



**Case Summary**  
**Suai District Court**  
**January 2021**

**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 Suai District Court**

**1. Total number of cases monitored by JSMP: 12**

Articles	Case Type	Number of Cases
Article 145 of the Penal Code (PC) as well as Articles 2, 3, 35 of the Law Against Domestic Violence	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	9
Article 243 of the Penal Code	Obstructing a public authority	1
Articles 23 and 172 of the Penal Code	Attempted rape	1
Articles 1757, 1758, 1759, 1762, 1765, 1786, 1782, 1804, 1805 of the Civil Code	Regulating the exercise of parental authority	1
<b>Total</b>		<b>12</b>

**2. Total decisions monitored by JSMP: 7**

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Type of Decision	Article	Number of cases
Suspension of execution of a prison sentence	Article 68 of the PC	3
Fine	Article 67 of the PC	3
Endorsement of Agreement		1
<b>Total</b>		<b>7</b>

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

**4. Total number of cases that proceeded based on JSMP monitoring: 5**

**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 : 0018/18. CVMCT  
Composition of the Court : Single Judge  
Judge : Benjamin Barros  
Prosecutor : Napoleão Soares da Silva  
Defence : Domingos dos Santos  
Decision : Fine of US\$60.00

On 20 January 2021 the Suai District Court read out its sentence in a case of simple offences against physical integrity characterized as domestic violence involving the defendant JdC and the victim, his wife, which allegedly occurred in Covalima Municipality.

**Charges of the Prosecutor**

The public prosecutor alleged that on 30 September 2018, at 7:30am, the defendant took a piece of wood and struck the victim once on her left side. The victim did not accept this and she took a pair of scissors and tried to stab the defendant, but she failed because the defendant grabbed the scissors from the victim and they struck her hand which caused an injury and pain. Prior to the assault the defendant told the victim to make some coffee, but the victim did not want to, so the assault occurred.

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

years in prison or a fine as well as Articles 2(a), 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 set out in the indictment and stated that several hours after this incident the defendant apologised to the victim. The defendant also said that he regretted his behaviour, was a first time offender and promised not to repeat his behaviour in the future.

Also, the victim confirmed the facts set out in the indictment and also confirmed the defendant's statement that several hours after this incident the defendant apologised to the victim. The victim added that the defendant has not hit her since then.

### **Final recommendations**

The prosecutor stated that the defendant confessed all of the facts alleged in the indictment and these facts were confirmed by the victim. For this reason the prosecutor said that the defendant's actions fulfilled the elements of Article 145 of the Penal Code and the prosecutor requested for the court to impose a prison sentence of 3 months, suspended for 1 year.

The public defender requested for the court to impose a fine against the defendant because the defendant confessed all of the facts set out in the indictment, regretted his actions, was a first time offender and did not hit the victim again.

### **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 side, so the victim grabbed a pair of scissors and intended to stab the defendant, but she failed to do so because the defendant grabbed the scissors from the victim and the scissors struck her hand.

Based on the facts that were proven, and consideration of the mitigating circumstances, namely the defendant confessed, regretted his actions, was a first time offender and promised not to repeat this actions in the future, the court concluded the matter and ordered the defendant to pay a fine of US\$ 60 to be paid in daily instalments of \$ 1.00 for 60 days. The court also imposed an alternative penalty of 40 days in prison if the defendant does not pay this fine.

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

Case Number : 0010/18. CVMCT

Composition of the Court : Single Judge  
Judge : Benjamin Barros  
Prosecutor : Napoleão Soares da Silva  
Defence : Domingos dos Santos  
Decision : Fine of US\$60.00

On 20 January 2021 the Suai District Court read out its sentence in a case of simple offences against physical integrity characterized as domestic violence involving the defendant JdA and the victim, his wife, which allegedly occurred in Covalima Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 7 May 2018, at 09:00am, the defendant slapped the victim once on the back of her neck and kicked the victim once on her left calf. Prior to this incident the victim sent a message to the defendant's mistress saying that the defendant was married. Therefore the defendant and the victim argued and 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(a), 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 the facts set out in the indictment and stated that after this incident the defendant apologised to the victim and the defendant has not committed any other crimes against the victim.

### **Final recommendations**

The public prosecutor stated that even though the defendant chose the right to be silent, he was still guilty of committing the crime against the victim, and although they have reconciled it is necessary to deter the defendant from committing further crimes in the future, therefore the public prosecutor requested for the court to impose a prison sentence of four months against the defendant, suspended for one year.

Meanwhile, the public defender stated that during the trial the defendant chose the right to remain silent and the victim confirmed all of the facts in the indictment, therefore the public defender requested for the court to use its conviction to punish the defendant.

## **Decision**

After evaluating all of the facts, the court found that the defendant slapped the victim once on the back of her neck and kicked the victim once on her left calf. Based on the facts that were proven, the court concluded this matter and ordered the defendant to pay a fine of US\$ 60 to be paid in daily instalments of \$ 1.00 for 60 days. The court also imposed an alternative penalty of 40 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 : 0084/17. CVSUI  
Composition of the Court : Single Judge  
Judge : Patricia de Araujo. F. B. M. Xavier  
Prosecutor : Napoleão Soares da Silva  
Defence : Domingos dos Santos  
Decision : Fine of US\$45.00

On 22 January 2021, the Suai District Court read out its sentence in a case of simple offences against physical integrity characterized as domestic violence involving the defendant MGM and the victim, his wife, which allegedly occurred in Covalima Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 7 October 2020, at 1.00pm, the defendant punched the victim twice on the back of the neck, punched the victim three times in the chest and slapped the victim twice on her left cheek. The defendant also punched the victim once on her left arm and punched the victim once on her right arm. Prior to this assault, the defendant and the victim argued because the victim sent messages via messenger (*FB*) to another man and the victim immediately deleted these messages.

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

### **Examination of evidence**

During the trial, the defendant partially confessed to the facts set out in the indictment and stated that the defendant slapped the victim once on the back of the neck and punched the victim once on her right arm, but the defendant denied the other allegations. Also, the defendant stated that in the evening after this incident the defendant apologised to the victim. The defendant also said that he regretted his

behaviour, and has not assaulted the victim since then, was a first time offender and promised not to repeat his behaviour in the future.

The victim confirmed the facts set out in the indictment and reinforced the defendant's statement that in the evening after the incident the defendant apologised to the victim and the defendant has not hit the victim since then.

### **Final recommendations**

The public prosecutor stated that during the trial the defendant denied some of the allegations, however the victim confirmed all of the facts, therefore the defendant was guilty of committing the crime against the victim. Based on these considerations, 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 impose a fine on the defendant because he confessed to his actions, has reconciled with the victim, regretted his actions, was a first time offender and promised not to reoffend against the victim in the future.

### **Decision**

After evaluating all of the facts, the court found that the defendant punched the victim twice on the back of the neck, punched the victim three times in the chest, slapped the victim twice on her left cheek, punched the victim once on her left arm and punched the victim once on her right arm.

Based on the facts that were proven, and consideration of the mitigating circumstances, namely the defendant confessed, regretted his actions, did not commit any further acts, was a first time offender and promised not to repeat this actions in the future, the court concluded the matter and ordered the defendant to pay a fine of US\$ 45 to be paid in daily instalments of \$ 0.50 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**

Case Number	: 0023/18. ANANV
Composition of the Court	: Single Judge
Judge	: Eusébio Xavier Victor
Prosecutor	: José Elu
Defence	: Albino de Jesus Pereira
Decision	: 6 months in prison, suspended for 1 year

On 25 January 2021, the Suai District Court, through the mobile court in Ainaro Municipality, read out its sentence in a case of simple offences against physical integrity

characterized as domestic violence involving the defendant JC and the victim, his wife, which allegedly occurred in Ainaro Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 2 September 2018, at approximately 10am, the defendant slapped the victim twice on her right cheek and choked the victim twice. The defendant committed these acts because the victim rang the defendant to ask him to allow the victim to go to a wake for her grandparent, but the defendant did not give permission. The victim decided to go anyway so the defendant came home and they argued, and then the defendant committed the assault.

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 one week after the incident they reconciled. The defendant stated that he regretted his actions, was a first time offender, and promised not to commit any further crimes in the future.

Also, the victim reinforced the facts set out in the indictment and confirmed the defendant's statement that after one week they reconciled. The victim also stated that until now the defendant has not assaulted the victim.

### **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 confirmation provided by the victim. Also, considering that domestic violence is prevalent in all of the territories, the public prosecutor requested for the court to impose a prison sentence of six months against the defendant, suspended for one year.

Meanwhile, the defence stated that the defendant confessed, regretted his actions and was a first time offender, therefore the public defender requested for the court to use its conviction to punish the defendant.

### **Decision**

After evaluating all of the facts, the court found that the defendant slapped the victim twice on her right cheek and choked her twice. Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, was a first time offender, the court concluded this case and imposed a prison sentence of 6 months against the defendant, suspended for 1 year.

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

Case Number : 0017/20. ANANV  
Composition of the Court : Single Judge  
Judge : Samuel da Costa Pacheco  
Prosecutor : José Elu  
Defence : Albino de Jesus Pereira  
Decision : 6 months in prison, suspended for 1 year

On 25 January 2021, the Suai District Court, through the mobile court in Ainaro Municipality, read out its sentence in a case of simple offences against physical integrity characterized as domestic violence involving the defendant CX and the victim DP, her daughter in law, which allegedly occurred in Ainaro Municipality.

### **Charges of the Prosecutor**

The prosecutor alleged that on 23 June 2020, at 11am, the victim and her husband argued and the victim swore at her husband, therefore the defendant took a piece of wood and struck the victim twice on her back which caused pain and swelling. The victim was treated at the Ainaro Referral 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 Articles 2, 3 (c), 35 (b) and 36 of the Law Against Domestic Violence.

### **Examination of evidence**

During the trial, the defendant totally confessed to the facts set out in the indictment and stated that defendant hit the victim to teach her a lesson not to swear in the future because the victim swore and used words that the defendant did not like to hear. The defendant also stated that she regretted her actions and was a first time offender.

Also, the victim confirmed the facts set out in the indictment of the prosecutor and stated that they have reconciled and she continues to live with the defendant who provides daily necessities.

### **Final recommendations**

The public prosecutor stated that the defendant was guilty of committing the crime against her daughter in law based on the confession of the defendant and the confirmation of the victim, therefore to deter the defendant from committing such acts in the future, because the defendant and the victim are living in the same house, the public 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 use its conviction to punish the defendant because the defendant confessed the facts, has reconciled with the victim, regretted her actions and was a first time offender.



## **Decision**

After evaluating all of the facts, the court found that the defendant took a piece of wood and struck the victim twice on the back. Based on the facts that were proven and all of the mitigating circumstances, namely that the defendant confessed, has reconciled with the victim, regretted her actions, and was a first time offender, the court concluded this case and imposed a prison sentence of 6 months against the defendant, suspended for 1 year.

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

Case Number : 0022/20. ANANV  
Composition of the Court : Single Judge  
Judge : Eusébio Xavier Victor  
Prosecutor : José Elu  
Defence : Albino de Jesus Pereira  
Decision : 6 months in prison, suspended for 1 year

On 25 January 2021, the Suai District Court, through the mobile court in Ainaro Municipality, read out its sentence in a case of simple offences against physical integrity characterized as domestic violence involving the defendant FdC and the victim, her husband, which allegedly occurred in Ainaro Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 30 August 2020, at 10am, the defendant took a knife and cut the victim's left hand which caused a small injury and heavy bleeding. The victim was treated at the Ainaro Referral Hospital. Prior to this assault, the defendant and victim argued about goods purchased from a kiosk in Dili. During this discussion the defendant said bad things to the victim, so the victim threw a cup and a broken piece of the cup landed on the defendant's leg which caused an injury. Therefore, 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 (a) 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 also stated that she regretted her actions. The defendant also said she was a first time offender and in front of the court promised not to commit any more crimes against the victim or other person in the future. The defendant added that after this incident they reconciled.

Also, the victim confirmed the facts set out in the indictment and also stated that after this incident they reconciled and no further assaults occurred.

## **Final recommendations**

The public prosecutor stated that defendant was guilty of taking a knife and cutting the victim's hand, therefore even though they have reconciled, to prevent any further crimes from occurring in their household, the public prosecutor requested for the court to impose a prison sentence of six months against the defendant, suspended for one year.

The public defender stated that the defendant confessed all of the facts set out in the indictment, regretted her actions and was a first time offender. Therefore, the public defender requested for the court to use its discretion to punish the defendant.

## **Decision**

After assessing the facts produced during trial, the court found that the defendant cut the victim's left hand with a knife. Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed to the facts, regretted her actions, has reconciled with the victim, and was a first time offender, the court concluded this case and imposed a prison sentence of 6 months against the defendant, suspended for 1 year.

## **7. Civil case of regulation of the exercise of parental authority**

Case Number : 0115/20. CVTDS  
Composition of the Court : Single Judge  
Judge : Patricia de Araujo Fatima Barreto Magno Xavier  
Prosecutor : José Elo (representative of the minor)  
Defence : Albino de Jesus Pereira  
Decision : Withdrawal of complaint

On 25 January 2021 the Suai District Court, thorough the mobile court in Ainaro Municipality, attempted conciliation in a case of regulation of the exercise of parental authority involving GGT (age 1) and the male respondent DA and female respondent SA, who are the child's parents, in Ainaro Municipality.

## **Circumstances and background**

In September 2020 the female respondent took their child to the home of the male respondent but the family of the male respondent did not treat the female respondent properly and said things about her to others, so the male respondent and female respondent argued, and then they tried to resolve the issue but there was no solution so they separated. After separation, the male respondent did not look after his child and did not provide alimony for his child. Prior to this incident, the female respondent and male respondent were staying with the parents of the female respondent and after this incident the male respondent went back to live with his family.

This case relates to the exercise of parental authority pursuant to Articles 1757, 1758(1), 1759, 1762, 1765, 1786, 1787(2), 1782, 1804 and 1805 of the Civil Code.

**Attempted conciliation**

During the attempted conciliation the male respondent and female respondent agreed for the child to continue living with the female respondent. The male respondent will provide alimony for his child of US\$30.00 every month to be paid to the female respondent. Also, they agreed that from Monday to Friday the child will stay with the female respondent and on Saturday at 08:30am the male respondent will collect the child from the female respondent and he will hand over the child back to the female respondent on Sunday at 08:30am, and on the child's birthday the male respondent can take the child to celebrate the birthday with him.

**Final recommendations**

The prosecutor representing the child requested for the court to endorse the agreement made by the two respondents regarding how they will look after the child.

**Decision**

Based on the agreement made by the two parties regarding alimony, residence, and visiting schedule, the court concluded this matter and endorsed the agreement.

For more information, please contact:

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