



**JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN SISTEMA JUDISIÁL**

**Case Summary
The Dili Court of First Instance
January 2023**

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 Dili Court of First Instance

1. Total number of cases monitored by JSMP: 17

Articles	Case Type	Total Number
Article 145 of the Penal Code (PC) as well as Articles 2, 3(a), 35(b) and 36 of the Law Against Domestic Violence (LADV)	Simple offences against physical integrity characterized as domestic violence (Article 2 on the concept of domestic violence, Article 3 on family relationships, Article 35 on different types of domestic violence (DV) and Article 36 on domestic violence as a public crime)	17
Article 154 PC	Mistreatment of a spouse	1
Article 145 PC and Article 20 (1), Article 2 (2 f) Law on Bladed Weapons	Crime of simple offences against physical integrity characterized as domestic violence and crime of using a bladed weapon	1
Article 267 PC	Crime of aggravated fraud	1
	Crime of threats and using a bladed weapon	1
Article 140 PC	Crime of Manslaughter	1
Total		22

2. Total decisions monitored by JSMP: 24

Types of penalties	Articles	Total Number
Fine	Article 67 PC	11
Suspension of execution of a prison sentence	Article 68	7

Acquitted		4
Total		22

3. Total cases adjourned based on JSMP monitoring: 0

4. Total ongoing cases based on JSMP monitoring: 0

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 : 0172/20 DINFT
Composition of the Court : Single Judge
Judge : Ivan Patrosino Suritay A. Gonsalves
Prosecutor : Luis Hernani Rangel
Defence : José Guterres
Decision : Prison sentence of 2 years, suspended for 2 years

On 10 January 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MCG who allegedly committed the offence against his former wife in Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 28 December 2020, at 9pm, the victim and her male cousin were riding a motorcycle returning from the victim’s workplace, and when they reached kuluhun the defendant saw the victim and stopped the victim and her male cousin. The defendant was holding a knife and ran towards the victim’s male cousin, so the victim’s male cousin was afraid and ran away. The defendant kicked the victim twice on her back, kicked her twice on her right side and choked her and threw her on the ground. The defendant’s actions caused the victim to suffer swelling and pain to her back, her right side and throat. The incident occurred because the defendant did not accept that the victim had separated from the defendant.

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 completely confessed to all of the facts in the indictment and stated that at that time he lost control and hit the victim because the victim left him. The defendant stated that he regretted his actions and promised that in the future he would not commit any crimes against the victim or other persons.

During the trial the court did not hear testimony from the victim, because the victim was absent.

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.

Final Recommendations

The prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant, and although the victim and the defendant are separated, it is necessary to prevent the defendant from repeating such behaviour in the future, therefore the prosecutor requested for the court to impose a fine against the defendant, in accordance with his circumstances.

In addition the defence also agreed with the recommendation of the public prosecutor for the defendant to pay a fine.

Decision

After evaluating all of the facts the court found that the defendant kicked the victim twice on her back, kicked her twice on her right side and choked her and threw her on the ground.

Based on these facts that were proven and also the mitigating circumstances, namely that the defendant confessed, regretted his actions and promised not to reoffend in the future, the court concluded this matter and sentenced the defendant to 2 years in prison, suspended for 2 years.

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

Case Number	: 0022/22.LILIQ
Composition of the Court	: Single Judge
Judge	: Argentino Nunes
Prosecutor	: Luis Hernanio Rangel da Cruz
Defence	: Nelson Borges
Decision	: Fine of US\$45.00

On 13 January 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant JAdS who allegedly committed the offence against his wife in Liquiça Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 25 April 2022, the defendant went to cut some wood

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with his friends and the victim rang the defendant and told him to collect a school uniform for their child. The defendant accepted the call and the victim told him to collect a school uniform for their child but the defendant turned off his phone, the victim tried to call him again but the defendant did not accept the call because he had no money. Therefore at 5pm, the defendant came back from cutting some wood and suddenly the defendant started swearing at the victim calling her bad names and he threw a helmet at the victim's stomach, on the right side of her ribs and then he choked her. As a consequence of the defendant's actions the victim felt pain from the helmet that was thrown at her and because the defendant choked her.

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

Examination of evidence

During the trial the defendant confessed to all of the facts in the indictment and stated that at that time the defendant went to work and didn't take any money, but the victim rang him and told him to collect a school uniform for their child. When he heard this he turned off his telephone and the victim continued to call him but the defendant did not answer because he didn't have any money. Then, the defendant committed these acts against the victim. The defendant also stated that he and the victim got together in 1992, and they have eight (8) children, and two (2) of them have already established their own families and six (6) are still at school. The defendant regretted his actions, and previously the defendant never had a problem with the victim or other person and he was a first time offender.

Also the victim confirmed all of the facts in the indictment and stated that she was afraid and ran away from the home to stay the night with relatives and in the morning she went back home after she went to hospital and received some medicine to treat her pain but she did not attach a medical report.

Final Recommendations

The prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant, and the confirmation of the victim, therefore to deter such crimes from being committed in the future the prosecutor requested for the court to impose a penalty pursuant to Article 145 of the Penal Code.

The defence requested for the court to consider the defendant's circumstances, namely that he confessed, collaborated with the court, has been living with his wife since 1992 and they have eight children, and he was a first time offender, and therefore the defence requested for the court to impose a fair penalty against the defendant.

Decision

After evaluating all of the facts the court found the defendant guilty of committing the physical assault against the victim. Based on all of the facts that were proven and

consideration of all of the mitigating circumstances, namely that the defendant confessed, collaborated with the court and was a first time offender, the court concluded this matter and ordered the defendant to pay a fine of US\$ 45.00 to be paid in daily instalments of 50 cents for 90 days. The court also imposed an alternative penalty of 60 days in prison if the defendant does not pay this fine.

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

Case Number : 0004/22.DIATR
Composition of the Court : Single Judge
Judge : Ana Paula Fonseca
Prosecutor : Napolião S. da Silva
Defence : Sergio Dias Quintas
Decision : Fine of US\$ 45.00

On 16 January 2023, the Dili Court of First Instance conducted a hearing to announce its decision in a case of simple offences against physical integrity characterized as domestic violence involving SMdJ who committed the offence against his wife in Atauro Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 8 March 2022, at 12:00 pm, the defendant was intoxicated and he pulled the victim's hair and punched the victim once in her stomach, and as a consequence of this physical assault the victim suffered pain to her head and stomach. Prior to this assault, the defendant and the victim argued because the defendant forced the victim give all of the money that he had given to the victim to repair a motorcycle, and then the assault occurred.

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

Examination of evidence

During the trial the defendant confessed all of the facts set out in the indictment, regretted his actions, and promised not to reoffend in the future.

The court did not require the victim's statement because the defendant confessed all of the facts in the indictment.

Final Recommendations

The prosecutor stated that the defendant was guilty of committing the crime of simple offences against physical integrity against the victim based on the confession of the defendant, however to deter such crimes from occurring in the future, the prosecutor requested for the court to impose a prison sentence of three months, suspended for 1 year.

The defence requested for the court to apply a fair punishment against the defendant,

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considering that the defendant confessed, regretted his actions, and promised not to reoffend in the future.

Decision

After evaluating all of the facts the court found that the defendant was intoxicated and he pulled the victim's hair and punched the victim once in her stomach, and as a consequence of this physical assault the victim suffered pain to her head and stomach.

Based on the facts that were proven, and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, has reconciled with the victim and promised not to reoffend in the future, the court concluded this matter and ordered the defendant to pay a fine of US\$ 45.00 to be paid in daily instalments of 50 cents for 90 days. The court also imposed an alternative penalty of 60 days in prison if the defendant does not pay this fine.

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

Case Number : 0062/22 PNSIC
Composition of the Court : Panel
Judges : Afonso Carmona, Francisca Cabral and Albertina Neves
Prosecutor : Luis Hernani Rangel
Defence : Sebastião Amado
Decision : Prison sentence of 3 years, suspended for 4 years

On 16 January 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence as well as the crime of using a bladed weapon involving the defendant LM who allegedly committed the offence against his wife in Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 29 March 2022, at 7pm, the defendant punched the victim twice really hard in the head, and punched the victim many times on her body, kicked the victim who fell to the ground and grabbed a machete and threatened the victim by saying "*Should I slash you or not*". These acts caused the victim to suffer a small injury to her head, swelling and pain to her body, legs and caused the victim to feel afraid. Prior to this assault the defendant and the victim had an argument because the defendant suspected the victim of having a romantic relationship (affair) with another man, and then the assault took place.

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, as well as Articles 2, 3(a), 35(b) and 36 of the Law Against Domestic Violence, as well as Article 157 of the Penal Code on threats that carries a maximum penalty of 1 year in prison or a fine and Articles 2 and 20 of the Law on Bladed Weapons.

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Examination of evidence

Before continuing with the examination of evidence for the crime of threats the judge requested attempted conciliation, and during the attempted conciliation the victim was willing to withdraw the case against the defendant and the defendant also agreed therefore the prosecutor and defence stated that they agreed with the victim's decision to withdraw the complaint, therefore they requested for the court to validate the withdrawal of complaint. The court accepted this request and validated the withdrawal of complaint and acquitted the defendant from the crime of threats and continued with the trial of the crime of simple offences against physical integrity characterized as domestic violence and the crime of using a bladed weapon.

During the trial the defendant partially confessed that he returned from his workplace and saw the victim chatting on Facebook with another man, therefore the defendant asked the victim about it, but the victim took her phone and ran away, so the defendant punched the victim twice on her right shoulder. The defendant also stated that the victim ran away so he followed her and the victim fell over by herself, not because the defendant kicked her and caused her to fall over. The defendant expressed regret for his actions and promised not to repeat such acts in the future.

Meanwhile the victim confirmed all of the facts in the indictment and stated that she has never chatted on Facebook with another man since they have been together and the victim has a telephone that doesn't allow her to access Facebook, and she also said that at that time her younger sister went to their house and bought a telephone with a camera and the victim borrowed it to look at photos, but not to check Facebook.

Final Recommendations

During the trial the prosecutor stated that the defendant was guilty of committing the crime of simple offences against physical integrity and the crime of using a bladed weapon, even though the defendant tried to deny some of the facts, however the victim provided confirmation, therefore the prosecutor requested for the court to apply an effective prison sentence of 3 years against the defendant.

The defence requested for the court to consider all of the circumstances and to apply a penalty that does not limit the freedom of the defendant, so he can look after his children, because they still need the defendant to look after their needs.

Decision

After evaluating all of the facts, the court found that the defendant punched the victim twice really hard in the head, and punched the victim many times on her body, kicked the victim who fell to the ground and grabbed a machete and threatened the victim by saying "*Should I slash you or not*". These acts caused the victim to suffer a small injury to her head, swelling and pain to her body, legs and caused the victim to feel afraid.

Based on these facts that were proven, and consideration of the mitigating circumstances relating to these crimes, the court concluded this matter and convicted the defendant for the crime of simple offences against physical integrity characterized as domestic violence with a prison sentence of six years, and three years imprisonment for the crime of using a bladed weapon. After accumulating these two sentences the court applied a single sentence of three years in prison suspended for four years.

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

Case Number : 0224/20.DIDIL
Composition of the Court : Single Judge
Judge : Ivan Patrocinio A. Gonçalves
Prosecutor : Napolião S. da Silva
Defence : Manuel Exposto
Decision : Fine of US\$ 90.00

On 17 January 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MPDL who allegedly committed the offence against his wife in Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 21 October 2020, at approximately 08:30am, the defendant slapped the victim twice really hard on the back of the neck, kicked the victim twice on her right side which caused the victim to fall to the ground and then slapped the victim twice on the back of the neck. Prior to this assault, the defendant and the victim argued because the victim told the defendant to hold their baby, but the defendant did not want to, and then the assault occurred. As a consequence of this assault the victim suffered severe pain and swelling to the back of the neck, and the victim also received treatment at PRADET.

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

Examination of evidence

During the trial the defendant confessed all of the facts set out in the indictment, regretted his actions, and stated that he has reconciled with the victim, and now they are living together as husband and wife.

The court did not require the victim's statement because the defendant confessed all of the facts in the indictment.

Final Recommendations

The prosecutor stated that the defendant's acts fulfilled the element of the crime of simple offences against physical integrity, and every day cases of domestic violence are dealt with

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at the court, therefore to prevent such crime from happening in the future, the prosecutor requested for the court to sentence the defendant to four months in prison, suspended for one year.

The defence requested for the court to issue a fine against the defendant, based on his circumstances, with consideration that the defendant confessed, regretted his actions, and promised not to reoffend in the future.

Decision

After evaluating all of the facts, the court found that the defendant slapped the victim twice really hard on the back of the neck, kicked the victim twice on her right side which caused the victim to fall to the ground and then slapped the victim twice on the back of the neck.

Based on the facts that were proven, and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, has reconciled with the victim and promised not to reoffend in the future, the court concluded this matter and ordered the defendant to pay a fine of US\$ 90.00 to be paid in daily instalments of US 75 cents for 120 days. The court also imposed an alternative penalty of 90 days in prison if the defendant does not pay this fine.

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

Case Number	: 0061/21.DIDIL
Composition of the Court	: Panel
Judges	: Albertina Neves, Edite P. dos Reis and Afonso Carmona
Prosecutor	: Luis Hernanio Rangel da Cruz
Defence	: Jose da Silva
Decision	: 3 months in prison, suspended for 1 year

On 17 January 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant JRVS who allegedly committed the offence against his former wife in Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 26 April 2021, at 10:00am, the defendant punched the victim once in the eye, then used a spanner to strike the victim once on her left arm, left and right knees and then the defendant used a ruler to strike the victim on the left side of her nose. Prior to this assault the defendant and the victim argued because the defendant caught another man picking up the victim in his car.

Then on 5 July 2021, at an unspecified time, the defendant punched the victim once on the back of her neck, which caused pain. The motive was because the defendant was forcing the victim to have sexual intercourse in a car, but the victim did not want to. In 2020 on a

day and month that the victim cannot remember, at the victim's workplace, the defendant punched the victim once on the back of her neck, which caused pain. Prior to this assault the defendant and the victim had an argument because the defendant suspected the victim of having a romantic relationship (affair) with her colleague in her workplace.

In 2017, on a day and month that the victim has forgotten, at approximately 8:00am, the defendant slapped the victim once on her right cheek which caused pain, and the defendant also swore at the victim. Prior to this assault the defendant and the victim had an argument because the defendant suspected the victim of having a romantic relationship (affair) with another man. As a consequence of the defendant's actions the victim suffered pain to her neck, eye, arm, knees, nose and cheek because she was subjected to ongoing physical assaults and mistreatment from her husband and in the end the victim and the defendant separated because the victim could not stand the defendant's behaviour.

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

Examination of evidence

During the trial the defendant stated that most of the facts were true, however there were some facts that were not true, namely the defendant did not punch, but rather he slapped the victim on her cheek, the defendant regretted his actions, promised not to reoffend in the future and was a first time offender. The defendant also stated that he started living with the victim in 2017, they have two children and now the defendant is living separately from the victim and the victim is living with their two children with her parents. Also the defendant stated that he wanted to go back to his wife and children, and the defendant and the victim always communicate nicely, and every day the defendant picks up his children to take them to school, and the defendant continues to be responsible as a father for his children.

The victim confirmed all of the facts in the indictment and stated that as a consequence of the defendant's behaviour she suffered pain and received treatment in hospital. Therefore the victim felt that she could not stand the defendant's behaviour, so she decided to live separately from the defendant together with their children.

Final Recommendations

The prosecutor stated that the defendant's actions fulfilled the elements of the crime of simple offences against physical integrity against the victim, therefore to prevent such crimes from occurring in the future, the prosecutor requested for the court to impose a prison sentence of two years, suspended for 2 years.

The defence stated that the defendant acknowledged the acts that he committed, regretted his actions, was a first time offender and promised that he would not commit any further crimes against victim in the future, and therefore the defence requested for the court to impose a fair penalty against the defendant.

Decision

After evaluating all of the facts, the court found that on 26 April 2021, at 10:00am, the defendant punched the victim once in the eye, then used a spanner to strike the victim once on her left arm, left and right knees and then the defendant used a ruler to strike the victim on the left side of her nose, then on 5 July 2021, at an unspecified time, the defendant punched the victim once on the back of her neck and the defendant slapped the victim once on her right cheek which caused pain, and the defendant also swore at the victim.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant regretted his actions, was a first time offender, and promised not to reoffend in the future, the court concluded this case and imposed a prison sentence of 3 months against the defendant, suspended for 1 year.

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

Case Number	: 0063/22.PCCIC
Composition of the Court	: Single Judge
Judge	: Albertina Neves
Prosecutor	: Napoleão Soares da Silva
Defence	: Agostinha de Oliveira
Decision	: Fine of US\$ 60.00

On 18 January 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant AA who allegedly committed the offence against his wife in Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 7 February 2022, at approximately 11:30pm, the defendant used great force to choke the victim, punched the victim once in the mouth, and twisted her right arm. Prior to this assault, the defendant and the victim argued because the victim did not give money to the defendant's younger sibling to buy a mobile phone, so the assault occurred.

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

Examination of evidence

During the trial the defendant confessed all of the facts set out in the indictment, was a first time offender, regretted his actions, and after the incident apologized to the victim and now they are still living as husband and wife.

The victim maintained all of the facts in the indictment and stated that she has reconciled with the defendant and now they are still living together as husband and wife.

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Final Recommendations

The prosecutor stated that all of the facts were proven, based on the confession of the defendant and the confirmation of the victim, however to deter such crimes from occurring in the future, the prosecutor requested for the court to impose a prison sentence of 3 months against the defendant, suspended for 1 year.

The defence requested for the court to admonish the defendant with the consideration that the defendant confessed, was a first time offender, regretted his actions, and has reconciled with the victim. Also the defendant is responsible for the family's finances.

Decision

After evaluating all of the facts the court found that the defendant used great force to choke the victim, punched the victim once in the mouth, and twisted the victim's right arm.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, and he is responsible for the family, the court concluded the matter and ordered the defendant to pay a fine of US\$60.00 to be paid via daily instalments of 50 cents for 120 days. The court also imposed an alternative punishment of 90 days in prison, if the defendant does not pay the fine.

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

Case Number	: 0064/21.ERSIC
Composition of the Court	: Single Judge
Judge	: Ivan Antonino Patrocinio Goncalves
Prosecutor	: Simão Seixas
Defence	: Sergio Dias Quintas
Decision	: Fine of US\$ 60.00

On 18 January 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant BS who allegedly committed the offence against his wife in Ermera Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 14 August 2021, at approximately 04:00am, the defendant swore at victim, punched her four times on the left and right side of her head and then punched her three times on the back of her neck, and he then took a chair and struck the victim once on her shoulder. Prior to this assault, the defendant and the victim argued because their child would not stop crying, so the assault occurred.

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

Examination of evidence

During the trial the defendant stated that some of the facts were not true and some of the facts were true. He said that he punched the victim once in the head and punched the victim once on the back of her neck and took a chair and struck the victim once on her shoulder. This case occurred when they heard their child crying and the defendant woke the victim up but the victim did not want to get up so the defendant committed the assault against the victim. The defendant stated that they have reconciled and are still living together as husband and wife.

The victim confirmed all of the facts in the indictment and confirmed also the defendant's statement that they have reconciled and are still living together in the same home.

Final Recommendations

The prosecutor stated that the defendant was guilty of committing the crime against the victim, and even though he tried to deny some of the facts, the victim gave confirmation, therefore to deter such crimes from occurring in the future, the prosecutor requested for the court to order the defendant to pay a fine.

The defence stated that the defendant only admitted to the acts that he committed, and after this incident he reconciled with the victim and they are living together in the same home, therefore the defence requested for the court to impose a fair penalty against the defendant.

Decision

After evaluating all of the facts, the court found that the defendant swore at victim, punched her four times on the left and right side of her head and then punched her three times on the back of her neck, and he then took a chair and struck the victim once on her shoulder.

Based on the facts that were proven and also considering the mitigating circumstances namely that the defendant has reconciled with the victim and they are living together in one home, the court concluded this matter and imposed a fine of US\$ 60.00, to be paid in daily instalments of 75 cents for 80 days. If the defendant does not pay this fine, the defendant will spend 40 days in prison as an alternative punishment.

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

Case Number	: 0013/22.ERERM
Composition of the Court	: Single Judge
Judge	: Albertina Neves
Prosecutor	: Simeão B. Seixas
Defence	: Sergio Dias Quintas
Decision	: Acquitted

On 19 January 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the

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defendant AX who allegedly committed the offence against his son in Ermera Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 6 May 2020, at approximately 7:00pm, the defendant took a long piece of wood and struck the victim once above his eye which caused an injury. Prior to the assault, the defendant and the victim argued because the defendant told the victim to turn off the lights but the victim forgot to do so, and then the assault took place.

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

Examination of evidence

During the trial the defendant denied all of the facts in indictment and stated that the victim has a mental illness and the defendant took the victim to Gleno hospital for treatment, therefore the victim stayed with his uncle in Gleno. The victim grabbed a machete to prune some coffee trees, however he cut a hose and damaged a radio in the house and was walking around with a machete and was going to slash the defendant so the defendant took a long piece of wood that was near the door to the kitchen to defend himself and it struck the victim above his right eye.

Also the victim stated that during this incident the victim did not know what he was doing as a consequence of his mental illness, and the victim also said that he was holding a machete and was walking around and was going to slash the defendant, therefore the defendant took a long piece of wood and struck the victim above his eye which caused an injury to his eye.

The witness TM testified that at that time he was standing there and saw the victim cut the hose, damage the radio and he was holding a machete and walking towards the defendant and was going to slash the defendant who took a long piece of wood from near the door to the kitchen and struck the victim above the eye which caused an injury.

Final Recommendations

The prosecutor stated that all of the facts were proven based on the confession of the defendant, and the confirmation of the victim, therefore the prosecutor requested for the court to impose a fair penalty.

The defence requested for the court to acquit the defendant from the charges because during the incident the defendant acted in self defence.

Decision

After evaluating all of the facts, the court found that the defendant acted with intent to save himself from the victim who was holding a bladed weapon, therefore the court concluded the matter and acquitted the defendant from the charges.

10. Crime of aggravated fraud

Case Number : 0152/19.PNSIC
Composition of the Court : Panel
Judges : Ana Paula Fonseca, Zulmira Barros, Ivan P. Gonçalves
Prosecutor : Gostavo da Silva
Defence : João Cortreal
Decision : Acquitted

On 23 January 2023 the Dili Court of First Instance conducted a hearing to announce its decision in a case of aggravated fraud involving the defendant Juleita Gusmão Soares and the victim Pascoal Ximenes Pereira, in Alieu Municipality.

Charges of the Prosecutor

The public prosecutor alleged that in 2012 Mr. João Francisco borrowed money from the victim totalling US\$15,000 and the victim gradually handed over that amount of money to Mr. João Francisco. However the money that was borrowed was not paid back to the victim. Therefore Mr. João Francisco provided a form of guarantee for the defendant's house and land, to give to the victim as a way to pay back the money of the victim, before Mr. João ran away to Indonesia, where he remains until now.

However when the victim went to occupy the home of Mr. João based on the existing guarantee, he was impeded by the defendant Juleita who also presented a letter of guarantee from Mr. João to occupy that house. Therefore the victim asked the defendant how she could occupy that house. When the victim was trying to find a solution, the defendant said that she could hand over the house to the victim, however the victim would have to pay all of the money that the defendant Joao owed, totalling US\$21,350.00 and the victim accepted this, and therefore the victim started gradually handing over money for the aforementioned amount to the defendant as follows:

On 10 August 2015, the victim gave the defendant US\$4,000, on 20 August 2015 the victim gave the defendant US\$350.00, on 25 August 2015 the victim gave the defendant US\$10,000.00, on 10 October 2015 the victim gave the defendant US\$5.00, on 4 October 2015 the victim gave the defendant US\$5,000, on 2 December 2015 the victim gave the defendant US\$1,000, on 14 May 2017 the victim gave the defendant US\$1,000.

The public prosecutor alleged that the defendant violated Article 267 of the Penal Code on aggravated fraud with that carries a maximum penalty of 3 years in prison or a fine.

Examination of evidence

During the trial the defendant stated that she received the aforementioned money from the victim however the money wasn't given to the defendant or the defendant didn't ask for it, but the victim gave the money gradually to the defendant with the aim of paying some of the debts of Mr. João Francisco that were owing to another person. The defendant also stated that in addition to paying for another person's money, the victim gave money to the

defendant to facilitate the process of providing a guarantee for the house and assets of Mr. João. The defendant also told the court that the victim gave an instruction to make payment and organise these documents so that in the end the house or land of Mr. João could be sold and the aforementioned money could be split, including with the witness Mr. Tara.

The victim confirmed the charges and told the court that she gave the aforementioned amounts of money to the defendant to pay the previous debts of Mr. João so that she could order the defendant to leave the house of Mr. João that the defendant was occupying because the house was a guarantee for the money that Mr. João owed to the victim.

The witness Agostu Tara Araújo stated that the negotiation between the witness and Mr. João was to submit a letter of guarantee with the aim of selling the land located in Aileu and not to sell the house. The witness stated that he did not know or see the victim give money to the defendant, and the witness found out from the defendant, because the defendant informed the witness.

The witness Salvador Godinho do Regó stated that he knew that the victim was taking money to be given to the defendant, and it was not the defendant who asked for these amounts of money. The witness also stated that when the victim came and gave the money to the defendant, the witness was sitting out the front and was able to see, however he didn't know how much money and what took place because the defendant was sitting quite far away.

Final Recommendations

The public prosecutor stated that the defendant partially confessed to the facts in the indictment about the amounts of money that the victim gave to the defendant. The defendant also stated that this money was not paid to her, but the intention was to pay for debts so that the land could be sold and the profit could be equally shared, however the victim confirmed that these amounts of money that she gave to the defendant were to pay for Mr. João's debts so that the defendant could be ordered to leave the house where she was living because the house was a guarantee for the debt that Mr. João owed to the victim. The witnesses confirmed that the victim gave money to the defendant. Therefore the prosecutor maintained the charges and requested for the court to convict the defendant based on the conviction of the court and to ask the defendant to return the victim's money that she had already used.

The defence requested for the court to assess the statement of the defendant and requested a fair penalty, because the defendant confessed before the court that she did not ask for the money from the victim, and the victim handed over these amounts of money to pay for the previous debts of Mr. João. The defendant will recover the compensation.

Decision

After evaluating all of the facts, the court found that the facts were not proven, therefore the court concluded this matter and acquitted the defendant from the charges.

11. Crime of threats and possession of a bladed weapon

Case Number : 0058/20. PDDIL
Composition of the Court : Panel
Judges : Ivan Patrocínio Antonino, Ana Paula Fonseca
Prosecutor : Benvinda do Rosario
Defence : Lito Expostu
Decision : Prison sentence of 3 years, suspended for 3 years and 2 months

On 24 January 2023 the Dili Court of First Instance conducted a hearing to read out its decision in a case of threats and possession of a bladed weapon involving the defendant Antonio Gonçalves and the victim Zulmira Soares with her daughters Zenicia Soares Amaral and Zenivia Gonçalves, which allegedly occurred in Manleuna, Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 26 March 2021, at approximately 4pm, in Manleuana, the defendant came home intoxicated. The defendant squeezed the victim Zenicia Soares Amaral (daughter) on her body and the defendant took a knife to stab her, so the victim Julmira Soares knocked the defendant's hand away that was holding the knife so that the victim Zenicia could run away.

Therefore the defendant came back with a knife towards the victim Zevia and tried to stab her and the victim Zulmira knocked the knife from the defendant's hand and the victims felt afraid and ran away from the scene. However the defendant continued to hold the knife and chased after the victims until he caught up with them and the defendant was going to stab the victim Zulmira in the throat, however the victim managed to get away. As a consequence of the defendant's actions the victims felt afraid and traumatized, and the victims didn't know the motive behind this problem.

Examination of evidence

During the trial the defendant completely confessed all of the facts set out in the indictment and stated that at that time he was intoxicated and he didn't know what he was doing. The defendant regretted his actions, and promised not to reoffend in the future.

Final Recommendations

The public prosecutor requested for the court to convict the defendant because he used a weapon that is prohibited in the law to threaten people, namely his own daughters and wife. However, since the incident until now they are no longer living together. Therefore, the public prosecutor requested for the court to impose a prison sentence of one year against the defendant, suspended for three years.

The defence requested for the court to carefully consider the charges about using a bladed weapon because some of the elements had not been fulfilled, and therefore the defendant requested for the court to give consideration before making a decision.

Decision

After evaluating all of the facts the court concluded this matter and acquitted the defendant from the crime of threats because the court did not have sufficient evidence and it was proven that the defendant was in possession of a bladed weapon and therefore the court convicted the defendant for possessing a bladed weapon to three years in prison, suspended for three years and two months.

12. Crime of mistreatment of a spouse characterised as domestic violence

Case Number : 0255/21.DICMR
Composition of the Court : Panel
Judges : Albertina Neves, Ivan José S. P. Antonino, Ana Paula
Prosecutor : Luis Hernanio Rangel da Cruz
Defence : Nelson Borges
Decision : Prison sentence of 2 years, suspended for 3 years

On 24 January 2023 the Dili Court of First Instance announced its decision in a case of mistreatment of a spouse characterised as domestic violence involving the defendant JCV who allegedly committed the offence against his wife in Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on an unspecified date in April 2020 the defendant was intoxicated, therefore the victim grabbed the defendant by the hand and told him to go outside, however the defendant pulled on the victim's arm and injured her left arm and as a consequence of the defendant's actions the victim suffered an injury to her left arm.

Then on 17 May 2021, at 11:59pm, the defendant and the victim argued about turning off the lights, so the defendant took a speedometer from a motorcycle and struck the victim in the face and dragged the speedometer across the victim's arm which caused an injury and bleeding above the victim's eye and an injury to the victim's nose and red scratch marks to the victim's mouth.

Examination of evidence

During the trial the defendant confessed all of the facts in the indictment and stated that he committed this assault when he was intoxicated. The defendant regretted his actions and has reconciled with the victim.

The defendant confessed all of the facts in the indictment, so the court did not require the statement of the victim.

Final Recommendations

The prosecutor stated that the defendant was guilty of committing the crime of mistreatment of a spouse, therefore to deter such crimes from occurring in the future, the prosecutor requested for the court to impose a prison sentence of 3 years against the defendant, suspended for 3 years.

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The defence requested for the court to impose a fair penalty against the defendant with consideration that the defendant confessed, regretted his actions and has reconciled with the victim.

Decision

After evaluating all of the facts, the court found that in April 2020 the defendant pulled the victim by the hand which injured her left arm and as a consequence of the defendant's actions the victim suffered an injury to her left arm, and on 17 May 2021 the defendant took a speedometer from a motorcycle and struck the victim in the face and dragged the speedometer across the victim's arm which caused an injury and bleeding above the victim's eye and an injury to the victim's nose and red scratch marks to the victim's mouth.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, and has reconciled with the victim, the court concluded this case and imposed a prison sentence of 2 years against the defendant, suspended for 3 years.

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

Case Number	: 0224/21 DIBCR
Composition of the Court	: Single Judge
Judge	: Ivan Patrisinio Suritay Antonino Gonçalves
Prosecutor	: Napoleão da Silva
Defence	: Marcelino Coro
Decision	: Fine of US\$ 60.00

On 24 January 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant AdS who allegedly committed the offence against his wife in Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 7 October 2021, at 10am, the defendant punched the victim twice above her left eye, punched the victim twice in the mouth, pulled her hair and slammed the victim's forehead into a wall, which caused swelling and bruises to the victim's right eye, swelling to her mouth and swelling and redness to her forehead. Prior to the assault, the defendant and the victim argued because the defendant suspected that the victim and her female friends were talking about their past boyfriends, so the defendant committed the assault against the victim.

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

Examination of evidence

During the trial, the defendant used his right to remain silent. The victim confirmed all of the facts in the indictment and stated that two days after this incident the defendant's parents went to resolve this case immediately at the home of the victim's parents and they have reconciled. The victim also stated that since the incident the defendant has not committed any other crimes against the victim.

Final Recommendations

The public prosecutor stated that even though the defendant used his right to remain silent, the victim confirmed all of the facts in the indictment and there was also confirmation from photos in the case file, therefore the prosecutor stated that the actions of the defendant fulfilled the elements of the crime of simple offences against physical integrity pursuant to Article 145 of the PC characterized as domestic violence and for this reason the prosecutor requested for the court to sentence the defendant to four months in prison, suspended for one year.

The defence stated that even though the defendant used his right to remain silent, the family of the defendant went to resolve this case and the defendant and the victim have reconciled and have continued to live together as husband and wife, so the defence requested for the court to apply a fair penalty against the defendant.

Decision

After evaluating all of the facts, the court found that the defendant punched the victim twice above her left eye, punched the victim twice in the mouth, pulled her hair and slammed the victim's forehead into a wall, which caused swelling and bruises to the victim's right eye, swelling to her mouth and swelling and redness to her forehead.

Based on the facts that were proven and also considering the mitigating circumstances, namely that after the incident the defendant's parents went to resolve the problem and they have continued to live together as husband and wife, the court concluded this matter and ordered the defendant to pay a fine of US\$60.00, to be paid in daily instalments of 50 cents for 180 days. If the defendant does not pay this fine, the defendant will spend 60 days in prison as an alternative punishment.

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

Case Number	: 0297/21 DICMR
Composition of the Court	: Single Judge
Judge	: José Gonçalves
Prosecutor	: Luis Hernani Rangel
Defence	: Francisco Caetano
Decision	: Fine of US\$ 96.00

On 26 January 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MO who allegedly committed the offence against his wife in Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 4 July 2021, at approximately 4:00am, at the home of the defendant and the victim, the defendant punched the victim once very hard on her right side and also swore at the victim. As a consequence of the defendant's acts, the victim suffered pain to her right side and sought treatment for her injury.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine 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 completely confessed to all of the facts in the indictment and said that at that time he was at his boss' birthday party and he returned home very early in the morning intoxicated and he committed the assault against the victim. Four days later the defendant apologized to the victim, they reconciled and the defendant regretted his actions, and was a first time offender.

Also, the victim confirmed all of the facts in the indictment and after the incident the victim felt pain to her side for one week. Four days after the incident they reconciled, the defendant apologised to the victim and they have had no further problems since then.

Final Recommendations

The public prosecutor stated that the defendant totally confessed to all of the facts in the indictment and the victim provided confirmation, so the public prosecutor believed that the defendant's actions fulfilled the elements of the crime of simple offences against physical integrity characterized as domestic violence so therefore the public prosecutor requested for the court to sentence the defendant to three months in prison, suspended for one year.

The defence requested for the court to consider the mitigating circumstances and also requested a fair penalty in accordance with the actions of the defendant because during the examination of evidence the defendant totally confessed to the facts and the victim also provided confirmation that after the incident the defendant has not committed any other crimes.

Decision

After evaluating all of the facts, the court found that the defendant punched the victim once very hard on her right side because he was intoxicated. Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant completely confessed to the facts, was a first time offender, regretted his actions, and has reconciled with the victim, the court concluded this matter and ordered the defendant to pay a fine of

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US\$ 96.00 to be paid in daily instalments of US 80 cents for 120 days. The court also imposed an alternative penalty of 80 days in prison if the defendant does not pay this fine.

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

Case Number : 0001/21.LIBZT
Composition of the Court : Single Judge
Judge : Argentino Nunes
Prosecutor : Napoleão Soares da Silva
Defence : José da Silva
Decision : Fine of US\$ 67.50

On 27 January 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant AAGR who allegedly committed the offence against his wife in Liquica Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 31 December 2020, at approximately 7pm, the defendant punched the victim once very hard on her back, he also punched the victim once very hard on her lips and jumped up to kick the victim once in the chest which caused the victim to immediately fall down in her bedroom, and as a direct consequence of this physical assault the victim suffered severe pain to her back, an injury and swelling to the left side of her lips.

The problem occurred because the defendant went to participate in the funeral ceremony of a friend, however he did not tell the victim and did not take his mobile phone, therefore the victim got angry and swore at the defendant so the defendant committed the physical assault against the victim.

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

Examination of evidence

During the trial the defendant confessed all of the facts set out in the indictment, and stated that after the incident he apologized to the victim and now they are living together in the same home as husband and wife and he was a first time offender.

Also, the victim confirmed all of the facts set out in the indictment and also confirmed the statement of the defendant that after the incident the defendant apologized to the victim and now they are still living as husband and wife and since the incident the defendant has not committed any other crimes against the victim.

Final Recommendations

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

The defence requested for the court to impose a lenient penalty against the defendant with consideration that the defendant confessed, apologized to the victim, and was a first time offender.

Decision

After evaluating all of the facts, the court found that the defendant punched the victim once very hard on her back, he also punched the victim once very hard on her lips and jumped up to kick the victim once in the chest which caused the victim to immediately fall down in her bedroom.

Based on the facts that were proven and also considering the mitigating circumstances, namely that the defendant confessed, apologized to the victim, and was a first time offender, the court concluded this matter and imposed a fine of US\$67.50, to be paid in daily instalments of 75 cents for 90 days. If the defendant does not pay this fine, the defendant will spend 60 days in prison as an alternative punishment.

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

Case Number	: 0031/22.LLIQ
Composition of the Court	: Single Judge
Judge	: Ivan Patrocinio Antonino Gonçalves
Prosecutor	: Luis Hernanio Rangel da Cruz
Defence	: José da Silva
Decision	: Acquitted

On 27 January 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MCIJ who allegedly committed the offence against her husband in Liquiça Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 11 June 2022, at approximately 6pm, the defendant and the victim argued so the defendant took a hammer to strike the victim however he did not manage to do so because the witness stopped him, however the defendant and the victim continued to commit acts against each other, so the defendant grabbed the victim's arm and a cup smashed on the floor, so the victim suffered an injury to his hand, and as a consequence of the victim's actions the victim suffered pain and an injury to his hand.

Examination of evidence

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During the trial, the defendant used her right to remain silent. The victim stated that during this incident the victim and the defendant argued because the defendant suspected the victim of having a romantic relationship (affair) with another woman, so the defendant became angry and smashed a cup and it struck the victim's hand and caused an injury, and the victim also stated that she has reconciled with the defendant and they continue to live in the same home.

Final Recommendations

The public prosecutor stated that during the examination of evidence the victim stated that she didn't cause the victim to suffer bleeding from his hand, however it was an accident because the defendant did not strike the victim but the victim's hand came into contact with the broken cup and this caused the injury, therefore the prosecutor requested for the court to acquit the defendant from the charges.

The defence also agreed with the prosecutor's request to acquit the defendant because based on the examination of evidence the victim stated that the defendant did not hit the victim, however the victim's hand came into contact with the broken cup and this caused the injury.

Decision

After evaluating all of the facts, the court found that the facts were not proven, therefore the court concluded this matter and acquitted the defendant from the charges.

17. Simple offences against physical integrity characterized as domestic violence

Case Number : 0145/20.LIBZT
Composition of the Court : Single Judge
Judge : Argentino Nunes
Prosecutor : Luis Hernanio Rangel da Cruz
Defence : José da Silva
Decision : Fine of US\$ 60.00

On 27 January 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant SdS (husband) and the defendant LdS (mother in law) who allegedly committed the crime against the male defendant's wife, in Liquiça Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 25 December 2020, at approximately 6pm, the female defendant yanked the victim from behind and threw her on the ground which caused pain, and then the male defendant kicked the victim once in the chest which caused severe pain. Prior to this assault, the male defendant and the female defendant argued with the victim about the victim taking a child from the house of the defendants without telling the defendants. As a consequence of the defendants' behaviour the victim felt pain to her back and chest.

Examination of evidence

During the trial the male defendant and female defendant stated that all of the facts were correct because the victim came and took the child without the knowledge of the female victim and male victim, so the female victim committed the assault against the victim. The female defendant and male defendant are traders, and the female victim and the male victim live together in the same house, and the defendants are now organising documentation to go and work in Australia.

The court could not hear testimony from the victim, because the victim was absent.

Final Recommendations

The public prosecutor stated that the male defendant and female defendant confessed all of the facts in the indictment and acknowledged their actions and therefore the public prosecutor requested for the court to impose a sentence on the male defendant and female defendant in accordance with their needs.

The defence stated that the defendants acknowledged their actions against the victim so the defence requested for the court to impose a fine based on the needs of the defendants.

Decision

After evaluating all of the facts, the court found that the female defendant yanked the victim from behind and threw the victim on the ground which caused pain, then the male defendant kicked the victim once in the chest which caused severe pain.

Based on the facts that were proven, the court concluded this matter and ordered the male defendant and female defendant to pay a fine of US\$ 90, and the male defendant and female defendant have to pay daily instalments of 50 cents for 180 days. The court also imposed an alternative penalty of 60 days in prison if the defendants do not pay this fine.

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

Case Number	: 0302/22. DICMR
Composition of the Court	: Single Judge
Judge	: Albertina Neves
Prosecutor	: Luis Hernanio Rangel da Cruz
Defence	: Eustaquio Guterres
Decision	: 3 months in prison, suspended for 1 year

On 30 January 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MdCV who allegedly committed the offence against his wife in Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 22 June 2022, at 7am, the defendant took a chair made of steel and threw it at the victim and struck the victim in the head and caused pain,

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then the defendant kicked the victim four times in the stomach, punched the victim once on her back and punched the victim once on her ear, which caused pain. Prior to this assault the defendant and the victim argued because the defendant thought that the victim told the defendant to fetch some water, so the defendant swore at the victim and assaulted her.

Examination of evidence

During the trial the defendant confessed all of the facts set out in the indictment, and also said he regretted his actions, was a first time offender, and promised not to commit any more crimes in the future.

The victim confirmed all of the facts in the indictment and stated that after this incident the defendant went to the police and was placed in a cell and when he came back home the defendant apologized to the victim and since this incident the defendant has not committed any more crimes against the victim.

Final Recommendations

The prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant and the confirmation of the victim, however to deter such crimes from occurring in the future, the prosecutor requested for the court to impose a prison sentence of 3 months against the defendant, suspended for 1 year.

The defence requested for the court to issue a fair sentence against the defendant with consideration that the defendant confessed, regretted his behaviour, was a first time offender and promised not to reoffend in the future.

Decision

After evaluating all of the facts the court found that the defendant took a chair made of steel and threw it at the victim and struck the victim in the head and caused pain, then the defendant kicked the victim four times in the stomach, punched the victim once on her back and punched the victim once on her ear.

Based on the facts that were proven and also the mitigating circumstances, namely that the defendant confessed, regretted his actions, was a first time offender, and promised not to reoffend in the future, therefore the court concluded the matter and sentenced the defendant to 3 months in prison, suspended for 1 year.

19. Crime of Manslaughter

Case Number : 0151/22. TRDIL
Composition of the Court : Single Judge
Judge : Albertina Neves
Prosecutor : Reinato Bere Nahak
Defence : Eustaquio Guterres
Decision : 3 months in prison, suspended for 1 year

On 30 January 2023 the Dili Court of First Instance conducted a hearing to announce its

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decision in a case of manslaughter involving the defendant Agustinho de Oliveira Pereira and the victim Venancio Mendonca Sequeira, which allegedly occurred in Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 26 February 2022, the defendant was riding a white Honda Mega Pro motorcycle, with number plate I 8860 from Baucau towards Dili. When he arrived in Hera at 16:20 he collided with the victim Venancio Mendonça Sequeira who was riding a black Honda Revo Fit motorcycle, with number plate J 7954, and the victim fell to the ground and suffered injuries and was immediately taken to the Guido Valadares National Hospital, however two days later the victim passed away.

Examination of evidence

During the trial the defendant stated that some of the facts were true and some of the facts were untrue. He said that the incident did not occur in Hera but in Metinaro and at the time of the incident they were facing each other, not riding one behind the other and at that time the victim did not use his lights properly, and went to the left so the defendant did not have time to brake and collided with the victim, and one day after the incident the defendant found out that the victim had passed away, and even though the defendant was in hospital, the defendant's family went to the police to resolve the matter between the two families and to contribute to the victim's funeral by providing US\$2,000.00, and the victim's family also gave a pig to the defendant's family for them to eat. The defendant also stated that he has six children and all of them are still at school, and he works as a teacher with a salary of US\$321 each month, and he lives in his own house and was a first time offender and he regretted his actions and he did not wish for the incident to occur.

Final Recommendations

The public prosecutor stated that after hearing the defendant's statement the prosecutor requested for the court to impose a more lenient penalty on the defendant.

The defence also agreed with the recommendation of the prosecution to impose a lenient penalty against the defendant because he took responsibility for his behaviour and gave money for a funeral to the victim's family and the defendant did not wish for the incident to occur.

Decision

After evaluating all of the facts the court found the defendant guilty of committing the crime of manslaughter. Based on the facts that were proven and also the mitigating circumstances, namely that the defendant confessed, and was a first time offender, so the court concluded the matter and sentenced the defendant to 3 months in prison, suspended for 1 year.

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

Case Number : 0360/22.DICMR

Composition of the Court : Single Judge

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Judge : Ivan Patrocino Suritay Antonino Gonçalves
Prosecutor : Napoleão Soares da Silva
Defence : Sergio Dias Quintas
Decision : Fine of US\$120.00

On 30 January 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant TdC who allegedly committed the offence against his wife in Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 18 July 2022, at approximately 09:00am, the defendant swore at the victim using nasty words and kicked the victim once on her right hip, punched the victim once on her back, kicked her twice in the stomach, and punched her many times on her back, and elbowed the victim on her ear. As a consequence of this physical assault the victim suffered pain, swelling and redness to her nose, severe pain and redness to her left arm and pain to her back. Prior to this assault, the defendant and the victim argued because the victim went to organise veteran documentation in Ermera and she only got back in the afternoon.

Examination of evidence

During the trial the defendant stated that all of the facts were true and the defendant also stated that he physically assaulted the victim because he was intoxicated and could not control himself, he regretted his actions and also stated that beating his wife was a terrible thing to do and after the incident he reconciled with the victim.

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

Final Recommendations

The prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant and the confirmation of the victim, however to deter such crimes from occurring in the future, the prosecutor requested for the court to impose an effective prison sentence of four months against the defendant.

The defence requested for the court to impose a fair penalty against the defendant with consideration that the defendant confessed, regretted his actions and has reconciled with the victim. The defendant is the father or the head of the family and he is the one who makes a living to provide for his family.

Decision

After evaluating all of the facts the court found that the defendant swore at the victim using nasty words and kicked the victim once on her right hip, punched the victim once on her back, kicked her twice in the stomach, and punched her many times on her back, and elbowed the victim on her ear.

Based on the facts that were proven, and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, has reconciled with the victim and promised not to reoffend in the future, the court concluded this matter and ordered the defendant to pay a fine of US\$ 120.00 to be paid in daily instalments of US\$ 1.00 for 120 days. The court also imposed an alternative penalty of 80 days in prison if the defendant does not pay this fine.

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

Case Number : 0004/22 DART
Composition of the Court : Single Judge
Judge : Ana Paula Fonseca
Prosecutor : Luis Hernani Rangel
Defence : Fernando de Carvalho
Decision : Acquitted

On 16 January 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant SMdJ who allegedly committed the offence against his wife in Dili Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 20 December 2022, at 10.00am, the defendant pulled the victim's hair and threw her on the ground. Prior to this assault, the defendant and the victim argued because the victim asked the defendant to take her and their child to Manleuana, however the defendant did not want to, so the assault took place.

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

Examination of evidence

During the trial the defendant stated that the incident did occur, but it had already been tried and the decision was that the defendant had to pay a fine.

Also the victim confirmed that this case had already been tried and the court ordered the defendant to pay a fine.

Final Recommendations

The public prosecutor stated that even though the defendant and the victim stated that this case had been decided, the prosecutor maintained the charges and stated that the defendant had behaved in the same way to pull the victim's hair and throw her on the ground just like a case that occurred in 2021, however the date of the incident was different and it occurred on 16 November 2021 and this case occurred on 20 December 2022, with

a significant passing of time, therefore the prosecutor requested for the court to impose a prison sentence of six months against the defendant, suspended for one year.

The public defender requested for the court to carefully check the system because the defendant and the victim both stated that this case had been tried by the court and the defendant was convicted and therefore if the case has already been tried, the defence requested for the court to acquit the defendant.

Decision

After evaluating all of the facts and also checking the system, it was found out that this case had already been tried and the defendant was convicted therefore the court concluded this matter and acquitted the defendant from the charges.

22. Simple offences against physical integrity characterized as domestic violence and threats

Case Number	: 0114/22 PDDIL
Composition of the Court	: Single Judge
Judge	: Ana Paula Fonseca
Prosecutor	: Luis Hernani Rangel
Defence	: Sebastião Amado
Decision	: Fine of US\$60.00

On 16 January 2023 the Dili Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant DVS who allegedly committed the offence against the victim EM in Dili Municipality.

Charges

The public prosecutor alleged that on 27 February 2021, at an unspecified time, however at approximately lunchtime, the defendant punched the victim once above her right eye, choked the victim, kicked the victim once on her hip and threw motorcycle keys at her and struck the victim in the forehead. Prior to this assault, the defendant and the victim argued about when the defendant picked up his younger sibling to go to Hera, because the victim asked the defendant to bring back some milk for their child when he returned from Hera, but when the defendant came back from Hera he did not bring any milk for their child, and then the assault occurred.

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

Examination of evidence

During the trial the defendant completely confessed all of the facts set out in the indictment, and stated that he regretted his actions and after the incident the victim ran away to her parent's house and has not returned until now.

Also, the victim confirmed all of the facts in the indictment and stated that she ran away to her parent's house because the defendant asked her to leave and since the victim and their children have been at her parent's house the defendant has never been to see them.

Final recommendations

The prosecutor stated that the defendant was guilty of committing the crime of simple offences against physical integrity characterized as domestic violence against his wife in accordance with the charges of the prosecutor, based on the confession of the defendant and the confirmation of the victim, and therefore to prevent similar crimes from happening in the future the prosecution requested for the court to order the defendant to pay a fine.

The defence requested for the court to impose a fair penalty against the defendant with consideration that the defendant confessed and regretted his actions.

Decision

After evaluating all of the facts, the court found that the defendant punched the victim once above her right eye, choked her, kicked the victim once on her hip and threw some motorcycle keys at her and struck her in the forehead.

Based on the facts that were proven and consideration of the mitigating circumstances, namely the defendant confessed and regretted his actions, the court concluded this matter and ordered the defendant to pay a fine of US\$ 60 to be paid in daily instalments of 50 cents for 120 days. The court also imposed an alternative penalty of 80 days in prison if the defendant does not pay this fine.

For more information, please contact:

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