



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

**Case Summary  
The Oecusse 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 Oecusse Court of First Instance**

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

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 (DV) and types of offences categorised as domestic violence.	8
Article 151 PC	Reciprocal offences against physical integrity	2
Article 145 PC	Simple offences against physical integrity	1
Article 207 PC	Driving without a licence	1
<b>Total</b>		<b>12</b>

**2. Total number of decisions monitored by JSMP: 11**

Type of decision	Articles	Total Number
Suspension of execution of a prison sentence	Article 68 PC	4
Fine	Article 67 PC	1
Admonishment	Article 82 PC	3
Validating withdrawal of complaint	Article 216 CPC (Criminal Procedure Code)	3
<b>Total</b>		<b>11</b>

**3. Total number of cases adjourned based on JSMP monitoring: 1**

Reason for adjournment	Total Number
	1

Defendant and victim not present	1
<b>Total</b>	<b>1</b>

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

### **1. Crime of reciprocal offences against physical integrity**

Case Number : 0022/22.PDOEC  
Composition of the Court : Single Judge  
Judge : Hugo da Cruz Pui  
Prosecutor : Pedro Baptista Aleixo dos Santos  
Defence : Calisto Tout  
Decision : Validating withdrawal of complaint

On 6 January 2023 the Oecusse Court of First Instance Oecusse conducted a hearing to attempt conciliation for a case of reciprocal offences against physical integrity involving MMF and his wife, that allegedly occurred in Pante-makasar, Special Administrative Region of Oecusse-Ambeno.

### **Charges of the Prosecutor**

The prosecutor alleged that on 30 March 2022, at 6pm, the wife of MMF went and met MMF at his workplace, the National Commercial Bank of Timor-Leste (BNCTL). They had an argument and the wife of MMF threw some things belonging to BNCTL on the table and then struck MMF once on his back. Therefore, MMF slapped the victim once on her right cheek. Previously, the wife of MMF made a video call to MMF because he was working late however MMF did not respond so his wife was unhappy and she went to MMF's workplace and then had an argument with him, and they swore at each other and some things were thrown and the assault occurred. Photographs from the Police Vulnerable Person's Unit (VPU) were attached to this case file.

The public prosecutor alleged that MMF and his wife violated Article 151 of the Penal Code on reciprocal offences against physical integrity that carries a maximum penalty of two 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 tried to reach conciliation between the MMF and his wife.

During this attempted conciliation, they wanted to reconcile without any conditions because they are husband and wife and they also promised not to repeat such behavior in the future.

### **Final Recommendations**

The prosecution and defence accepted the amicable agreement and requested for the court to validate this process.

## **Decision**

Based on the amicable agreement and the request to withdraw this complaint, in accordance with Article 262 (2) of the Criminal Procedure Court, the court concluded this matter and endorsed the agreement to withdraw the complaint.

## **2. Crime of simple offences against physical integrity**

Case Number : 0044/22.OEPMK  
Composition of the Court : Single Judge  
Judge : Hugo da Cruz Pui  
Prosecutor : Pedro Baptista Aleixo dos Santos  
Defence : Afonso Gomes Fatima  
Decision : Validating withdrawal of complaint

On 13 January 2023 the Oecusse Court of First Instance conducted a hearing to attempt conciliation in a case of simple offences against physical integrity involving the defendant Rui Manuel Rosario and the victim Lucas Poto, which allegedly occurred in Sanane Sub-Village, Costa Gestor Village Pante-makasar Sub-Region, Special Administrative Region of Oecusse-Ambeno.

## **Charges of the Prosecutor**

The public prosecutor alleged that on 03 August 2022, at 4.00pm, at the SAS building, the defendant choked the victim and pushed her in the back. These acts caused the two victims to suffer pain to their neck and back. Previously, a discussion took place between the defendant and the victim because the victim turned on the tap until there was a puddle beside the SAS building, even though the defendant told the victim not to turn on the tap, so the assault occurred. Photographs from the police investigation were 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.

## **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 may seek to reach conciliation between the defendant and victim.

During this attempted conciliation, the victim wanted to reconcile and forgave the defendant because they work in the same place. Therefore, the victim requested for the court to withdraw the complaint against the defendant before the court.

## **Final Recommendations**

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

## **Decision**

Based on the amicable agreement between the two parties and the victim's request to withdraw the complaint, pursuant to Article 262 (2) KPP, the court concluded this matter and endorsed the agreement to withdraw the complaint without any conditions because the victim forgave the defendant and wanted to reconcile with the defendant.

### **3. Crime of reciprocal offences against physical integrity**

Case Number : 0009/22.OEBCN  
Composition of the Court : Single Judge  
Judge : Florencia Freitas  
Prosecutor : Pedro Baptista Aleixo dos Santos  
Defence : Afonso Gomes Fatima  
Decision : Validating withdrawal of complaint

On 16 January 2023 the Oecusse Court of First Instance conducted a hearing to attempt conciliation for a case of reciprocal offences against physical integrity involving NCM and his wife, that allegedly occurred in Nitibe Sub-Region, Special Administrative Region of Oecusse-Ambeno.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 27 October 2022, at 3pm, NCM and his wife argued because NCM suspected his wife of having a romantic relationship with another man. During this argument the wife struck NCM once on his right bicep which caused pain. In response NCM slapped his wife on her right cheek which caused pain. Photographs from the Police Vulnerable Person's Unit (VPU) were attached to this case file.

The public prosecutor alleged that NCM and his wife violated Article 151 of the Penal Code on reciprocal offences against physical integrity that carries a maximum penalty of two 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 tried to reach conciliation between the NCM and his wife.

During this attempted conciliation, they wanted to reconcile because they forgave each other and requested for the court to withdraw the complaint.

### **Final Recommendations**

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

## **Decision**

Based on the amicable agreement between the two parties and the request to withdraw this complaint, in accordance with Article 262 (2) of the Criminal Procedure Court, the court concluded this matter and endorsed the aforementioned agreement.

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

Case Number : 0039/22.OEPMK  
Composition of the Court : Single Judge  
Judge : Hugo da Cruz Pui  
Prosecutor : Pedro Baptista Aleixo dos Santos  
Defence : Afonso Gomes Fatima  
Decision : 9 months in prison, suspended for 1 year

On 24 January 2023 the Oecusse Court of First Instance conducted a hearing to announce its decision in a case of simple offences against physical integrity characterised as domestic violence (DV) involving the defendant BC who allegedly committed the offence against his wife in the Special Administrative Region of Oecusse-Ambeno.

#### **Charges of the Prosecutor**

The public prosecutor alleged that on 17 August 2022, at approximately 6pm, the defendant and the victim argued about some things in the house and the victim took a rock and threw it at their house. Therefore, the defendant slapped the victim three times above her right eye and this caused the victim to fall to the ground. These acts caused the victim to suffer pain and swelling to her eyebrow. A medical report from the Oecusse Referral Hospital and photos from the VPU 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 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 totally confessed to all of the facts in the indictment and acknowledged that that his actions were not good and could harm the health of the victim, especially her right eyebrow. The defendant also stated that one week after this incident the defendant apologized to the victim and he immediately reconciled with the victim because he regretted his actions. The defendant stated that he got together with the victim in 1999, they have five children, he works as a farmer and has no fixed monthly income and he was a first time offender. The defendant also promised not to repeat his behavior against the victim or other person in the future.

Also, the victim confirmed all of the facts in the indictment and stated that after one week the defendant went looking for the victim at her parent's house to apologise. The victim also stated that she forgave the defendant for his behaviour and since then the defendant has not physically assaulted the victim.

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## **Final Recommendations**

The prosecutor said the defendant committed this act freely, deliberately and consciously to harm the health of the victim and in the way described in the indictment. Therefore, to deter such crimes from occurring in the future, the public prosecutor requested for the court to sentence the defendant to 1 year in prison, suspended for 1 year.

The defence thought that the court should admonish the defendant for his behaviour because after the crime the defendant went looking for the victim to apologise and reconcile. Also, the defendant regretted his actions, has not had any more problems since then, this was the first time that the defendant slapped the victim, collaborated with the court, has five children, works as a farmer and has no fixed monthly income and promised that he would not repeat such acts in the future.

## **Decision**

After evaluating all of the facts produced during the trial, the court found that on 17 August 2022, at approximately 6pm, the defendant slapped the victim three times above her right eye which caused the victim to fall to the ground and to suffer pain.

Based on the facts that were proven, and consideration of all of the circumstances relating to this crime, the court concluded the matter and sentenced the defendant to 9 months in prison, suspended for 1 year.

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

Case Number	: 0037/22.OEPMK
Composition of the Court	: Single Judge
Judge	: Hugo da Cruz Pui
Prosecutor	: Pedro Baptista Aleixo dos Santos
Defence	: Calisto Tout
Decision	: Penalty of admonishment

On 24 January 2023 the Oecusse Court of First Instance conducted a hearing to announce its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant PE who allegedly committed the offence against his grandchildren, namely GMM (aged 10) and JCM (aged 8) which allegedly occurred in the Special Administrative Region of Oecusse-Ambeno.

## **Charges of the Prosecutor**

The public prosecutor alleged that on 12 July 2022, at approximately 1.00pm, the two children asked the defendant, who is their grandmother to go to their mother who was making cakes at a neighbor's house however defendant did not give them permission, so the children went there without saying anything. When they came home the defendant became angry and took a branch and struck GMM once on the right thigh and struck JCM once in the stomach which made the two children cry because they felt pain. A medical

report from PRADET and photographs from the police VPU 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 to all of the facts in the indictment and said that such behaviour was not good and could damage the childrens' physical health. The defendant also stated that the two children have been living together with the defendant since June 2022 and they are her the children of her daughter. Then the defendant stated that she is responsible for the daily needs of the children and she would accept the children if they wanted to continue living with the defendant. The defendant also promised not to repeat such behavior in the future. Finally, the defendant stated that they have reconciled, she was a first time offender and she works as a farmer so he has no fixed monthly income.

After hearing the statement of the defendant, the prosecutor requested for the court not to hear testimony from the victims with consideration that the defendant confessed to all of the facts in the indictment because there was enough evidence. In relation to this request, the defence had no objection. Therefore, based on this request the court did not require the statements of the victims.

### **Final Recommendations**

The prosecutor said the defendant committed this act freely, deliberately and consciously to harm the health of the victims in the way described in the indictment. The prosecutor also stated that the defendant should actually look after her grandchildren properly, and should not commit violence so that they would feel comfortable with the defendant and they could be with her day and night. Therefore the prosecutor requested for the court to admonish the defendant.

The public defender accepted the recommendation of the prosecutor and requested for the court to issue an admonishment against the defendant with the consideration that the defendant confessed, regretted her actions, was a first time offender, has reconciled with the children and wants to look after the children. The defendant works as a farmer and has no fixed monthly income and she also promised that she would not repeat such ats in the future.

### **Decision**

After evaluating all of the facts, the court found that the defendant had done the wrong thing even though she intended to teach her children about doing the right thing. The court also found that the defendant should not have behaved in this way against her grandchildren who are still minors.

Based on the facts that were proven and also the aggravating and mitigating circumstances, namely that the defendant confessed, regretted her actions, immediately reconciled with the victims, was a first time offender and wanted to look after the children and promised not to reoffend in the future against her grandchildren or another person, the court concluded this matter and issued an admonishment against the defendant.

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

Case Number : 0052/22.OEPMK  
Composition of the Court : Single Judge  
Judge : Florensia Freitas  
Prosecutor : Pedro Baptista Aleixo dos Santos  
Defence : Calisto Tout  
Decision : Prison sentence of 1 year and 6 months, suspended for 1 year and 6 months

On 24 January 2023 the Oecusse Court of First Instance conducted a hearing to announce its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant ESL who allegedly committed the offence against her husband ATQ in the Special Administrative Region of Oecusse-Ambeno.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 28 August 2022, at approximately 9am, the defendant and the victim argued because the defendant was angry at the stepchildren from the victim. Therefore, the defendant grabbed the victim by the shirt and threw him on the ground which caused him to suffer a small injury to his left arm and he felt pain. A medical report from the Oecusse Referral Hospital and photos from the VPU 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 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 and stated that she regretted her actions. The defendant also stated that she reconciled with the victim, works as a housewife and has no fixed monthly income, she has two children who are still young and promised not to repeat such acts in the future. The defendant also added that previously she came to court in a case of simple offences against physical integrity characterized as DV against her adoptive mother and the court imposed a prison sentence on the defendant, however execution was suspended.

After hearing the statement of the defendant, the public prosecutor requested for the court to disregard the victim's statement because the defendant confessed all of the facts in the



indictment. In relation to this request, the defence had no objection. Therefore, based on this request the court did not require the statement of the victim.

### **Final Recommendations**

The prosecutor stated that the defendant committed these acts freely, deliberately and consciously to hurt the victim's physical health in the ways described in the indictment. The prosecutor also stated that previously the defendant was convicted by the court however the defendant again committed a crime during the period of suspension. Therefore the public prosecutor requested for the court to impose an effective penalty against the defendant.

The defence requested for the court to extend the punishment that was previously applied against the defendant with consideration that during the examination of evidence the defendant collaborated with the court, totally confessed the facts, regretted her actions, and works as a housewife and has no fixed monthly income and has two young children and if the defendant goes to prison the children will be neglected.

In her final statement the defendant stated that she has young children. The first child is 6 and the second is 4, and she also promised to the court that she would not commit any further crimes in the future.

### **Decision**

After evaluating all of the facts, the court found that the defendant grabbed the shirt of the victim to throw him on the ground which caused him to suffer a small injury to his left arm and he suffered pain. The court also found that the defendant committed a crime during the period of suspension (previously the defendant committed a crime against her adopted mother and the court sentenced the defendant to one year in prison, suspended for one year and six months.

Based on the facts that were proven and consideration of all of the circumstances, including consideration that the defendant has two young children who are still minors and if the defendant goes to prison then the children would be neglected. With these concerns in mind, the court concluded this matter and extended the previous suspended prison sentence to one year and six months, suspended for the same period.

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

Case Number	: 0017/22.OEBCN
Composition of the Court	: Single Judge
Judge	: Hugo da Cruz Pui
Prosecutor	: Mateus Nesi
Defence	: Calisto Tout
Decision	: Penalty of admonishment

On 24 January 2023 the Oecusse Court of First Instance conducted a hearing to announce its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant RQ who allegedly committed the offence against his wife AT in the Special Administrative Region of Oecusse-Ambeno.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 11 August 2022, at 8am, the defendant slapped the victim twice on the back of her neck and she lost consciousness. The incident occurred when the defendant was asleep and the victim woke up the defendant so he could feed the pigs in the pigpen. A medical report from the Baocnana Medical Centre and photographs from the Police VPU 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(a), 35(b) and 36 of the Law Against Domestic Violence.

### **Produsaun ba prova sira**

Iha julgamentu, arguidu konfesa integralmente ba faktu hotu iha akuzasaun no deklarata katak di'ak malu ona ho lezada. Arguidu hatutan katak arguidu hola malu ho lezada iha tinan 2011, oan na'in rua no foin primeiravés mai iha tribunál. Arguidu kontinua hatutan katak serbisu hanesan badaen *buru kasar* nune'e laiha rendimentu fiksi kada fulan. Arguidu mós promete sei la repete hahalok ne'e iha futuru hasoru nia feen ka ema seluk.

Depoisde rona deklarasaun arguidu nian, prokuradór husu ba tribunál atu presinde lezada nia deklarasaun ho konsiderasaun katak prova sufsiente ona tanba arguidu konfesa integralmente. Defeza laiha opozisaun ba pedidu refere. Bazeia ba pedidu ne'e, tribunál presinde lezada nia deklarasaun.

### **Alegasaun finál**

Prokuradór husu ba tribunál atu aplika pena ne'ebé hakerek ona iha artigu 145 KP atu bele iha prevensaun jerál iha futuru, tanba konsidera arguidu komete hahalok ne'e ho livre no provadu preense elementu krime ofensa ba integridade física simples ho natureza VD. Prokuradór reforsa mós katak kada loron tribunál sempre iha julgamentu ba kazu sira ho natureza VD.

Enkuantu defeza husu ba tribunál atu aplika pena admoestasaun ho konsiderasaun sira katak depoisde akontesimentu arguidu ho lezada dame malu fali, arrepende ninia hahalok, iha oan na'in rua, foin primeiravés hatan iha tribunál no promete sei la repete hahalok ne'e iha futuru. Maibé karik tribunál iha hanoin seluk, husu pena ne'ebé adekuadu.

### **Desizaun**

Tribunál prova katak arguidu basa lezada dala rua iha kanuruk halo lezada desmaia. Bazeia ba faktu provadu ne'e no tetu ba aktu krime ne'ebé hatodan no hakmaan arguidu

nia responsabilidade kriminál, tribunál konklui prosesu ne'e no kondena arguidu ho pena admoestasaun.

## **8. Krime ofensa ba integridade fízika simples ho natureza violénsia doméstika**

Nú. Prosesu : 0016/22.OEOSL  
Kompozisaun Tribunál : Singulár  
Juis : Dr. Hugo da Cruz Pui  
Prokuradór : Dr. Mateus Nesi  
Defeza : Dr. Filipe Landos (advogadu privadu)  
Desizaun : Pena admoestasaun

Iha 24 Janeiro 2023, Tribunál Judisiál Primeira Instánsia Oekusi prezide leitura sentensa ba kazu ofensa ba integridade fízika simples ho natureza VD ne'ebé envolve arguida AB hasoru PS nu'udar nia banin feto, iha RAEOA.

### **Akuzasaun Prokuradór**

Prokuradór akuza katak iha 11 Agostu 2022, maizumenus iha oras tuku 15:00 lokraik, iha bazaar Merkadu, arguida uza be-aquase kiik ida tuku iha lezada nia ulun dala ida rezulta bubu to'o lezada desmaia. Hafoin ne'e, arguida halai abandona hela lezada ho sasan merkadoria nian iha lokál krime no ba tiha iha nia inan/aman nia uma. Aktu ne'e akontese bainhira arguida ba soe be-kiik durante oras rua nia laran no bainhira fila mai kareta atu fila ba sira nia knua laiha ona. Nune'e lezada husu ba arguida "o sai desde ohin ba iha ne'ebé mak foin mai?". Hafoin ne'e sira diskute malu to'o mosu agresaun refere hasoru lezada. Kazu ne'e aneksu hamutuk ho relatóriu médiku husi Sentru Saúde Oesilo no fotografia sira husi polísia VPU.

Prokuradór akuza arguida kontra artigu 145 KP kona-ba ofensa ba integridade fízika simples ho moldura penál to'o tinan 3 ka multa, konjuga ho artigu 2, 3(d) 35(b) no 36 LKVD.

### **Produsaun ba prova sira**

Iha prosesu julgamentu, arguida konfesa faktu parsialmente katak akontese duni agresaun ho be-aqua kiik ida maibé la rezulta lezada desmaia. Arguida haktuir tan katak antes ne'e sempre mosu hela de'it problema entre arguida ho nia la'en no lezada sempre halo intervensaun hasoru arguida. Antes ne'e mós, arguida hateten katak sira hela hamutuk maibé depoisde akontesimentu ne'e, arguida ba hela tiha fali ho nia inan/aman ka separadu ona ho nia la'en. Arguida hatutan katak nia iha oan na'in rua no hela ho arguida, serbisu hanesan *dona de casa* nune'e laiha rendimentu fiksi kada fulan. Mezmu nune'e, arguida arrepente ninia hahalok, seidauk di'ak malu ho lezada, no foin primeiravés mai hatan iha tribunál.

Enkuantu lezada kontinua konfirma faktu hotu iha akuzasaun no deklara liután katak iha momentu ne'ebá lezada ho pozisaun tuur nune'e arguida tuku tun be-aqua kiik ida ba iha lezada nia ulun. Lezada mós hatutan katak depoisde akontesimentu ne'e to'o agora sira seidauk di'ak malu tanba arguida lakohi fila moris hamutuk ho lezada nia oan mane.

## **Alegasaun finál**

Prokuradór husu ba tribunál atu aplika pena ne'ebé hakerek ona iha artigu 145 KP nu'udar prevensaun jerál iha futuru tanba arguida ninia hahalok provadu no prenze duni elementu krime ofensa ba integridade fízika simples ho natureza VD hasoru lezada hanesan arguida nia banin fetu maski arguida nega faktu balun.

Enkuantu defeza husu ba tribunál atu absolve arguida husi prosesu ne'e ho konsiderasaun ba sirkunstánsia sira hanesan arguida konfesa parsialmente no laiha evidénsia atu konprova lezada desmaia duni iha fatin akontesimentu. Defeza hatutan mós katak husi akontesimentu entre arguida ho nia banin fetu halo arguida moris separadu ho nia la'en to'o agora no pior liután mak nia la'en la sustensa oan na'in rua ne'ebé hela ho arguida. Nune'e mós lezada sempre interven maka'as ba iha família uma laran arguida nian to'o obriga nia oan mane husik arguida ho sira nia oan na'in rua.

## **Desizaun**

Depoisde avalia ba faktu hotu ne'ebé prodús durante julgamentu, tribunál prova katak arguida lori bee aqua-kiik ida no tuku dala ida iha lezada nia ulun rezulta bubu iha ulun, desmaia no sofre moras. Bazeia ba faktu hirak ne'e no tetu mós ba sirkunstánsia hotu-hotu ne'ebé haleu ona iha krime ne'e, tribunál konklui prosesu ne'e no kondena arguida ho pena admoestasaun.

## **9. Krime ofensa ba integridade fízika simples ho natureza violénsia doméstika**

Nú. Prosesu : 0015/22.OEOSL  
Kompozisaun Tribunál : Singulár  
Juis : Dr. Hugo da Cruz Pui  
Prokuradór : Dr. Pedro Baptista Aleixo dos Santos  
Defeza : Dr. Calisto Tout  
Desizaun : Pena prizaun tinan 2 suspende ba tinan 2

Iha 24 Janeiro 2023, Tribunál Judisiál Primeira Instánsia Oekusi prezide leitura sentensa ba kazu ofensa ba integridade fízika sinples ho natureza VD ne'ebé envolve arguidu YN hasoru nia feen, iha RAEOA.

## **Akuzasaun Prokuradór**

Prokuradór akuza katak iha 05 Agostu 2022, maizumenus iha oras tuku 09:00 dadeer. Arguidu tuku lezada dala tolu iha knosen parte loos rezulta moras. Aktu ne'e akontese bainhira lezada husu osan ba arguidu ho montante US\$40.00 atu partisipa iha serimonia kulturál husi parte lezada nian maibé arguidu la fó osan ba lezada. Nune'e sira diskute malu no akontese agresauun ne'e. Kazu ne'e aneksa hamutuk ho relatóriu médiku husi Sentru Saúde Oesilo no fotografia sira husi Polísia VPU.

Prokuradór akuza arguidu kontra artigu 145 KP kona-ba ofensa ba integridade fízika simples ho moldura penál to'o tinan 3 ka multa, konjuga ho artigu 2, 3(a) 35(b) no 36 LKVD.

## **Produsaun ba prova sira**

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Iha audensia julgamentu, arguidu konfesa faktu integralmente iha akuzasaun no deklarata katak arrepende ninia hahalok. Arguidu hatutan katak iha oan na'in haat, hanesan toos na'in laiha rendimentu fiksi kada fulan, depoisde akontesimentu to'o agora la komete ona krime hasoru lezada ka ema seluk no foin primeiravés halo agresaun hasoru lezada no mai hatan iha tribunál. Arguidu mós promete sei la komete tan krime iha futuru.

Depoisde rona deklarasaun arguidu nian, prokuradór husu ba tribunál atu presinde deklarasaun lezada nian no depoimentu husi testemuña sira tanba konsidera prova sufsiente ona. Relasiona ho pedidu ne'e, defeza laiha opozisaun. Nune'e, tribunál presinde audisaun ba lezada ho testemuña sira.

### **Alegasaun finál**

Prokuradór konsidera hahalok arguidu nian prenze duni elementu krime ofensa ba integridade fízika simples ho natureza VD no arguidu mós hetan ona kastigu iha prizaun ba prosesu seluk maibé la arrepende ninia hahalok. Alende ne'e, konsidera mós katak aktu krime sira ne'ebé akontese mai iha tribunál maioria envolve membru família hanesan la'en hasoru feen ho oan sira ka feen hasoru la'en. Tanba ne'e, husu ba tribunál atu kondena arguidu ho pena prizaun tinan 1 (ida) suspende ba tinan 1 (ida).

Enkuantu defeza husu ba tribunál atu fó pena ne'ebé adekua ba arguidu ho konsiderasaun katak arguidu konfesa integralmente ba faktu sira, arrepende ninia hahalok no di'ak malu ona ho lezada. Alende ne'e, arguidu koopera di'ak ho tribunál, iha oan na'in haat no serbisu hanesan toos na'in. Arguidu mós promete sei la repete hikas ninia hahalok ne'e iha futuru.

### **Desizaun**

Depoisde avalia faktu sira ne'ebé prodús, tribunál prova katak arguidu tuku lezada dala tolu iha knosen parte loos. Bazeia ba faktu provadu ne'e no tetu mós ba sirkunstánsia hotu-hotu ne'ebé haleu iha krime ne'e, hanesan antes ne'e arguidu tama ona iha prizaun ba prosesu seluk, agora foin mak arrepende ba ninia hahalok, koopera di'ak ho tribunál, iha oan na'in haat no serbisu hanesan toos na'in no arguidu mós promete sei la repete hikas ninia hahalok ne'e iha future, nune'e tribunál konklui prosesu ne'e no kondena arguidu ho pena prizaun tinan rua maibé suspende nia ezekusaun ba período ne'ebé hanesan.

## **10. Krime ofensa ba integridade fízika simples ho natureza violénsia doméstika**

Nú. Prosesu : 0014/22.OEBCN  
Kompozisaun Tribunál : Singulár  
Juis : Dra. Florencia Freitas  
Prokuradór : Dr. Mateus Nesi  
Defeza : Dr. Calisto Tout  
Desizaun : Pena prizaun tinan 1 suspende ba tinan 1

Iha 30 Janeiru 2023, Tribunál Judisiál Primeira Instánsia Oekusi prezide leitura sentensa ba kazu ofensa ba integridade fízika simples ho natureza VD ne'ebé envolve arguidu SC hasoru nia feen, iha RAEOA.

## **Akuzasaun Prokuradór**

Prokuradór akuza katak iha 17 Agostu 2022, maizumenus iha oras tuku 10:30 dadeer, lezada prepara ona hahan batar daan maibé arguidu lakohi atu han batar daan ne'e no hakarak han fali etu. Ho nune'e, sira diskute malu to'o arguidu foti batar daan no fakar tun tiha ba iha rai no kontinua lori *tali masa* baku lezada dala ida iha matan fukun karuk rezulta bubu no moras. Kazu ne'e aneksu hamutuk ho relatóriu médiku husi Sentru Saúde Baocnana no fotografia sira husi Polísia VPU.

Prokuradór akuza arguidu kontra artigu 145 KP kona-ba ofensa ba integridade física simples ho moldura penál to'o tinan 3 ka multa, konjuga ho artigu 2, 3(a) 35(b) no 36 LKVD.

## **Produsaun ba prova sira**

Iha prosesu julgamentu, arguidu konfesa faktu hotu iha akuzasaun no rekoñese katak ninia hahalok ne'e ladi'ak no prejudika lezada nia matan moras. Arguidu hatutan katak depoisde akontesimentu ne'e sira dame malu kedas to'o agora. Liután arguidu hatutan katak sira hola-malu iha tinan 2000, oan na'in hitu, serbisu hanesan to'os na'in nune'e laiha rendimentu fiksi kada fulan. Arguidu mós promete sei la repete hahalok hanesan iha futuru hasoru lezada ka ema seluk.

Depoisde rona deklarasaun arguidu nian, prokuradór konsidera prova suficiente ona nune'e husu ba tribunál atu presinde deklarasaun husi lezada. Defeza laiha opozisaun ba pedidiu ne'e. Bazeia ba pedidu ne'e, tribunál presinde audisaun lezada nia deklarasaun.

## **Alegasaun finál**

Prokuradór alega katak arguidu ninia hahalok ne'e ho livre, deliberada no konsientemente, konkretiza hodi hamoras lezada nia saúde atraves husi meu hanesan deskreve ona iha akuzasaun. Tanba ne'e, husu ba tribunál atu aplika pena ne'ebé hakerek ona iha artigu 145 KP.

Enkuantu defeza solisita ba tribunál atu aplika pena ne'ebé justu ba arguidu ho konsiderasaun katak arguidu konfesa faktu hotu iha akuzasaun, kolabora di'ak ho tribunál, foin primeiravés baku lezada, oan na'in hitu, depoisde akontesimentu dame malu kedas, hanesan to'os na'in laiha rendimentu fiksi kada fulan no promete sei la halo tan krime iha futuru hasoru lezada ka ema seluk.

## **Desizaun**

Depoisde avalia faktu hotu, tribunál prova katak arguidu fakar batar daan no lori *tali masa* baku lezada dala ida iha matan fukun karuk rezulta lezada sofre bubu no moras. Bazeia ba faktu provadu sira ne'e no tetu mós ba sirkunstánsia sira ne'ebé mak hatodan no hakmaan arguidu nia responsabilidade kriminál, tribunál konklui prosesu ne'e no kondena arguidu ho pena prizaun tinan 1 (ida) suspende ba tinan 1 (ida).

## **11. Krime kondusaun sein karta**

Nú. Prosesu : 0005/11.OEDTR

Rua Beco Lakateu, Aldeia Manu fuik, Suku Kolmera, Administrativu Vera Cruz

Munisípiu Dili, Timor-Leste

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Kompozisaun Tribunál : Singulár  
Juis : Dr. Hugo da Cruz Pui  
Prokuradór : Dr. Pedro Baptista Aleixo dos Santos  
Defeza : Dr. Calisto Tout  
Desizaun : Pena multa

Iha 30 Janeiro 2023, Tribunál Judisiál Primeira Instáncia Oekusi prezide leitura sentensa ba kazu kondusaun sein karta ne'ebé envolve arguidu Pedro Luis Guterres da Conceição hasoru Estadu RDTL. Kazu ne'e akontese iha Aldeia Oesono, Suku Costa Gestor, Sub-regiaun Pante-makasar, RAEOA.

### **Akuzasaun Prokuradór**

Prokuradór akuza katak iha 24 Juñu 2022, maizumenus iha oras tuku 10:00 dadeer, arguidu kondús motorizada ho marka Honda-fit no halai iha dalan públiku Santa-Rosa laho número matrikula. Bainhira polísia Unidade Tranzitu halo passa revista, indentifika katak arguidu mós laiha karta kondusaun.

Prokuradór akuza arguidu kontra artigu 207 KP kona-ba kondusaun sein karta ho moldura penál to'o tinan 3 ka multa

### **Produsaun ba prova sira**

Iha julgamentu, arguidu konfesa faktu hotu iha akuzasaun no hatene katak ninia hahalok kontra lei. Mezmu nune'e, arguidu deklara katak foin primeiravés mai iha tribunál, arrepende ninia hahalok no depoisde akontesimentu arguidu trata kedas ninia karta kondusaun. Arguidu mós haktuir tan katak antes ne'e nia serbisu maibé tanba kontratu remata ona nune'e halo de'it serbisu seluk iha uma ho rendimentu ne'ebé la fiku. Arguidu promete sei la halo tan krime hanesan ne'e ka krime seluk iha futuru.

Prokuradór husu ba tribunál atu presinde depoimentu testemuña (polísia tranzitu) tanba prova sira suficiente ona. Parte defeza laiha opozisaun ba pedidu refere. Bazeia ba pedidu ne'e, tribunál presinde audisaun husi testemuña nia depoimentu.

### **Alegasaun finál**

Prokuradór intende katak hahalok arguidu nian ne'e prenze duni elementu krime kondusaun sein karta. Tanba ne'e, atu bele iha prevensaun jerál iha futuru, husu ba tribunál atu kondena arguidu ho pena multa.

Enkuantu defeza tetu katak durante produsaun ba prova arguidu kolabora di'ak ho tribunál, konfesa faktu hotu iha akuzasaun, arrepende ona ninia hahalok no iha ona karta kondusaun. Alende ne'e, tetu mós katak arguidu laiha rendimentu fiku, foin primeiravés mai tribunál no promete ona katak sei la repete hikas ninia hahalok krime iha futuru hasoru Estadu ka ema. Tanba ne'e, kastigu ne'ebé vale ho hahalok arguidu nian mak pena admoestasaun.

### **Desizaun**

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Depoisde avalia ba faktu hotu ne'ebé prodús durante julgamentu, tribunál prova katak arguidu kondús motorizada iha dalan públiku laho xapa matrikula no laho karta kondusaun no konsidera hahalok arguidu hanesan dolu direitu tanba hatene hela ninia hahalok lei bandu maibe arguidu nafatin kondús motorizada iha dalan públiku.

Bazeia ba faktu provadu hirak ne'e hotu no tetu mos sirkunstansia hotu-hotu, tribunál konklui prosesu ne'e no kondena arguidu ho pena multa US\$45.00 ne'ebé kada loron arguidu sei selu sentavus 0.50 durante loron 90. Tribunál mos aplika pena alternativa loron 45 iha prizaun bainhira arguidu la kumpri desizaun pena multa ne'e.

Atu hetan informasaun kompleitu, favór kontaktu:

Ana Paula Marçal

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