REPUBLIC OF MALI
In the Name of the People of Mali

SUPREME COURT OF MALI

JUDICIAL DIVISION

Criminal Bench

APPEAL No.11 OF 12-6-2009

JUDGMENT No. 89 of 19 July 2010

NATURE: Rape

THE SUPREME COURT

In its ordinary public session on Monday, the Nineteenth of July of the year two thousand and ten, before:

Mr Mamadou Traore Saba, President of the Criminal Bench,
Rapporteur;

Mr Elie KElTA, Advisor at the Court, Member,

Mrs KANTE Hawa KOUYATE, Advisor at the Court,

In the presence of Advocate General **M'PERE DIARRA**,
as State Prosecutor;

With the assistance of Maitre **TOURE Adizatou H. MAIG A.**

Registrar:

Delivered the judgment which reads as follows:

ON THE APPEAL: Maitre Amadou Kisso CISSE, acting for and on behalf of Ali DIARRA, the Appellant, on the one hand,

AGAINST: Judgment No. 52 of 11/6/2009 of the Assizes Court of Mopti, on the other hand;

On the report by the President of the Criminal Chamber, Mamadou Saba TRAORE and the written and oral submissions of Advocates General Seydou DIOP and M'PERE DIARRA;

Having deliberated in accordance with the law;

Having regard to the appeal filed on 12th June 2009 with the Registry of the Court of Appeal of Mopti by Maitre Amadou Kisso CISSE acting for and on behalf of Ali DIARRA, against Judgment No. 52 of 11th June 2009 of the Assizes Court of Mopti;

Whereas, according to Article 518 of the Criminal Procedure Code, an appellant who does not produce any written submissions shall be deprived of his right of action.

Whereas in the present case, the certificate issued by the Chief Registrar of this Court shows that the appellant, exempt from the statutory payment into Court under Article 514 of the Criminal Procedure Code, did not file any additional written statements.

Having regard to the provisions of Article 518 of the Criminal Procedure Code;

Having regard to the indictment on 27th May 2010 by the Advocate General at the Supreme Court of Mali;

FOR THESE REASONS

Declares the appellant deprived of his right of appeal;

Leaves costs at the charge of the State;

Thus done, adjudged and publicly pronounced by the Criminal Bench of the Supreme Court, in its public session on the day, month and year above-stated.

AND SIGNED BY THE PRESIDENT AND THE REGISTRAR