

brothers and sisters”; that he even placed the knife in question on the victim’s neck while making the declaration; that moreover, the accused himself admits that he bought a knife for that purpose because he was fed-up with insults from the victim;

Whereas according to Article 521-1, “whoever, by any means, makes a conditional threat to harm another person by committing an offence punishable with a criminal sentence, shall be punished with imprisonment of from two to five years, and with a fine of from CFAF 2,000,000 (two million) to CFAF 5,000,000 (five million)”;

That according to these provisions, the actions of the accused fall within the scope of conditional threats; that therefore, the acts of death threats of which he is accused should be reclassified as conditional threats;

Whereas according to Article 512-11 of the Penal Code, homicide is harm done to another person, and is punishable with a criminal sentence; that by acting as he did, the accused is guilty of acts constituting the offence of conditional threat to harm another person, which is an offence punishable with a criminal sentence; that as a result, he should be found guilty;

B-SENTENCE

Whereas O.S.M is found guilty of acts of conditional threat, that according to Article 521-1 of the Penal Code, he is liable to a sentences of two to five years in prison and a fine of CFAF 2,000,000 (two million) to CFAF 5,000,000 (five million);

Whereas in the case at hand, O.S.M not having been convicted before, he is a first-time offender ; that according to Article 216-1 of the Penal Code, the court delivers sentences within limits set by law, and sets regime according to circumstances surrounding the offence and the personality of the author;

That, furthermore, according to the concluding paragraphs of Article 217-4 of the same Code, where the law provides the concurrent application of a prison term and a fine, the Court may pronounce both penalties by reducing them or reducing one of them only;

Whereas the accused profoundly regretted the acts of which he was accused and pleaded the clemency of the Court; that considering this, in spite of the gravity of the conditional threats of which he is guilty, he should be granted the benefit of a suspended sentence while sentencing him to 12 (twelve) years in prison and to a fine of CFAF 2,000,000 (two million), subject to suspension;

C-"COSTS

Whereas according to Article 321-94 of the Criminal Procedure Code, any accused found guilty shall also be sentenced to pay the costs;

Whereas in the case at hand, O.S.M having been found guilty and sentenced in this proceeding; that the costs of the proceeding be borne by him;

UPON THESE GROUNDS

Delivering judgement in an open Court after a full hearing on misdemeanour matters and at first instance, the Court;

- ❖ Reclassifies the acts of death threats held against the accused into conditional threats and finds him guilty of it;
- ❖ Sentences him to 12 (twelve) years in prison and to a fine of CFAF 2,000,000 (two million) subject to suspension;
- ❖ Sentences him to pay the costs.

Thus, the case was heard and judgement delivered in open Court on the date, month and year as indicated above

The President
[Signature here]

The Registrar
[Signature here]