

No. 2/Judgment/15

Case

The State;

v.

1) Mamadou M. Traoré

2) Ibrahim Idrissa

MAIGA aka Bara

3) Madiou Touré aka

Corporal Ladji

Committal Order of 17/12/2012

Charged with Rape (Article 226 Paragraph 3 of the Penal Code)

THE ASSIZES COURT OF MOPTI

Trial Chamber

Sentence

PUBLIC SESSION OF 15th JUNE 2015

The Court of Assizes of Mopti, sitting in Mopti, in its Public Session of Fifteenth June of the year Two Thousand and Fifteen on criminal matters, before:

Messrs:

Tiécoura SAMAKE, First President of the Court of Appeal of Mopti,

PRESIDENT

Mamoudou TIMBO)

Kassoun KONE), all Advisors at the said Court,

Aboubacrine CISSE)

Seydou GUINOO)

Aldiouma GUINDO)

Mohamedine Ousmane), all accessors of the same Court

MEMBRES

In the presence of Mr **Mohamed Maouloud NAJIM,**

Advocate General at the Appeal Court of Mopti,

With the assistance of Maitre **Mohamed AG ALHASSANE,**

Registrar;

And the assistance of Mr **Seydou MAIGA,** ad hoc interpreter, sworn beforehand in accordance with the law;

Delivered the judgment which reads as follows:

THE COURT

Having regard to Judgment No.19 of the Indictment Division of the Court of Appeal of Mopti on the 24th of March 2015 which referred, to appear before the Assizes Court of Mopti, the following accused persons:

1) **Mamadou M. Traoré:** Born around 1980 in Bamako, son of Moussa and Coumba Traoré, Member of the vigilante movement called “*Front de Libération Nationale (FLN)*”, with domicile in the home of Aissata Kelly, Teacher resident in San at the home of her father Abdoulaye Kelly

2) **Ibrahim Idissa Maiga :** Born on 03/04/1994 in San, son of Idrissa Aliou and Ina Kelly, member of the vigilante movement called “*Front de Libération Nationale (FLN)*” residing with his aunt Aissata Kelly, Teacher domiciled in San-Médine at the home of the deceased Abdoulaye Kelly;

3°) Madiou TOURE aka Caporal Ladji : Born on 03/07/1989 in

Bamako, son of Mahamane and Aissata Cissé, Member of

vigilante movement called “*Front de Libération Nationale (FLN)*”, resident with his uncle Ousmane Oumar Ascofaré, Retired Teacher at Niafunké

Having regard to the order of arrest issued against the above-named persons and inserted in the referral judgment;

Having regard to the declaration of the Court on this day finding the accused persons, in majority, guilty:

MAMADOU M. TRAORE, IBRAHIM IDRISMA MAIGA aka Bara

For having, in Sevaré, on the night of the 9th to the 10th of October 2012, in any case less than ten years ago, together and in concert, with the use of violence, coercion and threats, committed acts of sexual penetration on the person of Miss Amou Moussa Diallo

MADIOU TOURE AKA CAPORAL LADJI to have been, under the same circumstances of time and place above, in any case less than ten years ago, an accomplice to the crime of rape charged against Mr Mamadou M; Traore and Ibrahim Maiga aka Bara, especially by refraining, without risk to himself and his family, from denouncing them;

Having regard to the declaration of the same Court on this day stating, in majority, that there exist mitigating circumstances in favour of the accused persons;

HAVING HEARD the State Prosecution in its submissions on the application of the penalty to the facts declared undisputed by the Court and upheld against the accused;

HAVING HEARD the defender of the accused and the accused themselves who were allowed to speak last to the Court in their defence; Having deliberated in accordance with the law, Whereas the facts declared undisputed by the Court of Assizes upheld against the accused persons are defined and punished by

Articles 226 and following of the Penal Code;

HAVING REGARD to the said articles, together with Articles 18, 19, 20 of the Penal Code,

354 and 631 of the Criminal Procedure Code; 725 and following of the CPCCS (Social, Commercial and Civil Procedure Code); In application of the above-stated provisions:

SENTENCE

Mamadou M. TRAORE, Ibrahim Idrissa Maiga aka Bara and Madiou Touré aka Caporal Ladji to a penalty of five (5) years imprisonment with probation.

Orders them, in addition, to pay the costs under this ruling; Sets, to the minimum, the period for coercive detention.

Thus done, adjudged and publicly pronounced on the day, month and year above-stated.

AND SIGNED BY THE PRESIDENT AND THE REGISTRAR -