



JUDICIAL SYSTEM MONITORING PROGRAMME  
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

**Case Summary**  
**Suai District Court**  
**July 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 Suai District Court**

**1. Total number of cases monitored by JSMP: 27**

Articles	Case Type	Total Number
Article 145 of the Penal Code (PC) and Articles 2, 3 and 35 of the Law Against Domestic Violence (LADV)	Simple offences against physical integrity characterized as domestic violence (Article 2 on the concept of domestic violence, Article 3 on family relationships, Article 35 on different types of domestic violence and Article 36 on domestic violence as a public crime)	11
Article 172 of the Penal Code and Articles 2, 3 and 35 of the Law Against Domestic Violence (LADV)	Rape characterized as domestic violence	1
Articles 138, 23 & 24 of the Penal Code	Homicide, attempted homicide	1
Article 172	Aggravated rape	1
Article 177 of the Penal Code and Articles 2, 3 and 35 of the Law Against Domestic Violence (LADV)	Sexual abuse of a minor characterized as domestic violence	1
Articles 177 & 182 (PC)	Aggravated sexual abuse of a minor	1

Article 139 of the PC, Article 20.1 of Law No. 5/2017, on Bladed Weapons	Aggravated homicide and use of a bladed weapon	1
Articles 1757, 1758, 1759, 1762, 1765, 1786, 1782, 1804, 1805 of the Civil Code (CS)	Exercise of parental power	8
Article 145 of the PC	Simple offences against physical integrity	1
Article 157 of the PC	Threats	1
<b>Total</b>		<b>27</b>

## 2. Total number of decisions monitored by JSMP: 23

Types of penalties	Articles	Total Number
Suspension of execution of a prison sentence	Article 68 of the PC	8
Prison sentence	Article 66 of the PC	3
Fine	Article 67 of the PC	2
Endorsed Agreement	Article 262 of the CPC	10
<b>Total</b>		<b>23</b>

### Total ongoing cases based on JSMP monitoring: 4

#### 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 : 0003/22.PDSUA  
Composition of the Court : Single Judge  
Judge : Samuel da Costa Pacheco  
Prosecutor : Rafael Jerónimo Gusmão  
Defence : Domingos dos Santos  
Decision : 8 months in prison, suspended for 1 year

On 1 July 2022 the Suai District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MdL who allegedly committed the offence against his wife in Ainaro District.

##### Charges of the Prosecutor

The public prosecutor alleged that on 18 December 2021, at 3pm, the defendant took a plastic chair and threw it at the victim, striking her in the forehead and left arm, then he kicked the victim twice in the stomach, choked her, and the victim tried to run outside and the defendant followed her and took a piece of wood and struck the victim once on her back. Previously their young daughter saw the defendant and was crying, so the victim

handed over their daughter to the defendant so he could pick her up, but the defendant did not want to and they argued, the defendant became angry and committed the acts against the victim.

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

### **Examination of evidence**

During the trial the defendant confessed to the facts set out in the indictment and stated that now they have reconciled and are living together in the same home as husband and wife, the defendant acknowledged that his actions were not good, promised not to reoffend against the victim or other person in the future.

Also, the victim confirmed all of the facts in the indictment and reinforced that she has reconciled with the defendant and since the incident there have been no more problems and they are living together in the same house, and she has forgiven the defendant for his behaviour.

### **Final Recommendations**

The public prosecutor stated that the defendant was guilty of committing the crime of simple offences against physical integrity characterized as domestic violence against the victim based on the confession of the defendant and the confirmation provided by the victim. Even though they have reconciled, the prosecutor noted the large number of crimes involving domestic violence, therefore the prosecutor requested for the court to impose a suspended sentence against the defendant.

The defence requested for the court to use its conviction based on the evidence that was produced during the trial and requested for the court to also consider the mitigating circumstances, namely the defendant confessed, expressed remorse, acknowledged his behaviour, promised not to reoffend against the victim in the future and the defendant was a first time offender.

### **Decision**

After evaluating all of the facts, the court found that the defendant took a plastic chair and threw it at the victim, striking her in the forehead and left arm, then he kicked the victim twice in the stomach, choked her, and the victim tried to run outside and the defendant followed her and took a piece of wood and struck the victim once on her back. Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant was a first time offender, regretted his actions, has reconciled with the victim, the court concluded this case and imposed a prison sentence of 8 months against the defendant, suspended for 1 year.

## **2. Crime of aggravated rape**

Case Number

: 0003/22.ANMBS

Composition of the Court : Panel  
Judges : Patrícia de Araújo Fatima Barreto Magno Xavier,  
Samuel da Costa Pacheco, Benjamin Barros  
Prosecutor : Gostavo da Silva  
Defence : Domingos do Santos  
Decision : 12 years in prison

On 4 July 2022 the Suai District Court announced its decision in a case of aggravated rape involving the defendant MCL and the victim NM, which allegedly occurred in Ainaro Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 25 April 2022, at 3pm, the victim left her home to look for some food for her pig in a plantation that was a long distance from her home, and when she was heading home she met with the defendant who was holding a machete and standing in a coffee plantation, and the victim continued walking and said hello to the defendant, then she kept walking, from behind her the defendant grabbed her by the arm and dragged her into the coffee plantation and twisted her arm behind her back and threw her on the ground and then held her down on the ground and used force to roughly remove her clothes. The victim tried to scream but the defendant covered her mouth with force and threatened her by saying *'If you scream I will stab you to death'*. The victim was afraid and stayed silent, then the defendant removed his clothes and had sexual intercourse with the victim. The actions of the defendant caused the victim to feel pain to her sexual organs.

The public prosecutor alleged that the defendant violated Article 172 of the Penal Code on rape which carries a sentence of 5 – 15 years in prison, and Article 173 on aggravation which carries a sentence of 5-20 years in prison.

### **Examination of evidence**

During the trial the defendant confessed to all of the facts in the indictment and stated that his taro and pumpkin always went missing from his plantation, the defendant also stated that at that time he caught the victim in his plantation and she was picking the taro and pumpkin so the defendant became angry and committed the crime against the victim. The defendant stated that he regretted his actions and promised not to reoffend in the future.

Also, the victim confirmed all of the facts in the indictment and stated that after the sexual intercourse the defendant again threatened the victim and said that *"If you tell anyone about this problem, I will stab you to death"*. The victim also said that after making the threat the defendant put on his clothes and returned home and the victim stood up and put on her clothes and was crying as she followed the path home, and she was bleeding from her sexual organs and when she got home she told her parents about this problem and then they went to make a complaint to the PNTL.

During the examination of evidence the defendant confessed to the main points in the indictment, therefore the prosecutor requested for the court to ignore the statement of the witness, and the defence agreed with this request. Therefore, the court decided not to hear witness testimony.

### **Final Recommendations**

The prosecutor stated that the defendant was guilty of committing the crime of aggravated rape against the victim based on the defendant's statement and the victim also confirmed the facts set out in the indictment, and also evidence from a doctor that indicated that the victim suffered an injury to her sexual organs and she had lost her virginity. For this reason the public prosecutor requested for the court to sentence the defendant to 15 years in prison.

The defence requested for the court to use its conviction, and requested for the court to also consider the mitigating circumstances, namely the defendant confessed, expressed remorse, and was a first time offender.

### **Decision**

After evaluating all of the facts, the court found that the defendant raped the victim NM, because the defendant confessed and the victim provided confirmation. The court also considered all of the mitigating circumstances surrounding this crime, therefore the court concluded the matter and sentenced the defendant to twelve years in prison.

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

Case Number	: 0085/21.PDSUA
Composition of the Court	: Single Judge
Judge	: Patrícia de Araújo Fatima Barreto Magno Xavier
Prosecutor	: Gustavo da Silva
Defence	: Domingos dos Santos
Decision	: 6 months in prison, suspended for 1 year

On 5 July 2022 the Suai District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant EA who allegedly committed the offence against his wife in Covalima District.

### **Charges of the Prosecutor**

The prosecutor stated that on an unspecified date in August 2022, at 8pm, the defendant slapped the victim five times on her left cheek, pulled her hair which caused her to fall to the ground and dragged the victim so that she suffered an injury to her right knee. Previously the defendant came back from the rice field but the victim had not prepared dinner, therefore the defendant and the victim argued, and the defendant became angry and committed these acts against the victim.

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

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

### **Examination of evidence**

During the trial the defendant denied all of the facts in the indictment and stated that since he started living together with the victim since 1995 the defendant has never hit the victim, and he also stated that in 2021 he separated from the victim and in April 2022, the two families sat together to resolve their problem and in the end the two of them started living together again as husband and wife.

Also, the victim reinforced the facts set out in the indictment and confirmed that they have reconciled and until now the defendant has not beaten her again, and now they are living together in the same house.

### **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, even though during the trial the defendant denied the facts, however the victim confirmed all of the facts in the indictment, therefore the prosecutor requested for the court to accept the statement of the victim and to sentence the defendant to one year and six months in prison, suspended for two years. The prosecutor also requested for the court to impose the sentence against the defendant and immediately inform the superior of the defendant at Fatululik Administrative Post because the defendant is a public servant in this location.

The defence requested for the court to apply a sentence based on the conviction of the court based on the evidence produced during the trial and requested for the court to also consider all of the mitigating circumstances.

### **Decision**

After evaluating all of the facts, the court found the defendant guilty of committing the crimes against the victim, who is his wife. Based on the facts that were proven as well as all of the circumstances surrounding this crime, the court concluded this matter and sentenced the defendant to 6 months in prison, suspended for 1 year.

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

Case Number	: 0068/21.CVSUI
Composition of the Court	: Single Judge
Judge	: Patrícia de Araújo Fatima Barreto Magno Xavier
Prosecutor	: Gostavo da Silva
Defence	: Angelmo Pinto
Decision	: 6 months in prison, suspended for 1 year and 6 months

On 5 July 2022 the Suai District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant NdJ who allegedly committed the offence against his wife in Covalima District.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 17 September 2021, at 4:30 pm, the defendant took a piece of wood and struck the victim once on her right shoulder, twice in the back and then punched the victim many times in the back which caused the victim to fall to the ground and the defendant then kicked and punched the victim many times in the back. Previously the victim asked for US\$ 50.00 from the defendant to inaugurate a sacred house, however the defendant did not give her any money and argued with the victim, the defendant became angry and committed the crime of simple offences against physical integrity categorised as domestic violence against the victim.

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

### **Examination of evidence**

During the trial the defendant confessed to the facts set out in the indictment and stated that he regretted his actions, acknowledged that these acts were not good, promised not to commit any other crimes against the victim in the future, after the event the defendant apologised to the victim, and the victim also accepted this and now they have reconciled and are living together in the same house as husband and wife.

The defendant confessed all of the facts, therefore the prosecutor and defence requested for the court to ignore the testimony of the victim and witness, and the court also agreed not to hear from the victim and witness.

### **Final Recommendations**

The prosecutor stated that the defendant was guilty of committing the crime of simple offences against physical integrity categorised as domestic violence against the victim, and even though they have reconciled and are living together, however to deter the defendant in the future, the prosecutor requested for the court to convict the defendant based on the conviction of the court.

The defence requested for the court to apply a sentence based on the conviction of the court based on the evidence produced during the trial and requested for the court to also consider all of the mitigating circumstances.

### **Decision**

After evaluating all of the facts, the court found that the defendant took a piece of wood and struck the victim once on her right shoulder, twice in the back and then punched the victim many times in the back which caused the victim to fall to the ground and the defendant then kicked and punched the victim many times in the back. Based on the facts that were proven and consideration of all of the mitigating and aggravating circumstances, the court concluded the matter and sentenced the defendant to 1 year in prison, suspended for 1 year and 6 months.

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

Case No. : 0033/22. BBMLV  
Composition of the Court : Single Judge  
Judge : Samuel da Costa Pacheco  
Prosecutor : Rafael Jeronimo Gusmão  
Defence : Domingos dos Santos  
Decision : 3 months in prison, suspended for 1 year

On 7 July 2022 the Suai District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant DG who allegedly committed the offence against his former wife MdA in Bobonaro Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 3 April 2022 at 9.23am the defendant used a helmet to strike the victim three times in the head. Previously the defendant rang the victim, but the victim did not answer the phone therefore the defendant left the home and went to the victim's kiosk and committed the assault against the victim.

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

### **Examination of evidence**

During the trial the defendant denied all of the facts in the indictment, and the defendant stated that at the time of the incident the defendant went to the victim's kiosk to meet with his children, the defendant denied hitting the victim at that time, the defendant stated that he was a first time offender, the defendant stated that he has separated from the victim. The victim maintained the facts in the indictment and stated that they have separated.

### **Final recommendations**

The public prosecutor stated that, even though during the trial the defendant denied the facts, the victim confirmed all of the facts, therefore the prosecution requested for the court to convict the defendant based on the conviction of the court.

Meanwhile, the defence requested for the court to use its discretion to decide the matter.

### **Decision**

After evaluating all of the facts, the court found that the defendant took a helmet and struck the victim three times in the head. Based on the facts that were proven and consideration of all of the circumstances, the court concluded this matter and imposed a prison sentence of three months against the defendant, suspended for one year.



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

Case No. : 0025/20.PDSUA  
Composition of the Court : Single Judge  
Judge : Samuel da Costa Pacheco  
Prosecutor : Rafael Jeronimo Gusmão  
Defence : Domingos dos Santos  
Decision : 3 months in prison, suspended for 1 year

On 7 July 2022 the Suai District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant JP who allegedly committed the offence against the victim PdS who is his former wife in Ainaro Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on an unspecified time, day and date in in 2020 the defendant choked the victim and threw her on the bed which caused pain and redness. Previously the defendant and the victim argued about some teak, and the defendant became angry and committed the crime against the victim.

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

### **Examination of evidence**

During the trial the defendant denied all of the facts in the indictment and stated that it was true that they argued about teak, however the defendant did not choke the victim at that time, the defendant was a first time offender and now he has separated from the victim.

The victim maintained all of the facts in the indictment and stated that they have separated.

### **Final Recommendations**

The public prosecutor stated that the defendant was guilty of committing the crime against the victim even though the defendant denied the facts, but the victim confirmed the facts in the indictment, so the prosecutor requested for the court to convict the defendant based on the conviction of the court.

Meanwhile, the defence requested for the court to use its discretion to decide the matter.

### **Decision**

After evaluating all of the facts, the court found the defendant choked the victim and threw her on the bed which caused pain. Based on the facts that were proven and consideration of all of the circumstances surrounding this crime, the court concluded this matter and

imposed a prison sentence of three months against the defendant, suspended for one year.

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

Case No. : 0011/22. CVSLL  
Composition of the Court : Single Judge  
Judge : Samuel da Costa Pacheco  
Prosecutor : Rafael Jeronimo Gusmão  
Defence : Domingos dos Santos  
Decision : 6 months in prison, suspended for 1 year

On 8 July 2022 the Suai District Court read out its sentence in a case of simple offences against physical integrity characterized as domestic violence involving the defendant DGTK who allegedly committed the offence against his wife, in Covalima Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 24 March 2022, at approximately 7pm, the defendant slapped the victim twice on her left and right cheeks and slapped her many times on the back of her neck.

Then on 25 March 2022, at 8am, the defendant kicked the victim in the back, slapped the victim many times on her left cheek and punched the victim three times in the head. Previously the defendant suspected the victim of being with another man, therefore the defendant asked her, however the victim yelled at the defendant so he became angry and committed these acts against the victim.

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

### **Examination of evidence**

During the trial, the defendant confirmed all of the facts in the indictment and regretted his actions, promised not to reoffend in the future against the victim or other person, was a first time offender, has reconciled with the victim and they are living together in the same house as husband and wife.

Also, the victim confirmed all of the facts in the indictment and stated that they have reconciled and since the incident the defendant has not assaulted the victim, and the victim stated that if he hits her in the future she will make a complaint against him.

### **Final Recommendations**

The prosecutor stated that the defendant was guilty of committing the crime against the victim based on the facts set out in the indictment and the defendant's confession and the confirmation of the victim. Based on the facts that were proven and consideration of

all of the circumstances, the prosecutor requested for the court to sentence the defendant to 1 year in prison, suspended for 1 year.

The defence requested for the court to impose a fine against the defendant because the defendant regretted his actions and was a first time offender.

### **Decision**

After evaluating all of the facts, the court found that the defendant kicked the victim in the back, slapped her many times on her left cheek and punched her three times in the head. Based on the facts that were proven and consideration of all of the mitigating circumstances, namely that the defendant regretted his actions, was a first time offender, confessed, and after this incident there have been no more problems and now they are living together, the court concluded this matter and imposed a prison sentence of 6 months against the defendant, suspended for 1 year.

### **8. Crime of aggravated homicide and use of a bladed weapon**

Case Number : 0004/22. ANHTB  
Composition of the Court : Panel  
Judges : Benjamin Barros, Samuel da Costa Pacheco and  
Patrícia de Araújo Fatima Barreto Magno Xavier  
Prosecutor : Gostavo da Silva  
Defence : Ismail Assunção Lopes (Private Lawyer).  
Decision : 8 years in prison

On 8 July 2022 the Suai District Court announced its decision in a case of aggravated homicide and use of a bladed weapon involving the defendant Eugenio de Araújo and the victim Manuel Pereira (deceased), which allegedly occurred in Ainaro Municipality.

### **Charges of the Prosecutor**

The prosecutor alleged that on 2 March 2022, at 1:30pm, the defendant was holding a machete and slashed the victim in the head, then the victim managed to embrace the defendant and they both ended up on the ground and the victim was on the bottom, then the defendant took the machete and slashed the victim's throat and severed his head and then he took the victim's head and hung it on a casuarina tree and the defendant went back to the victim's body and slashed the victim's arms and legs many times. Prior to this incident the defendant and the victim had another problem.

The public prosecutor alleged that the defendant violated Article 139 of the Penal Code on aggravated homicide that carries a prison sentence of 12 years to 25 years in prison as well as Article 20.1 of Law No. 5/2017 on Bladed Weapons.

### **Examination of evidence**

During the trial, the defendant partially confessed to the facts set out in the indictment, the defendant stated that at the time of the incident the defendant went to his plantation to see his goats and suddenly the victim jumped out from behind and slashed at the

defendant, but the defendant jumped out of the way and he was not struck, then the victim ran away to return to his aunt's house.

When the defendant was going to go home and was close to the home of the victim's aunt the victim heard the defendant's voice, therefore the victim jumped out of the house and threw a stone at the defendant but missed, the victim was afraid and went to hide in the bathroom of his aunt and the defendant followed him and took a piece of steel pipe and struck the door and the defendant contacted the PNTL to inform the Police Commander and said "*come quickly because there is a problem at my house*", however the commander responded that "*we can't go to the scene because we are awaiting a voting box and we will go there in a few hours*". At the same time the victim came out from behind some corrugated iron and slashed at the defendant however the defendant resisted with a steel pipe and the victim's machete fell to the ground and the victim ran away. The defendant followed him and caught up to the victim at the river and slashed the victim one time in the head and the victim fell to the ground and he was holding on to the defendant and the defendant grabbed the machete and slashed the victim's throat and took his head to hang it on a casuarina tree. The defendant stated that he then returned and chopped up the victim's arms and legs many times because previously the victim promised to kill the defendant and to behead him so he could hang his head up. The defendant also stated that previously the victim made many threats that he would kill the defendant. The defendant stated that sometimes he would meet the victim and the defendant would move away because he was afraid of the victim.

Meanwhile the witness Armino Rojario de Araújo, who is a member of the PNTL, testified that at the time of the incident the witness was contacted by Agent Sabino de Araujo who told him "*people are killing each other in Nunumoge Village*", so the witness told the command and went immediately to the scene and saw the victim's body and his head that was hanging in a casuarina tree and was far away from the victim's body. The witness stated that two months previously the defendant rang, to inform that the victim Manuel was always looking for the defendant, and the witness informed the defendant that if he keeps on making threats then you need to make a complaint.

The witness Sabino de Araújo, who is a member of the PNTL, testified that at the time of the incident he was contacted by the defendant who said, "*I have killed someone*", so the victim contacted the Municipality Command to go with the witness to the scene and he saw the victim's body, and the witness testified that two months ago the defendant rang the witness and said that the victim "*Manuel has been released from prison and he is here and sometimes he comes and threatens me*" and the witness told the defendant so he could make a complaint.

The witness Geraldo da Silva who is a Village Police Officer (OPS) in Nunumoge Village, testified that on an unspecified date in April 2021, the witness himself organised mediation between the defendant and the victim, however at that time the victim did not appear and the victim's mother attended, and the witness stated that during the mediation process the mother of the victim Manuel said "*if the defendant Eugenio slashes the victim to death*

*then you will have to bury him and if the victim kills the defendant Eugenio then you will have to bury him also.”*

The witness Martina da Silva, who is the aunty of the victim, testified that at the time of the incident the victim was at her house and the witness made coffee for the victim to drink, and at that time the witness saw that the victim was holding a machete, and the witness stated that when the victim finished his coffee and left the house he said he was going to the bathroom, and the witness also stated that after that the witness didn't know what happened outside.

### **Final Recommendations**

The prosecutor stated that the defendant committed the crime of aggravated homicide and use of a bladed weapon against the victim based on the statements of the defendant who confessed to the main points, and the defendant also provided justification for killing the victim because when the victim was released from prison the victim always threatened the defendant and also according to the witness Sabino the victim continuously threatened the defendant Eugenio. Also according to the testimony of the witness Geraldo da Silva the victim's mother said that that *“if the defendant goes looking for the victim and slashes the victim to death then you will have to bury him and if the victim goes looking for the defendant and kills him then you will have to bury him also”*, and therefore the defendant had to avoid the victim so that no crime could happen but the defendant knew about it and wanted to kill the victim Manuel also. The prosecutor referred to these statements, and also other evidence such as a medical report from the autopsy and photos from the case file. For this reason the public prosecutor requested for the court to sentence the defendant to a maximum of 25 years in prison.

The defence requested for the court to acquit the defendant from the charges because at that time the defendant was exercising his right to act in legitimate self defence. Pursuant to Article 44 of the Penal Code on legitimate self-defence and also Article 43.2 of the Penal Code on exclusion of unlawfulness, therefore the defence understood that if the defendant was carrying a machete to kill the victim, at that time the defendant could die because he was subjected to regular threats and was assaulted by the victim, based on the testimony of the defendant and the witnesses Sabino and Geraldo who provided evidence during the trial.

### **Decision**

After evaluating all of the facts, the court found the defendant guilty of committing the crime of aggravated homicide and use of a bladed weapon. Based on the facts that were proven and also the mitigating circumstances, namely the defendant was a first time offender and previously the defendant wanted to resolve the problem however the victim did not want to and the victim continuously threatened the defendant, therefore the court concluded the matter and sentenced the defendant to 8 years in prison for the crime of aggravated homicide, and three years in prison for the crime of using a bladed weapon, with an accumulated penalty of 11 years in prison, and then the court concluded this matter and sentenced the defendant to a single penalty of 8 years in prison.

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

Case No. : 0002/22.ANANV  
Composition of the court : Single Judge  
Judge : Samuel da Costa Pacheco  
Prosecutor : Rafael Jeronimo Gusmão  
Defence : Angelmo Pinto  
Decision : Prison sentence of 1 year, suspended for 2 years

On 15 July 2022 the Suai District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant AR who allegedly committed the offence against his wife SdC and his daughters MDLR and MAR in Ainaro Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 17 February 2022, at 5:16pm, the defendant slapped the victim SdC once on her cheek which caused an injury to her mouth and heavy bleeding, and then the victims MDLR and MAR resisted the defendant, however the defendant took a branch and struck the victim MAR once on her calf and struck the victim MDLR once on her shoulder which caused pain and redness. Previously the defendant returned from Fatu-Udu and saw that a rooster had died and he asked the victim SdC however the victim responded that "*the rooster is dead, what can we do*", the defendant became angry and committed these acts against the victims.

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(b,c), 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 stated that it was not good for him to hit his wife and children, the defendant also stated that he regretted his actions, was a first time offender and promised that he would not hit the victims in the future.

Based on the confession of the defendant the judicial actors decided not to hear from the victims.

### **Final Recommendations**

The prosecutor stated that the defendant committed the crime of simple offences against physical integrity characterized as domestic violence against his wife and children, and even though during the trial the defendant confessed and promised not to repeat such acts in the future, however the prosecutor believed that because the defendant and the victims are still living together there is a possibility that a new crime could occur, and for these reasons the prosecutor requested for the court to convict the defendant pursuant to Article 145 of the Penal Code.

The defence stated that during the trial the defendant confessed to all of the facts and regretted his actions and promised not to repeat such acts in the future, therefore the defence requested for the court to convict the defendant based on the court's conviction.

### **Decision**

After evaluating all of the facts, the court found the defendant guilty of committing the crime of simple offences against physical integrity characterized as domestic violence against his wife and children. Based on the facts that were proven and consideration of all of the mitigating circumstances, the court concluded the matter and sentenced the defendant to a single penalty of 1 year in prison, suspended for 2 years.

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

Case No.	: 0032/22.CVTDS
Composition of the Court	: Single Judge
Judge	: Eusébio Xavier Victor
Prosecutor	: Rafael Jeronimo Gusmão
Defence	: Domingos dos Santos
Decision	: Endorsing withdrawal of complaint

On 20 July 2022 the Suai District Court attempted conciliation in a case of regulation of the exercise of parental authority involving EMdSL (aged 3) and the male respondent DdS and female respondent MCL, who are the child's parents, in Covalima Municipality.

### **Circumstances and background**

In 2020, the female respondent left the home and went to her parents, because the family of the male defendant did not look after her well, and then the two families sat together to resolve the issue, however there was no solution, therefore the male respondent and the female respondent separated, and when they separated the male defendant never visited the children nor gave alimony for their child, so then minor who was represented by the public prosecutor lodged legal action against the male respondent, for him to provide alimony for the child. The male defendant is a driver at the Ministry of Social Solidarity which a monthly income of US\$ 192.00.

### **Attempted conciliation**

During this attempted conciliation the female respondent and male respondent agreed for the minor to stay with the female respondent who is the mother of the child, and the male respondent and female respondent also agreed that the male respondent would visit their child at any time, and the male respondent and female respondent agreed for the male respondent to provide alimony to the minor of US\$ 35.00 per month, and this amount would start next month and would be sent to the bank account of the mother of the child.

### **Final Recommendations**

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

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

Case Number : 0012/22.CVTDS  
Composition of the Court : Single Judge  
Judge : Eusébio Xavier Victor  
Prosecutor : Rafael Jeronimo Gusmão  
Defence : Domingos dos Santos  
Decision : Endorsing withdrawal of complaint

On 20 July 2022 the Suai District Court attempted conciliation in a case of regulation of the exercise of parental authority involving MRCB (aged 1 year and 10 months) and the male respondent CL and female respondent ECdJB, who are the child's parents, in Covalima Municipality.

### **Circumstances and background**

In 2021 the female respondent and male respondent were in a romantic relationship and the female respondent became pregnant however the father did not take responsibility for the unborn child and when the female respondent gave birth the male respondent never visited her and did not provide alimony for the minor, therefore the public prosecution service representing the minor initiated this action against the male respondent so he could provide for the daily needs of the child. This case related to the exercise of parental authority pursuant to Articles 1757, 1758(1), 1759, 1762, 1765, 1786, 1787(2), 1782, 1804 and 1805 of the Civil Code on the responsibility of parents for minors.

### **Attempted conciliation**

During the attempted conciliation, the female respondent and male respondent agreed for the minor to stay with the female respondent, and regarding a visiting schedule the female respondent agreed that the male respondent was free to visit his child and if the child wanted to then the male defendant could take the minor to his home. In relation to alimony the female respondent said that the monthly expenditure for the child was US\$30.00, and the male respondent agreed and was willing to provide monthly alimony for the child starting in August and he would transfer the money to the bank account of the female respondent.

### **Final Recommendations**

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

### **Decision**

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

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

Case Number : 0013/22.CVTDS  
Composition of the Court : Single Judge  
Judge : Eusébio Xavier Victor  
Prosecutor : Nelson J.S. Magno



Defence : Domingos dos Santos  
Decision : Endorsing withdrawal of complaint

On 21 July 2022 the Suai District Court attempted conciliation in a case of regulation of the exercise of parental authority involving SPdR (aged 4) and the male respondent JdS and female respondent AB, who are the child's parents, in Covalima Municipality.

### **Circumstances and background**

In April 2020, the male respondent left the home to go to his parents and the male respondent and the female respondent separated. The male respondent never visited the child and did not provide alimony to the child, therefore the prosecutor representing the minor initiated an action for the male respondent to look after the daily needs of the child. This case related to the exercise of parental authority pursuant to Articles 1757, 1758(1), 1759, 1762, 1765, 1786, 1787(2), 1782, 1804 and 1805 of the Civil Code on the responsibility of parents for minors.

### **Attempted conciliation**

During the attempted conciliation, the female respondent and male respondent agreed for the minor to stay with the female respondent, and regarding a visiting schedule the female respondent agreed that the male respondent was free to visit his child and the male defendant could take the minor to his home. In relation to alimony the female respondent said that each month the expenditure required for the child was US\$30.00, and the male respondent and female respondent agreed for the money to be transferred to the bank account of the female respondent starting in August.

### **Final Recommendations**

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

### **Decision**

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

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

Case Number : 0026/22.CVTDS  
Composition of the Court : Single Judge  
Judge : Eusébio Xavier Victor  
Prosecutor : Nelson J.S. Gusmão  
Defence : Domingos dos Santos  
Decision : Endorsing withdrawal of complaint

On 22 July 2022 the Suai District Court held a hearing to attempt conciliation in a case of regulation of the exercise of parental power involving JFG (aged 8), RFG (aged 6), NFG (aged 4) and AQFG (aged 2) against the male respondent FG and female respondent AF who are the parents of the minors in Covalima Municipality.

### **Circumstances and background**

On 18 March 2022 the male respondent and female respondent were angry with each other and the male respondent left the home and went to his parents, and until now the male respondent has never visited the minors, therefore the prosecutor representing the minor initiated this action against the male respondent and female respondent.

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

### **Attempted conciliation**

During the attempted conciliation the male respondent and female respondent agreed for the minors to live with the female respondent (mother), the female respondent agreed that the male respondent could visit the minors at any time, and the female respondent said that every month there was US\$ 100.00 of expenditure for the children. The court told the male respondent and female respondent that the alimony was in the best interests of the children therefore the prosecutor representing the minors initiated this action not just against the male respondent, but against both of the parents, because the amount of US\$100.00 mentioned by the female respondent was not just the responsibility of the male respondent himself, because the female respondent is also responsible for 50% and the male respondent is responsible for 50%, and the male respondent also said he was willing to pay alimony of US\$50.00 per month, and starting next month the money would be transferred to the bank account of the female respondent.

### **Final Recommendations**

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

### **Decision**

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

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

Case Number	: 0084/18.CVTDS
Composition of the Court	: Single Judge
Judge	: Eusébio Xavier Victor
Prosecutor	: Rafael Jeronimo Gusmão
Defence	: Angelmo Pinto
Decision	: Endorsing withdrawal of complaint

On 22 July 2022 the Suai District Court held a hearing to attempt conciliation in a case of regulation of the exercise of parental power involving JMC (aged 12), CDA (aged 8), against the male respondent AM and female respondent NAC who are the parents of the minors in Covalima Municipality.

### **Circumstances and background**

In April 2019 the male respondent and female respondent had a misunderstanding and the male respondent suspected the female respondent of having a relationship with another man. The male respondent left the home and returned to his parents and didn't visit or provide alimony for the children. The prosecutor representing the minors initiated action against the male respondent and female respondent.

The male respondent works as a contracted staff member in the Ministry of Social Solidarity with a salary of \$ 343.00. This case relates to the exercise of parental power pursuant to article 1757, 1758 (1), 1759, 1762, 1765, 1786, 1787(2), 1782, 1804 and 1805 of the Civil Code on the responsibility of parents for minors.

### **Attempted conciliation**

During the attempted conciliation the female respondent said that the two minors are living with her, however the male respondent said that the female respondent was lying and the female respondent was now with another man in Ogues and their two children were living with their grandparent, therefore the male respondent wanted the two minors to go back and live with the male respondent.

The court attempted to endorse a regime for looking after the children and the two parties did not agree. However, on the following day the male respondent and female respondent agreed and on Saturday morning the male respondent can take the two children to his house for his birthday and the male respondent can take the two children to celebrate his birthday, and on the birthdays of the children he could take them to his house to celebrate. The male respondent and female respondent agreed for the male respondent to provide alimony for the two children every month of US\$70.00, and the payments would start in August and would be sent to the bank account of the female respondent.

### **Final Recommendations**

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

### **Decision**

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

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

Case Number	: 0001/22.CVTDS
Composition of the Court	: Single Judge
Judge	: José Maria de Araujo
Prosecutor	: Rafael Jeronimo Gusmão
Defence	: Albano Maia
Decision	: Endorsing withdrawal of complaint

On 22 July 2022 the Suai District Court held a hearing to attempt conciliation in a case of regulation of the exercise of parental power involving MdO (aged 12), IDdR (aged 9), AJdO (aged 4) against the male respondent HdOA and female respondent LG who are the parents of the minors in Covalima Municipality.

### **Circumstances and background**

On 20 July 2020 the male respondent and female respondent had a misunderstanding and the female respondent expelled the male respondent from the house and the male respondent went to his parents and to date the male respondent has never visited the minors and never gave alimony, so the prosecutor representing the minors initiated this action against the male respondent and female respondent. This case related to the exercise of parental authority pursuant to Articles 1757, 1758(1), 1759, 1762, 1765, 1786, 1787(2), 1782, 1804 and 1805 of the Civil Code on the responsibility of parents for minors.

### **Attempted conciliation**

During the attempted conciliation the female respondent said that the three minors would live with the female respondent, however the male respondent also wanted the minors to live with him, however the court explained to them that the minors were more accustomed to the female respondent and if they were to stay in a new environment they might not be familiar with it. Based on the explanation of the court the male respondent agreed for the children to stay with the female respondent (their mother). Meanwhile, regarding the regime for visits, the male respondent and female respondent agreed for the male respondent to visit the children on Saturday and Sunday and on their birthday the children would decide. The female respondent stated that every month the expenditure for the children was US\$75.00. The male respondent wanted to reduce this amount of alimony and pay US\$15.00 for each child, totalling US\$ 45.00 and the female respondent agreed, so therefore starting in August the male respondent will give money directly to the first son named Mesias de Oliveira.

### **Final Recommendations**

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

### **Decision**

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

### **16. Crime of sexual abuse against a minor**

Case Number :  
Composition of the court : Panel  
Judges : Benjamin Barros, Samuel da Costa Pacheco and  
Patricia de Araújo Fatima Barreto Magno Xavier,  
Prosecutor : Gostavo da Silva

Defence : Domingos dos Santos  
Decision : 8 years in prison

On 22 July 2022 the Suai District Court conducted a hearing to announce its decision in a case of sexual abuse of a minor involving the defendant VdS who allegedly committed the offence against the victim EPL, in Manufahi District.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 27 May 2021, at 8:00am, the victim was gathering up the dirty plates to wash them in the kitchen, and suddenly the defendant entered the kitchen and embraced the victim from behind and nibbled on the victim's cheek and grabbed both sides of her chest, and the victim was startled, afraid and screamed saying "*I don't want it, I don't want it*" however the defendant continued to hold on tightly to the victim and then touched the victim's sexual organs. Then the victim pulled away from the defendant and told him that I will make a complaint to my mother, and the defendant said don't make a complaint to your mother, just keep quiet. The victim cried and ran away to tell the neighbours.

The public prosecutor alleged that the defendant violated Article 177.2 of the Penal Code on the sexual abuse of a minor that carries a maximum penalty of 5-15 years in prison.

### **Examination of evidence**

During the trial the defendant stated that some of the facts were true and some were not true. The defendant did hug the victim however from in front and he kissed the victim's cheek and touched her sexual organs from outside of her pants, but he did not touch the victim's chest. The defendant also stated that he was a first time offender.

The victim maintained and confirmed all of the facts set out in the indictment and said she felt ashamed.

### **Final Recommendations**

The public prosecutor stated that even though the defendant partially confessed to the facts in the indictment, the victim confirmed all of the facts set out in the indictment. Therefore, the prosecutor requested for the court to use its discretion to convict the defendant.

Meanwhile, the defence stated that during the trial the defendant partially confessed and the victim confirmed all of the facts in the indictment, therefore the defence requested for the court to use its conviction to convict the defendant.

### **Decision**

The panel deliberated and amended the charges pursuant to article 275 of the Criminal Procedure Code to increase aggravation pursuant to Article 182, because the victim's Baptism Certificate confirmed that she was aged 11 years and 14 days. The parties had no opposition to this amendment.

After evaluating all of the facts, the court found that the defendant nibbled on the victim's cheek, touched her chest and touched her sexual organs. Based on the facts that were proven, and after considering all of the circumstances surrounding this crime, the court concluded the matter and sentenced the defendant to 8 years in prison.

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

Case Number : 0020/21.BBBLB  
Composition of the court : Single Judge  
Judge : Samuel da Costa Pacheco  
Prosecutor : Rafael Jeronimo Gusmão  
Defence : Angelmo Pinto  
Decision : Punishment of 1 year in prison, suspended for 1 year

On 22 July 2022 the Suai District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant JdCM who allegedly committed the offence against his wife MdJTC in Bobonaro Municipality.

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

The public prosecutor alleged that on 4 September 2021, at 12:30pm, the defendant choked the victim, slapped the victim twice on her left and right cheeks, punched the victim many times in the head and punched her twice on her back and the victim tried to run away to ask help from another person, but the defendant ran after her and grabbed the victim and slapped her once on her right cheek and punched her once more in the back and grabbed her blouse and dragged the victim to the house and then punched the victim three times in the head and kicked her five times on her side which caused her to suffer pain to her back, head and side. Previously the defendant was boiling some instant noodles in the kitchen and the defendant went inside to get a plate however the victim was mopping the floor and the defendant went inside so the victim got angry and used the mop to strike the victim once on the shoulder, therefore the defendant became angry and committed these acts against the victim.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Articles 2, 3(b), 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 set out in the indictment and stated after the incident they lived separately and after one month they reconciled, and the defendant stated he regretted his actions, was a first time offender and promised not to hit the victim again.

Also, the victim confirmed all of the facts in the indictment and stated that even though she has reconciled with the defendant, he has continued to put psychological pressure on her, so the victim wanted to live separately from the defendant.

### **Final Recommendations**

The public prosecutor stated that the defendant was guilty of committing the crime against the victim, but because the defendant confessed, and the victim provided confirmation, the prosecutor requested for the court to impose a suspended sentence against the defendant.

The defence requested for the court to provide justice to the defendant.

### **Decision**

After evaluating all of the facts, the court found the defendant guilty of committing the crime of simple offences against physical integrity characterized as domestic violence against the victim.

Based on the facts that were proven, including consideration of all of the circumstances, the court sentenced the defendant to 1 year in prison, suspended for 1 year.

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

Case Number	: 0199/20.BBMLV
Composition of the Court	: Single Judge
Judge	: Benjamin Barros
Prosecutor	: Rafael Jeronimo Gusmão
Defence	: Angelmo Pinto
Decision	: Fine

On 25 July 2022 the Suai District Court read out its sentence in a case of simple offences against physical integrity characterized as domestic violence involving the defendant LCdD who allegedly committed the offence against his wife LC, in Bobonaro Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 4 November 2021, at 3pm, the victim's mother in law gave money to the defendant to buy a dress for the victim. The defendant accepted the money and took it to buy a bluetooth speaker, therefore the victim and the defendant argued and the defendant became angry and choked the victim, slapped the victim once on her right cheek and kicked the victim once on her right side which caused the victim to suffer pain to her side and swelling to her cheek.

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(b), 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 set out in the indictment and stated that one day after the incident the defendant apologized to the victim and the victim forgave him and they have not had any more problems since then, and the defendant stated that he was a first time offender, and promised not to hit the victim. The defendant is a minibus driver with a salary of US\$125.00.

Also the victim confirmed the facts in the indictment and reinforced that since the incident the defendant apologized and the victim forgave him for his behaviour.

### **Final Recommendations**

The prosecutor stated that the defendant was guilty of committing the crime against the victim in accordance with the charges. The defendant confessed and the victim gave confirmation, however the prosecutor stated that there are many crimes involving domestic violence, therefore the prosecutor requested for the court to sentence the defendant to three months in prison, suspended for one year.

The defence requested for the court to provide justice to the defendant, based on the circumstances that were proven during the trial.

### **Decision**

After evaluating all of the facts, the court found the defendant guilty of committing the crime of simple offences against physical integrity characterized as domestic violence. Based on the facts that were proven, and with consideration of the mitigating circumstances, namely the defendant confessed, regretted his actions, was a first time offender, and has reconciled, the court concluded this matter and ordered the defendant to pay a fine of US\$ 60.00 to be paid in daily instalments of US\$ 1.00 for 60 days, and if the defendant does not pay this fine, he will have to serve 40 days in prison as an alternative punishment.

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

Case Number : 0004/18. MFFBL  
Composition of the court : Single Judge  
Judge : Benjamin Barros  
Prosecutor : Rafael Jerónimo Gusmão  
Defence : Domingos dos Santos  
Decision : Validated withdrawal of complaint

On 26 July 2022 the Suai District Court held a hearing to attempt conciliation in a case of simple offences against physical integrity involving the defendants Maria de Jesus and Melania de Almeida and the victim Maria da Costa Albino, in Manufahi Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 30 September 2021, at 9:00, in the old part of Leolima Village, Hatudo Administrative Post, the defendants grabbed the victim and made her fall to the ground, which caused her to suffer injuries to her two elbows. Then the



defendant Maria stood on the victim's stomach, punched the victim twice in the forehead, and then the defendant Milena scratched the victim's arm and back with force which caused an injury and bleeding. Then the defendants made a video and said to the victim *'This is what is good for someone who steals another person's husband, a beautiful girl from Same stealing another person's husband'*.

The prosecutor alleged that the defendants 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 defendants and victim.

Previously the parties reconciled in accordance with local custom, therefore they appeared in court to withdraw the complaint. Also the two defendants promised not to repeat these acts against the victim or other person.

### **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 victim's request to withdraw the complaint, pursuant to Article 262 of the Criminal Procedure Code, the court concluded the matter and endorsed the agreement and the request to withdraw the complaint with the condition that defendants cannot repeat such acts in the future, and therefore the court concluded this matter and acquitted the defendants.

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

Case Number	: 0171/17.CVTDS
Composition of the Court	: Single Judge
Judge	: Eusébio Xavier Victor
Prosecutor	: Rafael Jeronimo Gusmão
Defence	: Domingos dos Santos
Decision	: Endorsing withdrawal of complaint

On 27 July 2022 the Suai District Court attempted conciliation in a case of regulation of the exercise of parental authority involving RRdJ (aged 9) and JdJ (aged 6) and the male respondent CdS and female respondent SdJ, in Covalima Municipality.

### **Circumstances and background**

In 2017 the male respondent and female respondent had a misunderstanding and the male respondent decided to leave the home and go to his parents and then the male respondent did not visit his two children and did not provide alimony for the children,

therefore the prosecutor representing the minors initiated this action so that the male respondent would provide alimony for the two children.

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

### **Attempted conciliation**

During the attempted conciliation the male respondent and female respondent agreed for the minors to keep living with the female respondent (their mother), and the female respondent agreed for the male respondent to visit the children on Saturday morning and to take the children to his home and to return them on Sunday afternoon to the female respondent. Also when the children celebrate their birthday or their father has his birthday the male respondent can take the children to his house. In relation to alimony, the female respondent said that every month the expenditure for the children was US\$ 50.00. The court then explained how alimony is to be given to the children.

The court said that alimony totalling US\$50.00 is the responsibility of their parents, therefore the male respondent is responsible for giving US\$25.00 and also the female respondent is responsible for giving US\$ 25.00 for the children. The male respondent and female respondent agreed to start in August and the alimony will be sent to the bank account of the female respondent.

### **Final Recommendations**

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

### **Decision**

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

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

Case Number	: 0089/21.CVTDS
Composition of the Court	: Single Judge
Judge	: José Maria de Araujo
Prosecutor	: Nelson J.S. Magno
Defence	: Escolastico da Costa Nunes Maia
Decision	: Endorsing withdrawal of complaint

On 27 July 2022 the Suai District Court attempted conciliation in a case of regulation of the exercise of parental authority involving MO (aged 1) and the male respondent JTS and female respondent DSdJ, who are the child's parents, in Covalima Municipality.

### **Circumstances and background**

In 2021 the male respondent suspected the female respondent of having a relationship with another man, therefore the two families sat together to resolve this problem but there was no solution, and they separated. Since they have been separated the male respondent never visited the child and has not provided any alimony. The prosecutor representing the minor initiated this action to request for the male respondent to provide alimony for the child.

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

### **Attempted conciliation**

The female respondent stated that now the child is staying with the female respondent and the male respondent agreed for the child to stay with the female respondent and the male respondent agreed for him to visit the child at the time he is supposed to visit, and regarding the birthday of the child, it will depend on an agreement between the male respondent and female respondent, and the female respondent stated that each month the expenditure for the child is US\$50.00, however the male respondent said he did not have the capacity to make this payment and the male respondent only wanted to pay US\$15.00 for the child, and the female respondent agreed and the money will be paid starting in August and will be handed over to the female respondent at the Maubisse PNTL station.

### **Final Recommendations**

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

### **Decision**

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

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

Case No.	: 0029/20.ANANV
Composition of the court	: Single Judge
Judge	: Benjamin Barros
Prosecutor	: Nelson J.S. Magno
Defence	: Domingos dos Santos
Decision	: Fine

On 28 July 2022 the Suai District Court announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant CCB who allegedly committed the offence against his wife LdS in Ainaro Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 19 October 2020, at 10am, the defendant kicked the victim once on her back. Previously the defendant told the victim that she wasn't allowed to work, and the victim and the defendant argued, the defendant became angry and committed this crime against the victim.

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

### **Examination of evidence**

During the trial, the defendant confessed to the facts in the indictment and stated that he regretted his actions and that hitting his wife was not good. Two days after the incident they reconciled and are still living together. The defendant also stated that he was a first time offender and promised not to reoffend against the victim. The defendant also declared that he is a contracted teacher with a monthly salary of US\$ 280.00. Also, the victim confirmed the facts in the indictment and reinforced that since the incident the defendant has not hit her, they have reconciled and they are still living together.

### **Final Recommendations**

The prosecutor stated that the defendant committed the crime of simple offences against physical integrity characterized as domestic violence against the victim who is his wife and the defendant confessed and the victim provided confirmation. The prosecutor stated that after the incident they had no further problems and the defendant is a contracted staff member and therefore the prosecutor requested for the court to order the defendant to pay a fine, so that it would not impact on his job.

The public defender stated that the defendant confessed, regretted his actions after this incident they have not had any more problems, therefore he requested for the court to issue the defendant with an admonishment.

### **Decision**

After evaluating all of the facts, the court found the defendant guilty of committing the crime of simple offences against physical integrity against the victim (his wife). The court considered the facts that were proven and the aggravating circumstances that cases of domestic violence remain very high in all locations, however the court also considered the mitigating circumstances, namely the defendant was a first time offender, regretted his actions and after the incident there have been no more problems, therefore the court concluded the matter and ordered the defendant to pay a fine of US\$ 60.00, to be paid in daily instalments of US\$ 1.00 for 60 days. The court also established an alternative punishment of 40 days in prison if the defendant does not pay this fine.

### **23. Crime of making threats**

Case No. :0036/21.PDSUA  
Composition of the Court : Single Judge

Judge : Benjamin Barros  
Prosecutor : Rafael Jeronimo Gusmão  
Defence : Domingos dos Santos  
Decision : Validating withdrawal of complaint

On 29 July 2022 the Suai District Court conducted a trial to attempt conciliation in a case of threats involving the defendant Natalia Martins who allegedly committed the offence against her ex-husband Mario da Costa, in Covalima Municipality.

### **Charges of the Prosecutor**

The public prosecutor alleged that on 8 April 2021, at 9:33pm the defendant threatened the victim via SMS and said *'Tomorrow if I find you in the market I will get a machete and then I will go to prison. You are with another woman and you told your wife and children to say bad things about me'*. The defendant also threatened the victim by saying *"If we were neighbours, your house would be on fire by now"*.

The public prosecutor alleged that the defendant violated Article 157 of the Penal Code on making threats with that carries a maximum penalty of 2 years in prison or a fine.

### **Examination of evidence**

Pursuant to Article 262 of the CPC, before proceeding with the examination of evidence, the court may attempt conciliation for semi-public crimes.

Previously the defendant and the victim reconciled in accordance with Suai local customs, therefore the victim came to court to withdraw the complaint against the defendant. Also the defendant promised not to reoffend against the victim. If in the future the defendant repeats her actions, the defendant is ready to accept a heavy punishment from the court.

### **Final Recommendations**

The prosecution and defence requested for the court to validate the amicable agreement between the defendant and the victim.

### **Decision**

Based on the request of the victim to withdraw the complaint, the court endorsed the amicable agreement between the two parties and acquitted the defendant.

### **For more information, please contact:**

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