

KAYES COURT OF ASSIZES

FELONY PROCEEDING

JUDGEMENT

No. 56/ of

“In the Name of the People of Mali”

02/12/2015

PUBLIC HEARING OF 02 DECEMBER, 2015

CASE

The Kayes Court of Assizes (Republic of Mali), sitting in the Courtroom of of the said Town, during its public hearing of second December two thousand and fifteen, meeting in a felony proceeding and before:

The State

Salikou DIARRA, presiding Judge at the Kayes Court of Appeal ;

PRESIDING

v.

Rabi COULIBALY called El Hadji

Mahamane B TRAORE, Trial Judge at the Kayes Court of Appeal ;

Mamadou S.DIAKITE, President of the Kayes

CASE TYPE

High Court, appointed following an ordinance from the first President;

Public Indecency

TRIAL JUDGES :

Messrs Lassana I RAORE, Sounkounrou DEMBELE, Fodé SEMEGA and Madame MACALOU Aïssara SAC KO all 4 **Assessors** ;

DECISION :

MEMBERS :

(See Operative Parts)

In the presence of Mr **Ibrahim DEMBELE**, Deputy Attorney General at **Kayes Court of Appeal**, acting as **The State** ,

Assisted by *Maître* **DIARRA Balkissa BERTHE**, Court Registrar at the Kayes Court of Appeal;

PASSED THE FOLLOWING JUDGEMENT :

IN THE CASE BETWEEN :

The State;

On one hand ;

v.

Rabi COULIBALY called El HADU : Born around 1997 in Kayes légal-Ségou, son of Moctar and of Marié tou BABY, student, resident in Kayes Légal Ségou.

On the other

Charged with public indecency; crimes provided for and punished under article 225 of the Penal Code ;

The record of these proceedings shall not jeopardize or be prejudicial in any manner whatsoever to the rights and interests of the parties but on the contrary

be without prejudice to matters of fact and law ;

THE COURT

Mindful of decision No.59 of the Indictment Chamber of the Kayes Court of Appeal on 28/04/2015 referring before the Kayes Court of Assizes Rabi COULIBALY known as El Hadji, charged with public indecency ;

MINDFUL of the arrest warrant issued against the abovementioned person and included in the referral order ;

Mindful of the declaration of the Court of Assizes on this day stating by a majority that **Rabi COULIBALY known as El Hadji is** guilty of public indecency;

Mindful of the declaration from this same Court on this day, stating by a majority that there are mitigating circumstances for the accused ;

Whereas the State in its submissions sought the application of the penalty for acts considered established by the Court and upheld against the accused;

Whereas the defence counsel and the accused himself spoke last in their plea;

After deliberating about this case in accordance with the law ;

Whereas the acts considered established by the Court of Assizes against **Rabi COULIBALY** known as **El HADJI** charged with charged with public indecency are provided for and punished under article 225 of the Penal Code ;

Mindful of the provisions of the said articles together with articles 18 of the Penal Code, 342, 631 of the Criminal Procedure Code, 727 et seq. Civil, Commercial and Social Procedure Code, which read as follows ; (Read out) ;

Pursuant to these aforementioned and transcribed legal provisions;

SENTENCES :

Rabi COULIBALY known as El Hadji to a two suspended prison term of 2 two years .

Also orders him to pay the costs under this decision;

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

It is therefore ordered, adjudged and decreed publicly by the Court of Assizes on the days, month and year herein above ;

SIGNED BY THE PRESIDENT AND THE COURT REGISTRAR

E= 3000 + TF = 1500 = 4 500 F

Approved for Stamp and Registration

Kayes, on 12/01/2016

V61 14 fol 101

No.002 form 02

Fee four thousand five hundred

Registration Inspector

Kayes, on 25 August 2016

CHIEF COURT REGISTRAR

