



Case Summary
Baucau District Court
April 2021

Affirmation: The following case summaries set out the facts and the proceedings of cases before the court based on JSMP's independent monitoring, and the testimony given by the parties before the court. This information does not reflect the opinions of JSMP as an institution.

JSMP strongly condemns all forms of violence, especially against women and vulnerable persons. JSMP maintains that there is no justification for violence against women.

A. Summary of the trial process at the Baucau District Court

1. Total number of cases monitored by JSMP: 3

Articles	Case Type	Total Number
Article 145 of the Penal Code (PC) and Articles 2, 3 and 35 (b) of the Law Against Domestic Violence (LADV)	Simple offences against physical integrity characterized as domestic violence (Article 2 on the concept of domestic violence, Article 3 on family relationships, Article 35 on different types of domestic violence (DV) and Article 36 on domestic violence as a public crime)	1
Article 154 of the PC & Articles 2, 3, and 35 (a) of the Law Against Domestic Violence	Mistreatment of a spouse	1
Article 177 of the PC	Sexual abuse of a minor	1
Total		3

2. Total decisions monitored by JSMP: 1

Type of decision	Articles	Total Number
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Suspension of execution of a prison sentence	Article 68 of the PC	1
Total		1

3. Total ongoing cases based on JSMP monitoring: 2

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

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

Case Number : 0097/20. BCBCV
Composition of the Court : Single Judge
Judge : Maria Modesta de Almeida Viera
Prosecutor : Bartolomeu de Araújo
Defence : José Maria Caetano Guterres
Decision : 1 month in prison, suspended for 1 year

On 29 April 2021 the Baucau District Court read out its sentence in a case of simple offences against physical integrity characterized as domestic violence involving the defendant AMT and the victim, his wife, which allegedly occurred in Baucau Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 29 August 2020, at 01:00pm, the defendant took a piece of wood and struck the victim once on her left thigh and smashed the victim's head into a wall and this caused an injury to her eyebrow. Previously, the defendant and the victim argued about household necessities.

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

Examination of evidence

During the trial the defendant confessed all of the facts, regretted his actions and stated that he has reconciled with the victim. The defendant also added that he started a family in 2018, has four children, and this was the first time he hit the victim, and he works at the Baucau Municipality Sanitation Service and earns US\$ 110.00.

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

Final recommendations

The public prosecutor stated that even though they have reconciled and have continued living together, to ensure that they can live happily in the future and to deter the defendant from becoming accustomed to using violence against women or family members, the prosecutor urged the court to impose a prison sentence of one month suspended for one year.

The public defender stated that that the defendant confessed all of the facts , regretted his actions, has reconciled, and they have been together for a long time and this was the first time he assaulted the victim. Therefore, the public defender requested for the court to impose a fair and appropriate sentence against the defendant.

Decision

After evaluating all of the facts, the court found that the defendant took a piece of wood and struck the victim once on her left thigh and smashed her head into a wall which caused an injury above her eye. Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed to the facts, regretted his actions, has reconciled with the victim, was a first time offender, and appeared in court, the court concluded this case and imposed a prison sentence of 6 months against the defendant, suspended for 1 year.

For more information, please contact:

Ana Paula Marçal
Executive Director of JSMP
Telephone: 3323883/77040735
Email: ana@jsmp.tl
ana@jsmp.tl
Website: ana@jsmp.tl