Republic of Senegal
One Nation- One Goal-
One Faith

Dakar Court of Appeal

Special regional Tribunal of Dakar
… of the judgment
… of the public prosecution

Public Prosecutor

And
…… on behalf of…

Versus
……
(Counsel)

Type of the offence
Rape, pedophilia and kidnapping of minor

(Articles 320, 320 bis and 348 of the Penal code)

Decision
(See end of judgment)

SUSPECT CAUGHT RED-HANDED

ORDINARY PUBLIC HEARING OF DECEMBER 23, 2014

At the public hearing of the Special regional tribunal of Dakar (Senegal) of December 23, 2014 held in correctional matters by Madam…, sitting judge and President, assisted by Mr… and Madam …, sitting judges and members, in the presence of Mr. …, Deputy Public Prosecutor and Maître…, Registrar, was rendered the judgment with following content:

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

And

.... born in 1952 in Louga of... and of..., horticulturist in retreat, domiciled in Keur Serigne, Louga Nord, acting on behalf of her daughter… born on 03.03. 2000 in Mbediene of … and of …, pupil in class 6 of primary school;
Claimant for damages, present and assisted at the public hearing by…, counsel;
ON THE ONE HAND

AND
… born in 1986 in Diourbel, son of… and of… business man domiciled in Guediawaye, Medina Gounas; stating that he has never been sentenced and has never been part of the army;

Detention warrant dated …;
Suspect of rape, pedophilia and abduction of minor;
Appearing in person at the public hearing and assisted by…Counsel;

ON THE OTHER HAND

Summoned by the President at the hearing of 25 November 2014 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 postponed on 19

December 2014 for proper administration of justice;
When the case was called, the Public Prosecutor stated that he had called the above-mentioned suspect before the Court at the hearing of the day in order to make his defense for the above-mentioned offence;
The Registrar read out the content of the case file;
The suspect was interrogated. The registrar took note of the answers of the suspects;
The Public Prosecutor summarized the facts of the case and applied for two years of imprisonment;
The suspect made his submissions;
The debates were closed and the matter adjourned for deliberation and judgment on 23 December 2014;
After deliberation according to the law, the court made the decision in following terms:

The Court

Considering evidence on records;
Considering the interrogation statement of the accused;
Considering the claims for civil damages;
Considering the application of the public prosecutor;
Taking into account submissions of the accused and his counsel;
After deliberation in accordance with the law;

On criminal action

Whereas, according to the interrogation statement No… dated 07 November 2014, …was referred to this Court, on allegations that in any event before the prescription of the criminal action in Dakar in 2014 he committed, using violence, coercion and threat, sexual penetration on …; having in same circumstances of time and place, by touching, caressing or manipulating, committed pedophilia on the above mentioned minor being less than 16 years old; having used force for kidnapping the said minor from the place known par her parents;
Offences provided and punished by articles 320, 320 bis and 348 of the Penal Code;
Whereas the public prosecutor after summarizing the facts of the case, applied for 2 years of imprisonment for the accused;
Whereas the facts the suspect is accused of are consistent and that it is appropriate to sentence him to 5 years of imprisonment;

ON CIVIL DAMAGES

Whereas …. initiated the civil action on behalf of her daughter… claiming for civil damages of 1 million FCFA and asking the court to order provisional execution of the sentence and set the enforcement by committal to the maximum;

ON PROCEDURE

Whereas the civil action was initiated in accordance with the court procedure and time limits and that it should be declared admissible;

ON MERITS

Whereas the amount claimed is fair and justified and that the court should take it into account and sentence the accused to the payment of the above mentioned amount;

FOR THESE REASONS

Ruling publicly in the presence parties in correctional matters at first instance;

- Declares the accused guilty;
- Sentences the accused to 5 years of imprisonment;
- Declares admissible the civil action by … on behalf of his daughter…
- Sentences …to pay 1 million FCFA as reparation of all causes of harm for the victim;
- Orders provisional execution of the judgment;
- Sets the enforcement committal to maximum;
- Reserves pronouncement on the civil damages for...
- Orders the offender to pay the costs;

All in accordance with above mentioned provisions;

In witness whereof this judgment was signed by the judge who delivered it and by the Registrar on the above day, month and year.

President (signed) **Registrar** (signed)