

Suspect caught red-handed

REPUBLIC OF SENEGAL
One Nation- One Goal-
One Faith

Dakar Court of Appeal
High Court of Pikine-
Guediawaye

No of the judgment:
No of the public
prosecution:

Public Prosecutor

And

.....
(claimant of civil damages)
Versus
.....
Detention warrant dated
04.07.18

Type of the offence
Attempt of rape of 13 years
old minor, pedophilia and
abduction of minor

Decision
See end of judgment

High Court of Pikine- Guediawaye (SENEGAL)

Ordinary public hearing of 29 May 2018

At the ordinary public hearing of the High Court of Pikine-Guediawaye of May 29, 2018 held in correctional matters by Madam..., President, assisted Mr... and Mr ..., members, in the presence of Mr. ..., Deputy Public Prosecutor and Maître..., Registrar, was rendered the following:

Between:

The **Public Prosecutor**, plaintiff, based on the interrogation statement of a suspect caught red-handed dated 14.05.2018;

And

.... born on September 27, 1962 at Oukott-Etilo, of... and of..., hotel employee domiciled at Dalifort; claimant for damages, present at the public hearing, representing her daughter, born in 2005 at Dalifort;

ON THE ONE HAND

.... born in Dakar in 1969 of... and of... driver, domiciled at Dalifort, married and having one child, stating to have not been convicted and have not been a member of the army; Suspect of attempt of rape of a 13 years old minor, abduction and pedophilia;

Detained on detention warrant of 14.05.2018;

Present at the public hearing;

ON THE OTHER HAND

Summoned by the President at the hearing of 18 May 2018 in accordance with article 384 of the Code of Criminal Procedure, the suspect stated that he wanted to be tried immediately but the case was adjourned on 25 May 2018 to allow the claimant of civil damages to appear at the court hearing.

On 25 May 2018, the case was argued;
The President mentioned to the suspect that the prosecutor brought him before the Court to defend himself on the above mentioned allegations;
The suspect was interrogated; the Registrar took note of the answers of the suspects and statements of the claimant of civil damages;
The public Prosecutor made an application for 10 years of imprisonment of the suspect;
The suspect made his submissions;
The debates were closed; and the case was adjourned for deliberations and decision to be made in the public hearing of 29 May 2018. On this date and in accordance with the law, the Court made the decision in following terms:

THE COURT

Considering the evidence on court records;
Taking into account the interrogation statement of the suspect;
Noting the submissions of the claimant for civil damages;
Considering the submissions of the public prosecutor;
Considering the suspect's submissions;
Having deliberated in accordance with the law;
Whereas, based on the interrogation statement by the Public Prosecutor dated 4 May 2018, the accused was brought before this Court, in any event before the prescription of the criminal action, on allegations to have committed in Pikine in 2018, using violence, coercion, threat, an attempt of rape of, a 13 years old minor;
To have committed in the same circumstances, acts of pedophilia on the above- mentioned minor;
To have committed in the same circumstances, acts of abduction of the above- mentioned minor;
Offences provided for and punished by articles 230, 320 bis and 348 of the Penal Code;

ON MERITS

On the criminal action

Whereas the suspect denied the alleged facts;
Whereas the public prosecutor applied for 10 years of imprisonment for the suspects;
Whereas based on the court records and debates during the public hearing it appears that the suspect is proven guilty;

That it is appropriate to convict him and sentence him to 10 years of imprisonment; that the offences of which the suspect is accused are established;
That he should be found guilty and sentenced to 10 years of imprisonment;

On Civil damages

Whereas... claimed 400, 000 FCFA of civil damages;

Whereas the claim is valid and that it is appropriate to declare it admissible;

Whereas the amount claimed is fair and has ground; that it is appropriate to order the accused to pay the amount of 400, 000 FCFA for all causes of damages;

Whereas there is need to order provisional execution of the sentence, payment of proceedings costs to be borne by the accused and to set the enforcement by committal to period to the maximum;

FOR THESE REASONS

Ruling publicly and after hearing all parties in correctional matters at first instance;

- Declares the accused guilty;
- Sentences the accused to 10 years of imprisonment;
- Accepts the action of ... as claimant of civil damages;
- Sentences the convict to pay the amount of 400,000 FCFA for all causes of damages;
- Orders provisional execution of the sentence;
- Orders the offender to pay the costs;
- Set enforcement by committal to maximum;

Thus done, tried and pronounced publicly on the day, month and year above.

And have signed

President (signed)

Registrar (signed)