



Case Summary
Oecusse District Court
April 2022

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

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

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

1. Total number of cases monitored by JSMP: 14

Articles	Case Type	Total Number
Article 145 of the Penal Code (PC) as well as Articles 2, 3, 35(b) and 36 of the Law Against Domestic Violence	Simple offences against physical integrity characterized as domestic violence and types of offences categorised as domestic violence	9
Articles 157 and 145 of the PC, as well as Articles 2, 3, and 35(b) and 36 of the LAVD	Threats and simple offences against physical integrity characterized as domestic violence	3
Article 145 of the PC	Simple offences against physical integrity	2
Total		14

2. Total number of decisions monitored by JSMP: 11

Type of decision	Articles	Total Number
Suspension of execution of a prison sentence	Article 68 of the PC	5
Endorsed request to withdraw complaint and suspended prison sentence	Article 68 of the PC	3
Admonishment	Article 82 of the PC	1
Validating withdrawal of complaint	-	2
Total		11

3. Total number of ongoing cases based on JSMP monitoring: 3

B. Short description of proceedings in these cases

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

Case Number : 0011/21.OEBCN
Composition of the Court : Single Judge
Judge : Yudi Pamukas
Prosecutor : Pedro Baptista Aleixo dos Santos
Defence : Calisto Tout
Decision : Endorsed request to withdraw complaint and prison sentence of 1 year, suspended for 1 year

On 5 April 2022 the Oecusse District Court announced its decision in a case of threats and simple offences against physical integrity characterised as domestic violence involving the defendant AS who allegedly committed the offence against his wife in Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on an unspecified day in June 2021, the defendant was drunk and was carrying a machete and told the victim *“I will stab you to death”*, and when she heard these words the victim felt afraid.

Then on 8 August 2021, at approximately 7pm, the defendant took a belt and struck the victim once on her back and struck the victim once in the head which caused the victim to suffer pain to her back and head. Before the assault the defendant argued with their neighbour, and the defendant was drunk and dissatisfied with the victim so he committed the acts against the victim. A medical report from the Baocnana Medical Centre and photographs of the injuries from this violence from the Police were also attached to this case file.

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

Before proceeding with the examination of evidence, the court attempted conciliation for the crime of threats, and during the attempted conciliation the victim wanted to withdraw her complaint against the defendant, because after this incident the defendant and the victim immediately reconciled, and based on the request to withdraw the complaint from the victim, the court endorsed the request without any conditions.

Examination of evidence

During the trial the defendant confessed to all of the facts in the indictment and knew that the physical assault was not good, and he regretted his behaviour. The defendant

also stated that he has one child, and this was the first time that he had hit the victim and appeared in court, they have reconciled, he works as a farmer and has no fixed monthly income and promised not to commit any more crimes against the victim or other person in the future.

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

Final recommendations

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

The defence requested for the court to apply a fair punishment against the defendant, with consideration that the defendant confessed, regretted his actions, was a first time offender, and since the incident has not physically assaulted the victim and promised not to reoffend in the future, and has reconciled with the victim.

Decision

After evaluating all of the facts, the court found that the defendant took a belt and struck the victim once in the back and struck the victim once in the head which caused the victim to suffer pain to her back and head.

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, and has reconciled with the victim, therefore the court concluded this case and imposed a prison sentence of 1 year against the defendant, suspended for 1 year.

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

Case Number	: 0001/21.OEBCN
Composition of the Court	: Single Judge
Judge	: Yudi Pamukas
Prosecutor	: Mateus Nesi
Defence	: Calisto Tout
Decision	: Admonishment

On 5 April 2022 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant LT who allegedly committed the offence against her daughter in Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on 5 February 2021, at approximately 2pm, the defendant slapped the victim twice in the head. Prior to this assault, the victim and her

younger sibling were arguing about food and the victim threw a plate on the ground, and then the assault took place. A medical report from the Baocnana Medical Centre and photographs of the injuries from this violence from the Police were also attached to this case file.

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 confessed all of the facts set out in the indictment, regretted her actions, has three children, was a first time offender, has reconciled, has no fixed monthly income, and promised not to commit any crimes against the victim in the future.

Also, the victim confirmed all of the facts in the indictment and stated that they after the incident the defendant has not committed any further 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, therefore 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 issue a fair penalty against the defendant with consideration that the defendant confessed, regretted her behaviour, 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 slapped the victim twice on the head. Based on the facts that were proven and also the mitigating circumstances, namely that the defendant confessed, regretted her actions, was a first time offender and promised not to reoffend against the victim in the future, therefore, the court concluded this matter and imposed an admonishment against the defendant.

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

Case Number	: 0022/21.OEBCN
Composition of the Court	: Single Judge
Judge	: Yudi Pamukas
Prosecutor	: Pedro Baptista Aleixo dos Santos
Defence	: Calisto Tout
Decision	: Prison sentence of 1 year, suspended for 1 year

On 5 April 2022 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the

defendant CPO who allegedly committed the offence against his wife in Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on 19 August 2021, at approximately 10am, the defendant slapped the victim twice above her right eye which caused the victim to suffer pain, and there was no clear motive for this assault. A medical report from the Baocnana Medical Centre and photographs of the injuries from this violence from the Police were also attached to this case file.

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(d), 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, regretted his actions, was a first time offender, and he also stated that when this incident occurred the defendant was intoxicated, he has reconciled with the victim, works as a farmer and has no fixed monthly income and promised that in the future he will not reoffend against the victim or other person and he is the breadwinner for the victim and their children.

Also, the victim confirmed all of the facts in the indictment and stated that this was the first time that the defendant physically assaulted the victim and after the incident they immediately reconciled and have had no further problems.

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 the victim. Therefore, the prosecutor had no doubt about the facts written in the indictment and requested for the court to apply a sentence provided for in Article 145 of the PC, and in the future the defendant needs to improve his behaviour and no other person should copy him, because crimes characterized as domestic violence are predominant in Oecusse in comparison with other municipalities.

The defence stated that during the examination of evidence the defendant confessed to all of the facts and knew that committing a physical assault like this is not good, and he regretted his actions. The defence also stated that the defendant has two children, he was a first time offender, he has reconciled with the victim, he works as a farmer and has no fixed monthly income and promised not to commit any more crimes against the victim or other person in the future, and he is fully responsible for looking after the victim and their children. Therefore the public defender 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 slapped the victim twice on the head, which caused the victim to suffer pain.

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, and promised not to reoffend against the victim or other person in the future, therefore the court concluded this case and imposed a prison sentence of 1 year against the defendant, suspended for 1 year.

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

Case Number : 0075/21.OEPMK
Composition of the Court : Single Judge
Judge : Hugo da Cruz Pui
Prosecutor : Pedro Baptista Aleixo dos Santos
Defence : Marcelino Marques Coro
Decision : Prison sentence of 1 year, suspended for 1 year

On 6 April 2022 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant PT who allegedly committed the offence against his wife in Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on 7 August 2021, at approximately 8.00pm, the defendant slapped the victim on the back of her neck which caused pain. Prior to this assault, the defendant and the victim argued because the defendant was drunk and did not want to eat, and then the assault took place. A medical report from the PRADET and photographs of the injuries from this violence from the Police were also attached to this case file.

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(d), 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 knew that committing a physical assault is not good, he regretted his actions, was a first time offender and has reconciled with the victim, and has three children. The defendant also stated that he works as a driver with a monthly income of US\$135.00, and promised not to repeat such acts in the future.

Therefore the public prosecutor requested for the court to disregard the victim's statement and the defence agreed with this request. Based on this request the court decided not to hear the statement of the victim because during the presentation of evidence the defendant confessed all the facts in the indictment.

Final recommendations

The prosecutor stated that the defendant was guilty of committing the crime 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 6 months against the defendant, suspended for 1 year.

The defence requested for the court to issue a lenient penalty 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 punched the victim twice on the back of her neck which caused pain.

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 this matter and sentenced the defendant to 1 year in prison, suspended for 1 year.

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

Case Number : 0103/21.OEPMK
Composition of the Court : Single Judge
Judge : Hugo da Cruz Pui
Prosecutor : Mateus Nesi
Defence : Marcelino Marques Coro
Decision : Endorsed request to withdraw complaint and prison sentence of 2 years, suspended for 2 years

On 6 April 2022 the Oecusse District Court announced its decision in a case of threats and simple offences against physical integrity characterised as domestic violence involving the defendant LC who allegedly committed the offence against his wife AT and son AC in Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on 13 November 2021, at approximately 2pm, the victim AC was asleep, and the defendant woke him up to cut some leaves for food and he said to the victim *“wake up or I will stab you to death”*. Therefore the victim AT told the defendant not to use a bladed weapon to threaten the child. When he heard this the defendant yanked the arms of the victim AT and pulled her outside which caused the victim to suffer pain to her arms and at that time the victim was weaving *tais* (traditional cloth). A medical report from the PRADET and photographs of the injuries from this violence from the Police were also attached to this case file.

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 2 years in prison or a fine.

Before proceeding with the examination of evidence, the court attempted conciliation in the case of threats made by the defendant against his son. During the attempted conciliation the two parties wanted to reconcile without any conditions, because after the incident the defendant and his son immediately reconciled and are now living together in the same house. The court concluded the matter and endorsed the request to withdraw the complaint without any conditions.

Examination of evidence

During the trial the defendant confessed all of the facts in the indictment, regretted his behaviour, has reconciled with the victim, and the defendant works as a farmer without any fixed monthly income and has four children.

The victim AT who suffers from a disability to both of her legs, confirmed all of the facts in the indictment, and the victim also stated that after incident the victim went to stay in a Shelter for Victims and confirmed the facts in the indictment and previously the defendant hit the victim and appeared before the court. The victim stated that after she returned from the Shelter the victim and the defendant immediately reconciled and now they are living together in the same home, and the defendant's behaviour has upset the victim many times but the victim can't do anything due to her unfortunate situation.

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 the victim. The prosecutor added that the defendant should have considered that due to her situation the victim needs maximum protection, but on the contrary the defendant committed the assault against the victim. Therefore, the public prosecutor requested for the court to impose a prison sentence in accordance with Article 145 of the PC.

The defence requested for the court to impose an appropriate sentence against the defendant with the consideration that the defendant confessed, regretted his actions, has reconciled with the victim, and the defendant works as a farmer and has no fixed monthly income and the defendant has four children.

Decision

After evaluating all of the facts, the court found that the defendant yanked the arms of the victim AT and dragged her outside which caused the victim to suffer pain. The court also proved that previously the defendant had a sentence revoked and went to prison for one year because he offended against the victim. The court considered that the defendant did not show remorse for his behaviour because he had been to prison however the defendant continued to reoffend against the victim.

Based on the facts that were proven and all of the mitigating circumstances, namely that the defendant confessed, has reconciled with the victim, has reconciled with the victim,

the court concluded this case and imposed a prison sentence of 2 years against the defendant, suspended for 2 years.

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

Case Number : 0056/21.OEPMK
Composition of the Court : Single Judge
Judge : Hugo da Cruz Pui
Prosecutor : Mateus Nesi
Defence : Calisto Tout
Decision : Prison sentence of 1 year and 6 months, suspended for 2 years

On 8 April 2022 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MN who allegedly committed the offence against his wife in Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on 22 June 2021, at approximately 11pm, the defendant took a branch from a coffee tree and struck the victim four times in the head which caused a small injury and bleeding, and then the defendant used the branch to strike the victim once above her right eye and her left elbow, which caused the victim to suffer pain. A medical report from the Baqui Medical Centre and photographs of the injuries from this violence from the Police were also attached to this case file.

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

Examination of evidence

During the trial the defendant confessed all of the facts in the indictment and knew that striking the victim with a branch in this manner could cause pain, but the defendant acted on his own desire to strike the victim. After the incident the defendant felt that this behaviour is not good and he regretted his actions, he has reconciled and has continued living in the same home as husband and wife, he was a first time offender, and promised not to reoffend in the future, works as a farmer without a fixed monthly income and has five children.

Therefore the public prosecutor requested for the court to disregard the victim's statement and the defence agreed with this request. Therefore, based on this request, the court disregarded the statement of the victim because the defendant confessed all of the facts in the indictment.

Final recommendations

The public prosecutor stated that the defendant's behaviour was proven and fulfilled the elements of the crime of simple offences against physical integrity characterised as

domestic violence against his wife. Therefore, the prosecutor did not doubt the facts in the indictment and requested for the court to impose a sentence on the defendant as provided in Article 145 of the PC, to provide deterrence in general against the defendant and others in the future.

The defence stated that during the examination of evidence the defendant collaborated with the court and totally confessed. The defence added that after the incident the defendant felt that this behaviour is not good and he regretted his actions, he has reconciled and has continued living in the same home as husband and wife, he was a first time offender, and promised not to reoffend in the future, works as a farmer without a fixed monthly income and has five children, and he is the main breadwinner for the victim and their family.

Decision

After evaluating all of the facts, the court found that the defendant took a branch from a coffee tree and struck the victim four times in the head which caused a small injury and bleeding, and then the defendant used the branch to strike the victim once above her right eye and her left elbow, which caused the victim to suffer pain.

Based on all of the facts that were proven and also the mitigating circumstances, namely that the defendant confessed, regretted his actions, has reconciled with the victim, is still living in the same house as husband and wife, was a first time offender and promised not to reoffend in the future, and works as a farmer without a fixed monthly income and has five children, therefore the court concluded this case and sentenced the defendant to 1 year and six months in prison, suspended for 2 years.

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

Case Number	: 0025/20.OEBCN
Composition of the Court	: Single Judge
Judge	: Yudi Pamukas
Prosecutor	: Mateus Nesi
Defence	: Calisto Tout
Decision	: Prison sentence of 1 year, suspended for 1 year

On 8 April 2022 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant LO who allegedly committed the offence against his wife in Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on 11 June 2020, at approximately 2am, the defendant returned home and was heavily drunk and called out to the victim however the victim did not respond, therefore the defendant became angry and pulled the victim by the hair and threw her on the ground which caused her to suffer a headache and she struck her knee which caused pain. A medical report from the Baocnana Medical Centre

and photographs of the injuries from this violence from the Police were also attached to this case file.

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

Examination of evidence

During the trial totally confessed and after the incident the defendant felt that this behaviour is not good and he regretted his actions, he has reconciled with the victim and they have had no further problems, he was a first time offender, and promised not to reoffend in the future, works as a farmer without a fixed monthly income and has one child.

The victim confirmed all of the facts in the indictment, and confirmed that since the incident they have had no other problems, they have reconciled, this was the first time that the defendant physically assaulted the victim.

Final recommendations

The public prosecutor stated that the defendant's behaviour was proven and fulfilled the elements of the crime of simple offences against physical integrity characterised as domestic violence against his wife. Therefore, the prosecutor had no doubt about the facts written in the indictment and requested for the court to apply a sentence provided for in Article 145 of the PC, because crimes characterized as domestic violence are predominant in Oecusse in comparison with other municipalities.

The defence stated that during the examination of evidence the defendant totally confessed and after the incident the defendant felt that this behaviour is not good and he regretted his actions, he has reconciled with the victim and they have had no further problems, he was a first time offender, he promised not to reoffend in the future, works as a farmer without a fixed monthly income and the defendant and victim are living together and have one child, therefore the defence requested for the court to apply a fair penalty against the defendant.

Decision

After evaluating all of the facts, the court proved that the defendant returned home and was heavily drunk and called out to the victim however the victim did not respond, therefore the defendant became angry and pulled the victim by the hair and threw her on the ground which caused her to suffer a headache and she struck her knee on the ground which caused pain.

Based on all of 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 they have had no further problems, was a first time offender and promised not to reoffend in the future, and works as a farmer without a

fixed monthly income and has one child, therefore the court concluded this matter and sentenced the defendant to 1 year in prison, suspended for 1 year.

8. Crime of simple offences against physical integrity

Case Number : 0192/19.OESIC
Composition of the Court : Single Judge
Judge : Yudi Pamukas
Prosecutor : Pedro Baptista Aleixo dos Santos
Defence : Calisto Tout
Decision : Validating withdrawal of complaint

On 11 April 2022 the Oecusse District Court attempted conciliation in a case of simple offences against physical integrity involving the defendant Francisco Tasaie Abi who allegedly committed the offence against the victim Jacinto Cono Sequeira in Noque Sub-Village, Naimeco Village, Pante-makasar Sub-District, Oecusse District.

Charges of the Prosecutor

The prosecutor alleged that on 29 December 2019, at 9:30pm, the defendant was drunk and punched the victim twice in the nose which caused an injury, bleeding and pain. The defendant was then going to throw a branch at the victim, however he did not manage to do so, because the victim took out a pistol to fire a shot in the air, so the defendant ran away and left the victim at the scene of the incident. A medical report from the Oecusse Referral Hospital and photos showing the effects of the violence that were taken by the police were included in the case file.

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

Examination of evidence

Before progressing to the presentation of evidence, pursuant to Article 262.1 of the Criminal Procedure Code on attempted conciliation, the judge requested an attempt to reach conciliation between the defendant and victim.

During this attempted conciliation, the victim wanted to reconcile with the defendant unconditionally as long as in the future the defendant does not repeat such acts against the victim or other person. The defendant agreed with the victim's request and expressed regret for his actions and promised not to repeat such acts in the future, so the victim requested for the court to withdraw his complaint against the defendant.

Final recommendations

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

Decision

Based on the amicable settlement between the two parties and request of the victim to withdraw the case, the court concluded this matter and validated the request to withdraw the complaint and acquitted the defendant from the charges without any conditions.

9. Crime of simple offences against physical integrity

Case Number : 0138/20.OESIC
Composition of the Court : Single Judge
Judge : Yudi Pamukas
Prosecutor : Pedro Baptista Aleixo dos Santos
Defence : Calisto Tout
Decision : Validating withdrawal of complaint

On 11 April 2022 the Oecusse District Court announced its decision regarding attempted conciliation in a case of simple offences against physical integrity involving the defendant Antonio Vaz and the victim Eucarnisio Sequeira Coreiain in Umenoah Sub-Village, Cunha Village, Pante-Makasár Sub-District, Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on 9 August 2020, at 6.30pm, the defendant was drunk and punched the victim once on his right cheek which caused pain and punched the victim once in the chest which caused pain. A medical report from the Oecusse Referral Hospital and photos showing the effects of the violence that were taken by the police were included in the case file.

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

Examination of evidence

Before progressing to the presentation of evidence, pursuant to Article 262.1 of the Criminal Procedure Code on attempted conciliation, the judge requested an attempt to reach conciliation between the defendant and victim.

During this attempted conciliation, the victim wanted to reconcile with the defendant unconditionally as long as in the future the defendant does not repeat such acts against the victim or other person. The defendant agreed with the victim's request and expressed regret for his actions and promised not to repeat such acts in the future, so the victim requested for the court to withdraw his complaint against the defendant.

Final recommendations

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

Decision

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

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

Case Number : 0093/21.OEPMK
Composition of the Court : Single Judge
Judge : Yudi Pamukas
Prosecutor : Pedro Baptista Aleixo dos Santos
Defence : Marcelino Marques Coro
Decision : Endorsed request to withdraw complaint and prison sentence of 1 year, suspended for 1 year

On 12 April 2022 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant AN who allegedly committed the offence against his wife in Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on 18 October 2021, at approximately 4pm, the defendant punched the victim twice in the forehead which caused the victim to suffer pain to her forehead. Prior to this assault, the defendant and the victim argued because the defendant told the victim to sell some betelnut at the market however victim told the defendant "*why don't you go and sell them, instead of telling me to do it.*" When he heard this the defendant told the victim "*If you don't want to sell things in the market then I will kill you*". A medical report from the Oecusse Referral Hospital and photos from the police were included in the case file that showed the results of this violence.

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 2 years in prison or a fine.

Before proceeding to the examination of evidence, the court attempted conciliation for the crime of threats, and during this attempted conciliation the two parties wanted to reconcile, because after this incident they have reconciled and are still living together, therefore the court concluded this matter and endorsed the request to withdraw the complaint without any conditions.

Examination of evidence

During the trial the defendant confessed to all of the facts in the indictment and knew that the physical assault was not good and he regretted his behaviour. This was the first time that the defendant had hit his wife and there have been no more problems since then. The defendant stated that after the incident the defendant and the victim immediately reconciled, they have three children, the defendant was a first time

offender, he works as a farmer with no fixed income each month and he supports his wife and children.

The public prosecutor requested for the court to disregard the victim's statement because the defendant confessed all of the facts in the indictment and the defence agreed with this request. Therefore, based on this request the court did not require the statement of the victim.

Final recommendations

The public prosecutor stated that there were strong indications that the defendant was guilty of committing the crime of simple offences against physical integrity characterised as domestic violence. Therefore, the prosecutor had no doubts about the facts written in the indictment with consideration that during the examination of evidence the defendant totally confessed. For this reason the prosecutor requested for the court to impose a apply prison sentence of 1 year, suspended for 1 year.

The defence requested for the court to issue a fair penalty against the defendant because the defendant confessed the facts, and regretted his behaviour. The defence also stated that this was the first time that the defendant hit his wife and there have been no more problems since then, and after the incident the defendant and the victim immediately reconciled, they have three children the defendant was a first time offender, works as a farmer without a fixed monthly income and the defendant supports his wife and children.

Decision

After evaluating the facts, the court found that the defendant punched the victim twice in the forehead, which caused the victim to suffer pain to her forehead. Prior to this assault, the defendant and the victim argued because the defendant told the victim to sell some betelnut at the market however the victim told the defendant "*why don't you go and sell them, instead of telling me to do it.*" When he heard this the defendant told the victim "*If you don't want to sell things in the market then I will kill you*".

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

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

Case Number	: 0021/21.OEPSB
Composition of the Court	: Single Judge
Judge	: Hugo da Cruz Pui
Prosecutor	: Pedro Baptista Aleixo da Santos
Defence	: Marcelino Marques Coro
Decision	: 9 months in prison, suspended for 1 year

On 13 April 2022 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MC who allegedly committed the offence against his wife in Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on 1 August 2021, at approximately 7.30pm, the defendant slapped the victim twice on her right cheek and caused the victim to suffer pain. Previously, the defendant and the victim argued because the defendant saw the victim pinch their child who started crying, so the defendant committed the acts against the victim. A medical report from the Pasabe Medical Centre and photographs of the injuries from this violence from the Police were also attached to this case file.

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(d), 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 knew that the physical assault was not good and he regretted his behaviour. The defendant and the victim got together in 2012 and this was the first time the defendant hurt the victim, and after the incident the defendant and the victim immediately reconciled and continue to live together in the same house, they have three children and the defendant was a first time offender. The defendant stated that he works as a farmer without a fixed monthly income and he supports his wife and their children.

The victim confirmed all of the facts in the indictment and stated that after the incident the defendant and the victim immediately reconciled and have continued to live together until now and have had no other problems.

Final recommendations

The prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant which was reinforced by the victim, however to deter such crimes from occurring in the future, the prosecutor requested for the court to impose a prison sentence of 6 months against the defendant, suspended for 1 year.

The defence requested for the court to impose an admonishment against the defendant, with consideration that the defendant confessed, regretted his actions, has reconciled with the victim 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 on her right cheek, which caused the victim to suffer pain.

Based on the facts that were proven and also the mitigating circumstances, namely that the defendant confessed, regretted his actions, has reconciled with the victim and

promised not to reoffend in the future, therefore the court concluded this matter and sentenced the defendant to 9 months in prison, suspended for 1 year.

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