



Asia CLE Mock Sentencing Hearing  
Workshop & Event

# 2024 Asia CLE Mock Sentencing Hearing Workshop & Event

## CASE PACKET



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## 2024 Mock Sentencing Hearing Scenarios

### Scenario 1 – Cyber Bullying/Harassment

#### Fact and Relevant Law

On 15 January 2023 Leap Hun was found guilty under harassment / cyber bullying in the province of Mandara as per Article 299 of the Mandara Criminal Code. Due to increased internet penetration across Mandara, there has been an increase in cyberbullying and harassment in Mandaran society. Article 299 is a recent amendment that has been implemented in response to this alarming trend.

#### Article 299: Bullying and Harassment

- (1) A person must not harass / bully another person.

*Penalty: Level 2 imprisonment (5 years maximum).*

(2) A person (the offender) harrasses / bullies another person (the victim) if the offender engages in a course of conduct which includes any of the following—

(a) contacting the victim or any other person by post, telephone, fax, text message, e-mail or other electronic communication or by any other means whatsoever;

(b) publishing on the Internet or by an e-mail or other electronic communication to any person a statement or other material—

(i) relating to the victim or any other person; or

(ii) purporting to relate to, or to originate from, the victim or any other person;

(c) entering or loitering outside or near the victim's or any other person's place of residence or of business or any other place frequented by the victim or the other person;

(d) making threats to the victim;

(e) performing abusive or offensive acts in the presence of the victim;

(f) acting in any other way that could reasonably be expected—

(i) to cause physical or mental harm to the victim, including self-harm; or

(ii) to arouse apprehension or fear in the victim for his or her own safety....

#### 299A: Sentencing options in Bullying and Harassment

(1) If a court finds a person guilty of bullying and harassment, the following sentence options are available:

(a) A custodial Sentence including a suspended sentence,

(b) A good behaviour bond up to 5 years with supervision and conditions,

(c) A good behaviour bond up to 5 years without supervision and conditions,



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- (d) Community Service up to 500 hours,
  - (e) An order to undertake medical treatment,
  - (f) A non conviction order,
  - (g) A fine.
- (2) A court must not sentence an offender to imprisonment unless it is satisfied, having considered all possible alternatives, that no penalty other than imprisonment is appropriate.





### Case History

Leap Hun is a 50 year old man. He is married to Terry and has 3 children aged 22, 20 and 18. He and his wife have not been getting along well for some time, they hardly talk to each other and they have many disagreements.

Leap is always on his phone and Terry does not know what he is doing but he is always on the internet.

Leap's friend Kakada told him about sites on the internet where he can get to know women and see them naked or half-naked. On the night of September 6 2022, Leap had just had a big argument with his wife. He left the house to have a beer and found Kakada at the beer station. He asked Kakada to show him this internet site so he could see the women.

He found it funny and exciting. Over many months he went to the internet site often. One night he decided to try other social network sites and found one site where he could send a message to women. Within a short time he got a reply. For three weeks, each time he sent a message there was a reply from a woman called Jorani Ma (who is 35 years old). They talked about many things, all very innocent, such as things they liked doing and not doing. Leap said he wanted to meet Jorani. Jorani at first did not respond but then sent a reply to say she was not available to meet. They kept messaging for about 2 months. Leap asked more and more often for them to meet, his requests were getting more and more demanding. He told Jorani that he knew the bank she worked in and if she did not agree to meet him, he would come to the bank. Jorani was getting concerned about having any contact with Leap and told him she did not want to meet him and did not want to have any more contact with him. Over the next week, Jorani received 100 messages from Leap using the social network messenger forum. She tried to ignore them but when they did not stop, she told her family. Her father told his brother who is a police officer. The uncle knew that this behaviour was not right. The police department had made an announcement on social networking sites that stated that where there is bullying on the internet, the person being bullied can ring a number to report this to the police department and to give his email address and social network user name.

The police tracked Leap to his IP address and then contacted the ISP to get his name, ID number and home address. The police went to his home. As Leap was not there, they spoke to his wife. She was very worried as she did not know anything about what he did on his phone. Leap's wife said she would ask him to go to the police station when he got home from work.

When Leap got home that night, his wife was very upset asking him what he had been doing as the police had come to the house. Leap did not want to hear anymore from his wife. At first he thought he could ignore it and ignore his wife but then realised this was not going to go away. He went to the police station for questioning. He told the police that he did not believe he had done anything wrong. He was just talking with someone on the internet, he did not do anything.

Leap angrily contested the charges and said he was not guilty.

After a full and fair trial in January, 2023 Leap was found guilty by a judge.

The Court set sentencing for October 2023.



### Leap's Background Information/Current Status/Criminal History

Leap Hun is a 50 year old man. He manages the local supermarket. He lives with his wife and 3 children who are aged 22,20,18. The eldest child, a boy, is doing really well and has a girlfriend and they are talking about getting married. Leap does not have much contact with his children, they always seem to be busy with other things. Leap's wife is always complaining that he does not do anything with the family. They often get into arguments over the smallest of things. To get away from this Leap goes to the bar to be with his friends.

Leap's friend Kakada had told him about internet pornography sites that he goes to often to watch naked women having sex. Leap started using these sites so often that even when he was at home, he was always on his phone, causing even more arguments with his wife.

One night he decided to try other sites and found one where he could send a message. The site's name was Tockler. He wrote a post on Tockler saying that he was a lonely man looking for company. Within a few minutes there was a reply from a woman who called herself Jorani. Over a period of 3 weeks, each time he sent a message on this site, Jorani replied. She said she was 35 years old and worked in a bank. They talked about many things, about their work, their likes and dislikes. Jorani even told him about her work colleagues and things that were happening that she did not like. Leap was able to give her some advice on how to deal with these things. They chatted like this almost every night. Leap said he would like to meet Jorani but when she did not reply he did not ask again. After about 2 months of regular contact Leap decided to ask again for them to meet, he suggested they meet at lunchtime near her work. When Jorani did not reply to that request Leap started asking every time they chatted. He thought she was just being shy. He kept asking her to say where she was comfortable to meet, he didn't think there was anything wrong in that as she could name the place and time.

One night he had a big fight with his wife. He logged on to the social networking site and sent a message to Jorani. This time he said he really needed to meet her as he was so unhappy with his life. He asked for them to meet up. When she did not reply to that but kept talking about other things he got mad and said if she did not agree to meet him he would come to the bank where she worked as he knew that bank. He didn't really know which branch she worked at but he thought he could probably work it out. He could not believe her reply, she said she would not meet with him ever and did not want to have any more contact with him. Leap was angry. How could she do that? First his wife was annoying him and now Jorani said she did not want any more contact. He left the house and went to find his friend at the bar.

Next day he felt a bit clearer in the head and decided he would tell Jorani that he really did not know where she worked, he had only said that because he was annoyed. When he logged on and sent Jorani a message, there was no reply. He sent another and another message, sending them each day. He does not know how many messages he sent, he just wanted her to reply. He was feeling really desperate.

One day about 2 weeks later and still no contact from Jorani, he got home from work to find his wife really upset. She said the police from the cyber crime unit had come to the house and they wanted to speak to Leap. His wife was shouting at him wanting to know what he had been up to. She knew he had been doing something wrong as he was always on his phone. At first he tried to ignore his wife and ignore what was happening but then realised it was not going to go away so he contacted the police using the number they had left and went to the police station.



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He met Officer Jess and was questioned about his contact with Jorani on the social networking site. He agreed they had had a lot of contact over some months, he wasn't sure how long. He kept saying he had done nothing wrong, in fact he had often helped her when she was having trouble at work. He agreed that Jorani had said she did not want to have any more contact with him but that he thought she would change her mind. He sent her messages to contact him, knowing she would change her mind and start talking to him again. He had not done anything wrong. He had not hurt her in any way, in fact he had been a good support for her, she often said that.

The police decided to charge Leap with cyber harassment/bullying.







### Jorani's Background/Current Status

Jorani Ma is 35 years old. Her husband works away from home as a seaman and is often gone for 7 months at a time. She works at a bank every day. She has one child, a girl Lin aged 7 years old. The child is at primary school. Jorani lives alone with her daughter as her parents live in another township with her brothers and sister and their families. Jorani and her daughter have a very happy life together in the city but when her daughter goes to bed, she gets lonely and has started to use social networking sites.

One night, when Jorani logged on to the messaging site she used she saw a message from a man who said his name was Leap. He said he was looking for someone to talk with. She replied that that is what she wanted also, she said she was lonely and just wanted to talk with someone. They started messaging often. They would talk about things they liked in the city, places they liked to go to. Sometimes they talked about how frustrating children can be when they do not do as they are told to do. She did not tell him she had a daughter, she did not want to get that personal. He also did not tell her if he had any children and Jorani did not ask.

Jorani sometimes told him about her work, things she liked doing and some of the things her workmates and bosses did that she did not like. Leap was very easy to talk to and always sent her nice messages that made her feel good.

One time, he said that he wanted to meet her. Jorani did not reply straight away as she was a bit hesitant, he had been so nice but Jorani has a husband and did not want to meet another man.

Jorani replied the next day that she was unable to meet him when he suggested. They kept messaging each other for a while longer, talking as they had done but each time Leap would ask to meet. At first she ignored the requests but they got stronger and stronger. One time, Leap told her he had found out where she worked and if she did not agree to meet him somewhere, he would come to her work. This scared Jorani, she did not want to have a relationship with another man, she had been happy just to have someone to talk to but had never intended anything more. She certainly didn't want anyone coming to her work. She was not sure what to do so did not reply to Leap for about a week. She finally replied saying that she did not want to meet with him and that she did not want to have any more contact with him.

Over the next week, there were more than 100 messages from Leap. Jorani was so concerned she did not know what to do. She finally told her father who told his brother who was a police officer. Jorani's uncle contacted her telling her about a recent police announcement that people who were being harassed or bullied on the internet could contact the police using a special telephone number and report the person.

Jorani decided she had to do this as she was scared what Leap would do next. She rang the police number and they asked her for the email address she was replying to and what username Leap used on the social networking site. She agreed to go to the police station to show them all the messages she had received from Leap.

Initially Jorani's main objective was to make sure Leap leaves her alone and to not have any more contact with her or her friends/family. However, since Leap never admitted to the charge and made the case go to trial this caused her much more pain. Due to this she would like him to be punished, with a possible small imprisonment sentence, but she also understands that Leap helps to provide support for his family and this may harm his family. She also wants to make sure Leap does not do this to anyone else in the future.



## Scenario 2 – Sexual Assault (Indecent Assault)

### Fact and Relevant Law

On March 22<sup>nd</sup>, 2023 Phet Peng was found guilty of sexual touching in the Province Mandara as per Article 246 of the Criminal Code.

### 246: Sexual Touching

Any person who without the consent of another person:

- (a) sexually touches the complainant, or
- (b) incites the complainant to sexually touch the accused person, or
- (c) incites a third person to sexually touch the complainant, or
- (d) incites the complainant to sexually touch a third person,

is guilty of an offence.

*Maximum penalty--Imprisonment for 5 years.*

### 245: Consent Generally

- (1) A person consents to a sexual activity if, at the time of the sexual activity, the person freely and voluntarily agrees to the sexual activity.
- (2) A person may, by words or conduct, withdraw consent to a sexual activity at any time.
- (3) Sexual activity that occurs after consent has been withdrawn, occurs without consent.

### 246A: Sentencing options in Indecent Assault

- (1) If a court finds a person guilty of indecent assault, the following sentence options are available:
  - (a) A custodial Sentence including a suspended sentence,
  - (b) A good behaviour bond up to 5 years with supervision and conditions,
  - (c) A good behaviour bond up to 5 years without supervision and conditions,
  - (d) Community Service up to 500 hours,
  - (e) An order to undertake medical treatment,
  - (f) Fine.
- (2) A court must not sentence an offender to imprisonment unless it is satisfied, having considered all possible alternatives, that no penalty other than imprisonment is appropriate.

### 246B: Sexual Violence offences

- (1) If a court finds a person guilty of a sexual violence offence, the court must impose on the person either—
  - (a) a sentence of full-time detention, or



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(b) an order for supervision.

(2) Before making an order of a non-custodial sentence in respect of a person whom the sentencing court finds guilty of a sexual violence offence, the court must consider the safety of the victim of the offence.



**BRIAN BOURKE**  
CHAMBERS



**WHITE & CASE**



### Case History

Joy Lin (23 years old) and Phet Peng (23 years old) are students of medicine at XYZ University. They are both in their 4<sup>th</sup> year of study. Joy lives in a hostel with many other students in the city as her family lives in a village outside of the city and she needs to be closer to the university. Phet lives at home with his mother and father and three sisters. He is the eldest of the children.

Joy and Phet have seen each other many times in class and have talked about assignments. Phet got up enough courage to ask Joy to sit with him for lunch and over a few weeks they did this often together, sometimes with their friends and sometimes on their own.

It was coming up to the weekend and they decided to go to a movie together. They arranged to meet at the cinema and agreed on which movie to see. They realised they really liked each other as they seemed to often agree on things. Sometimes Joy would get frustrated that she could not understand her subjects and Phet would help her. Sometimes Phet would talk about his family and he would get quite angry when he talked about how his father often drank and would yell at his mother and his sisters. He said he could understand this at times as his three sisters were really annoying and he felt like yelling at them too.

On Saturday 20 May 2023, Joy and Phet agreed to meet in the afternoon and go for a walk around the lake and maybe see a movie later. Joy had told her friends that she has been spending time with Phet and she knows that her sisters have told her parents. They did not seem to mind as the relationship had been very casual up to date.

On Saturday, Phet borrowed a car and picked Joy up to drive to the lake. They had a walk and then had a lovely picnic lunch in the car. Joy started to get uncomfortable as Phet kept trying to kiss her and run his hands up and down her legs. At first she thought this was a bit of fun but then he tried more and more to force himself. She became a bit frightened of him. She did not know how to ask him to stop, this had never happened to her before. She tried to push him away but he grabbed her and moved his hands up her legs to touch her underwear and tried to pull her underwear down.

Finally Joy managed to get away from him and get out of the car. She was so upset that she ran away from the park and got a taxi back to her hostel. She was crying a lot and told her friends in the hostel about what happened. They could not believe it as they thought Phet was a nice man and would not hurt her. Joy saw Phet at the university on Monday morning. He came up to her with a book in his hands to return it to her, saying she had left it in his car. He spoke to her as if nothing had happened. She walked away from him, crying.

Joy's friend has a sister who works at the university clinic. The friends made her go to the clinic with her and she spoke with a woman called Seng. Seng helped Joy to explain what happened and encouraged her to contact the police to report that she had been sexually abused by Phet. Seng helped Joy make contact with a women's association, and they helped her to see a lawyer from the Legal Clinic. The lawyer from the clinic helped her to write up a statement setting out everything that had happened on the Saturday.

When Phet finally understood the parts/sections of the law he immediately apologised to the police for "doing the wrong thing" and promised to never do it again.

On September 14<sup>th</sup>, 2023 Phet pleaded guilty in the Magistrates Court in Mandara. The Court set the sentencing date for November 9<sup>th</sup>, 2023.



### Phet's Background Information/Current Status/Criminal History

Phet is a 20 year old 4<sup>th</sup> year medical student at XYZ university. He lives at home with his mother, father and three sisters. He is the eldest. His family do not live too far from the university and he can get there on his motorbike. His family are very proud that he is doing medicine and think he will make lots of money as a doctor and be able to help the family. His family life was difficult at times as his father often came home from work drunk and would yell at his mother and sisters. He did not yell at Phet very often. Sometimes Phet could understand why his father would get annoyed at his sisters as he found them annoying too.

He liked going to university and was good at his studies. He had many friends but there was one girl that he really liked. Her name was Joy and she was in the same classes. Sometimes his friends and her friends would have lunch together. Sometimes it was just him and Joy who ate lunch together and sometimes Joy would ask him for help as she did not understand a topic they were studying and how to answer the questions the teachers would set. They also shared similar tastes in music and would talk for ages about bands and things they like to do.

They went to movies together, with all their friends and one time just the two of them. On that occasion, they arranged to meet at the cinema and they had an ice cream afterwards.

One weekend they agreed to go to the park for a walk, have lunch and maybe go for a movie afterwards. Phet did not want to use this motorbike so he asked his friend, Souk if he could borrow his car for the day. Souk was happy to lend his car and laughed with Phet knowing that he and Joy were going to have a great time.

One the day, 20 May 2023, Phet had arranged to pick Joy up near the university gates and to drive to the park. There were many cars around the edge of the lake and they found a quiet spot. They went for a walk around the lake and came back to the car. They had brought some lunch with them and sat in the car to eat it. Phet got up enough courage to kiss Joy. She seemed to enjoy it and kissed him back. He kept kissing her, moving his hand down to her legs and running his hands up and down her legs. He knew that she moved a little away but thought this was to get more comfortable. He kept kissing her and started to move his hand up under her skirt and touched her underwear. He was so excited. He was trying to pull her underwear down when she pushed him away and got out of the car.

Phet could not understand what was happening. He got out of the car to look for Joy but as he walked around the car, he saw her in the distance running out the gates and getting into a taxi. He was confused as he thought everything had been going so well. He got back into the car and saw a book on the floor. He saw that it was Joy's book, it must have dropped out of her bag.

He took Souk's car back to him. Souk was surprised to see him back earlier than he had expected. They decided to watch a game of football on the television. When Phet got home that night, his father was really angry so Phet went into this room and stayed there.

He went to university on Monday as usual, he had Joy's book with him and intended to return it to her and ask her to join him for lunch so they could talk about what had happened. He did not want to lose her friendship. He saw Joy walking towards him with her friend, Heren. He got Joy's book out of his bag and held it out to her. He was about to ask her to join him for lunch when she turned away and ran off crying. Phet could not understand what was happening. He called after Joy that he wanted to talk to her but she did not reply.



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Phet went to his classes as usual. Joy was at some of them but did not want to talk to him. One day he was getting ready to go to university when the police arrived at this house. His mother and sisters were at home. The police said they had a report that he had sexually abused a woman in the park. Phet could not believe what he was hearing. He kept saying no, no no, he didn't do that. He agreed to go with the police for questioning. He agreed that he had kissed Joy in the car and that he had run his hands up and down her legs. He told them that he thought she really enjoyed it but it was only when she got out of the car and ran towards the gate that he realised she was not happy. Her behaviour towards him at university on the Monday was also strange but that he thought everything would work out ok.

The police told him about the law, about the issue of consent, that if the woman did not consent to his behaviour and that he continued to make advances towards her then he was committing an offence, an indecent assault. They told him about the Justice Centre clinic where he could get some legal advice. They told him that they would have to charge him as he had agreed that the assault had happened.

At first Phet kept saying he had not done anything wrong but after talking with the lawyer he decided to plead guilty as he had admitted to touching Joy and did not check that she was consenting. Phet really liked Joy and was so upset that he had caused her so much hurt. Phet thought that it might be better for him to plead guilty because if the case went to trial and he was found guilty then he might be in more trouble and not be able to finish his study and become a doctor. Phet felt so bad about what he had done he has recently offered to pay for some counselling sessions for Joy.

Phet has no criminal record and his friends and family say that he is very caring and supportive of people. He is known for volunteering at a local organisation that assists orphans.





### Joy's Background Information/Current Status

Joy is 19 years old, she is studying medicine at XYZ university and is in her 4<sup>th</sup> year. She really enjoys her course but finds it difficult at times. She has good friends that she lives with at the hostel. Her family, her mother, father, and 2 sisters live in a village about two hours away from the city where the university is.

She likes another student, Phet as she has shared classes with him for the four years. He has asked her to sit with him at lunch time and they talk a lot about their studies, about music and things they like to do. Sometimes they all have lunch together, Joy's friends and Phet's friends but sometimes it is just the two of them. They have been to the movies as a group and on one weekend, they went by themselves, arranging to meet outside of the cinema.

Joy realised she really liked Phet and liked spending time with him both at university and on the weekends. She did not tell her parents she was seeing Phet but she had told her sisters and she knew they would have told her parents. As nothing was said, she thought they approved of this arrangement.

One Saturday, 20 May 2023, they agreed to go to the lake, have a picnic, go for a walk around the lake and then maybe see a movie. Joy was very excited and a little nervous, she had not spent a whole day with Phet before.

Phet borrowed a car and met Joy near the university gate and they drove to the park. There were many cars parked around the edge of the lake. It was a beautiful day, they went for a little walk and then went back to the car to have their lunch.

As they sat in the car, Phet kissed Joy which she liked at first but then he got more forceful. Phet was running his hand up and down Joy's leg, up under her skirt. Joy did not feel comfortable but did not know how to tell Phet about this, she tried to move away a bit but he just kept moving closer and closer. Joy thought Phet would realise that she was feeling uncomfortable and would stop. She tried to push his hands away but he grabbed her tighter and moved his hands up her legs to her underwear and tried to pull her underwear down.

Joy was so upset that she used all her strength to push Phet away and opened the car door and got out of the car and ran out of the park. She found a taxi and told the driver to take her to her hostel. By the time she reached the hostel she was really upset and when she saw her friends, she started crying and crying. She told her closest friends what had happened. Her friend, Heren could not believe it as she had always thought that Phet was a nice man and that he really liked Joy and would not hurt her.

On Monday they all went to their classes. Joy was feeling a bit better but still did not quite feel herself. When she saw Phet coming towards her she got very anxious. He came up to her holding out a book saying he was returning it to her as she had left it in his friend's car. He behaved as though nothing had happened. He asked how she was and if she would like to join him for lunch.

Joy was so upset, she turned away crying. Her friend, Heren took her by the hand and to the University Clinic where her sister worked. Joy was introduced to a woman called Pat who helped her to explain what had happened on Saturday to make her feel so unhappy. Joy explained the whole story to Pat and how silly she felt that she had not been able to tell Phet to stop but that she had run away from the car and returned to the hostel. Pat told her that it was not her fault, that Joy had done a bad thing, that he had sexually assaulted her and that she should contact the police to report it. Pat told Joy



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about a women's association that had an office near the university and that there was a legal clinic that she could go to, to get some legal advice.

Joy realised how serious it was and decided to contact the women's association. The staff there explained the law around sexual assault and the crime of indecent assault, about the issue of consent and that Phet should have known that she was not consenting to his behaviour as she was trying to push his hands away and move away from him. A lawyer from the legal clinic came to talk to Joy at the women's association and helped Joy to contact the police to report the sexual abuse.

The police interviewed Joy with a staff member from the women's association present. She told the police officer everything that happened. At first they did not seem to be interested but when she said that the lawyer at the legal clinic had said she would help Joy, the police said they would interview Phet and see what he had to say.

Joy does not want Phet to be punished too much. She is relieved that when Phet realised what he did was wrong he immediately apologised and then pled to the charge instead of taking the case to trial. However, Joy is also very angry at Phet for what happened. Since that time she has had trouble sleeping and concentrating and her studies at school have suffered. Having Phet go to the same university has created a type of "fear" in Joy that she will see Phet again. She is not worried that he will harm her in the future but she simply does not want to see him again. She also wants to make sure he never does this again to anyone else and that other persons can learn that what Phet did was wrong. She is hopeful that whatever punishment Phet gets can include a message to others that this was wrong. However, Joy is also very embarrassed about what happened and does not want many others to know that it involved her because they may think some of the fault was hers.







## Scenario 3 – Domestic Violence

### Fact and Relevant Law

On November 15<sup>th</sup> 2023, Lats Ngo Andaman pled guilty to Domestic Violence per Article 6 of the Mandara Criminal Code on the Prevention of Domestic Violence and Protection of Victims 2005.

### Domestic Violence Law:

Article 6.

Tortures or cruel acts include:

- Harassment causing mental/psychological, emotional, intellectual harms to physical persons within the households
- Mental/psychological and physical harms exceeding morality and the boundaries of the law.

### 6.1 Sentencing options in Domestic Violence

(1) If a court finds a person guilty of domestic violence , the following sentence options are available:

- (a) A custodial sentence including a suspended sentence not exceeding 5 years,
- (b) A good behaviour bond up to 5 years with supervision and conditions,
- (c) A good behaviour bond up to 5 years without supervision and conditions,
- (d) Community Service up to 500 hours,
- (e) An order to undertake medical treatment,
- (f) A non conviction order,
- (g) A fine.



## Case History

Bee Chea and Lats Ngo have been married for 8 years and have two children, ages 3 and 6, and Bee is pregnant with her third child. Lats Ngo is from Mandara and Bee is from Freedonia. They met in Freedonia while Lats Ngo was working in the mines. They married and then moved back to Lats Ngo's village where he now works on the family farm.

While Lats Ngo works to help support his family he does not have a regular salary. To assist financially Bee does sewing at home earning a little extra money.

Lats likes to go out each evening and occasionally drinks with his friends. When he comes home he is tired and expects Bee to have done all the work in the house, to keep the children quiet to have his food ready. If she does not have these things done, he sometimes yells and hits Bee. Bee has tried to get help from Lats Ngo's family but they also treat her badly and tell her she is a bad wife because she does not earn more money.

Bee and Lats Ngo's elder sister do not like each other and are not friends. Bee feels that Lats Ngo's sister is very nasty to Bee. Bee feels very alone and feels she has no-one else she can go to for help. Lately she has been calling her family on the phone in Freedonia to be able to tell them about how she was not happy in her life. Her family lives in an area where there is armed fighting now and she isn't able to travel back there to visit them. She is often crying during these phone calls.

On June 5<sup>th</sup>, 2023 Lats Ngo came home after a day working on the farm. Bee was on the phone to her sister in her hometown and was crying a lot, the children were fighting with each other. He yelled at Bee to get off the phone and make sure the children were doing ok and see if they needed anything. She did not respond straight away so Lats Ngo hit her across the face. She fell and hit her head which caused bleeding. He kept yelling at her and tried to pull her up. When she could not get up, Lats left with the children and went to his mother's house across the field.

Bee managed to stand up and run to the house of another woman, Maly, who lived next door and who was aware of all the fights that Bee and Lats Ngo had been having. Maly could see how injured Bee was, her head was bleeding but there was also blood on her dress so Maly feared Bee would lose the baby. Maly and her husband took Bee in their car to the hospital in the nearby town. The hospital contacted the police who came to the hospital to interview Bee.

The police agreed to interview Lats Ngo as they could see Bee's injuries and they heard from Maly and her husband that they had often heard Lats Ngo yelling at Bee.

The doctor examined Bee. The injury to her head was not very big even though there was a lot of blood. He had to stitch the wound with 3 small stitches. He examined her to see that the unborn baby was ok, which it was, the blood on her dress was not from that but where she had wiped her hands on her dress after holding her head.

Bee was told to rest for a while and to stay in hospital overnight but if she felt ok in the morning she could return home if she wanted.

Bee was very confused, she was not happy at home but also did not want Lats Ngo to get into trouble as he is usually a good father and provides a home and food for their family. She could not think what would happen to her, her two children and the unborn child if Lats Ngo had to go to jail.



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On June 6<sup>th</sup>, when the police arrived to Lats Ngo's house, he was working on the farm. They said they needed to ask him some questions about Bee and her injuries. He said he was very sorry, he asked if she was alright as she did not come home last night.

The police could not take a statement from Lats Ngo at his farm so took him to the police station. As they took him away, their two children were very distressed and crying saying "Daddy Daddy, don't go".

On June 6<sup>th</sup> after asking Lats Ngo some questions at the police station he was arrested for domestic violence and was released on bail on June 9<sup>th</sup>. He was ordered to not have contact with Bee and not to drink alcohol. Lats Ngo obeyed all the conditions of his bail/pre-trial release, he had no contact with Bee and did not drink any alcohol.

Lats Ngo refused to plead guilty to this case and said the case was a mistake and that he loved his wife. The case went to trial. Lats Ngo was found guilty by the Court on November 11<sup>th</sup>, 2023 and the Court set the sentencing date for December 9<sup>th</sup> 2023.





### Lats Ngo's Background Information/Current Status/Criminal History

Lats Ngo is 30 years old and was raised on his family farm in the town of Toly. He has 3 brothers and 2 sisters, he is the third child in the family. The eldest child is Sang who is 6 years older than him. When they were growing up, Sang helped look after him and his younger brother and sister as his parents were always very busy on the farm. It was not a large farm but there was always a lot to keep them busy.

Lats Ngo liked school, he went in the mornings until he was 12 years old then he stayed home on the farm to help out. The family sold the food they grew in the shop by the road where they lived. Lats Ngo always felt he wanted something more. One day when he was 17 years old, he was in the town with his older brother and heard a person talking about young men being needed in a place along the way from Toly to work in the copper mines. He told the man he was interested and could leave straight away. His older brother said wait, 'you need to talk about this with our parents'. Lats Ngo really wanted to get back to the farm that afternoon and talk to his parents about working in the mines. At first they were not happy as they needed him to work on the farm as Lats Ngo's father was often in pain. Finally Lats Ngo convinced them he could help the family by sending money from his salary.

He went back into town to meet the man the following day and tell him he was ready to go. They left for Freedonia the next day with 4 other young men from Toly.

Lats Ngo worked in the mine for 3 years and was able to send quite a lot of money back to the family. The work was very hard and even though he was young and strong, he often felt pain in his back. When he was not working he would go into the nearest town called Freedonia. It was in Freedonia that Lats Ngo met Bee. Bee worked at the shop selling cigarettes near the temple. It was a long time before Lats Ngo was brave enough to talk to Bee more than asking to buy cigarettes.

They became boyfriend and girlfriend when Lats Ngo was 22 years old and Bee was 19 years old. They married later that year in Freedonia and within the next year they had their first child, a boy. Lats Ngo continued to live and work at the mine and to come into Freedonia and live with Bee and her family on his days off. The situation in Freedonia was getting harder as there was tension between the armed groups in Freedonia.

Lats Ngo decided to return to Balin to his family farm as it would be safer for his family. Bee was not happy with the decision but she also was concerned for her family as she was expecting their second child.

Lats Ngo's family were happy to see him but were not as comfortable with Bee as she was not like them. They really liked the little boy and were excited to meet the new baby when it came. At first Lats Ngo and Bee lived with Lats Ngo's parents but after 2 years they were able to get their own house on the corner of the family farm.

Lats Ngo often got angry with Bee as he believed she could have been doing more for their family. She did some sewing in the evening but he did not think she controlled or disciplined the children well enough as they were often very loud or fighting. They did not behave like that when the children were with his mother or sister. His mother and sister also complained that Bee was lazy and did not keep the house clean. He started to believe them more and more. Sometimes he would yell at her to control the children or to get his dinner if it wasn't ready when he got home, after all he had been working all day.



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One day after working on the farm all day he decided to go to have a couple of drinks at the bar before he went home. He knew Bee probably wouldn't have his dinner ready. She seemed to be crying more often and talking on the phone every time he got home. She was pregnant again but he was annoyed by her. When he did get home, the children were very loud, fighting over something, Bee was on the phone crying to her sister. He yelled at her and the children. He tried to pull the phone from her hand and as he did so hit her across the face. She fell down. He tried to pull her up but she wouldn't get up. The children were crying so he grabbed the children and left to walk across the field to his mother's house.

The children fell asleep at his mother's home, and he left to walk home. When he got there Bee was not there. He was so tired he went to bed and to sleep.

Next day he got up and went to work on the farm. Later that day, he saw a police car arrive at this house. The police asked a person in the street who Lats Ngo was. They pointed towards Lats Ngo, who was working nearby. They came up to speak to him and told him they had been to the hospital in Balin to see Bee as the doctors had called them to say she was injured. They said they could not talk to Lats Ngo there but asked him to go with them to the police station to ask him some questions.

From the beginning Lats Ngo said he was sorry but that the actions were a mistake. He also believed this was a family issue and nothing that should involve the police or others. Lats Ngo though is angry at Bee for causing this trouble to him and the family. He has agreed to have no contact with Bee and not to drink alcohol. He also did everything he was supposed to do in following the pre-trial restrictions placed upon him.

Lats Ngo is very worried that Bee will take their children back to her home state and that this will put the children in danger because it is located in an area where there is armed fighting.

Lats Ngo is generally considered to be a good person by many people but they feel he has an anger problem when he drinks. He has been found guilty of two prior criminal battery charges for fighting people when he was drinking in a local bar. The convictions are from 2012 and 2022. He received a financial fine for being found guilty for these charges but was never imprisoned. He also had to pay the medical injuries of one of the persons he fought with because he broke the other person's jaw by hitting him in the face during the fight.





### Bee's Background Information/Current Status

Bee is a 27 year old woman from Freedonia. She is married to Lats Ngo, a Mandara man and she has 2 children aged 6 years (boy) and 3 years (girl) and is pregnant with their 3<sup>rd</sup> child. She lives in Toly with Lats Ngo and her 2 children in a home that is on the edge of Lats Ngo's family farm. Lats Ngo's parents' house and his brother and sisters' houses are nearby, across the field.

Bee met Lats Ngo in her home state of Freedonia when he was there working in the copper mines. At the time they met and married Bee was almost 20 years old and she had her first child when she was 21, a boy. Even after they were married they lived with Bee's family as Lats Ngo would be working and staying at the mine and would come into the town and to her home when he had days off. She was happy in this life even though the situation in her town was getting difficult as there was tension between different groups in her State that led to armed conflict.

One day Lats Ngo came back to the town and told her they needed to move as the trouble was getting worse, Bee was pregnant with their second child and he did not want his family to be in any danger. He said they would move back to Balin and he would work on his family farm. Although she was sad to leave her family, and would have preferred to have stayed, she now had to think about Lats Ngo's safety and that of her children.

They moved back to Balin and stayed with Lats Ngo's parents. Bee did not feel as comfortable as she did with her own family but her son was very happy, as was Lats Ngo. He would go out in the field each day and she would work around the house until her baby was born, a little girl. Lats Ngo's sister Sang was not nice to Bee, she would criticise that she did not keep things clean enough, she kept saying that Bee should be doing some work to help the whole family.

At the same time, the situation was getting worse in the State of Freedonia. Bee was worried about her family and would call her sister on the phone whenever she could. Her mother in law (Lats Ngo's mother) would complain when she found Bee on the phone and would tell Lats Ngo she was lazy.

Bee had to live like this for 2 years before she and Lats Ngo could move into their own house that was across the field. This gave Bee an opportunity to keep her house the way she wanted it and to let her children play a bit more freely. After talking with her neighbour Maly, she found she could earn some money by doing sewing at home and selling the clothes in the market. This makes it a little easier for Bee but her mother-in-law and Sang never seem to be happy with her. Lats Ngo also always seemed to ask Bee to do more and more. If she did not have the dinner ready or if the children were too noisy, Lats Ngo would yell at her and push her around. Sometimes he went to the bar after work but he didn't get drunk.

When she got pregnant with their third child, things at home got a bit harder, she wanted to keep sewing but she was often feeling very tired and the children would annoy her a bit when they were noisy. She was also getting more worried about her family and would often call her sister and the best time to do this was around the time Lats Ngo got home from work. Even though she was not happy she could not say this to her sister as her family's troubles were much greater than her own.

One night in October, Lats Ngo did not come at the usual time so Bee thought he was at the bar with his friends. This day she was feeling very sick with her pregnancy and the children were noisy and fighting. She decided to call her sister so she had someone who cared about her to talk to. She was finally able to tell her sister how she was not happy, making her cry.



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She did not hear Lats Ngo come into the house but heard him yell at the children to be quiet and yelling out for her. He saw her on the phone and went to grab the phone out of her hand, pushing her over as he did it.

Bee fell down on the ground and hit her head. She realized she was bleeding. She felt blood coming out of her head and going down her face as she felt Lats Ngo trying to pull her up, yelling at her while doing it. She just couldn't get up. She felt really weak. As she lay on the floor she was aware that things were quiet in the house. At that point she was able to stand up by herself. She put her hand to her head to stop the bleeding and saw Lats Ngo and her children walking fast across the field to her mother in law's house.

Bee then made sure she was able to stand ok and she held onto her pregnant belly as she was worried for her unborn baby. She held her head to stop the bleeding as she left the house to go into Maly's house for help. Maly and her husband were at home and were worried when they saw all the blood. They helped wrap a bandage around Bee's head. Maly also saw the blood on Bee's dress and was very worried about the unborn baby. They convinced Bee to go to the hospital in Balin, so they put her in their car and drove her to the hospital.

The doctors examined Bee to check that her baby was still alright and examined her head injury. Even though there was so much blood they said that the cut was not big and only needed 3 stitches. They wanted her to stay in the hospital overnight so they could keep a watch on her but if she was alright in the morning she could go home.

The doctors asked Bee how she got her injuries and she told them what Lats Ngo had done. They said the police needed to be informed and that they had already been telephoned and were coming to the hospital to see her.

When the police came to Bee's bed, they had already spoken with Maly and her husband who had told them what had happened after she arrived at their house that night but also that they had often heard Lats Ngo yelling at you and the children followed by loud noises like things were being broken or thrown around. Maly had told them that she worked with Bee and had seen bruises on Bee's arms and face.

Bee was confused as she had never been interviewed by the police before. She told them what happened when Lats Ngo came home that night and how he had behaved like that at other times but she had never fallen and hit her head before. She told them she was worried about her unborn baby and her other two children. The police said they would go and interview Lats Ngo and that his behavior was wrong and against the law. He could go to jail for hurting her.

Bee stayed in the hospital that night but did not get much sleep, she really wanted her family with her. She did not want to go back to her house or to her mother in law's house but she also was worried about her children.

The next morning, the doctors said she was well enough to leave but they were worried about her going back to her home. They told her about a Women's Association that could help her. There was a worker there at the hospital. Anra, the worker came to see Bee and told her about domestic violence and that what Lats Ngo had done was wrong. It was wrong for her but also for her children.

Bee said she wanted to go back home so she could see her children. She was told that Lats Ngo may have to go to court and if he is found guilty he could go to jail. Bee was worried about this as she did not know what would happen to her and the children if Lats Ngo went to jail, where would she and the children live, would her mother-in-law take the children.





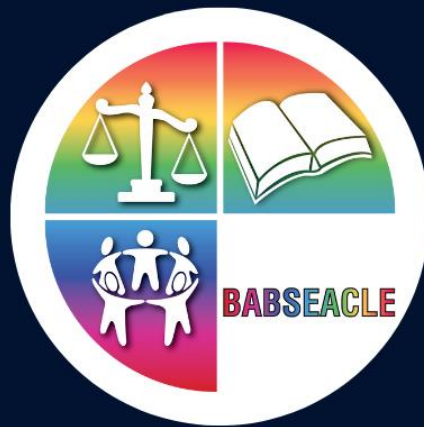


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Anra said she would help Bee to make decisions about the future and would take her back to her home and stay with her while she got her children.

Since that time Bee is also thinking it may be best if she were able to go back to her home State for a while to be with her family, but thinks it may not be a good idea to take her children because it is dangerous for them. If she goes to her home State without her children, and Lats Ngo is in prison, there will be no one she strongly trusts to take care of her children, although she does feel that Lat's family could do this. She though is not sure they will agree to do this.





[www.babseacle.org](http://www.babseacle.org)