February 2021, at 11am, the victim was sick and was sleeping inside the house and the defendant poured some water on the victim. The defendant took a five litre plastic jerrycan and struck the victim once in the head.

On 2 February 2021 the victim rang her mother to tell her that the defendant poured water on her and when the defendant heard this he slapped the victim once on her cheek.

The 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, 35 and 36 of the Law Against Domestic Violence.

Examination of evidence

During the trial, the defendant stated that the alleged facts and the motivation for this incident were correct. The defendant is the uncle of the victim, and since 2019 the victim has been living with the defendant and attending school until now. After the incident they reconciled, and the defendant regretted his actions, was a first time offender, and he works as a mechanic with a monthly income of approximately US\$200.00

Also, the victim confirmed all of the facts in the indictment and stated that after this incident they reconciled and she is still living together with the defendant.

Final Recommendations

The prosecutor stated that the defendant was guilty of committing the crime against the victim and even though they have reconciled, however to prevent the defendant from reoffending in the future, the prosecutor requested for the court to sentence the defendant to one year in prison, suspended for one year.

The defence requested for the court to impose a lenient penalty against the defendant because the defendant confessed, regretted his actions, and was a first time offender.

Decision

After evaluating all of the facts, the court found that the defendant poured water on the victim, the defendant also took a five litre plastic jerrycan and struck the victim once in the head, and then the defendant slapped the victim once on her cheek.

Based on the facts that were proven and also considering the mitigating circumstances namely that the defendant confessed, regretted his actions, and was a first time offender, therefore the court concluded this matter and imposed a fine of US\$30.00, to be paid in daily instalments of US\$ 0.50 cents for 60 days. If the defendant does not pay this fine, the defendant will spend 20 days in prison as an alternative punishment.

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

Case Number	: 0016/22. BCQLC
Composition of the Court	: Single Judge
Judge	: Florencia Freitas
Prosecutor	: Bartolomeu de Araújo
Defence	: Sidonio Maria Sarmiento
Decision	: Fine of US\$ 45.00

On 25 July 2022 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant FPF who allegedly committed the offence against his wife in Bacau Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 7 June 2022, at 3.00pm, the defendant punched the victim twice in the head and punched her once on her ear. Prior to this assault the defendant and the victim argued because the defendant wanted to eat but the victim had not cooked any rice.

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

Examination of evidence

During the trial, the defendant confessed to all of the facts in the indictment and stated the incident occurred at the home of his parents in law, and now they are living at the home of the defendant's parents. Since the incident he has not hit the victim, he regretted his actions, has reconciled and he promised to the court that he would not reoffend

against the victim or other person in the future, and he was a first time offender and he works as a farmer to support his family.

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

Final recommendations

The prosecutor stated 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 stated 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 months, 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 his actions.

Decision

After evaluating all of the facts, the court found that the defendant punched the victim twice in the head and punched the victim once on her ear. Based on the facts that were proven, and consideration of the mitigating circumstances, namely the defendant confessed, regretted his actions, was a first time offender, they are separated, therefore the court concluded this matter and ordered the defendant to pay a fine of US\$45 to be paid in instalments of US\$ 0.50 cents per day for 90 days. The court also imposed an alternative penalty of 60 days in prison if the defendant does not pay this fine.

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

Case Number	: 0021/22. MNMNT
Composition of the Court	: Single Judge
Judge	: Florencia Freitas
Prosecutor	: Bartolomeu de Araújo
Defence	: Sidonio Maria Sarmiento
Decision	: Fine of US\$ 60.00

On 25 July 2022 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 Manatuto Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 28 April 2022, at 11:45 pm, the defendant grabbed the victim by the throat and pushed her up against a wall which caused her to suffer pain

to her throat and an injury to her right leg. Prior to this assault, the defendant and the victim argued because the defendant always got home from work late and then the assault occurred.

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

Examination of evidence

During the trial the defendant confessed to all of the facts in the indictment and stated that the defendant works in the logistics section of the BNCTL and is responsible for the keys so that is why he always returned home late. The defendant also stated that he regretted his actions, was a first time offender, and since the incident they have reconciled and he has not hit the victim again.

The victim confirmed all of the facts in the indictment and stated that after the event she reconciled with the defendant.

Final recommendations

The public prosecutor stated that 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 the victim or 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 with the victim, regretted his actions, and 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 the defendant grabbed the victim by the throat and pushed her up against a wall which caused her to suffer pain to her throat and an injury to her right leg.

Based on the facts that were proven and also considering the mitigating circumstances namely that the defendant confessed, regretted his actions, and was a first time offender, therefore the court concluded this matter and imposed a fine of US\$60.00, to be paid in daily instalments of US\$ 0.50 cents for 120 days. If the defendant does not pay this fine, the defendant will spend 80 days in prison as an alternative punishment.

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

Case Number : 0024/22. MNMNT
Composition of the Court : Single Judge

Judge : Florencia Freitas
Prosecutor : Ambrosio rangel Freitas
Defence : Sidonio Maria Sarmento
Decision : Fine

On 26 July 2022 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant ADRC who allegedly committed the offence against his wife in Manatuto Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 2 May 2022, at 08:00pm, the defendant slapped the victim once above her left eye and slapped her once on the back of her neck. Prior to this assault the defendant and the victim argued about buying some milk for their child. Then the assault occurred.

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

Examination of evidence

During the trial, the defendant confessed all of the alleged facts and after the incident they reconciled. This was the first time that the defendant assaulted the victim and he has not hit her since the incident.

Also, the victim confirmed the facts set out in the indictment and confirmed the defendant's statement that since the incident the defendant has not assaulted her again.

Final recommendations

The public prosecutor stated that even though they have reconciled and have continued living together as husband and wife, to prevent the defendant from reoffending in the future and so he is not accustomed to using violence against the victim and their children, the prosecutor requested for the court to order the defendant to pay a fine.

The defence stated that the defendant confessed, has reconciled with the victim, regretted his actions, and this was the first time he had assaulted the victim, and based on all of these reasons the public defender requested for the court to impose a fine against the defendant.

Decision

After evaluating all of the facts, the court found that the defendant slapped the victim once above her left eye and slapped her once on the back of her neck.

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, therefore the court concluded this matter and ordered the defendant to pay a fine of US\$45 to be paid in instalments of US 50 cents per day for 90 days. The court also imposed an alternative penalty of 80 days in prison if the defendant does not pay this fine.

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

Case Number : 0052/22. PDBAU
Composition of the Court : Single Judge
Judge : José António d. Escurial
Prosecutor : Julio da Silva Correia
Defence : Sidonio Maria Sarmento
Decision : Fine of US\$ 15.00

On 26 July 2022 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 Bacau Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 28 March 2022, at 12pm, the defendant swore at the victim and threw a stone that struck the victim on her left leg. Prior to this assault, the defendant and the victim argued because the victim asked the defendant help her thresh some corn, but the defendant did not want to, so the assault occurred.

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

Examination of evidence

During the trial, the defendant stated that at the time of the incident he was preparing a seedbed, however victim told him to thresh some corn so the defendant swore and threw a stone which struck the victim on her left leg, and after this incident the victim stayed at a Shelter for five days and when she returned from the shelter they reconciled and the defendant has not hit the victim since then. They have six children, and this was the first time that he assaulted the victim.

Also, 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 assaulted her again.

Final recommendations

The public prosecutor stated that even though they have reconciled and have continued living together as husband and wife, to prevent the defendant from becoming accustomed to using violence against the victim and the children in the future, the prosecutor requested for the court to impose a prison sentence of three months, suspended for one year.

The defence stated that the defendant confessed all of the facts in the indictment, has reconciled with the victim, regretted his actions, and this was the first time that he assaulted the victim, therefore the defence requested for the court to issue a lenient penalty against the defendant.

Decision

After evaluating all of the facts, the court found that the defendant swore at the victim and took a rock and threw it at the victim's left leg.

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.

17. Crime of aggravated sexual abuse of a minor

Case Number : 0006/22. VQUCB
Composition of the Court : Panel
Judges : Sribuana da Costa, Florencia Freitas and
José António d. Escurial
Prosecutor : Julio da Silva Correia
Defence : Sidonio Maria Sarmiento
Decision : 8 years in prison

On 28 July 2022 the Baucau District Court announced its decision in a case of aggravated sexual abuse of a minor involving the defendant HF who allegedly committed the offence against the victim aged 9 years in Viqueque Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 5 March 2022, the victim together with her grandfather went to the home of the younger sibling of the grandfather, at 4:00pm the grandfather summoned the victim to go back to their house, however the defendant told the victim's grandfather to go home first and then the defendant and the victim would follow, therefore the grandfather went home first. When the defendant and the victim went back they went past the defendant's house and there was no one home at the defendant's house, therefore the victim sat down on the varanda and then the defendant called out to

the victim to sit inside the house, so the victim went inside and sat on a chair and then not long after the defendant came and sat next to the victim and took out a wallet and gave US\$3.00 to the victim. Then the defendant picked up the victim and placed her on his lap and pulled down the victim's pants to her knees and then the defendant put his finger three times into the victim's genitals, which caused the victim to suffer pain. When the victim was going to scream the defendant used his hands to cover the victim's mouth. Suddenly the younger sibling of the victim called out to the victim to come home and the defendant answered by saying go and stand over there. Therefore the victim was going to run back to her home naked however the defendant told her to put her pants back on before going home. When the victim got home, she immediately told her mother about the incident.

The prosecutor charged the defendant with violating Article 177.1 of the PC on sexual abuse of a minor which carries a penalty of 5 to 20 years in prison and Article 182 (a and d) of the PC on aggravation.

Examination of evidence

During the trial the defendant stated that he put his hand inside the front of the victims' pants and tried to put his finger inside the victim's genitals but he was unable to do so, and he did give US\$3.00 to the victim as she is a relative. The defendant said he did not remove the victim's pants and did not choke her. The defendant also stated that at the time of the incident he was heavily intoxicated, he was a first time offender and he regretted his actions.

Also, the victim confirmed the facts set out in the indictment and also stated that when her younger sibling called out to her, the defendant went outside and told her younger sibling to stand there.

The witness HedC who is the younger sibling of the victim testified that when he went to call out to the victim the defendant came outside and told the witness to stand there.

Final Recommendations

The public prosecutor stated that even though the defendant partially confessed to the facts in the indictment, the victim confirmed the facts without reservation and the witness also confirmed some of the facts, and the prosecutor gave more weight to the statement of the victim and the testimony of the witness. Based on the charges and the examination of evidence the defendant's actions fulfilled the elements of the crime of aggravated sexual abuse of a minor. Therefore the prosecutor requested for the court to impose a prison sentence of 10 years against the defendant.

The defence stated that that the defendant confessed the facts of this crime, regretted his actions, was a first time offender, and therefore the defence requested for the court to impose a minimum penalty against the defendant for this crime.

Decision

After evaluating all of the facts, the court found that the defendant came and sat beside the victim and took out his wallet and gave US\$3.00 to the victim. Then the defendant picked up the victim and placed her on his lap and pulled down the victim's pants to her knees and then the defendant put his finger three times into the victim's genitals, which caused the victim to suffer pain.

Based on the facts that were proven and consideration 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 prison sentence of 8 years against the defendant.

18. Crime of using a bladed weapon

Case Number : 0018/21. BCQLC
Composition of the Court : Panel
Judge : Florencia Freitas, Jumaity Maria Freitas and
Jose Escurial
Prosecutor : Bartolomeu de Araújo
Defence : Sidonio Maria Sarmiento
Decision : Prison sentence of 3 years, suspended for 3 years

On 28 July 2022 the Baucau District Court announced its decision in a case of using a bladed weapon involving the defendants August Freitas and Mauricio Boavida who allegedly committed the offence against the State of Timor-Leste, in Lakuliu Village, Kelikai Sub-District, Baucau Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 25 April 2021, at 3pm, a misunderstanding occurred, and each of the two defendants went and got a machete and spear and threatened each other. The incident occurred because the defendant Mauricio came back from the plantation and there was no food so he swore at the wife of the defendant Agostu and then the problem occurred.

The prosecutor alleged that the two defendants violated Article 20 (1) of the Law on Bladed Weapons.

Examination of evidence

During the trial, the defendant Agostu Freitas confessed to all of the facts in the indictment and after the incident when he returned from the police station he reconciled with the other defendant, and he regretted his actions, and was a first time offender. The

defendant Mauricio Boavida confessed to all of the facts in the indictment and stated that after this incident when he returned from the police station he reconciled with the other defendant, he regretted his actions and was a first time offender.

Final Recommendations

The public prosecutor stated that defendants confessed to the allegations against them, the defendants used a machete and spear to commit the alleged crime and during the examination of evidence it was proven that the defendants committed the crime of using a bladed weapon, therefore the prosecutor requested for the court to sentence the defendants to three years imprisonment, suspended for three years.

Meanwhile, the defence emphasized that during the examination of evidence the defendants confessed, regretted their behaviour, were first time offenders, and the defendants also cooperated with the judicial authorities, therefore they did not make it difficult to discover the truth. Therefore the defence requested for the court to impose a lenient penalty against the defendants.

Decision

After evaluating all of the facts, the court found that there was a misunderstanding, and each of the two defendants went and got a machete and spear and threatened each other.

Based on the facts that were proven and consideration of all of the mitigating circumstances, namely that the defendants confessed, regretted their actions, and were first time offenders, the court concluded this matter and sentenced the defendant to 3 years in prison, suspended for 3 years.

19. Crime of mistreatment of a spouse

Case Number : 0090/21. BCSIC
Composition of the Court : Panel
Judges : Sribuana da Costa, Florencia Freitas and
José António d. Escurial
Prosecutor : Julio da Silva Correia
Defence : Grigorio de Lima
Decision : Prison sentence of 2 years, suspended for 2 years

On 29 July 2022 the Bacau District Court announced its decision in a case of mistreatment of a spouse involving the defendant SJdC who allegedly committed the offence against his wife in Baucau Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 3 September 2021, at 10:30am, the victim asked the defendant for money to buy some rice however the defendant did not give her any money and went to play cards and lost money, therefore the defendant and the victim argued and the defendant swore at the victim and the defendant got his belongings and was going to leave and the victim told him not to leave. Therefore the defendant knocked the victim's hand and this caused the victim to fall to the ground and her arm was dislocated, also the victim's arm struck the bed which caused an injury.

Then on 24 March 2021 the defendant punched the victim once in the throat, punched the victim once on the back of the neck and grabbed her by her shirt and threw her on the ground. Since they have been living together the defendant regularly assaulted the victim.

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 the facts that occurred on 3 September and 24 March 2021 were correct. However he said that he did not regularly hit the victim. The defendant also stated that he regretted his actions, was a first time offender, and works as a farmer to sustain his family.

The victim confirmed all of the facts in the indictment without reservation and stated that since the incident the defendant has not hit the victim.

Final Recommendations

The public prosecutor stated that the defendant was guilty of committing mistreatment of his spouse based on the statement of the defendant and the confirmation from the victim, therefore to prevent the defendant from reoffending in the future, the prosecutor requested for the court to impose a prison sentence of two years, suspended for two years.

The defence requested for the court to apply a fair sentence against the defendant with the consideration that the defendant confessed to the facts, has reconciled with the victim, regretted his actions and was a first time offender.

Decision

After evaluating all of the facts, the court found that during the first incident the defendant knocked the victim's hand and this caused the victim to fall to the ground and her arm was dislocated, also the victim's arm struck the bed which caused an injury. During the

second incident the defendant punched the victim once in the throat, punched the victim once on the back of the neck and grabbed her by her shirt and threw her on the ground.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, has reconciled and was a first time offender, the court concluded this matter and sentenced the defendant to 2 years in prison, suspended for 2 years.

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

Case Number	: 0063/22. PDDBA
Composition of the Court	: Single Judge
Judge	: Sribuana da Costa
Prosecutor	: João Marques
Defence	: Grigório Maria Lourdes de Lima
Decision	: Fine of US\$ 45.00

On 29 July 2022 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant AdC who allegedly committed the offence against his wife in Bacau Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 29 April 2019, at 7.30am, the defendant punched the victim once on her right shoulder, kicked her once in the knee and pushed her into a wall. Prior to this assault the defendant and the victim had an argument because victim found the clothing of the defendant's mistress in their wardrobe.

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 the victim was going to burn the clothes of his mistress so the defendant became angry and slapped the victim once on her shoulder and pushed her into a wall. The defendant is now together with another woman, regretted his actions, was a first time offender and works as a teacher with a monthly income of US\$372.00.

The victim stated that she found the clothing of the defendant's mistress in their wardrobe so the victim threw them away, and did not intend to burn them, therefore they argued and the defendant assaulted the victim. The victim also stated that now they are separated.

Final Recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim and the assault fulfilled the elements of Article 145 of the Penal Code and as a result of his actions the victim decided to separate from the defendant. With consideration of these circumstances, the public prosecutor requested for the court to order the defendant to pay a fine.

The defence stated that the defendant confessed the acts he committed against the victim as set out in the indictment, regretted his actions, 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 on her right shoulder, kicked her once in the knee and pushed her into a wall.

Based on the facts that were proven and 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 ordered the defendant to pay a fine of US\$ 45.00 to be paid in daily instalments of US 50 cents a day for 90 days. The court also imposed an alternative penalty of 60 days in prison if the defendant does not pay this fine.

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

Case Number	: 0080/21. LASIC
Composition of the Court	: Single Judge
Judge	: Sribuana da Costa
Prosecutor	: João Marques
Defence	: Grigório Maria Lourdes de Lima
Decision	: 1 month in prison, suspended for 1 year

On 29 July 2022 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 Lautem Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 15 November 2021, at 9:30am, the defendant kicked the victim once on the left side of her chest. Prior to this assault, the defendant and the victim argued because the defendant was going to dismantle their kiosk, because the victim did not want to hand over documents to the defendant relating to a vehicle.

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 facts charged by the prosecutor were true, he regretted his actions, promised not to hit the victim in the future, was a first time offender and he works as a farmer to sustain his family.

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 allegations against the defendant were all proven based on the defendant's statement and the confirmation of the victim, therefore the prosecutor requested for the court to order the defendant to pay a fine.

The public defender requested for the court to impose a fair penalty against the defendant because the defendant confessed, regretted his actions, was a first time offender and cooperated with the judicial authorities.

Decision

After evaluating all of the facts, the court found that the defendant kicked the victim once on the left side of her chest.

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

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