



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN SISTEMA JUDISIÁRIU

Case Summary
Baucau District Court
July 2018

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 cases monitored by JSMP: 40

Article	Case Type	Number of cases
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 and types of offences categorised as domestic violence	26
Article 154 of the PC	Mistreatment of a spouse	5
Article 145 of the PC	Simple offences against physical integrity	4
Article 172 of the PC	Rape	1
Article 157 of the PC	Threats	1
Article 258 of the PC	Property damage	1
Article 138 (PC) and Articles 23 and 35 (PC)	Homicide and attempted homicide and joinder of crimes	1
Article 253 (PC) and	Robbery, aggravated larceny and	1

Articles 252 and 145 (PC)	simple offences against physical integrity	
Total		40

2. Total decisions monitored by JSMP: 32

Type of desizaun	Number of cases
Prison sentence (Article 66 of the PC)	1
Suspension of execution of a prison sentence (Article 68 of the PC)	17
Fine (Article 67 of the PC)	8
Validating withdrawal of complaint	4
Acquitted	2
Total	32

3. Total ongoing cases based on JSMP monitoring: 8

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

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

Case No. : 0003/18. MNMNT
Composition of the Court : Single Judge
Judge : Jose Quintão
Prosecutor : Gustavo Augusto M. da Silva
Public Defender : Jose M. Guterres
Type of Penalty : Fine

On 2 July 2018 the Baucau District Court, through the mobile court in Manatuto District, announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant GFL who allegedly committed the offence against his wife in Manatuto District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 6 January 2018, at 5.30pm, the victim was taking the details of a patient in their private clinic, but for reasons unknown, the defendant came out of the house carrying a pair of scissors and threw them at the victim, but missed because the victim moved out of the way. After that the defendant approached the victim to punch the victim on her left shoulder and the defendant's fingernails scratched the victim's eye. This caused the victim to suffer injury and pain and she 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, 3, 35 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 and stated that he regretted his actions, has reconciled with the victim, and promised not to reoffend against the victim in the future.

Meanwhile the victim confirmed all of the facts in the indictment of the public prosecutor, namely that the defendant threw a pair of scissors at the victim but missed. After that the defendant approached the victim to punch the victim once on her left shoulder and the defendant's fingernails scratched the victim's eye which caused an injury and the victim fell to the ground. Also the victim corroborated the defendant's statement that the defendant and victim have reconciled and the defendant has not hit the victim since that time.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant and the statement of the victim. Therefore to deter such crimes from occurring in the future, the public prosecutor requested for the court to impose a fine against the defendant.

The public defender requested for the court to apply a fair punishment against the defendant, with consideration of the mitigating circumstances because the defendant confessed, regretted his actions, has reconciled with the victim, and promised not to reoffend against the victim in the future.

Decision

After evaluating all of the facts, the court found the defendant guilty of committing the crime based on the facts set out in the indictment. Based on the evidence the court ordered the defendant to pay a fine of US\$ 15.00 to be paid in daily instalments of 50 cents for 30 days. The court also imposed an alternative penalty of 30 days in prison if the defendant does not pay this fine.

2. Crime of simple offences against physical integrity

Case No. : 00237/18. MNMNT
Composition of the Court : Single Judge
Judge : Antonio Fonseca

Prosecutor : Luis H. Rangel da Cruz
Public Defender : Jose M. Guterres
Type of Penalty : Validating withdrawal of complaint

On 3 July 2018 the Baucau District Court, through the mobile court in Manatuto District, announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant NRLS who allegedly committed the offence against his former girlfriend in Manatuto Vila Sub-District, Manatuto District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 20 April 2018, at 2.00pm, the defendant kicked the victim once on her side. This caused the victim to suffer pain and swelling and then the victim received treatment at the Manatuto Health Centre. The incident occurred when the defendant prohibited the victim from going out with another man, even though the defendant was going out with another woman.

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

Presentation of evidence

During the trial, the defendant stated that they were still in a relationship and the defendant heard that the victim was going out with another man, so the defendant committed this act against the victim. The defendant promised that he would not interfere again in the victim's life, and the defendant wanted to reconcile and he apologised to the victim, regretted his actions and was a first time offender.

Meanwhile, the victim confirmed all of the facts in the indictment and the victim stated that previously they were in a relationship, but this ended in 2016.

Final recommendations

The prosecutor previously charged the crime of domestic violence, but during the examination of evidence the requirements for the crime of domestic violence were not fulfilled, so the prosecutor requested for the court to modify the crime of domestic violence to the crime of simple offences against physical integrity. The victim forgave the defendant and withdrew her complaint against the defendant. Therefore the prosecutor requested for the court to validate the withdrawal of complaint and acquit the defendant from the charges.

The public defender agreed with the prosecutor and stated that the defendant and the victim had no special relationship and during the examination of evidence the victim wanted to withdraw her complaint against the defendant. Therefore the public defender requested for the court to validate the withdrawal of complaint and acquit the defendant from the charges.

Decision

After evaluating the facts the court found the defendant guilty of committing the crime against the victim. The court also considered that the defendant and victim had previously been in a

relationship, but at the time of the incident they were no longer in a relationship. Therefore the court modified the charge of simple offences against physical integrity characterized as domestic violence to the crime of simple offence against physical integrity and validated the request to withdraw the complaint.

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

Case No. : 0012/17. BCEVN
Composition of the Court : Single Judge
Judge : José Gonsalves
Prosecutor : Ivonia Maria Guterres
Public Defender : Grigorio de Lima
Type of Penalty : 6 months in prison, suspended for 1 year

On 3 January 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant FFG who allegedly committed the offence against his wife in Baucau District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 12 October 2017, at 8.00pm, the defendant and victim were arguing over a telephone and the defendant punched the victim once on her right ear, and punched the victim once on her left shoulder and punched the victim once on her left side.

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, 3, 35 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 after the victim returned from the police station he used his own initiative to reconcile with the victim. The defendant regretted his actions and was a first time offender. The victim maintained all of the facts in the indictment and stated that after the event she reconciled with the defendant and the defendant has not hit her again.

Final recommendations

The public prosecutor stated that the defendant committed the crime against the victim and also considered the mitigating circumstances such as the defendant confessed and regretted his actions. However, to deter the defendant from committing such crimes against the victim in the future, the public prosecutor requested for the court to sentence the defendant to 6 months in prison, suspended for 2 years.

The public defender stated that the defendant confessed, regretted his actions and promised that in the future he would not commit any crimes against the victim. Therefore he requested for the court to impose a fair penalty against the defendant.

Decision

After evaluating all of the facts, the court found the defendant guilty of committing the crime against the victim. Based on the evidence the court sentenced the defendant to 6 months in prison, suspended for 1 year.

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

Case No. : 0022/17. BCEVN
Composition of the Court : Single Judge
Judge : José Gonsalves
Prosecutor : Ivonia Maria Guterres
Public Defender : Marcal Gama
Type of Penalty : 1 year in prison, suspended for 2 years

On 3 July 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant EMA who allegedly committed the offence against his wife in Baucau District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 17 December 2017 at 08.00am the defendant punched the victim once in the head, slapped the victim once across the nose and punched the victim once in the mouth. This caused the victim to suffer injuries and bleeding to her nose and mouth.

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, 3, 35 and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant fully confessed the facts set out in the indictment. The defendant stated that he was a first time offender, regretted his actions and after one week reconciled with the victim. The victim maintained all of the facts in the indictment and stated that she has reconciled with the defendant and now they are living together as husband and wife.

Final recommendations

The public prosecutor maintained the charges and requested for the court to sentence the to six months in prison, suspended for one year, for committing the crime against the victim based on the confession of the defendant and the statement of the victim.

Meanwhile, the public defender requested for the court to impose a fair penalty against the defendant with consideration of the mitigating circumstances because the defendant confessed, regretted his actions and was a first time offender.

Decision

After evaluating the facts produced during the trial, the court found that the defendant punched the victim once in the head, slapped the victim once against the nose, and punched the victim once in the mouth which caused an injury and bleeding. Based on all of the facts that were

proven and the relevant circumstances, the court sentenced the defendant to 1 year in prison, suspended for 2 years.

5. Crime of homicide and attempted homicide and joinder of crimes

Case No. : 0002/17. MNLLB
Composition of the Court : Panel
Judges : Afonso Carmona
José Gonsalves
Ercilia de Jesus
Prosecutor : Luis H. Rangel da Cruz
Public Defender : Antonio Fernandes
Type of Penalty : 30 years in prison

On 4 July 2018 the Baucau District Court announced its decision in a case of homicide and attempted homicide involving the defendant Antonio Soares Mendonca and the victims Vitoria Soares (deceased), Mariano Soares (deceased) Raimundo Soares, Madalena da Costa, Robertina da Silva, Santiago Soares, Agostinho de Oliveira, Linda Mira de Jesus da Costa and Jecia Margarida Soares, in Futulau Sub-Village, Orlalan Village, Laklubar Sub-District, Manatuto District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 22 March 2017, at midnight, in Futulau Sub-Village, the victims were at their grandfather's funeral. After burying their grandfather, the victims and their families held a wake until late at night. When they felt sleepy the victims went to sleep inside the sacred house. Suddenly the defendant entered the sacred house with a machete to attack and he struck the victims who were fast asleep inside the traditional house.

This act caused the victim Mariano Soares to suffer an injury to this eye, the victim Raimundo Soares suffered a major injury to his forehead, Madalena Soares suffered a major injury to her head, Robertina da Silva suffered an injury to her cheek and shoulder, Santiago Soares suffered an injury to his hand, Agostinho de Oliveira suffered an injury to his head, Linda Maria de Jesus suffered an injury near her eye, and Jecia Margarida Soares da Costa suffered an injury to her head.

After committing his act against the victims, the defendant left the sacred house and saw Vitoria Soares. The defendant slashed the victim twice across the throat and the victim died at the scene. The victim Mariano Soares died at the Guidu Valdares National Hospital in Dili and the other victims were treated at the Guidu Valdares National Hospital in Dili.

The prosecutor alleged that the defendant violated Article 138 of the Penal Code for committing the crime of homicide against the victim Vitoria Soares and the victim Mariano Soares and violated Article 138 of the Penal Code, Article 23 of the Penal Code and Article 35 of the Penal Code for committing the crimes against the victims Raimundo Soares, Madalena da Costa, Robertina da Silva, Santiago Soares, Agostinho de Oliveira, Linda Mira de Jesus da Costa and Jecia Margarida Soares.

Presentation of evidence

During the trial, the defendant stated that previously the defendant suspected that the victims were going to kill the defendant's parents. Suddenly at night time the defendant heard a person call out to the defendant and say that "Antonio did you hear a sound?" The defendant was shocked and thought a person was killing his mother and sister, so the defendant committed the acts against the victims. The defendant confessed all of the facts in the indictment, the defendant regretted his actions and was a first time offender and the defendant was in pre-trial detention.

The victims confirmed all of the facts in the indictment and stated that during the incident the victims were sound asleep.

The witness Andre da Costa, who is a relative of the victims testified that on the night of the incident he was asleep at home which was situated approximately 50 metres from the scene of the crime. When the witness heard a person shout he ran to the scene and saw the victim Vitoria Soares lying on the road. The witness saw that many people were wounded so he immediately contacted the Laklubar Police Station. The witness added that the victim Vitoria Soares died at the scene and Mariano Soares died at Guido Valadares National Hospital in Dili and other victims were treated at the Guido Valadares National Hospital in Dili.

Final recommendations

The public prosecutor maintained the charges because during the examination of evidence the defendant confessed all of the facts in the indictment and the victims confirmed all of the facts in the indictment. The defendant was found guilty of committing the crime of homicide against two people and committing the crime of attempted homicide against seven others. The public prosecutor added that the defendant intended to kill the two victims and tried to kill the other victims. Therefore he requested for the court to impose a prison sentence of 30 years against the defendant.

On the other hand, the public defender requested for the court to impose a fair penalty against the defendant. In addition, the public defender also argued that previously the defendant heard rumours that the victims were going to kill the defendant's family. The defendant heard someone call out to the defendant, so the defendant thought the victims had killed his family. However, the defendant cooperated and confessed all of his actions, expressed regretted for his actions and was a first time offender and the defendant was in pre-trial detention.

Decision

After evaluating the facts produced during the trial, the court concluded this matter and found the defendant guilty of committing the crime of homicide against Vitoria Soares and Mariano Soares (deceased) and sentenced the defendant to 15 years in prison for each crime. For the crime of attempted homicide against the other 7 victims, the court sentenced the defendant to 6 years in prison for each crime and for the crime committed against the victim Santiago Soares the court sentenced the defendant to 3 years in prison.

The court accumulated the respective penalties and pursuant to Articles 66.2 and 66.3 of the Penal Code the maximum duration of a prison sentence is 30 years, therefore the court sentenced the defendant to 30 years in prison.

6. Crime of mistreatment of a spouse

Case No. : 0007/17. LASIC
Composition of the Court : Panel
Judges : Jose Quintão
Antonio Fonseca
Ercilia de Jesus
Prosecutor : Luis H. Rangel da Cruz
Public Defender : Sidonio M. Sarmiento
Type of Penalty : 2 years in prison, suspended for 2 years

On 9 July 2018 the Baucau District Court conducted a hearing to announce its decision in a case of mistreatment of a spouse involving the defendant FM who allegedly committed the offence against his wife in Lautem District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 16 November 2017, at 11.00am, the defendant took a piece of wood and struck the victim many times on her left arm and left leg.

Previously on an unspecified day and month during 2010 the defendant punched the victim twice, striking her left and right eyes. Three months later the defendant slapped the victim on her left cheek and right cheek. While they were living together since 1997, the defendant always physical 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 - 6 years in prison as well as Articles 2, 3, 35 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, was a first time offender and has reconciled with victim. The victim maintained the facts in the indictment and stated that she has reconciled with the defendant.

Final recommendations

The public prosecutor maintained the charges and stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant and the statement of the victim. To deter such crimes from occurring in the future, the public prosecutor requested for the court to sentence the defendant to 2 years in prison, suspended for 2 years.

The public defender requested for the court to impose a lenient penalty against the defendant, based on the consideration that 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 the defendant guilty of committing the crime based on the facts set out in the indictment of the prosecutor. However, the court also considered all of the circumstances in this case and sentenced the defendant to 2 years in prison, suspended for 2 years.

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

Case No.	: 0004/17. VQWTL
Composition of the Court	: Single Judge
Judge	: Ercilia de Jesus
Prosecutor	: Gustavo Augusto Morreira da Silva
Public Defender	: Grigorio de Lima
Type of Penalty	: 1 year in prison, suspended for 1 year for the defendant AdS, 3 months in prison, suspended for 1 year three months for the defendant JP.

On 9 July 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant AdS (husband of the victim) and the defendant JP (stepdaughter of the victim) who allegedly committed the offence against the victim in Viqueque District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 8 February 2017, at 3.00pm, the victim asked the defendant JP for US\$30 because the defendant took the victim's money without the knowledge of the victim. The defendant JP and the victim had an argument, so the defendant JP pulled the victim's hair, kicked the victim in the ribs and punched the victim in the chest. Meanwhile the defendant AdS punched the victim five times on the top and left side of her 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 Article 2, 3, 35 and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial, the defendants used their right to remain silent. The victim maintained and confirmed all of the facts set out in the indictment.

Final recommendations

The public prosecutor maintained the charges even though the defendants chose to remain silent, and the victim confirmed the allegations so the prosecutor requested for the court to sentence the defendant based on the court's conviction. The prosecutor felt that the defendants did not regret their actions.

The public defender stated that during the examination of evidence the defendants chose to remain silent, and therefore he requested for the court to impose a fair penalty against the defendants.

Decision

After evaluating the facts produced during the trial, the court found the defendants guilty of committing the crime against the victim. Based on these considerations, the court concluded this matter and sentenced the defendant AdS to 1 month in prison, suspended for 1 year, and sentenced the defendant JP to 3 months in prison, suspended for 1 year three months.

8. Crime of simple offences against physical integrity

Case No. : 00071/17. BCBCV
Composition of the Court : Single Judge
Judge : Ercilia de Jesus
Prosecutor : Ivonia M. Guterres
Public Defender : Marcal Gama
Type of Penalty : Validating withdrawal of complaint

On 9 July 2017 the Baucau District Court attempted conciliation in a case of simple offences against physical integrity involving the defendant Jose da Costa who allegedly committed the offence against the victim Ezaquel da Costa Fernandes, in Buruma Village, Baucau Vila Sub-District, Baucau District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 30 September 2017, at midnight, the victim was with his two friends and they were attending the marriage of his younger sister. When they arrived in Dokobere, Buruma Village, there were a lot of young people standing on the road and some of them were running in all directions. Therefore the victim and his friends stopped their motorcycle and suddenly the defendant threw a rock and struck the victim above the eye and caused the victim to suffer a split above his eye. The victim was treated at the Baucau Referral Hospital and received four stitches.

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

Presentation of evidence

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

During the attempted conciliation the defendant apologised to the victim, promised not to commit any other crimes against the victim in the future and regretted his actions. The victim agreed to this request but with the condition that the defendant has to pay US\$200 to compensate for his suffering. The victim agreed and requested for the court to withdraw the complaint against the defendant.

Final recommendations

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

Decision

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

9. Crime of simple offences against physical integrity

Case No.	: 00031/17. BCVMS
Composition of the Court	: Single Judge
Judge	: Ercilia de Jesus
Prosecutor	: Ivonia M. Guterres
Public Defender	: Marcal Gama
Type of Penalty	: Validating withdrawal of complaint

On 9 July 2018 the Baucau District Court attempted conciliation in a case of simple offences against physical integrity involving the defendant Francelino Luis de Fatima who allegedly committed the offence against the victim Nerio Rui G. do Carmo, in Kaikua Village, Vemasse Sub-District, Baucau District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 5 August 2017, at 1.00pm, the defendant kicked the victim once in the stomach and took a piece of wood and struck the victim once on the back. This case occurred when the victim and his two friends were participating in a ceremony to end a mourning period in Kaikua. When they got to a rice field the defendant and his friends were standing on the road and without a clear motive the defendant committed this act 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.

Presentation of evidence

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

During this attempted conciliation the defendant apologised to the victim, stated that he regretted his actions and gave US\$ 50 to the victim to compensate his suffering. The victim agreed and requested for the court to withdraw the complaint against the defendant.

Final recommendations

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

Decision

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

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

Case No. : 0024/17. VQSIC
Composition of the Court : Single Judge
Judge : Jose Quintão
Prosecutor : Gustavo Augusto M. da Silva
Public Defender : Maria Angela
Type of Penalty : Fine

On 10 July 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant CS who allegedly committed the offence against his wife in Viqueque District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 29 June 2017, at 12.00 midday, the defendant punched the victim once on his left ear, kicked the victim once on the back of the neck and punched the victim once above her left eye.

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, 3, 35 and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant totally confessed to the facts set out in the indictment of the prosecution, stated that he has reconciled with the victim and regretted his actions. The victim maintained the facts in the indictment and stated that she has reconciled with the defendant.

Final recommendations

Therefore the public prosecutor maintained the charges against the defendant and stated that he was guilty of committing the crime against the victim and therefore requested for the court to use its conviction to convict the defendant.

The public defender requested for the court to apply a fair punishment against the defendant, with consideration of the mitigating circumstances because the defendant confessed, regretted his actions, and has reconciled with the victim.

Decision

The court found the defendant guilty of committing the crime against the victim based on the facts set out in the indictment. Based on the evidence, the court concluded this matter and ordered the defendant to pay a fine of US\$ 22.50 to be paid in daily instalments of 50 cents for

45 days. The court also imposed an alternative penalty of 30 days in prison if the defendant does not pay this fine.

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

Case No. : 0058/18. BCBCV
Composition of the Court : Single Judge
Judge : Jose Quintão
Prosecutor : Luis H. Rangel da Cruz
Public Defender : Grigorio de Lima
Type of Penalty : Fine

On 10 July 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant SBP who allegedly committed the offence against his wife in Baucau District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 27 April 2018, at 8.30am, the victim went to the workplace of the defendant to ask about the money the defendant gave to their youngest son, so the defendant and the victim argued and the defendant punched the victim twice in the head. This act caused the victim to fall to the ground and the victim's shoulder struck some cement which caused pain and swelling. The defendant and the victim got married in 1998 and have 6 children, and they got separated in 2011.

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, 3, 35 and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant confessed all of the facts in the indictment and stated that they separated, and the defendant wanted to see the children but the victim did not agree. The defendant also stated that he was a first time offender. The victim confirmed all of the facts in the indictment, stated that the defendant gave money to their child without telling the victim, so the victim went to find out from the defendant. The victim also stated that the six children lived with the victim and the matter of parental control was registered with the court.

Final recommendations

The public prosecutor maintained the charges and stated that the defendant was guilty of committing the crime against the victim. However, the prosecutor gave consideration to the fact that the defendant confessed and was a first time offender. Based on these considerations, the public prosecutor requested for the court to sentence the defendant to 6 months in prison, suspended for 1 year.

The public defender requested for the court to impose a lenient penalty against the defendant, based on the consideration that the defendant confessed, and was a first time offender.

Decision

The court found the defendant guilty of committing the crime against the victim based on the facts set out in the indictment. The court concluded this matter and ordered the defendant to pay a fine of US\$ 22.50 to be paid in daily instalments of 50 cents for 45 days, as well as court costs of US \$ 10. The court also imposed an alternative penalty of 30 days in prison if the defendant does not pay this fine.

12. Crime of Rape

Case No.	: 0536/12.PDBAU
Composition of the Court	: Panel
Judges	: Afonso Carmona Ersilia de Jesus Jose Goncalves
Prosecutor	: Ivonia Maria Guterres
Public Defender	: Jose Maria Guterres
Type of Penalty	: Acquitted

On 11 July 2018 the Dili District Court conducted a hearing to announce its decision in a case of rape involving the defendant JdC who allegedly committed the offence against the victim MdCF, in Baucau District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 23 June 2012, at 1.00pm, the victim left home to pick some betel nut leaves in the plantation. Suddenly the defendant emerged and covered the victim's mouth with his hand and forced the victim between some rocks and forcefully removed the victim's clothes but the victim refused. So the defendant threatened the victim with a knife and the defendant used force to have sexual intercourse with the victim, and after having sexual intercourse with the victim the defendant gave US\$350 to the victim. The victim became pregnant as a result of this act.

Presentation of evidence

During the trial the defendant stated that he did have sexual intercourse with the victim between February and June 2012, however the defendant stated that he did not threaten the victim and the intercourse was based on mutual consent. The defendant also stated that previously the victim always asked the defendant for money and when the defendant and the victim met up they always had sexual intercourse and the defendant always gave at least US\$10 and at most US\$20 and on the last occasion the defendant gave US\$350 to the victim. The victim accepted this money, and when the victim became pregnant she mentioned the defendant's name. The defendant acknowledged that the victim was pregnant with the defendant's child and now the defendant is providing for the child.

The victim stated that the sexual intercourse was based on mutual consent and the defendant did not force the victim. The victim also confirmed that after having sexual intercourse the defendant always gave money to the victim including US\$350 after the final incident. The victim added that she used this money for her needs and the victim's family made a complaint to the police when they found out that the victim was pregnant.

Final recommendations

The public prosecutor consider that there was insufficient evidence because the defendant and the victim stated that the intercourse occurred based on mutual consent and the defendant did not force the victim. Therefore the prosecutor requested for the court to use its conviction to impose the correct penalty. In addition, the public defendant also requested for the court to acquit the defendant from this crime because the defendant and the victim stated that the intercourse was based on mutual consent and the victim's family made a complaint to the police when they found out that the victim was pregnant.

Decision

After evaluating the facts produce during the trial, the court found that the defendant had sexual intercourse with the victim based on consent. A complaint was made to the police only when the victim became pregnant. Based on all of these considerations, the court decided to acquit the defendant from these charges.

13. Crime of making threats

Case No.	: 0001/18.LALRO
Composition of the Court	: Single Judge
Judge	: Hugo da Cruz Pui
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Cristovão Nuno Ximenes
Type of Penalty	: Validating withdrawal of complaint

On 11 July 2018 the Baucau District Court conducted a trial to attempt conciliation in a case of threats involving the defendant Osorio Dias who allegedly committed the offence against the victim Domingos Miranda in Luro Village, Luro Sub-District, Lautem District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 8 March 2018, at 8.00pm, the defendant and the victim argued about political parties, so the defendant threatened the victim by saying “You wait here, I'm going home and then coming back and then you will see what happens.” Because of this the victim felt afraid of the defendant's threats and this caused the victim to feel that he could not conduct his normal activities freely.

The public prosecutor alleged that the defendant violated Article 157 of the Penal Code on making threats with that carries a maximum penalty of one year in prison or a fine.

Presentation of evidence

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

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

Final recommendations

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

Decision

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

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

Case No.	: 0001/18. BCEVN
Composition of the Court	: Single Judge
Judge	: Afonso Carmona
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Antonio Fernandes
Type of Penalty	: 6 months in prison, suspended for 1 year

On 13 July 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant EdS who allegedly committed the offence against his wife in Baucau District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 6 April 2018, at 12.00 midday, the defendant took a branch from a coconut tree and struck the victim on the arm and also hit the victim in the stomach.

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, 3, 35 and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant stated that members of his family invited him to make preparations for a party celebrating the end of a mourning period. At that time the victim went to the market and returned late, so the defendant committed this act against the victim. The defendant also stated that he regretted his actions, has reconciled with the victim, and promised that in the future he would not commit any crimes against the victim. The victim maintained all of the facts in the indictment and stated that she has reconciled with the defendant and now they are living together as husband and wife.

Final recommendations

The public prosecutor maintained the charges and stated that the defendant was guilty of committing the crime against the victim. The public prosecutor added that the defendant should have provided protection to the victim, but on the contrary the defendant committed the crime against the victim. For this reason he requested for the court to impose a prison sentence of 4 months, suspended for 1 year.

The public defender requested for the court to apply a fair punishment against the defendant, with consideration of the mitigating circumstances because the defendant confessed, regretted his actions, has reconciled with the victim, and promised not to reoffend against the victim in the future.

Decision

After evaluating all of the facts, the court found the defendant guilty of committing the crime based on the facts set out in the indictment. Based on the evidence the court sentenced the defendant to 6 months in prison, suspended for 1 year.

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

Case No.	: 0007/17. LALRO.
Composition of the Court	: Single Judge
Judge	: Ercilia de Jesus
Prosecutor	: Ivonia Maria Guterres
Public Defender	: Antonio Fernandes
Type of Penalty	: Acquitted

On 16 July 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MXS who allegedly committed the offence against his wife in Lautem District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 16 October 2017 at 8.00pm the defendant and the victim argued because the victim returned home late from a wake, so the defendant struck the victim twice on the back with a hammer. This act caused the victim to suffer pain and swelling to 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 Article 2, 3, 35 and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant stated that the defendant and the victim had an argument, but the defendant did not strike the victim on the back with a hammer, and the defendant just held the hammer. Out of fear the victim threw herself on the ground and her back struck a chair.

The victim stated that that during the incident the defendant did not hit her with a hammer, but just held a hammer, but out of fear the victim threw herself on the ground and struck her back on a chair.

The witness Madalena Ximenes who is the daughter of the victim and the defendant testified that during the incident she was watching television, and that the defendant and the victim argued and the defendant grabbed a hammer but did not strike the victim. The witness also stated that the victim was afraid and threw herself on the ground and struck her back on a chair.

Final recommendations

The public prosecutor requested for the court to acquit the defendant from the charges due to a lack of evidence to convict the defendant, because the testimony of the victim, defendant and witness were identical that the defendant did not commit the act against the victim. The public defender also requested for the court to acquit the defendant from the charges due to insufficient evidence to convict the defendant.

Decision

After evaluating the facts produced during the trial, the court found the defendant not guilty of committing the crime against the victim, because during the incident the victim fell over and the defendant did not strike the victim with a hammer. Therefore the court acquitted the defendant from the charges of the public prosecutor.

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

Case No.	: 0019/17. VQOSU
Composition of the Court	: Single Judge
Judge	: Ercilia de Jesus
Prosecutor	: Gustavo Augusto M. da Silva
Public Defender	: Jose Maria Guterres
Type of Penalty	: 6 months in prison, suspended for 2 years

On 16 July 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MSdS who allegedly committed the offence against his wife in Viqueque District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 5 August 2017 at 8am the defendant and the victim argued because the victim took the defendant's telephone, so the defendant kicked the victim four times on her left thigh, and punched the victim twice on the left side of her head. The victim was afraid and ran to the home of her parents in law. The defendant followed the victim and struck the victim many times on her body with a belt and used a black piece of rope to strike the victim once on the leg. As a result of these acts the victim was treated at the Viqueque Medical Centre.

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, 3, 35 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 was a first time offender, regretted his actions, has reconciled with victim, and promised not to commit any crimes against the victim in the future. The victim maintained all of the facts in the indictment and stated that she has reconciled with the defendant.

Final recommendations

The prosecutor believed that the defendant was guilty of committing the crime against the victim based on the defendant's confession and the testimony of the victim. Therefore the public prosecutor maintained the charges and requested for the court to use its conviction to impose the correct penalty.

The public defender stated that the defendant confessed all of the facts set out in the indictment, regretted his actions, was a first time offender and has reconciled with the victim. Therefore the public defender requested for the court to impose a fair penalty against the defendant.

Decision

After evaluating the facts produced during the trial, the court found the defendant guilty of committing the crime based on the facts set out in the indictment. Based on this evidence, the court concluded the matter and sentenced the defendant to 1 year and six months in prison, suspended for 2 years, and ordered him to pay court costs of US\$20.

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

Case No.	: 0009/17.BCEVN
Composition of the Court	: Single Judge
Judge	: Ercilia de Jesus
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Jose M. Guterres
Type of Penalty	: 3 months in prison, suspended for 1 year

On 16 July 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant LFDs who allegedly committed the offence against his father FFdS in Baucau District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 27 August 2017, at 12.00 midday, the defendant threw a rock at the victim's face, and threw another rock at the victim's forehead. These acts caused the victim to suffer injuries and bleeding to her forehead and the victim was treated at the Venilale Health Centre and received six stitches. The incident occurred when the defendant was looking for something to eat but the victim said that there was no food.

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, 3, 35 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, regretted his actions and when he returned from the police cell he immediately reconciled with the victim and promised not to reoffend against the victim in the future. The victim maintained all of the facts in the indictment and stated that she has reconciled with the defendant.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant and the statement of the victim. For this reason the public prosecutor requested for the court to impose a prison sentence of 3 months against the defendant, suspended for 1 year.

On the other hand, the public defender requested for the court to impose a fair penalty against the defendant. The public defender stated that the defendant confessed all of the facts in the indictment, regretted his actions, was a first time offender and promised that he would not commit any further crimes against victim in the future.

Decision

After evaluating all of the facts, the court found the defendant guilty of committing the crime based on the facts set out in the indictment of the prosecutor. The court also considered all of the circumstances in this case and sentenced the defendant to 3 months in prison, suspended for 1 year.

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

Case No.	: 0038/17. MNMNT
Composition of the Court	: Single Judge
Judge	: Ercilia de Jesus
Prosecutor	: Gustavo Augusto M. da Silva
Public Defender	: Grigorio de Lima
Type of Penalty	: 2 months in prison, suspended for 1 year

On 16 July 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MM who allegedly committed the offence against his wife in Manatuto District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 7 July 2017, at 3.00pm, the defendant and the victim argued because the defendant suspected that the victim told the neighbours about the defendant, so the defendant punched the victim once above her right eye.

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, 3, 35 and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant confessed all of the facts in the indictment. The defendant also stated that he regretted his actions because since they have been living together he never assaulted the victim and was a first time offender. The victim maintained the facts set out in the indictment of the public prosecutor.

Final recommendations

The prosecutor believed that the defendant was guilty of committing the crime against the victim based on the defendant's confession and the testimony of the victim. Therefore the public prosecutor maintained the charges and requested for the court to use its conviction to impose the correct penalty.

Meanwhile, the public defender requested for the court to impose a fair penalty against the defendant with consideration of the mitigating circumstances because the defendant confessed, regretted his actions and was a first time offender.

Decision

After evaluating all of the facts, the court found the defendant guilty of committing the crime based on the facts set out in the indictment. Based on this evidence and the circumstances in this case, the court concluded the matter and sentenced the defendant to two months in prison, suspended for 1 year, and ordered him to pay court costs of US\$10.

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

Case No.	: 0004/18. LALMR
Composition of the Court	: Single Judge
Judge	: Ercilia de Jesus
Prosecutor	: Gustavo Augusto M. da Silva
Public Defender	: Gregorio de Lima
Type of Penalty	: 3 months in prison, suspended for 1 year

On 16 July 2018 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 Lautem District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 29 January 2018, at 10.00, the defendant punched the victim once in the forehead, kicked the victim once in the stomach near her belly button and took a plastic chair and struck the victim once on the back and threw the victim on the ground. These acts caused the victim to suffer swelling and the victim was treated in hospital.

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, 3, 35 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 and stated that he regretted his actions, has reconciled with the victim, and promised not to reoffend against the victim or another family member in the future. The victim maintained all of the facts in the indictment and stated that she has reconciled with the defendant.

Final recommendations

The public prosecutor maintained the charges and stated that the defendant was guilty of committing the crime against the victim. To deter the defendant from repeating such crimes in the future, the prosecutor requested for the court to use its conviction to punish the defendant.

The public defender requested for the court to apply a fair punishment against the defendant, with consideration of the mitigating circumstances because the defendant confessed, regretted his actions, and promised not to reoffend against the victim or other family member in the future.

Decision

The court found the defendant guilty of committing the crime against the victim based on the facts set out in the indictment. Based on this evidence the court settled this matter and sentenced the defendant to 3 months in prison, suspended for 1 year.

20. Crime of mistreatment of a spouse

Case No.	: 0013/18. MNMNT
Composition of the Court	: Panel
Judges	: Hugo da Cruz Pui : Antonio Fonseca : Jose Quintão
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Jose M. Guterres
Type of Penalty	: 2 years in prison, suspended for 2 years

On 17 July 2018 the Baucau District Court conducted a hearing to announce its decision in a case of mistreatment of a spouse involving the defendant DMSdC who allegedly committed the offence against his wife in Manatuto District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 27 February 2018, at 3.00pm, the defendant and the victim argued because the defendant had a relationship with another woman and the defendant took a helmet and struck the victim in the head and threw a stone at the victim's stomach.

On an unspecified day and month during 2017, at 9pm, the defendant punched the victim once on the shoulder and twice on her back. In addition, at some time in 2016, the defendant punched the victim once in the mouth and caused the victim to suffer an injury and bleeding to her mouth. Previously in 2015, the defendant also punched the victim twice in the mouth and eye.

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 - 6 years in prison as well as Articles 2, 3, 35 and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant confessed all of the facts in the indictment. The defendant also stated that he has separated from the victim in accordance with East Timorese culture, regretted his actions and was a first time offender. The victim confirmed all of the facts in the indictment,

also stated that she has separated from the defendant, because the defendant always assaulted her.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant and the statement of the victim. Even though the defendant and the victim have separated, the public prosecutor requested for the court to impose a prison sentence of two years, suspended for three years, to deter the defendant from repeating such crimes against another person in the future,

The public defender stated that the defendant confessed all of the facts set out in the indictment, regretted his actions and was a first time offender. Therefore he requested for the court to impose a fair penalty against the defendant.

Decision

After evaluating the facts produced during the trial, the court found the defendant guilty of committing the crime based on the facts set out in the indictment of the public prosecutor. Based on all of the facts that were proven and the relevant circumstances, the court sentenced the defendant to 2 years in prison, suspended for 2 years.

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

Case No.	: 0003/18. MNNTB
Composition of the Court	: Single Judge
Judge	: Afonso Carmona
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Sidonio M. Sarmiento
Type of Penalty	: Fine

On 17 July 2018 the Baucau District Court, through the mobile court in Manatuto District, announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant BdCS who allegedly committed the offence against his mother in law in Manatuto District.

Charges of the Public Prosecutor

The public prosecutor alleged that 16 February 2018, at 5pm, the defendant and his wife argued, but the victim tried to intervene (made some comments), so the defendant punched the victim in the forehead and twisted the victim's arm. This act caused the victim to suffer pain and swelling.

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) 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 he has reconciled with the victim in accordance with East Timorese culture and the defendant gave compensation to the victim totalling US\$500, a piece of traditional cloth (tais),

some women's clothing, a roast pig and a sack of rice for reconciliation and to be eaten together. The defendant also stated that he regretted his actions, and was a first time offender.

The victim confirmed all of the facts in the indictment and stated that this case was resolved in accordance with East Timorese culture.

Final recommendations

The public prosecutor stated that the defendant committed the crime against the victim and also considered the mitigating circumstances such as the defendant confessed, regretted his actions and was a first time offender, and this case had been resolved in accordance with East Timorese culture. However, to deter the defendant from committing such crimes in the future, the public prosecutor requested for the court to sentence the defendant to 4 months in prison, suspended for 1 year.

The public defender further emphasised that the defendant confessed the facts, regretted his actions and has reconciled with victim and the defendant gave compensation to the victim. Therefore the public prosecutor requested for the court to impose a fair penalty against the defendant.

Decision

After evaluating the facts produced during the trial, the court found the defendant guilty of all of the charges set out in the indictment of the public prosecutor. The court concluded the matter and ordered the defendant to pay a fine of US\$ 60 to be paid in daily instalments of US\$ 1 for 60 days as well as court costs of US\$ 10. The court also imposed an alternative penalty of 40 days in prison if the defendant does not pay this fine.

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

Case No.	: 052/18. MNNTB
Composition of the Court	: Single Judge
Judge	: Afonso Carmona
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Sidonio M. Sarmento
Type of Penalty	: Fine

On 17 July 2018 the Baucau District Court, through the mobile court in Manatuto District, 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 District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 15 September 2017 at 9pm the defendant punched the victim once in the eye. This caused the victim to suffer swelling to her eye and she could not open it properly and the victim received treatment at the Manatuto Health Centre.

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, 3, 35 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, said he has reconciled with the victim, regretted his actions, has reconciled with victim and promised not to reoffend against the victim. In addition the defendant also stated that the defendant is a driver at the Manatuto Health Centre with a monthly salary of US\$136 and the defendant provides for his family. The victim maintained all of the facts in the indictment and stated that she has reconciled with the defendant.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant and the statement of the victim. To deter the defendant from committing any further crimes in the future, the public prosecutor requested for the court to sentence the defendant to 4 months in prison, suspended for 1 year.

The public defender requested for the court to apply a lenient punishment against the defendant, with consideration of the mitigating circumstances because the defendant confessed, regretted his actions, and promised not to reoffend against the victim in the future.

Decision

The court found the defendant guilty of committing the crime against the victim based on the facts set out in the indictment. The court concluded the matter and ordered the defendant to pay a fine of US\$ 90 to be paid in daily instalments of US\$ 1 for 90 days as well as court costs of US\$ 10. The court also imposed an alternative penalty of 60 days in prison if the defendant does not pay this fine.

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

Case No.	: 0045/17. VQSIC
Composition of the Court	: Single Judge
Judge	: José Ecurial
Prosecutor	: Domingos Goveia
Public Defender	: Grigorio de Lima
Type of Penalty	: 3 months in prison, suspended for 1 year

On 17 July 2018 the Baucau District Court, through the mobile court in Manatuto District, announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant CSP who allegedly committed the offence against his wife in Viqueque District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 7 September 2013, the defendant pulled the victim's hair, punched the victim twice in the forehead and punched the victim twice in the back. This act caused the victim to suffer pain and swelling to her forehead and 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 Article 2, 3, 35 and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant confessed to all of the facts in the indictment of the public prosecutor and stated that two days after the incident they reconciled. The defendant regretted his actions, was a first time offender and promised not to commit such crimes in the future. The victim maintained all of the facts in the indictment and stated that she has reconciled with the defendant.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime of simple offences against physical integrity characterized as domestic violence in accordance with the charges of the public prosecutor. Domestic violence crimes are prevalent in Timor-Leste and to deter such crimes from occurring in the future, the public prosecutor requested for the court to impose a prison sentence of six months, suspended for one year, against the defendant.

On the other hand the public defender requested a fair penalty because the defendant confessed, has reconciled with victim, regretted his actions, was a first time offender and provides for his family.

Decision

After evaluating the facts the court found the defendant guilty of committing the crime against the victim. Based on the evidence the court sentenced the defendant to 3 months in prison, suspended for 1 year.

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

Case No.	: 0053/17. VQSIC
Composition of the Court	: Single Judge
Judge	: José Ecurial
Prosecutor	: Domingos Goveia
Public Defender	: Grigorio de Lima
Type of Penalty	: 10 months in prison, suspended for 1 year

On 17 July 2018 the Baucau District Court, through the mobile court in Viqueque District, announced its decision in a case of simple offences against physical integrity characterised as

domestic violence involving the defendant PP who allegedly committed the offence against his father in Viqueque District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 19 November 2017, at 4pm, the victim was sick and sleeping inside the house. The defendant and his friends played music very loudly. The victim was startled and woke up and removed the electrical cable, so the defendant pushed the victim out of the way, punched the victim twice on the ear and punched the victim twice in the back. This act caused the victim to suffer pain and swelling to his ear and 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 and 35(b) of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant confessed to all of the facts in the indictment and stated that he punched his father because he was drunk. At that time the defendant and his friends drank 10 litres of palm wine and the defendant didn't know what he was doing and punched the victim. The defendant said that after the incident the defendant apologised to the victim and they reconciled. The defendant stated that he regretted his actions and promised not to commit such crimes in the future. The victim maintained all of the facts in the indictment and stated that he has reconciled with the defendant.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against his father. To deter such crimes from occurring in the future, the public prosecutor requested for the court to sentence the defendant to 1 year in prison, suspended for 1 year.

On the other hand the public defender requested a fair penalty because the defendant confessed, apologised to the victim, regretted his actions, was a first time offender and provides for his family.

Decision

After evaluating the facts produced during the trial, the court found the defendant guilty of committing the crime based on the facts set out in the indictment. Based on the facts that were proven, the court sentenced the defendant to 10 months in prison, suspended for 1 year.

25. Crime of simple offences against physical integrity

Case No.	: 0006/18. MNMNT
Composition of the Court	: Single Judge
Judge	: Afonso Carmona
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Sidonio M. Sarmento
Type of Penalty	: Fine

On 18 July 2018 the Baucau District Court, through the mobile court in Manatuto District, announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendants Florindo Lakulisuk Ramos and Rofina Ramos dos Reis who allegedly committed the offence against the victims Joaquim Mendonca and Izabel Alves in Kribas Village, Manuatuto Vila Sub-District, Manatuto District.

Charges of the Public Prosecutor

The public prosecutor stated that on 17 January 2018, at 3.50pm the victim Joaquim Mendonca left his home on a motorcycle to go to a kiosk. When he arrived at the kiosk the victims were waiting in front of the defendant's kiosk to pay their debts. The victim Joaquim Mendonca argued with the defendant Florindo Lakulisuk Ramos, and the defendant punched Joaquim Mendonca on his left cheek and the defendant's fingernails scratched the victim's throat which caused an injury and bleeding. The victim Izabel Alves came out of the house and the defendant Rofina Ramos dos Reis punched her once in the forehead and eye gouged the victim which caused the victim to suffer an injury and bleeding. Then their neighbours came to separate them and the victims made a complaint to the police and received treatment at the Kribas Health Centre.

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

Presentation of evidence

During the trial the defendant Florindo Lakulisuk Ramos stated that during the incident he was going to pay for the victim's goods because he owed money. When the defendant arrived at the kiosk belonging to the victim Joaquim Mendonca, the victim argued with the defendant and suddenly the victim Joaquim Mendonca punched the defendant Rofina Ramos Dos Reis. Therefore the defendant punched the victim Joaquim Mendonca once on the left cheek and the defendant's fingernails scratched the throat of the victim Joaquim Mendonca. The defendant also stated that he regretted his actions and was a first time offender. The defendant also stated that he wanted to reconcile with the victims but they did not want to.

The defendant Rofina Ramos Dos Reis stated that during the incident the defendant Joaquim Mendonca was going to punch her, but missed, because the defendant Florindo Lakulisuk Ramos stopped it. Suddenly the victim Izabel Alves came out of the house and pulled the defendant's hair so the defendant used her arm to stop this and struck Izabel Alves in the forehead and eye. The defendant stated that she regretted his actions, was a first time offender, and wanted to reconcile with the victim but the victim did not want to. The two victims maintained all of the facts set out in the indictment.

Final recommendations

The public prosecutor maintained the charges and stated that the defendants were guilty of committing the crime against the victims. Therefore the public prosecutor requested for the court to order the defendants to pay a fine.

The public defender requested for the court to impose a lenient penalty against the defendants with the consideration that the defendants declared the facts relating to their actions and were first time offenders, and the defendants wanted to reconcile with the victims, but the victims did not want to.

Decision

After evaluating the facts produced during the trial, the court found the defendants guilty of committing the crime against the victims. Based on these considerations, the court concluded this matter and ordered the defendants to pay a fine of US\$ 30 to be paid in daily instalments of 50 cents for 30 days. The court also imposed an alternative penalty of 40 days in prison if the defendants do not pay this fine.

26. Crime of simple offences against physical integrity

Case No.	: 0002/18. MNLCL
Composition of the Court	: Single Judge
Judge	: José Gonsalves
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Sidonio M. Sarmento
Type of Penalty	: 4 months in prison, suspended for 1 year

On 18 July 2018 the Baucau District Court, through the mobile court in Manatuto District, announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant Alcino da Cunha who allegedly committed the offence against the victim Lou Yuejun in Elimanuk Sub-Village, Uma Kaduak Village, Laklo Sub-District, Manatuto District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 22 February 2018, at 09.00am, in the area of Subaun ki'ik, the defendant struck the victim in the head with a hammer and caused the victim to suffer an injury and bleeding. The victim received treatment at the Beha'u Health Centre. The incident occurred when the defendant was removing some triplex sheets from around some reinforced steel bars a stone flung out and struck the defendant 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.

Presentation of evidence

During the trial the defendant confessed all of the facts in the indictment, and stated that when the defendant removed the triplex sheets from around some reinforced steel bars, the victim threw a stone at the defendant's head and he suffered a headache and dizziness. When the defendant felt okay again the defendant came out with a hammer and struck the victim in the head. The victim confirmed all of the facts and stated that he did not stone the defendant, and the victim was walking on a piece of wood and a stone fell down and struck the defendant in the head.

Final recommendations

The public prosecutor maintained the charges and stated that the defendant was guilty of committing the crime against the victim. For this reason he requested for the court to impose a prison sentence of 3 months, suspended for 1 year.

On the other hand, the public defender requested for the court to impose a lenient penalty against the defendant. In addition, the public defender also argued that the defendant had cooperated with the authorities, the defendant wanted to reconcile and apologised to the victim, but the victim did not want to reconcile. The defendant also confessed the facts about his actions, regretted his actions, was a first time offender and the defendant promised that he would not commit any crimes in the future.

Decision

After evaluating the facts produced during the trial, the court found the defendant guilty of committing the crime against the victim. The court concluded this matter and sentenced the defendant to 4 months in prison, suspended for 1 year.

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

Case No.	: 0064/17. MNMNT
Composition of the Court	: Single Judge
Judge	: José Gonsalves
Prosecutor	: Ivonia Maria Guterres
Public Defender	: Sidonio M. Sarmento
Type of Penalty	: Fine

On 18 July 2018 the Baucau District Court, through the mobile court in Manatuto District, announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant Domingos Soares who allegedly committed the offence against his daughter in Manatuto District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 25 October 2017, at 9pm, the defendant took a piece of wood and struck the victim twice on the back, took a belt and struck the victim three times on her right arm, right leg and nose. These actions caused the victim to suffer bleeding from her nose. This incident occurred when the victim and her older sister were arguing over a bicycle, so the defendant committed these 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 Article 2, 3, 35 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 regretted his actions, was a first time offender, and promised not to commit any more crimes in the future. The victim maintained and confirmed the facts set out in the indictment.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant and the statement of the victim. The public prosecutor stated that the defendant was supposed to protect the victim, but on the contrary the defendant committed the crime against the victim. However, to deter the defendant from committing such crimes against the victim in the future, the public prosecutor requested for the court to sentence the defendant to 6 months in prison, suspended for 2 years.

The public defender requested for the court to apply a fair punishment against the defendant, with consideration of the mitigating circumstances because the defendant confessed, regretted his actions, has reconciled with the victim, and promised not to reoffend against the victim in the future.

Decision

The court concluded the matter and ordered the defendant to pay a fine of US\$ 90 to be paid in daily instalments of US\$ 1 for 90 days as well as court costs of US\$ 10. The court also imposed an alternative penalty of 60 days in prison if the defendant does not pay this fine.

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

Case No.	: 0002/17. VQWCB
Composition of the Court	: Single Judge
Judge	: Ercilia de Jesus
Prosecutor	: Domingos Goveia Barreto
Public Defender	: Marcal Gama
Type of Penalty	: 3 months in prison, suspended for 1 year

On 20 July 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant FR who allegedly committed the offence against his wife in Viqueque District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 12 February 2017 the defendant slapped the victim twice above the left eye, grabbed the victim's hair and pushed her into the kitchen and punched the victim twice in the back and kicked the victim twice 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 Article 2, 3, 35 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, regretted his actions and declared that he was a first time offender. The victim maintained all of the facts in the indictment and stated that she has reconciled with the defendant.

Final recommendations

The public prosecutor maintained the charges and stated that the defendant was guilty of committing the crime against the victim. To deter such crimes from occurring in the future, the public prosecutor requested for the court to sentence the defendant to 3 months in prison, suspended for 1 year.

The public defender requested for the court to apply a fair punishment against the defendant, because the defendant confessed, regretted his actions and promised not to reoffend against the victim.

Decision

The court found the defendant guilty of committing the crime based on the facts set out in the indictment of the public prosecutor. Based on the aforementioned facts, the court sentenced the defendant to 3 months in prison, suspended for 1 year, with court costs of US\$10.

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

Case No.	: 0080/18. BCBCV
Composition of the Court	: Single Judge
Judge	: Afonso Carmona
Prosecutor	: Luis H Rangel da Cruz
Public Defender	: Marcal Gama
Type of Penalty	: 3 months in prison, suspended for 1 year

On 20 July 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant DX who allegedly committed the offence against his wife in Baucau District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 28 April 2018, at 2.30pm the defendant was drunk and swore at the victim and the victim also swore at the defendant, so the defendant punched the victim once in the nose and punched the victim once on the back of the neck. This caused the victim to suffer injuries and bleeding to her 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 as well as Article 2, 3, 35 and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant stated that when the incident occurred the defendant was drinking alcohol and was heavily drunk, so the defendant and the victim argued and the defendant kicked the victim and struck her in the nose. The defendant also stated that he has reconciled with the victim and since the incident the defendant has not hit the victim. The defendant regretted his actions and was a first time offender. The victim maintained all of the facts in the indictment and stated that she has reconciled with the defendant.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim and therefore he asked for the court to sentence the defendant to 6 months in prison, suspended for 1 year. The public prosecutor requested a penalty to deter the defendant from repeating his actions in the future, even though the defendant expressed regret and has reconciled with the victim.

The public defender requested for the court to apply a fair punishment against the defendant, because the defendant confessed, regretted his actions and promised not to reoffend against the victim in the future.

Decision

After evaluating the facts that were proven during the trial, the court concluded the matter and sentenced the defendant to 3 months in prison, suspended for 2 years and ordered the defendant to pay court costs of US\$ 30.

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

Case No.	: 0072/18. BCBCV
Composition of the Court	: Single Judge
Judge	: Jose Quintão
Prosecutor	: Ivonia M. Guterres
Public Defender	: Antonio Fernandes
Type of Penalty	: Fine

On 24 July 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant ASdS who allegedly committed the offence against his wife in Baucau District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 27 April 2018, at 4.00am, the defendant woke the victim up and asked for the keys to a car so the two of them could go to Dili to get the defendant's clothes that were in Dili. However, the victim told the defendant that the defendant could just catch a bus, so the defendant kicked the victim on her side and kicked the victim in the thigh. The defendant then elbowed the victim's left arm and pulled her hair pushing her into a wall.

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, 3, 35 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 and stated that he regretted his actions, and promised not to reoffend in the future. Also, the defendant stated that after the incident the victim went to live in a safe house for one night and when she returned from the safe house they reconciled and were living together as husband and wife. The victim maintained the facts in the indictment and stated that she has reconciled with the defendant.

Final recommendations

The public prosecutor stated that the defendant committed the crime set out in the indictment. However, to deter the defendant from committing such crimes in the future, the public prosecutor requested for the court to sentence the defendant to 6 months in prison, suspended for 2 years.

The public defender requested for the court to apply a fair punishment against the defendant, with consideration of the mitigating circumstances because the defendant confessed, regretted his actions, and promised not to reoffend in the future.

Decision

After evaluating all of the facts, the court found the defendant guilty of committing the crime based on the facts set out in the indictment. 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\$45 to be paid in instalments of US\$1.00 per day for 45 days and ordered the defendant to pay court costs of US\$10. The court also imposed an alternative penalty of 30 days in prison if the defendant does not pay this fine.

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

Case No.	: 0001/18. MNLCL
Composition of the Court	: Single Judge
Judge	: Afonso Carmona
Prosecutor	: Ivonia Maria Guterres
Public Defender	: Sidonio M. Sarmento
Type of Penalty	: 6 months in prison, suspended for 1 year

On 31 July 2018 the Baucau District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant JdJS who allegedly committed the offence against his wife in Manatuto District.

Charges of the Public Prosecutor

The public prosecutor alleged that on 29 January 2018, at 09.00am, the defendant told the victim that they were going to the plantation, but the victim did not want to. Then the defendant was holding their child and headed off to the plantation, and the victim followed and told the defendant that they can't take the child because it was raining so the defendant kicked the victim in the back and punched the victim twice in the head and caused the victim to fall 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, 3, 35 and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant confessed all of the facts in the indictment. The defendant stated that after the incident the victim went to stay with the victim's parents. One month later the defendant approached the victim and reconciled and the victim and the defendant returned to their home. The defendant also stated that he regretted his actions and was a first time offender.

The victim maintained all of the facts in the indictment but she also stated that she has reconciled with the defendant and since the incident the defendant has not hit her.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim. Although the defendant regretted his actions and has reconciled with the victim, to deter the defendant from committing such crimes in the future, the public prosecutor requested for the court to sentence the defendant to 6 months in prison, suspended for 2 years.

The public defender requested for the court to apply a lenient and fair punishment against the defendant, because the defendant confessed, regretted his actions and promised not to reoffend against the victim in the future. In addition, the defendant provides for his family.

Decision

The court found the defendant guilty of committing the crime against the victim based on the facts set out in the indictment. Based on the aforementioned facts, the court sentenced the defendant to 6 months in prison, suspended for 1 year, with court costs of US\$30.

32. Crime of mistreatment of a spouse

Case No.	: 0004/17. MNLLA
Composition of the Court	: Panel
Judges	: José Gonsalves : Afonso Carmona : Ercilia de Jesus
Prosecutor	: Luis H. Rangel da Cruz
Public Defender	: Jose M. Guterres
Type of Penalty	: 2 years in prison, suspended for 3 years

On 31 July 2018 the Baucau District Court conducted a hearing to announce its decision in a case of mistreatment of a spouse involving the defendant MSX who allegedly committed the offence against his wife in Manatuto District.

Charges of the Public Prosecutor

The public prosecutor alleged that on an unspecified date in March 2017, at 3.00pm the defendant kicked the victim in the back. Previously on an unspecified date in February 2017, at 4.00pm, the defendant slapped the victim once on the left cheek.

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 - 6 years in prison as well as Articles 2, 3, 35 and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant confessed all of the facts in the indictment, and the defendant also stated that two months after the incident he reconciled with the victim. The defendant regretted

his actions and was a first time offender. The victim maintained all of the facts in the indictment and stated that she has reconciled with the defendant.

Final recommendations

The public prosecutor maintained the charges and considered that the defendant mistreated his spouse. Although the defendant confessed, regretted his actions and has reconciled with the victim, to deter the defendant from committing such crimes in the future, the public prosecutor requested for the court to sentence the defendant to 2 years in prison, suspended for 3 years.

On the other hand, the public defender requested for the court to impose a fair penalty against the defendant. In addition, the public defender also argued that the defendant cooperated with the authorities, confessed his actions, regretted his actions, was a first time offender and has reconciled with the victim.

Decision

After evaluating all of the facts and relevant circumstances in this case, the court found the defendant guilty of committing the crime against the victim based on the facts set out in the indictment. Based on the facts that were proven, the court sentenced the defendant to 2 years in prison, suspended for 3 years.

For more information please contact:

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