



Case Summary
Oecusse District Court
January 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: 13

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.	12
Article 145 of the PC	Simple offences against physical integrity	1
Total		13

2. Total number of decisions monitored by JSMP: 13

Type of decision	Articles	Total Number
Suspension of execution of a prison sentence	Article 68 of the PC	10
Admonishment	Article 82 of the PC	2
Validating withdrawal of complaint	Article 216 of the CPC	1
Total		13

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

4. Total cases adjourned based on JSMP monitoring: 0

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

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

Case Number : 0065/21.OEPMK
Composition of the Court : Single Judge
Judge : Hugo da Cruz Pui
Prosecutor : Mateus Nesi
Defence : Calisto Tout
Decision : Penalty of admonishment

On 21 January 2022 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence (DV) involving the defendant DI who allegedly committed the offence against his wife in Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on 10 July 2021, at approximately 10am, the defendant kicked the victim once on her right side and caused pain and swelling. Prior to this assault the defendant and the victim had an argument because the defendant did not want the victim to attend an engagement ceremony in their neighbourhood. A medical report from the Oecusse Referral Hospital and photos from the VPU of 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 or a fine as well as Articles 2, 3(a), 35(b) and 36 of the Law Against Domestic Violence.

Examination of evidence

During the trial the defendant confessed to all of the facts set out in the indictment, the defendant also stated that he regretted his actions. The defendant also stated that after this incident they reconciled and have had no further problems. The defendant is a farmer and has no fixed monthly income. The defendant was a first-time offender and promised not to repeat such acts against the victim or other person in the future.

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77040735

www.jsmp.tl

ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

The public prosecutor requested for the court to disregard the victim's statement because the defendant confessed all of the facts in the indictment. The defence had no objection to the request of the prosecutor. Therefore, the court did not hear the testimony of 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 therefore to avoid the same crime from happening in the future, the prosecutor requested for the court to impose a penalty pursuant to Article 145 of the Penal Code.

The defence requested for the court to impose a lenient penalty against the defendant, based on the consideration that the defendant confessed, regretted his actions, has reconciled with the victim, was a first-time offender, and has promised not to reoffend in the future.

Decision

After evaluating all of the facts, the court found that the defendant kicked the victim once on her right side. The court considered that the actions of the defendant were intentional because he himself wanted to kick his wife on her side, with the intention to cause her 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, was a first-time offender and promised not to reoffend in the future, the court concluded this matter and issued an admonishment against the defendant.

2. Crime of simple offences against physical integrity

Case Number : 0001/20.OEBCN
Composition of the Court : Single Judge
Judge : Yudi Pamunkas
Prosecutor : Pedro Baptista Aleixo dos Santos
Defence : Marcelino Marques Coro
Decision : Withdrawal of complaint

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77040735

www.jsmp.tl

ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

On 21 January 2022 the Oecusse District Court conducted a hearing to attempt conciliation in a case of simple offences against physical integrity involving the defendant Abilio Seno Colo and the victims Deonizio Ximenes Obe and Carlito Sipa, which allegedly occurred in Baonana Sub-Village, Beneufe Village, Nitibe Sub-District, Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on 8 January 2020, at 12:00 pm, the defendant and the victim argued because the defendant told the victims that they were not allowed to sell any goods as the Baocnana Market. Therefore, the defendant choked the victim which caused redness and pain. The defendant also kicked the victim Deonizio twice on his right thigh and punched him twice on his left ear which caused the victim to fall to the ground, lose consciousness and to suffer pain. A medical report from the Baocnana Medical Centre and photographs of the injuries from this violence 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.

Examination of evidence

Before progressing to the presentation of evidence, pursuant to Article 262 of the Criminal Procedure Code on attempted conciliation, the judge requested an attempt to reach conciliation between the defendant and victims.

During this attempted conciliation, the victims wanted to reconcile with the defendant on the condition that he provide civil compensation of US\$150.00 to the two defendants. The victims also asked the defendant not to repeat his behaviour against the victims in the future. The defendant agreed with the victims' request and expressed regret for his actions and promised not to repeat such acts in the future. Because the defendant agreed to this request, the victims requested for the court to withdraw their 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.

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77040735

www.jsmp.tl

ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

Decision

Based on the amicable agreement between the two parties and the request of the victims to withdraw the complaint, the Court settled this matter and validated the settlement on the condition that the defendant must provide civil compensation to the two victims of US \$150.

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

Case Number : 0048/21.OESIC
Composition of the Court : Single Judge
Judge : Yudi Pamukas
Prosecutor : Mateus Nesi
Defence : Marcelino Marques Coro
Decision : Prison sentence of 1 year, suspended for 1 year

On 24 January 2022 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant CL who allegedly committed the offence against his wife AF in Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on 7 May 2021, at approximately 7.00 pm, the defendant slapped the victim once on her left cheek and slapped the victim once on her right cheek. The defendant also scratched the victim once on her left cheek and then kicked the victim once on the back of her neck. Prior to this assault the defendant and the victim had an argument because the victim requested money from the defendant to participate in a cultural ceremony involving the family of the victim. A medical report from PRADET and photographs of the injuries from this violence 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.

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77040735

www.jsmp.tl

ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

Examination of evidence

During the trial the defendant confessed to all of the facts in the indictment and knew that such behaviour was not good and could damage the victim's physical health. The defendant also stated that he regretted his actions and promised not to commit any such acts against his wife or other person in the future. The defendant added that three days after the incident the defendant apologised and reconciled with the victim. They got together in 1990, and they have four children, and the defendant works as a security guard with a monthly income of US\$180.00 and was a first-time offender.

Also, the victim reinforced all of the facts set out in the indictment and confirmed the defendant's statement that three days after the incident the defendant apologized to the victim, and they immediately reconciled.

Final recommendations

The prosecutor stated that the defendant committed these acts freely, deliberately and consciously to hurt the victim's physical health as described in the indictment. Therefore, to prevent the defendant from repeating his actions in the future, the prosecutor requested for the court to apply a penalty in accordance with Article 145 of the Penal Code.

The defence stated that three days after the incident the defendant apologised to the victim, and they reconciled and the defendant has not committed any further offence against the victim. The defendant expressed regret for his actions, cooperated with the court, has four children, and promised not to repeat such acts in the future. Therefore, the defence requested for the court to impose a lenient penalty against the defendant.

Decision

After evaluating all of the facts, the court found that the defendant slapped the victim once on her left cheek and one on her right cheek. The defendant also scratched the victim once on her left cheek and then kicked the victim once on the back of her neck.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed to the facts, regretted his actions, has reconciled with the victim and promised not to reoffend in the future, the court concluded this case and imposed a prison sentence of 1 year, suspended for 1 year.

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77040735

www.jsmp.tl

ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

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

Case Number : 0032/21.OEPMK
Composition of the Court : Single Judge
Judge : Yudi Pamunkas
Prosecutor : Mateus Nesi
Defence : Marcelino Marques Coro
Decision : Prison sentence of 1 year, suspended for 1 year

On 24 January 2022 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence (DV) involving the defendant JP who allegedly committed the offence against his wife in Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on 30 April 2021, at 4pm the defendant suddenly squeezed the victim's arm. The victim asked the defendant to let her go, so she could continue washing the clothes, but the defendant did not let her go. Therefore, the victim bit the defendant's hand in legitimate self-defence and then the defendant let go of her arm. After he let go of her arm, the defendant slapped the victim hard on her right cheek which caused pain. A medical report from PRADET and photographs of the injuries from this violence 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.

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 victim and cause her pain. The defendant also stated that after this incident they reconciled and have had no further problems. The defendant stated that he works as a motorcycle mechanic with a monthly income of US\$145.00, he was a first-time offender and promised not to repeat his actions against the victim or other person in the future.

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77040735

www.jsmp.tl

ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

The victim did not make a statement because the prosecutor believed there was sufficient evidence and requested for the court not to take testimony from the victim. The defence agreed with the request of the prosecutor. Therefore, the court did not hear the testimony of the victim.

Final recommendations

The public prosecutor stated that the defendant committed these acts freely and fulfilled the elements of the crime of simple offences against physical integrity characterized as DV. The prosecutor added that every day the court has to try cases involving domestic violence, therefore, to prevent such crimes from occurring in the future, the prosecutor requested for the court to impose a penalty as provided for in Article 145 KP.

The defence requested for the court to apply an appropriate punishment with consideration that after the incident the defendant and the victim immediately reconciled and continued living together. The defendant also promised not to repeat these acts against the victim in the future, was a first-time offender and is fully responsible for sustaining his family.

Decision

After evaluating all of the facts, the court found that the defendant squeezed the victim's arm tightly, and the victim asked the defendant to let go, so that she could continue washing the clothes, but the defendant did not let her go. Therefore, the victim bit the defendant's hand in legitimate self-defence and then the defendant let go of her arm. The court also proved that after he let go of her arm, the defendant slapped the victim hard on her right cheek.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed to the facts, regretted his actions, has reconciled with the victim, was a first-time offender, is the breadwinner of his family, and promised not to reoffend against the victim in the future, the court concluded this case and imposed a prison sentence of 1 year, suspended for 1 year.

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

Case Number : 0023/21.OEPMK

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77040735

www.jsmp.tl

ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

Composition of the Court : Single Judge
Judge : Yudi Pamunkas
Prosecutor : Mateus Nesi
Defence : Marcelino Marques Coro
Decision : Prison sentence of 3 years, suspended for 3 years

On 24 January 2022 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence (DV) involving the defendant DF who allegedly committed the offence against his wife in Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on 16 March 2021, at 8am, the defendant slapped the victim once above her left eye which caused pain. Prior to this assault, the defendant and the victim argued because the victim had not yet cooked any rice, because they had run out of rice. A medical report from the PRADET and photographs of the injuries from this violence 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.

Examination of evidence

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

Therefore, the public prosecutor requested for the court to disregard the victim's statement because there was enough evidence and the public defender agreed with this request. The court accepted this request and did not require the statement of the victim.

Final recommendations

The prosecutor believed that the defendant was guilty of committing the crime against the victim based on the confession of the defendant, therefore, to prevent the defendant

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77040735

www.jsmp.tl

ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

from reoffending in the future the public prosecutor requested for the court impose a prison sentence of 1 year against the defendant, to be suspended for 2 years.

The defence requested for the court to apply a lenient punishment against the defendant, considering that the defendant confessed, regretted his actions, reconciled with the victim 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 once about her left eye. Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed to the facts, regretted his actions, has reconciled with the victim, and promised not to reoffend in the future, the court concluded this case and imposed a prison sentence of 3 years against the defendant, suspended for 3 years.

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

Case Number : 0016/20.OEBCN
Composition of the Court : Single Judge
Judge : Yudi Pamunkas
Prosecutor : Mateus Nesi
Defence : Marcelino Marques Coro
Decision : Prison sentence of 1 year, suspended for 1 year

On 24 January 2022 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence (DV) involving the defendant MT who allegedly committed the offence against her husband in Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on 10 May 2020, at 6:00pm, the defendant took a piece of wood and struck the victim once in the forehead which caused a small injury, swelling and pain. Previously, the defendant and the victim argued because the victim took food that the defendant had cooked and ate it together with the victim's friends. A medical report from the Baocnana Medical Centre and photographs of the injuries from this violence from the Police-VPU were also attached to this case file.

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77040735

www.jsmp.tl

ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

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 also stated that she regretted her actions. The defendant was a first-time offender and has reconciled with the victim.

Because the defendant totally confessed and there was sufficient evidence, the public prosecutor requested for the court to disregard the victim's statement. 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 the defendant's acts fulfilled the requirements of the crime of simple offences against physical integrity, therefore, to prevent the defendant from reoffending in the future, the prosecutor requested for the court to convict the defendant pursuant to Article 145 of the Penal Code.

The defence requested for the court to consider the mitigating circumstances, namely that the defendant confessed to the facts, regretted her actions, was a first-time offender, and has reconciled with the victim, and requested for the court to impose a lenient penalty against the defendant.

Decision

After evaluating all of the facts, the court found that the defendant took a piece of wood and struck the victim once in the forehead. Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant totally 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 1 year against the defendant, suspended for 1 year.

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77040735

www.jsmp.tl

ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

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

Case Number : 0034/21.OESIC
Composition of the Court : Single Judge
Judge : Yudi Pamunkas
Prosecutor : Mateus Nesi
Defence : Marcelino Marques Coro
Decision : Prison sentence of 1 year, suspended for 1 year and 6 months

On 24 January 2022 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence (DV) involving the defendant JA who allegedly committed the offence against his wife in Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on 16 April 2021, at approximately 4pm, the defendant was intoxicated and took a branch and struck the victim four times on her back and punched the victim twice on the left side of her back. The victim tried to run away from the defendant, but the defendant grabbed her sarong and ripped it and then continued to punch the victim twice on her right ear and choked the victim. Prior to this assault the defendant and the victim argued because the defendant told the victim to prepare food for him, but the victim said that she was drying rice and corn, and then the assault occurred. A medical report from the Oecusse Referral Hospital and photos from the VPU of 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 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 partially admitted that he only slapped the victim twice on her left ear and did not punch the victim on her ear. Regarding the other alleged facts, the defendant said that he did not commit these acts. Even so, he regretted his actions,

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275
Telephone: 3323883 | 77040735

www.jsmp.tl
ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

has reconciled with the victim and they have continued living together, they have five children, and he works as a farmer with no fixed monthly income, he was a first-time offender and promised not to repeat such acts in the future.

The victim maintained all of the facts in the indictment and stated that she has reconciled with the defendant. The victim also added that after this incident the defendant has stopped drinking alcohol.

Final recommendations

The public prosecutor stated that all of the facts had been proven based on the statement of the victim. Therefore, even though the defendant denied some of the facts in the indictment, the prosecutor stated that the actions of the defendant fulfilled the elements of the crime of simple offences against physical integrity. Based on these considerations, and to deter such crimes from occurring in the future, the public prosecutor requested for the court to impose a fine against the defendant in accordance with Article 145 of the Penal Code.

The defence requested for the court to apply a lenient punishment against the defendant, considering that the defendant admitted to the acts that he committed, regretted his actions, 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 was intoxicated and took a branch and struck the victim four times on her back and punched the victim twice on the left side of her back. The court also found that the defendant grabbed her sarong and ripped it when the victim was trying to run away from the defendant. The defendant also punched the victim twice on her right ear and choked the victim.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant regretted his actions, has reconciled with the victim, and promised not to reoffend in the future, the court concluded this case and imposed a prison sentence of 1 year against the defendant, suspended for 6 months.

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

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77040735

www.jsmp.tl

ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

Case Number : 0089/21.OESIC
Composition of the Court : Single Judge
Judge : Hugo da Cruz Pui
Prosecutor : Mateus Nesi
Defence : Calisto Tout
Decision : Penalty of admonishment

On 26 January 2022 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence (DV) involving the defendant AAO who allegedly committed the offence against his wife in Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on 9 September 2021, at approximately 10pm, the defendant was intoxicated and kicked the victim once on her left side which caused swelling and pain. A medical report from PRADET and photographs of the injuries from this violence 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.

Examination of evidence

During the trial the defendant confessed to all of the facts in the indictment and knew that kicking another person could result in pain. The defendant also stated that he regretted his actions and promised not to commit any such acts against his wife or other person in the future. The defendant added that he has six children, has reconciled with the victim, works as a farmer and therefore has no fixed monthly income and he was a first-time offender.

The victim confirmed all of the facts in the indictment and stated that since they have been together this was the first time that the defendant had committed an offence against her. In addition, the victim said that she has reconciled with the defendant and the defendant is not drinking alcohol anymore.

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77040735

www.jsmp.tl

ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

Final recommendations

The prosecutor stated that the alleged facts written in the indictment were all true based on the statement of the defendant who completely confessed to the facts. The prosecutor stated that the actions of the defendant fulfilled the elements of the crime of simple offences against physical integrity, therefore the prosecutor requested for the court to impose a penalty in accordance with the provision of Article 145 of the Penal Code.

The defence requested for the court to issue a fair decision against the defendant considering that the defendant confessed, regretted his actions, has six children and has reconciled with the victim. The defendant is a farmer therefore he has no fixed monthly income, and he was a first-time offender and promised not to reoffend against his wife or other person in the future. The defendant also is the breadwinner of his family.

Decision

After evaluating all of the facts, the court found that the defendant kicked the victim once on her side. Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, has reconciled with the victim, and was a first-time offender, the court concluded this case and imposed an admonishment against the defendant.

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

Case Number : 0078/21.OEPMK
Composition of the Court : Single Judge
Judge : Hugo da Cruz Pui
Prosecutor : Mateus Nesi
Defence : Marcelino Marques Coro
Decision : Prison sentence of 1 year and 3 months, suspended for 2 years

On 27 January 2022 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence (DV) involving the defendant CNT who allegedly committed the offence against his wife MFS and his daughter JLT in Oecusse District.

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77040735

www.jsmp.tl

ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

Charges of the Prosecutor

The public prosecutor alleged that on 15 August 2021, at approximately 7.30pm, the defendant slapped the victim MFS twice on the head which caused pain. The defendant then took a branch and struck the victim MFS once on her right thigh which caused swelling, bruising and pain. The defendant also slapped the victim JLT once on the right ear and caused pain and the victim fell to the ground. Prior to this assault, the defendant and the victim MFS argued because the victim told the defendant to go and buy rice from the market however the defendant did not want to so the assault occurred. A medical report from 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(a, 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, the defendant also stated that he regretted his actions. The defendant also stated that three days after the incident the defendant and the victim reconciled and there have been no other problems since then. The defendant further stated that they got together in 2008, and he has four children, works as a farmer and therefore has no fixed monthly income, he was a first-time offender and promised not to reoffend against his wife and daughter or any other person in the future.

Also, the victim MFS reinforced all of the facts set out in the indictment and confirmed the defendant's statement that three days after the incident they reconciled, and the defendant has not committed any more crimes against the victim.

Because there was sufficient evidence, the public prosecutor requested for the court not to hear testimony from the defendant JLT. The defence agreed with this request. Therefore, based on this request the court did not require the statement of the victim.

Final recommendations

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77040735

www.jsmp.tl

ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

The public prosecutor stated that during the examination of evidence the defendant confessed to all of the facts in the indictment and the victim MFS provided confirmation and therefore the defendant's actions fulfilled the elements of the crime of simple offences against physical integrity. Also, many crimes of domestic violence are occurring in the Oecusse Region in comparison with other municipalities, therefore, to deter the defendant from reoffending in the future, the prosecutor requested for the court to impose a penalty in accordance with Article 145 of the Penal Code.

The defence stated that that as a family member the defendant would not deny his guilt and he acknowledged that his behaviour towards his wife and daughter was not good. Also, the defendant confessed to all of the facts in the indictment, regretted his actions, collaborated with the court, has reconciled, has four children, works as a farmer and therefore has no fixed monthly income. The defendant also promised not to repeat his behaviour in the future. Therefore, the defence requested for the court to impose a fair penalty against the defendant.

Decision

After evaluating all of the facts, the court found that the defendant slapped the victim MFS twice on her head and took a branch and struck the victim MFS on her right thigh. The court also proved that the defendant slapped the victim JLT once on her right ear and the victim fell to the ground.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, has reconciled with the victim, and promised not to reoffend in the future, the court concluded this case and imposed a prison sentence of 1 year and 3 months against the defendant, suspended for 2 years.

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

Case Number : 0061/21.OESIC
Composition of the Court : Single Judge
Judge : Yudi Pamukas
Prosecutor : Pedro Baptista Aleixo dos Santos
Defence : Marcelino Marques Coro
Decision : Prison sentence of 1 year, suspended for 1 year

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77040735

www.jsmp.tl

ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

On 27 January 2022 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence (DV) involving the defendant XQ who allegedly committed the offence against his wife in Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on 16 June 2021, at approximately 7pm, the defendant kicked the victim once on her right side and caused pain. Prior to this assault the defendant and the victim had an argument because the victim told the defendant to help family members in their kitchen, but the defendant did not want to. A medical report from the Oecusse Referral Hospital and photos from the VPU of 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 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, the defendant also stated that he regretted his actions. The defendant also stated that after this incident the defendant apologized to the victim, and they have not had any problems since. The defendant also stated that he and the victim were married in 2016, and they have two children, and he works as a farmer and therefore has no fixed monthly income, he was a first-time offender and promised not to reoffend against his wife or other person in the future.

Also, the victim confirmed all of the facts in the indictment and stated that after the incident the defendant immediately apologized to the victim, and they reconciled.

Final recommendations

The prosecutor stated that the defendant committed these acts freely, deliberately and consciously to hurt the victim's physical health as described in the indictment. Therefore, the public prosecutor stated that the defendant's actions were proven and they fulfilled the elements of the crime of simple offences against physical integrity. In

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77040735

www.jsmp.tl

ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

the interests of general deterrence in the future, the prosecutor requested for the court to impose a prison sentence of six months, suspended for one year.

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

Decision

After evaluating all of the facts, the court found that the defendant kicked the victim once on her right side which caused pain. Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, apologized, and reconciled with the victim, the court concluded this case and imposed a prison sentence of 1 year against the defendant, suspended for 1 year.

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

Case Number : 0003/21.OEBCN
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 and 9 months, suspended for 2 years

On 28 January 2022 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence (DV) involving the defendant CAF who allegedly committed the offence against his wife in Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on 25 March 2021, at approximately 6pm, a misunderstanding occurred between the victim and the defendant's niece, so the defendant slapped the victim many times on her right ear and head and kicked her once on the back which caused pain. The defendant also threw five dried coconuts that contained liquid inside and hit the victim on the thigh which caused pain. A medical

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275
Telephone: 3323883 | 77040735

www.jsmp.tl
ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

report from the Baocnana Medical Centre and photographs 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 stated that the other facts were true, however he said it was not true that he kicked the victim in the back. The defendant also stated that he regretted his actions, however after this incident the victim and the defendant have been living separately. Three of their children are living with the victim and the other three children are living with the defendant's parents. The defendant said that this is the first time he has had to appear in court since he married the victim in 2008, and he works as a farmer and therefore has no fixed monthly income. The defendant also promised not to repeat his behaviour against his wife or other person in the future. The defendant still loves the victim and wants to live together as husband and wife.

The victim maintained all of the facts in the indictment and stated that previously the defendant always hit the victim, but the victim never made a complaint to the police. The victim also confirmed that they have six children and three of them are living with the victim and the other three are living with the defendant's parents. The victim added that she doesn't want to live with the defendant because she is afraid that the defendant will repeat his actions.

Final recommendations

The public prosecutor stated that even though the defendant tried to deny some of the facts, the victim confirmed the charges and the victim also said that she has not yet reconciled with the defendant and does not wish to live with the defendant because she's afraid he will repeat his actions. This shows that the defendant is a person who likes to resolve problems with violence. Therefore, to prevent the defendant from reoffending in the future, the prosecutor requested for the court to impose a prison sentence of 1 year against the defendant.

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77040735

www.jsmp.tl

ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

The defence stated that the defendant collaborated with the court, regretted his actions, wanted to live with the victim, promised not to repeat his actions in the future, works as a farmer and therefore has no fixed monthly income. With consideration of all of these circumstances, the defence requested for the court to impose a fair penalty against the defendant.

Decision

After evaluating all of the facts, the court found that the defendant slapped the victim many times on her right ear and head and kicked her once in the back. The court also proved that the defendant also threw five dried coconuts that contained liquid inside and hit the victim on the thigh.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant collaborated with the court, regretted his actions, promised not to repeat such acts in the future, the court concluded this case and imposed a prison sentence of 1 year and 9 months in prison, suspended for 2 years.

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

Case Number : 0063/21.OESIC
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 31 January 2022 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence (DV) involving the defendant PS who allegedly committed the offence against his wife in Oecusse District.

Charges of the Prosecutor

The public prosecutor alleged that on 21 June 2021, at approximately 9pm, the defendant was intoxicated and argued with the victim and slapped the victim once on the back of her neck which caused pain. The defendant kicked the victim once in the

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275
Telephone: 3323883 | 77040735

www.jsmp.tl
ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

face which caused pain. A medical report from PRADET and photographs of the injuries from this violence 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(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 the defendant also stated that he regretted his actions. The defendant also stated that after this incident they reconciled and have had no further problems. The defendant further stated that he has two children, he works as a farmer and therefore has no fixed monthly income, he was a first-time offender and promised not to reoffend against the victim or any other person.

Also, the victim confirmed all of the facts set out in the indictment and also stated that after this incident they reconciled. The victim added that since they have been together this was the first time that the defendant slapped and kicked the victim.

Final recommendations

The public prosecutor stated that during the examination of evidence the defendant confessed to all of the facts in the indictment and the defendant's actions fulfilled the elements of the crime of simple offences against physical integrity. Also, crimes of domestic violence are very high in the Oecusse Region in comparison with the other municipalities. Therefore, in the interests of general deterrence in the future, the prosecutor requested for the court to apply a penalty in accordance with Article 145 of the Penal Code.

The defence stated that that the defendant collaborated with the court, totally confessed to the facts, regretted his actions, and after this incident immediately reconciled with the victim and has had no further problems with the victim, therefore the defence requested for the court to impose a fair penalty against the defendant.

Decision

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77040735

www.jsmp.tl

ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

After evaluating all of the facts, the court found that the defendant was intoxicated and argued with the victim and slapped her once on the back of her neck. The court also found that the defendant kicked the victim once in the face.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, has reconciled with the victim and promised not to reoffend against the victim or other person, the court concluded this case and imposed a prison sentence of 1 year in prison, suspended for 1 year.

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

Case Number : 0052/21.OEPMK
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 31 January 2022 the Oecusse District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence (DV) 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 12 June 2021, at approximately 11am, the defendant choked the victim and lifted the victim and threw her on a bag of corn. These acts caused the victim to suffer pain and swelling. Prior to the assault, the defendant and the victim argued because the defendant asked for 25 cents from the victim to buy cigarettes, but the victim did not give him the money. A medical report from PRADET and photographs of the injuries from this violence 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

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275

Telephone: 3323883 | 77040735

www.jsmp.tl

ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

years in prison or a fine as well as Articles 2, 3(a), 35(b) and 36 of the Law Against Domestic Violence.

Examination of evidence

During the trial the defendant confessed to all of the facts set out in the indictment, and also stated that he regretted his actions. The defendant also stated that he has reconciled with the victim and has had no further problems with the victim. The defendant further stated that he has two children, works as a farmer and therefore has no fixed monthly income, he was a first-time offender and promised not to reoffend against his wife or any other person in the future.

Also, the victim reinforced all of the facts set out in the indictment and confirmed the defendant's statement that after the incident they immediately reconciled.

Final recommendations

The prosecutor stated that the defendant committed these acts freely, deliberately and consciously. Therefore, the only intention was to hurt the victim's physical health as described in the indictment. Therefore, there is no doubt about the facts written in the indictment and the defendant was guilty and his actions fulfilled the elements of the crime of simple offences against physical integrity. Therefore, the prosecutor requested for the court to apply a penalty prescribed in Article 145 of the Penal Code against the defendant.

The defence stated that the defendant collaborated with the court, acknowledged that his actions against his wife were not good and he regretted his actions. Also, the defendant reconciled with the victim, has two children, works as a farmer, and promised not to repeat his actions in the future. Therefore, the defence requested for the court to impose a fair penalty against the defendant.

Decision

After evaluating all of the facts, the court found that the defendant choked the victim and lifted the victim and threw her on to a bag of corn. Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, has reconciled with the victim, was a first-time offender, and promised not to reoffend against the victim or other person in the future,

Rua Beco Lakateu, Aldeia Manufuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275
Telephone: 3323883 | 77040735

www.jsmp.tl
ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl

the court concluded this case and imposed a prison sentence of 1 year, suspended for 1 year.

For more information, please contact:

Ana Paula Marçal

Executive Director of JSMP

Email: ana@jsmp.tl

Telephone: (+670) 33238883 | 77040735

Website: <https://jsmp.tl>

info@jsmp.tl

Rua Beco Lakateu, Aldeia Manufuik,
SukuColmera, Administrativu Vera Cruz

Dili Timor Leste

PoBox: 275

Telephone: 3323883 | 77040735

www.jsmp.tl

ana@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

Twitter: @JSMPtl