



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

**Case Summary
The Suai Court of First Instance
January 2023**

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

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

A. Summary of the trial process at the Suai Court of First Instance

1. Total number of cases monitored by JSMP: 25

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)	15
Article 145 of the PC & Articles 2, 3, and 35 (b) of the LADV and Article 20 (1), Article 2 (2 f) of the Law on Bladed Weapons	Simple offences against physical integrity characterized as domestic violence (Article 2 on the concept of domestic violence, Article 3 on family relationships, Article 35 on different types of domestic violence (DV) and Article 36 on domestic violence as a public crime) and the law on bladed weapons	1
Article 177 PC	Sexual abuse of a minor	1
Article 181 PC	Sexual exhibitionism	1
Article 295 PC	Embezzlement	1

Articles 1757, 1758, 1759, 1762, 1765, 1786, 1782,	Exercise of parental power	1
Article 316 PC	Smuggling	2
Article 146 PC and Article 20 (1), Article 2 (2 f) Law on Bladed Weapons	The crime of serious offences against physical integrity and use of a bladed weapon	1
Article 244 PC	Disobedience	1
Article 217 PC	Flora and fauna	1
Total		25

2. Total number of decisions monitored by JSMP: 20

Types of penalties	Articles	Total Number
Prison	Article 66 PC	2
Suspension of execution of a prison sentence	Article 68 PC	14
Acquitted		1
Validating withdrawal of complaint	Article 262 of the CPC	1
Suspension of execution of a prison sentence, and payment of court costs	Article 68 PC	1
Prison sentence and civil compensation		1
Total		20

3. Total cases adjourned based on JSMP monitoring: 0

4. Total ongoing cases based on JSMP monitoring: 5

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

Case Number : 0002/21.ANHTB
Composition of the Court : Single Judge
Judge : Naason Mário Armindo Marques Doutel
Prosecutor : Rafael Jeronimo Gusmão

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Defence : Angelmo Pinto
Decision : 3 months in prison, suspended for 1 year

On 9 January 2023 the Suai Court of First Instance conducted a hearing to announce its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant JdA who allegedly committed the offence against his wife in Ainaro Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 23 January 2021, at 5pm, the defendant punched the victim twice on her back and kicked the victim twice on her back which caused pain and swelling. Prior to this assault, the defendant told their children to go and work overseas so that their children could pay back the cost of the defendant's buffalo that was slaughtered when his parent in law passed away, and therefore the defendant and the victim argued and the assault occurred.

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

Examination of evidence

During the trial the defendant confessed all of the facts set out in the indictment and stated that after the incident, in the evening, he immediately reconciled with the victim, and he stated that he was a first time offender, he regretted his actions, and promised not to reoffend.

Also, the victim confirmed all of the facts in the indictment and stated that she has reconciled with the defendant and since the incident the defendant has not assaulted the victim.

Final recommendations

The public prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant and confirmation from the victim, therefore the prosecutor asked for the court to sentence the defendant to 1 year in prison, suspended for 2 years.

The defence requested for the court to convict the defendant based on the conviction of the court, with consideration that the defendant confessed, regretted his actions, was a first time offender and promised not to reoffend in the future.

Decision

After evaluating all of the facts, the court found that the defendant punched the victim twice in the back and kicked the victim twice in the back which caused pain and swelling.

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

2. Crime of smuggling

Case Number : 0002/22. CVSUI
Composition of the court : Panel
Judges : Naason M. A. Marques Doutel, Jose M. de Araújo, Patricia de Araújo F. G. B. M. Xavier
Prosecutor : Rafael Jeronimo Gusmão
Defence : Domingos dos Santos
Decision : Prison sentence of 1 year, suspended for 2 years

On 10 January 2023 the Suai District Court announced its decision in a case of smuggling involving the defendants João Ferreira and Deonísio Tereza Ferreira who allegedly committed the offence against the State of Timor-Leste in Covalima Municipality.

Charges of the Prosecutor

The prosecutor alleged that on 2 March 2022, at 01:30am, the two defendants imported 64 bags of tobacco via an illegal pathway in the area of Lebos and the two defendants were transporting the goods towards Suai Beco, however when they reached the roundabout at Holbulu the police stopped the defendants, they tried to run away, but the police caught them in Sulamali Beco. The defendants purchased each bag of tobacco at a price of US\$90.00. The two defendants imported these illegal goods via Mr. Bau Mau, an Indonesian citizen. The actions of the defendants caused the State of Timor-Leste to suffer a loss. The public prosecutor alleged that the defendant violated Article 316.1 of the Penal Code on smuggling that carries a maximum penalty of 2 - 6 years in prison or a fine.

Examination of evidence

During the trial the two defendants confessed all of the facts in the indictment and the two defendants stated that this was the first time that they imported goods through an illegal pathway. The two defendants stated that they were first time offenders, they regretted their behaviour and said that illegally importing goods was not good.

Final Recommendations

The public prosecutor stated that during the trial the two defendants confessed to all of the facts in the indictment, however although the defendants confessed, there are many cases of smuggling along the border area, and for this reason the public prosecutor requested for the court to impose a fair penalty on the two defendants.

The defence stated that during the trial the two defendants confessed all of the facts, were first time offenders, and since the incident they have not imported any more goods via illegal pathways, therefore the defence requested for the court to order the defendants to pay a fine.

Decision

After evaluating all of the facts, the court found that the two defendants imported 64 bags of tobacco via an illegal pathway in the area of Lebos and the two defendants were transporting the goods towards Suai Beco, however when they reached the roundabout at Holbulu the police stopped the defendants, they tried to run away, but the police caught them in Sulamali Beco. The defendants purchased each bag of tobacco at a price of US\$90.00. The two defendants imported these illegal goods via Mr. Bau Mau, an Indonesian citizen. The actions of the defendants caused the State of Timor-Leste to suffer a loss.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendants confessed, regretted their actions, and promised not to reoffend in the future, the court concluded this case and imposed a prison sentence of 1 year, suspended for 2 years.

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

Case Number : 0075/22.BBMLV
Composition of the Court : Single Judge
Judge : Naason Mário Armindo Marques Doutel
Prosecutor : Rafael Jeronimo Gusmão
Defence : Angelmo Pinto
Decision : 3 months in prison, suspended for 1 year

On 16 January 2023 the Suai Court of First Instance conducted a hearing to announce its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant ATT who allegedly committed the offence against his wife JB in Bobonaro Municipality.

Charges of the Prosecutor

The prosecutor alleged that on 16 July 2022, at 10:00am, the defendant slapped the victim twice on her right and left cheeks and took an ashtray and struck the victim on her head which caused pain and an injury. Prior to the assault, the defendant and the victim argued

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because the defendant told the victim to wash his clothes, but the victim said that she was still holding their child, so then the defendant committed the assault against the victim.

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

Examination of evidence

During the trial the defendant completely confessed to all of the facts in the indictment, the defendant stated that he regretted his actions, and since the incident he has not repeated his actions, and the defendant promised that he would not hit the victim in the future. The defendant also stated that previously he appeared in court and the court ordered the defendant to pay a fine of US\$ 30.00.

Also the victim confirmed all of the facts in the indictment and stated that since the incident the defendant has not hit the victim, and the victim also stated that after this incident the defendant apologised to the victim in front of the victim's parents. The victim also stated that she forgave 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 pursuant to Article 145 of the Penal Code. The defendant confessed and was a first time offender, therefore the public prosecutor requested for the court to impose a suspended sentence against the defendant.

The defence requested for the court to convict the defendant with consideration of the mitigating circumstances, namely the defendant confessed and since the incident there have been no more problems.

Decision

After evaluating all of the facts, the court found that the defendant slapped the victim twice on her right and left cheeks and took an ashtray and struck the victim on her head which caused pain and an injury. Prior to this assault the defendant and the victim had an argument because the defendant told the victim to wash his clothes.

Based on these facts that were proven and also consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions and promised

not to reoffend in the future, the court concluded the matter and sentenced the defendant to 3 months in prison, suspended for 1 year.

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

Case Number : 0013/21. ANHTB
Composition of the court : Single Judge
Judge : Naason M. A. Marques Doutel
Prosecutor : Rafael Jeronimo Gusmão
Defence : Domingos dos Santos (Lawyer)
Decision : 3 months in prison, suspended for 1 year

On 16 January 2023 the Suai Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the male defendant AA and the female defendant AMM who allegedly committed the offence against LS (wife and sister in law) in Ainaro Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 1 January 2021, at 5pm, the male defendant punched the victim twice on the left and right sides of her head and punched the victim once in the mouth which caused pain, injury and swelling, then the female defendant stepped towards the victim and slapped the victim once on the cheek. Prior to the assault, the male defendant and the victim argued because the defendant told the victim to wash his clothes, but the victim did not want to and swore at the male defendant, so then the assault was committed 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.

Examination of evidence

Before starting the trial the court attempted conciliation pursuant to Article 262 of the Penal Code between the female defendant AMM and LS because the female defendant is the sister in law of the victim.

During the attempted conciliation the victim wanted to withdraw her complaint against the female defendant, but with the condition that the female defendant must not repeat such acts in the future, and the victim forgave the female defendant for the acts she committed against the victim, and also the female defendant accepted the request of the victim to withdraw the complaint and promised that in the future she would not repeat such behaviour against the victim or other person. Meanwhile the prosecutor and the defence had no opposition, and the court endorsed this amicable agreement, and then tried the case of domestic violence.

During the trial the male defendant confessed all of the facts set out in the indictment and stated that he regretted his actions, and promised not to reoffend against the victim or other person in the future, and he declared that two days after the incident they reconciled, and he is a first time offender. Also, the victim confirmed the facts in the indictment and stated that she has reconciled with the male defendant, and the victim stated that since the incident there have been no more problems.

Final Recommendations

The prosecutor stated that the defendant was guilty of committing the crime of simple offences against physical integrity characterized as domestic violence against the victim (his wife). The prosecutor stated that crimes of crime domestic violence are very high, therefore to prevent these crimes from occurring, the prosecutor requested for the court to impose a suspended sentence against the defendant.

Decision

After evaluating all of the facts, the court found that the male defendant punched the victim twice on the left and right sides of her head and punched the victim once in the mouth which caused pain, injury and swelling, then the female defendant stepped towards the victim and slapped the victim once on the cheek.

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

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

Case Number	: 0033/22.BBMLV
Composition of the Court	: Single Judge
Judge	: Naason Mário Armindo Marques Doutel
Prosecutor	: Rafael Jeronimo Gusmão
Defence	: Domingos dos Santos
Decision	: 6 months in prison, suspended for 1 year

On 16 January 2023 the Suai Court of First Instance conducted a hearing to announce its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant IdS who allegedly committed the offence against his wife in Bobonaro Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 26 February 2022, at 14:00pm, the defendant took a broom and struck the victim once on her back and pushed the victim's head into the ground and punched the victim once in the head. The victim fell down and struck her head on a

rock and suffered swelling. The defendant took a rock and struck the victim once in the forehead which caused an injury. The victim ran inside the bedroom and swore at the defendant. The defendant followed the victim into the bedroom and grabbed her by the head to push her face down on the ground and stood on her neck. The victim screamed and then the defendant released the victim. Prior to this assault, the defendant and the victim argued because the victim yanked the arm of their daughter and made her cry. Then the assault occurred.

Examination of evidence

During the trial, the defendant used his right to remain silent. The victim stated that the defendant punched the victim once on her back, and then took a broom and struck her once on her back, threw her on the ground and punched the victim once in the head. The victim also stated that the defendant did not pull her hair and did not stand on her neck and did not take a rock and strike her in the head. Two days after the incident the victim started working again, and the defendant apologized to the victim.

Final Recommendations

The prosecutor stated that the defendant chose the right to be silent however the victim stated that the defendant struck the victim. The prosecutor stated that crimes of domestic violence are very high, therefore the prosecutor requested for the court to impose a suspended sentence against the defendant.

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 broom and struck the victim once on her back and pushed the victim's head into the ground and punched the victim once in the head. The victim fell down and struck her head on a rock and suffered swelling. The defendant took a rock and struck the victim once in the forehead which caused an injury. The victim ran inside the bedroom and swore at the defendant. The defendant followed the victim into the bedroom and grabbed her by the head to push her face down on the ground and stood on her neck. The victim screamed and then the defendant released the victim.

Based on the facts that were proven, the court concluded the matter and sentenced the defendant to 6 months in prison, suspended for 1 year.

6. Crime against flora or fauna

Case Number : 0002/22. BBLLT
Composition of the court : Single Judge
Judge : Patricia de Araújo F. G. B. M. Xavier
Prosecutor : Rafael Jeronimo Gusmão
Defence : Jonas Henrique
Decision : 1 month in prison, suspended for 1 year

On 16 January 2023 the Suai Court of First Instance conducted a hearing to announce its sentence in a case of crime against flora and fauna involving the defendants Santiago dos Reis and Januario who allegedly committed the offence against the State of Timor-Leste in Bobonaro Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 8 July 2022, at 5pm, the two defendants purchased 30 kilograms of candlewood in Beco Village valued at US\$12.00 per kilogram, and therefore the defendants purchased 30 kilograms at US\$360.00, and then the two defendants transported the candlewood on the way to Lebos with the intention of selling it in Indonesia, however on the way the Border Patrol Unit of the Police stopped the motorcycle and discovered that the defendants were carrying candlewood and the police immediately seized the candlewood.

The public prosecutor alleged that the defendant violated Article 217 of the Penal Code on crime against flora and fauna with that carries a maximum penalty of 3 years in prison or a fine.

Examination of evidence

During the trial the defendants confessed the facts set out in the indictment, and the defendants stated that even though it was illegal, their day to day needs forced them to break the law, and they said that since the incident they have not purchased any more candlewood, and they regretted their actions and promised not to reoffend in the future.

Final Recommendations

The public prosecutor stated that during the trial the two defendants confessed the facts set out in the indictment, and the prosecutor stated that the State of Timor-Leste continues to lose wealth such as candlewood trees, therefore to prevent such crimes from occurring in the future, the public prosecutor requested for the court to impose a suspended sentence against the two defendants.

Meanwhile, the defence stated that during the trial the two defendants confessed to all of the facts in the indictment and since the incident the defendants have not committed any more crimes and the defendants regretted their actions, and therefore the defence requested for the court to apply a fine.

Decision

After evaluating all of the facts, the court found that the two defendants purchased 30

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kilograms of candlewood in Beco Village valued at US\$12.00 per kilogram, and therefore the defendants purchased 30 kilograms at US\$360.00, and then the two defendants transported the candlewood on the way to Lebos with the intention of selling it in Indonesia, however on the way the Border Patrol Unit of the Police stopped the motorcycle and discovered that the defendants were carrying candlewood and the police immediately seized the candlewood.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the two defendants confessed, regretted their actions, and were first time offenders, the court concluded this case and imposed a prison sentence of 1 month against the two defendants, suspended for 1 year.

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

Case Number : 0002/21.ANHTU
Composition of the Court : Single Judge
Judge : Naason Mário Armindo Marques Doutel
Prosecutor : Rafael Jeronimo Gusmão
Defence : Angelmo Pinto
Decision : 3 months in prison, suspended for 1 year

On 16 January 2023 the Suai Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant JA who allegedly committed the offence against his wife MdJ in Ainaro Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on an unspecified day and date in December 2020, at 11am, the defendant punched the victim twice on the back of the neck and punched the victim once above the left eye and as a consequence of these acts the victim went to hospital, however she just purchased medicine for US\$ 5.00. Previously the defendant had a mistress in Same, so the victim argued with the defendant about him having a mistress, so the defendant committed the assault against the victim.

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

Examination of evidence

During the trial, the defendant used his right to remain silent. The victim confirmed the facts set out in the indictment and stated that three days after the incident she recovered, and

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the victim also declared that since the incident the defendant has not hit the victim and they have reconciled.

Final Recommendations

The public prosecutor stated that even though the defendant chose the right to be silent, however the victim confirmed all of the facts alleged in the indictment, and the defendant had a criminal record, therefore the public prosecutor requested for the court to impose a prison sentence against the defendant.

Meanwhile, the defence stated that during the trial the defendant chose the right to remain silent however the victim confirmed the facts set out in the indictment, therefore the defence requested for the court to decide the matter based on the conviction of the court.

Decision

After evaluating all of the facts, the court found that the defendant punched the victim twice on the back of the neck and punched the victim once above her left eye, and as a consequence of these acts the victim went to hospital, however she only purchased medicine for US\$ 5.00.

Based on the facts that were proven, the court concluded the matter and sentenced the defendant to 3 months in prison, suspended for 1 year.

8. Crime of sexual abuse against a minor

Case Number	: 0001/20.BBBLB
Composition of the Court	: Panel
Judges	: Naason Mário Armindo Marques Doutel, Jose Maria de Araujo and Patricia de Fatima Xavier
Prosecutor	: Nelson J. S. Magno
Defence	: Angelmo Pinto
Decision	: 10 years in prison

On 24 January 2023 the Suai Court of First Instance announced its decision in a case of sexual abuse of a minor involving the defendant CB and the victim IPF (aged 13 years), that allegedly occurred in Bobonaro Municipality.

Charges of the Prosecutor

The public prosecutor alleged that in May 2019, at an unspecified time, the defendant was a teacher at a School, and the victim was a student at that school. The defendant and the victim had a romantic relationship and at recess the defendant asked the victim to go to the school bathroom to have sexual intercourse with the victim and sexual intercourse took place four times at the school, and as a result of the defendant's actions the victim became pregnant.

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The public prosecutor alleged that the defendant violated Article 177 of the Penal Code on the sexual abuse of a minor that carries a maximum penalty of 5-20 years in prison.

Examination of evidence

During the trial the defendant confessed to all of the facts in the indictment. The defendant stated that he and the victim had a romantic relationship and when the victim became pregnant her parents asked the defendant and the defendant acknowledged that the unborn child was his, and he accepted the victim as his wife, and the defendant stated that they got together and the two families came together and spoke about the bride price and the family of the defendant gave US\$2,000.00, two *belak* (traditional necklaces), and two buffaloes to the family of the victim, and the defendant stated that he and the victim had two children but the second child had returned to the god almighty (passed away). The defendant also stated that he continues to work at the aforementioned school.

Also, the victim confirmed the facts set out in the indictment and stated that when she was six months pregnant her parents asked about her unborn child and she told her parents that the father was the defendant CB and the victim's parents immediately informed the defendant and the defendant accepted the victim with open arms and they were living together as husband and wife and they have two children, and the victim further stated that in relation to the complaint made against the defendant, she didn't have any knowledge, because they were already together and suddenly the police arrested the defendant. The victim also made a statement before the prosecutor in Maliana that they were already husband and wife and were together.

Final Recommendations

The public prosecutor stated that the defendant was guilty of committing crime of sexual abuse of a minor against the victim, based on the confession of the defendant and the confirmation provided by the victim, and the defendant continued to perform his duties at the aforementioned school, therefore to ensure that the defendant does not commit any similar crimes at the aforementioned school the prosecutor requested for the court to impose a single penalty of 10 years in prison.

The defence stated that a crime was committed however the defendant and the victim are already husband and wife and they have two children, and although it is not possible to have this charge withdrawn, however there has been some experience within the jurisdiction of the Suai Court of First Instance in cases such as this, and therefore the defence requested for the court to acquit the defendant from the aforementioned crime.

Decision

After evaluating all of the facts, the court found that the defendant was a teacher at a school, and the victim was a student at the aforementioned school. The defendant and the victim had a romantic relationship and at recess the defendant asked the victim to go to the school bathroom to have sexual intercourse with the victim and sexual intercourse took place four times at the school, and as a result of the defendant's actions the victim became pregnant.

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Based on the facts that were proven and consideration of the aggravating circumstances, namely the defendant was a teacher at the aforementioned school, he is not allowed to commit such acts against the victim, however the defendant had sexual intercourse with the victim on four occasions, and the court considered the mitigating circumstances, namely that the defendant confessed, regretted his actions and the defendant also took responsibility and got together with the victim and they had two children, so the court concluded the matter and sentenced the defendant to five years in prison for each count, with a total of 20 years in prison, and then the court imposed a single penalty of 10 years in prison against the defendant.

9. Civil case of regulation of the exercise of parental authority

Case Number : 0067/22 CVTDS
Composition of the Court : Single Judge
Judge : Eusebio Xavier Victor
Prosecutor : Rafael Jeronimo Gusmão
Defence : Angelmo Pinto
Decision : Endorsing withdrawal of complaint

On 25 January 2023 the Suai Court of First Instance conducted a hearing to attempt conciliation in a case of the regulation of the exercise of parental authority, involving Anastacia dos Reis Magno aged 9 and Emanuel Gomes Magno aged 8 months and the respondents José Magno Moniz and Aurelia dos Reis Gomes, in Covalima Municipality.

Circumstances and background

On an unspecified date in March 2022 the respondents separated because the male respondent got together with another woman, and after separation the male respondent did not provide alimony for the two minors, therefore the prosecutor lodged this claim for the male respondent to take responsibility for the two minors. The male respondent is a staff member at Timor-Leste Electricity (EDTL) with a monthly income of US\$ 410.00.

This case related to the exercise of parental authority pursuant to Articles 757, 758, 762, 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. The male respondent agreed to provide alimony for his children totalling US\$75.00 every month via the bank account of the female

respondent, and in relation to visitation, the male respondent and female respondent agreed for the male respondent to visit the two minors.

Final Recommendations

The prosecutor representing the minors and the defence requested for the court to endorse the agreement made by the two respondents regarding responsibility for the minors.

Decision

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

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

Case Number	: 0012/21.MFMFI
Composition of the court	: Single Judge
Judge	: Naason M. A. Marques Doutel
Prosecutor	: Pascaçio de Rosa Alves
Defence	: Domingos dos Santos
Decision	: 6 months in prison, suspended for 1 year

On 26 January 2023 the Suai Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant DMP Soares who allegedly committed the offence against his wife in Manufahi Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 28 November 2021, at 3:30pm, the defendant choked the victim and punched the victim once next to her right eye, then the victim withdrew and shouted for help and a neighbour came and separated the defendant and the victim. The victim had entered the bedroom to get some clothes for their child and the defendant committed the aforementioned acts against the victim. A medial report from PRADET was attached to this case.

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

Examination of evidence

During the trial the defendant stated that some of the facts were true and some were untrue.

The defendant stated that at that time he did not choke the victim, and he acknowledged that he slapped the victim once on her cheek. The defendant regretted his actions and promised he will not repeat such acts and the defendant was a first time offender.

The victim confirmed all of the facts in the indictment and stated that since the incident there have been no more problems.

Final Recommendations

The prosecutor stated that during the trial the defendant denied some of the facts, however the victim confirmed the facts set out in the indictment. The prosecutor stated that crimes of domestic violence are very high, therefore to prevent such crimes the prosecutor requested for the court to impose a suspended sentence against the defendant.

The defence stated that the defendant regretted his actions, was a first time offender and therefore the defence requested for the court to order the defendant to pay a fine.

Decision

After evaluating all of the facts the court found that the defendant choked the victim and punched the victim once next to her right eye, then the victim withdrew and shouted for help and a neighbour came and separated the defendant and the victim.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant was a first time offender, and regretted his actions, the court concluded this case and imposed a prison sentence of 6 months against the defendant, suspended for 1 year.

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

Case Number	: 0010/22.MFMFI
Composition of the court	: Single Judge
Judge	: Naason M. A. Marques Doutel
Prosecutor	: Nelson Magno
Defence	: Domingos dos Santos
Decision	: 6 months in prison, suspended for 1 year

On 26 January 2023 the Suai Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant DdA who allegedly committed the offence against his wife in Manufahi Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 29 April 2022, at 11am, the defendant took a machete and struck the victim twice on her right knee and took a piece of steel pipe and struck the victim once on her left knee which caused pain. Previously the victim went to repair a well

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and when she got home the defendant committed the assault against the victim.

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

Examination of evidence

During the trial the defendant confessed all of the facts set out in the indictment and stated that on the evening after the incident he immediately reconciled, he regretted his actions, was a first time offender.

Also, the victim confirmed the facts in the indictment and reinforced the statement of the defendant that on the evening after the incident they immediately reconciled and the victim forgave the defendant.

Final Recommendations

The public prosecutor stated that during the trial the defendant confessed and the victim gave confirmation, however even though they reconciled, in order to prevent such crimes for occurring in the future, the prosecutor requested for the court to sentence the defendant pursuant to article 145 KP.

The defence requested for the court to impose a fair penalty against the defendant based on the mitigating circumstances.

Decision

After evaluating all of the facts the court found that the defendant took a machete and struck the victim twice on her right knee and took a piece of steel pipe and struck the victim once on her left knee which caused pain.

Based on the facts that were proven, and consideration of all of the mitigating circumstances, the court concluded this matter and sentenced the defendant to 6 months in prison, suspended for 1 year.

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

Case Number	: 0007/22.BBATB
Composition of the court	: Single Judge
Judge	: Naason M. A. Marques Doutel
Prosecutor	: Rafael Jeonimo Gusmão
Defence	: Domingos dos Santos
Decision	: 1 month in prison, suspended for 1 year

On 26 January 2023 the Suai Court of First Instance 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 his wife in Bobonaro Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 5 April 2022, at 9am, the defendant slapped the victim once on her left cheek. Previously the defendant was asleep and the victim woke him up so he could go to work, however the defendant got up and became angry at the victim and an argument took place between the defendant and the victim, so the defendant committed the assault against the victim.

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison or a fine as well as Articles 2(a), 3(c), 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 regretted his actions and promised that he would not hit the victim or any other person in the future. The defendant stated that he was a first time offender.

Also, the victim confirmed the facts in the indictment and stated that several hours after the incident they immediately reconciled and the victim forgave the defendant for his behaviour.

Final Recommendations

The public prosecutor stated that the defendant was tried by the court because he hit his wife, and even though they have reconciled and the victim has forgiven the defendant, the prosecutor noted that cases of domestic violence are very high, therefore the prosecutor requested for the court to impose a prison sentence pursuant to article 145 of the Penal Code against the defendant.

The defence requested for the court to impose a fine on the defendant, with consideration to the defendant's financial capacity.

Decision

After evaluating all of the facts, the court found that the defendant slapped the victim once on her left cheek.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant was a first time offender, has reconciled with the victim, and

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regretted his actions, the court concluded this case and imposed a prison sentence of 1 month against the defendant, suspended for 1 year.

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

Case Number : 0001/21.MFFBL
Composition of the Court : Single Judge
Judge : Naason Mário Armindo Marques Doutel
Prosecutor : Rafael Jeronimo Gusmão
Defence : Angelmo Pinto
Decision : 6 months in prison, suspended for 1 year

On 26 January 2023 the Suai Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant MXdCB who allegedly committed the offence against his wife JdCCT in Manufahi Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 30 April 2021, at 4pm, an argument took place between the defendant and the victim because the victim was playing music in the bedroom and was also singing for fun, so the defendant grabbed the mobile phone out of the victim's hand and took the mobile phone and struck the victim once in the mouth and struck the victim once on the right side of her head, and then pulled her hair. The victim withdrew to the visitor's room and the defendant followed her and struck her once on the back of her neck, pulled her hair and choked her. The victim screamed for help from their child to separate them. Then the defendant threatened the victim by saying "You are too much. I will cut your throat".

The public prosecutor alleged that the defendant violated Article 145 of the Penal Code on simple offences against physical integrity that carries a maximum penalty of three years in prison, as well as Articles 2, 3(c), 35(b) and 36 of the Law Against Domestic Violence, as well as Article 157 of the Penal Code on threats that carries a maximum penalty of 1 year 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.

During the attempted conciliation, the victim wanted to withdraw her complaint against the defendant because after the incident they reconciled and have had no further problems, however the victim requested for the defendant not to reoffend. The defendant agreed with the victim's request to withdraw the complaint and promised not to repeat his behaviour. The prosecutor and defence did not object. The court endorsed the amicable agreement for the crime of threats, whereas the crime of simple offences against physical integrity characterized as domestic violence was tried by the court.

During the trial the defendant confessed all of the facts set out in the indictment and stated that one month after the incident they reconciled, the defendant regretted his actions, and promised not to hit the victim or other person in the future, and the defendant said that there have been no further problems.

The victim confirmed the facts in the indictment and stated that they reconciled one month after the incident, and the victim stated that since the incident they have had no further problems.

Final Recommendations

The prosecutor stated that the defendant's actions matched all of the facts set out in the indictment. The defendant confessed and the victim gave confirmation, however the prosecutor stated that there are many crimes involving domestic violence, therefore in order to deter such crimes from occurring the prosecutor requested for the court to sentence the defendant in accordance with Article 145 of the Penal Code.

The defence stated that the defendant and the victim have reconciled and since the incident there have been no further problems, therefore the defence requested for the court to order the defendant to pay a fine.

Decision

After evaluating all of the facts, the court found that defendant grabbed the mobile phone out of the victim's hand and took the mobile phone and struck the victim once in the mouth and struck the victim once on the right side of her head, and then pulled her hair. The victim withdrew to the visitor's room and the defendant followed her and struck her once on the back of her neck, pulled her hair and choked her.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, has had no further problems and has reconciled with the victim, the court concluded this case and imposed a prison

sentence of 6 months against the defendant, suspended for 1 year and ordered the defendant to pay court costs of US\$ 20.00.

14. Crime of disobedience

Case Number : 0007/21.BBLLT
Composition of the court : Single Judge
Judge : Naason M. A. Marques Doutel
Prosecutor : Nelson Magno
Defence : Jonas Henrique
Decision : Acquitted

On 26 January 2023 the Suai Court of First Instance conducted a hearing to announce its sentence in a case of disobedience involving the defendant Octaviano de Araújo who allegedly committed the offence against the State of Timor-Leste in Bobonaro Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 22 June 2021, at 8pm, the defendant was accompanied by his friends (Claudino, Olivio, Ernesto and Nilton who are subject to a separate matter) and were heading towards Atambua, Indonesia near the Maporet Lakus river, on 6 July 2021, the defendant returned from Atambua, Indonesia and was arrested by the Timor-Leste National Police (PNTL) because the defendant helped his friends cross the border illegally. The defendant's behaviour lead to insecurity, social concern and loss of public tranquillity in this country and did not comply with the rules of the World Health Organisation (WHO and MS), because this incident occurred during the Covid-19 crisis and the State had imposed a state of emergency.

The public prosecutor alleged that the defendant violated Article 244 of the Penal Code on disobedience that carries a maximum penalty of 3 years in prison or a fine.

Examination of evidence

During the trial the defendant stated that at that time he was accompanied by his friends Claudino, Olivio, Ernesto and Nilton and went to the border to go to Atambua, Indonesia, and the defendant stated that at that time he entered Atambua, Indonesia.

Final Recommendations

The prosecutor stated that during the trial the defendant declared that he did not enter Atambua, Indonesia and no witness came forward to say that the defendant entered Indonesia, therefore the prosecutor requested for the court to impose a fair penalty against the defendant.

The defence also requested for the court to impose a fair penalty against the defendant because during the examination of evidence the defendant stated that he did not enter Indonesia and no witness stated that the defendant entered Indonesia.

Decision

After evaluating all of the facts the court found that the charges against the defendant were not proven, because at that time the defendant did not enter Atambua, Indonesia, therefore the court concluded the matter and acquitted the defendant from the charges.

15. Crime of serious offences against physical integrity and using a bladed weapon

Case Number : 0216/20.BBMLV
Composition of the court : Panel
Judges : José M. de Araújo, Naason M. A. Marques Doutel and Patricia de Araújo F. G. B. M. Xavier
Prosecutor : Nelson J. S. Magno
Defence : Octavio Da Costa
Decision : 5 years in prison and ordered to pay civil compensation of US\$300.00

On 27 January 2023 the Suai Court of First Instance conducted a hearing to announce its decision in a case of serious offences against physical integrity and using a bladed weapon involving the defendant Martinho Bete Amaral Ele and the victim Donatos Santos Vicente, in Bobonaro Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 28 November 2020, at 7:30am, there was a confrontation between the martial arts groups kolimau and 77. The victim was going to his plantation however he saw people attacking each other, therefore the victim ran past the front of the defendant's house and suddenly the defendant came out of his house with a machete and slashed the victim once on his left elbow which caused a broken arm, and slashed the victim once on his back, slashed his hip and then his left hand. As a consequence of the defendant's actions the victim received 7 stitches to his elbow, 6 stitches to his back and 4 stitches to his hip.

The public prosecutor alleged that the defendant violated Article 146 of the Penal Code on serious offences against physical integrity that carries a maximum penalty of 2-8 years in prison and Article 20.1 and Article 2.2(f) of the Law on Bladed Weapons.

Examination of evidence

During the trial the defendant partially confessed to the facts set out in the indictment, and the defendant confessed that at the time of this incident the martial arts groups kolimau 2000 and 77 were attacking each other, and at that time the defendant's house was damaged and a rock was thrown and struck his father on his right leg and the defendant heard his father shout out, therefore the defendant took a machete and came out from the house, however the victim and his friends attacked the defendant so the defendant slashed the victim once on his elbow and once on his back and then the victim's friends all ran away and the defendant slashed the victim another two times. The defendant stated that he was

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a member of 77 and the victim was also involved in the kolimau martial arts group.

The victim confirmed the facts in the indictment and stated that he still feels pain in his elbow and he can't yet return to his normal work, and the victim stated that while receiving treatment and purchasing traditional medicine and paying for a motorcycle taxi to go to hospital he had spent US\$ 300.00, and the victim stated that he was not involved in the kolimau martial arts group.

Final Recommendations

The public prosecutor stated that the defendant committed the crime of serious offences against physical integrity and used a bladed weapon, and although the defendant partially confessed the facts in the indictment, confirmation was provided by the victim and this was reinforced with the medical report that was attached to the case file, and based on all of these circumstances the prosecutor requested for the court to impose a fair penalty against the defendant.

The defence stated that the defendant slashed the victim as a means to separate the victim from his group who was carrying a knife to attack the defendant. The defence further argued that at that time the defendant was going to his plantation but he walked 1 kilometre and used an alternative route to go to the plantation, therefore the defence stated that the victim also took part in the aforementioned confrontation and the defendant acted in self defence, and the defendant's actions did not fulfil the crime charged by the Public Prosecution Service against the defendant and the defence requested for the court to acquit the defendant from these charges.

Decision

After evaluating all of the facts the court found that the defendant left his home with a machete and slashed the victim once on his left elbow which resulted in a broken arm, and slashed the victim once on his back, slashed him on his hip and finally slashed the victim on his left hand. As a consequence of the defendant's actions the victim received 7 stitches to his elbow, 6 stitches to his back and 4 stitches to his hip.

Based on the facts that were proven, and after considering all of the circumstances surrounding this crime, the court concluded the matter and convicted the defendant

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

Case Number : 0036/21.BBMLV
Composition of the Court : Single Judge
Judge : Naason Mário Armindo Marques Doutel
Prosecutor : Rafael Jeronimo Gusmão
Defence : Domingos dos Santos
Decision : 1 month in prison, suspended for 1 year

On 27 January 2023 the Suai Court of First Instance conducted a hearing to announce its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant NM who allegedly committed the offence against her former husband in Bobonaro Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 16 May 2021, at 3.20pm, the defendant kicked the defendant once on the back of his neck and took a rock and threw it at the defendant's left arm. Previously the defendant asked the victim for some money to buy some milk for their child, but the victim did not give any money and turned his back on the defendant, so the defendant 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(a), 3(c), 35(b) and 36 of the Law Against Domestic Violence.

Examination of evidence

During the trial the defendant confessed to all of the facts in the indictment, and also stated that since their child was born the victim neglected them and when the victim went to the market he met with the defendant, so the defendant asked for some money to buy milk for their child, but the victim turned his back so the defendant committed the assault against the victim. The defendant regretted her behaviour and promised not to repeat such behaviour against the victim or any other person in the future.

The victim confirmed all of the facts in the indictment and stated that before they separated the victim took care of their child but after they separated the defendant went to live on her land, so the victim did not provide food support to their child.

Final Recommendations

The prosecutor stated that during the trial the defendant confessed all of the facts and the victim provided confirmation, however the motive behind this problem was because the victim neglected their child, therefore the prosecutor requested for the court to order the defendant to pay a fine.

The defence stated that during the trial the defendant confessed and regretted her actions and stated that she will not reoffend in the future. The defence stated that the defendant has no income, and therefore the defence requested for the court to impose a lenient suspended sentence against the defendant.

Decision

After evaluating all of the facts, the court found that the defendant kicked the defendant once on the back of his neck and took a rock and threw it at the defendant's left arm.

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

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

Case Number : 00004/22.BBATB
Composition of the Court : Single Judge
Judge : Patricia de Fatima Xavier
Prosecutor : Nelson J.S Magno
Defence : Domingos dos Santos
Decision : 3 months in prison, suspended for 1 year

On 30 January 2023 the Suai Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant AdS who allegedly committed the offence against his wife in Bobonaro Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 24 March 2023, at 10pm, the defendant took a racket and struck the victim three times on her left cheek and pushed the victim's head into the ground. Previously the defendant came home and asked for the telephone to look up some information, however the victim did not want to and the defendant grabbed the telephone and made a request to the victim and victim turned off the light, so the defendant committed the aforementioned actions against the victim. Photographs and a medical report were attached to the case file.

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

Examination of evidence

During the trial the defendant confessed to all of the facts in the indictment and stated that one week after the incident the two families came together to resolve the matter in accordance with East Timorese customs and the defendant paid compensation of US\$800.00 and two cartons of Bintang beer, and two cartons of Fanta, to the victim. The defendant also stated that he regretted his actions and acknowledged that such behaviour was not good.

The court did not require the victim's statement because the defendant confessed all of the facts in the indictment.

Final Recommendations

The prosecutor stated that the defendant's actions fulfilled the elements of the crime of simple offences against physical integrity, based on the confession of the defendant and the confirmation of the victim. The prosecutor stated that crimes of domestic violence are really high, therefore to prevent such crimes from occurring in the future, the prosecutor requested for the court to impose a suspended prison sentence against the defendant.

The defence stated that the defendant confessed, regretted his actions and after the incident the two families sat together to resolve the matter in accordance with East Timorese customs and the defendant and the victim are living together again, therefore the defence requested for the court to order the defendant to pay a fine.

Decision

After evaluating all of the facts, the court found that the defendant took a racket and struck the victim three times on her left cheek and pushed the victim's head into the ground.

Based on the facts that were proven, and consideration of all of the mitigating circumstances, namely that the defendant regretted his behaviour, and since the incident there have been no more problems, the court concluded this matter and sentenced the defendant to 3 months in prison, suspended for 1 year.

19. Crime of simple offences against physical integrity characterized as domestic violence and crime of using a bladed weapon

Case Number : 0005/22.ANANV
Composition of the Court : Panel
Judges : Naason Mário Armindo Marques Doutel, José Maria de Araujo and Patricia de Araujo F. B. M. Xavier.
Prosecutor : Nelson Magno
Defence : Domingos dos Santos

Decision : Prison sentence of 3 years, suspended for 3 years

On 30 January 2023 the Suai Court of First Instance conducted a hearing to announce its decision in a case of simple offences against physical integrity characterised as domestic violence and the use of a bladed weapon involving the defendant CA who allegedly committed the offence against his wife in Ainaro Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 6 February 2022, at 9:30am, the defendant took a spear and was going to throw it at the victim, but he did not do so because their daughter was there. Then the defendant stepped towards the victim and punched the victim once on her left shoulder and slapped the victim once on her left cheek. Previously the defendant told the victim to go to the plantation however victim said she was in pain, so they had an argument and the defendant 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(c), 35(b) and 36 of the Law Against Domestic Violence and Article 20.1 and Article 2.2 (f) of the Law on Bladed Weapons.

Examination of evidence

During the trial the defendant confessed the facts set out in the indictment and stated that he regretted his behaviour and promised that in the future he would not hit the victim or any other person. The defendant also stated that since the incident he has not hit the victim. The defendant is a farmer and has no fixed income.

The court did not require the victim's statement because the defendant confessed all of the facts in the indictment.

Final Recommendations

The prosecutor stated that the defendant was guilty of committing the crime against the victim based on the confession of the defendant, and the prosecutor stated that the defendant and the victim have reconciled, therefore the prosecutor requested for the court to convict the defendant according to the conviction of the court.

The defence requested for the court to decide the matter based on the mitigating circumstances.

Decision

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After evaluating all of the facts, the court found that the defendant took a spear and was going to throw it at the victim, but he did not do so because their daughter was there. Then the defendant stepped towards the victim and punched the victim once on her left shoulder and slapped the victim once on her left cheek.

Based on the facts that were proven and consideration of the mitigating circumstances, namely that the defendant confessed, regretted his actions, 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.

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

Case Number : 0072/21.CVSUI
Composition of the Court : Single Judge
Judge : Naason Mário Armindo Marques Doutel
Prosecutor : Rafael Jeronimo Gusmão
Defence : Domingos dos Santos
Decision : 6 months in prison, suspended for 1 year

On 30 January 2023 the Suai Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant QG who allegedly committed the offence against his wife in Covalima Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 20 June 2020, at 8:00am, the defendant took a branch and struck the victim once on her back which caused bruising and swelling. Prior to this assault, the defendant and the victim argued because the victim asked for money to buy some sweets but the defendant did not want to give her any money and told their child to buy the sweets, and then the defendant committed the assault against the victim.

Then on an unspecified day in December 2022, at 7.30pm, the defendant grabbed the victim and threw her on the ground and slapped her once on her right cheek which caused pain and swelling. Prior to this assault the defendant and the victim argued because the victim went to make some sweets at the home of her younger siblings and when she got home she called out to the defendant to open the door so that she could enter the house, and then the defendant 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(c), 35(b) and 36 of the Law Against Domestic Violence.

Presentation of evidence

During the trial the defendant partially confessed to the facts in the indictment that he grabbed a branch and struck the victim on her back, however regarding the incident in December 2022 the defendant said he only slapped the victim on her right cheek but he did not throw her down.

The victim maintained the facts in the indictment and stated that since the incident they have been separated and until now the defendant has not looked after their two children.

Final Recommendations

The public prosecutor stated that even though the defendant partially confessed, the victim confirmed the facts in the indictment. The prosecutor stated that domestic violence is prevalent, therefore the prosecutor requested for the court to impose a prison sentence of one year, suspended for one year, against the defendant.

The defence requested for the court to impose a fine against the defendant, based on his economic capacity and circumstances.

Decision

After evaluating all of the facts, the court found that on 20 June 2020 the defendant took a branch and struck the victim once on her back which caused bruising and swelling, then on an unspecified day in December 2022 the defendant grabbed the victim and threw her on the ground and slapped her once on her right cheek which caused pain and swelling.

Based on the facts that were proven, and consideration of all of the circumstances associated with this crime, the court concluded the matter and sentenced the defendant to 6 months in prison, suspended for 1 year, and ordered him to pay court costs of US\$ 20.00.

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

Case Number : 0097/21.BBMLV
Composition of the court : Single Judge
Judge : Naason M. A. Marques Doutel
Prosecutor : Rafael Jeronimo Gusmão
Defence : Domingos dos Santos

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Decision : Prison sentence of 1 year, suspended for 2 years

On 30 January 2023 the Suai Court of First Instance announced its decision in a case of simple offences against physical integrity characterised as domestic violence involving the defendant EFH who allegedly committed the offence against his wife in Bobonaro Municipality.

Charges of the Prosecutor

The public prosecutor alleged that on 12 October 2021, at 8pm, the victim was sitting on the veranda, and because she felt nauseous she was spitting a lot of phlegm. When the older brother of the defendant was walking past, the victim spat out some phlegm, therefore there was a misunderstanding between the victim and the older brother of the defendant. Therefore when the defendant saw the victim arguing with his older brother, the defendant threw the victim on the ground and the victim's hip struck a rock which caused her pain to her hip and the defendant punched the victim once in the mouth which caused pain and bleeding and punched the victim once above her left eye which caused bruising and swelling. The defendant then struck the victim once on her forehead and grabbed her by the throat which caused a small injury and finally the defendant threw the victim on the ground which caused the victim to suffer injuries to her entire body.

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

Examination of evidence

During the trial the defendant partially confessed to the facts in the indictment. The defendant stated that at that time the victim spat phlegm towards the older brother of the defendant and they had an argument. The defendant also stated that at that moment he was angry at the victim and slapped the victim once on her left cheek. The defendant denied the other alleged facts.

The victim maintained the facts in the indictment and stated that since the incident they have been separated and until now the defendant has not provided food support for their child. The victim stated that at that time she spat some phlegm because she was pregnant.

Final Recommendations

The public prosecutor stated that during the trial the defendant partially confessed and the victim confirmed the facts set out in the indictment and since the incident they have been separated and until now the defendant has not provided food support for their child. Crimes of domestic violence are really high in Bobonaro, therefore to prevent such crimes, the prosecutor requested for the court to convict the defendant for his actions.

The defence requested for the court to impose a fine on the defendant, with consideration

to the defendant's financial capacity.

Decision

After evaluating all of the facts, the court found that the defendant threw the victim on the ground and the victim's hip struck a rock which caused her pain to her hip and the defendant punched the victim once in the mouth which caused pain and bleeding and punched the victim once above her left eye which caused bruising and swelling. The defendant then struck the victim once on her forehead and grabbed her by the throat which caused a small injury and finally the defendant threw the victim on the ground which caused the victim to suffer injuries to her entire body.

Based on all of the facts that were proven, the court concluded the matter and sentenced the defendant to 1 years in prison, suspended for 2 years.

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