

MOPTI COURT OF ASSIZES

.....

No. 15/Judgement/09 of 23 September, 2014

No. 38 / P.G.

CASE

THE STATE

v.

OUMAR MAIGA

Charged with attempted paedophilia

JUDGEMENT

PUBLIC HEARING OF 23 SEPTEMBER, 2014

The Mopti Court of Assizes, sitting in Sévaré at the Courtroom of the said town, during its public hearing on Twenty-three September Two Thousand and Fourteen for a criminal proceeding, before:

TIECOURA MALLE: Advisers at the Mopti Court of Appeal;

PRESIDENT

Mamoudou TIMBO) Adviser at the Court;

Abba ALHASSANE) President of the Mopti Commercial Court, appointed by ordinance No. 09 of 14 August, 2014 of the First President of the Mopti Court of Appeal to complete the composition of the Court of Assizes.

Aly COULIBALY)

Aldjouma GUINDO)

N'Djobo SANGARE) Court Assessors;

Seydou GUINDO)

MEMBERS,

In the presence of Mr **Youssouf FOFANA**: Attorney General at the Mopti Court of Instance, acting as the State;

Assisted by *Maître* **SAYE Hawa Guirou**, Court Registrar and with support from **Seydou MAIGA**, ad-hoc Interpreter, who took an oath of office beforehand in accordance with the law;

Passed the following judgement :

THE COURT:

Mindful of ruling **No. 44** of the Indictment Division of the Mopti Court of Appeal on 10 December 2013 to refer to the Mopti Court of Assizes :

The accused;

OUMAR MAIGA : Born around 1984 in Hombori, Hombori Rural Council area, *cercle de Douentza*, to Hama and Woya Maïga (deceased), Millar domiciled in Djenné, in *quartier Tolober* neighbourhood, Malian, who claims that he has never been convicted, and has not performed his military service;

MD of 27/12/2012;

Charged with Paedophilia:

Acts provided for and punished by article 228 of the Penal Code;

Present in court;

Barrister Mahamadou SIDIBE, Lawyer appointed by the Court to defend the accused;

Mindful of the arrest warrant issued against the above-named person and included in the referral order;

MINDFUL of the declaration, by the majority, of the Court of Assizes on that day that **the accused Oumar Maiga is guilty of having in Djenné, on 24 December, 2012, in any case since less than ten years now, committed an act of sexual penetration on Miss Salimata Doumbia, with the circumstance that she was aged less than thirteen (13) while he himself was aged 28;**

Mindful of the declaration, by the majority, of this same Court on that date attesting that mitigating circumstances exist for the accused;

After listening to the State in its arguments on the application of the penalty to acts considered established by the Court and upheld against the accused:

After listening to the defence counsel and the accused himself who spoke last in their plea;

After deliberating about this case in accordance with the law;

Considering that the acts declared constant by the Court of Assizes against the accused are provided for and punished in articles 228 of the Penal Code;

Mindful of the said articles together with articles 18, of the Penal Code, 354 and 631 of the Civil Procedure Code, 727 and seq. of the Civil, Commercial and Social Procedure Code, which read as follows ;

Pursuant to the aforementioned and transcribed legal provisions;

SENTENCES

OUMAR MAIGA to a term of imprisonment of five (5) years;

Orders him to pay costs under this judgement;

Spells out the minimum duration of imprisonment for non-payment.

It is therefore ordered, adjudged and decreed on the days, month and year stated herein above.

SIGNED BY THE PRESIDENT AND THE COURT REGISTRAR

[Stamped, signed and handwritten information entered here]