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## Murder: How Jigawa's ex-commissioner was jailed for life

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For the families of three-year-old and four-year-old Aminu Bala and Abba Magaji respectively, the recent life in prison judgement against the former Jigawa State Commissioner for Information, Alhaji Abba Umar Kukuma and his errand boy, Alhaji Hamza Muhammad, was fair and just.

Kukuma and Hamza were convicted over the murder of two children by a state High Court sitting in Ringim Local Government Area of Jigawa State last Monday. The two boys were found dead in the boot of the former commissioner's car on 9th August, 2009 before their corpses were later relocated to Birnin-Kudu-Kano highway by the commissioner.

The duo was accused on three-count charge of conspiracy and murder of the minors, offences punishable by death under sections 97 and 221 of the penal code respectively. Weekly Trust observed that if the prosecution had tendered direct evidences that linked the accused persons to the death of the children, Kukuma and Hamza would by now be facing the death penalty.

Although the judgement shocked many people in the state, the presiding judge, Justice Ahmad Isa, ruled that the court only relied on Section 222 of the penal code to pass a lesser punishment on the two accused persons.

According to him, the prosecuting counsel tendered only circumstantial evidences to convince the court. Delivering his judgement, Justice Ahmad ruled that, "Although the evidences tendered before the court by the prosecuting counsel were circumstantial, the court was satisfied that the accused persons were guilty of all the charges levelled against them, because neither the accused persons nor their counsels could prove their innocence.

"No satisfactory explanation was given to the court by the accused persons and or their counsels that could enable this court to hold that the evidences tendered by the prosecuting counsel were weak enough not to rely upon to convict the accused persons," reaffirmed the judge.

In his over two-hour judgement, Justice Ahmad further stated that the prosecution counsel proved to the court beyond reasonable doubt that the corpses of the two children were found in the boot of the former commissioner's car, that they conspired to evacuate the corpses and dump same along Kano-Birnin-Kudu highway and also concealed facts by not reporting the matter to the police.

In addition to that, Justice Ahmad said the second accused person failed to defend himself before the court over why he ran to Birnin-Kebbi in Kebbi State shortly after the unfortunate incident. He, therefore, reaffirmed that the court was satisfied with evidences tendered before it by the prosecuting counsel that the two were guilty of the offenses they were accused of.

During the previous sittings, the first prosecution witness (PW1), one of the deceased's father, told the court that on the day his child went missing, he saw him playing with other children at the front of his house, which is located opposite the former commissioner's house at Zarainawa Quarters, Birnin-Kudu Local Government Area of Jigawa State.

"I was about to go to my place of work when I saw the deceased playing together with other children outside the house. I picked the smallest among them and returned him to his mother and locked the door before I finally left for my place of work. Later, I was informed that my son was missing and I therefore reported the matter to the police," he told the court.

He further testified that, "Two days after, my wife told me that she noticed some odour coming from the garage of the former commissioner's house, which is attached to her room. She also told me that she heard movement of car in the night. I therefore rushed back to the police station and reported the development".

Also testifying before the court, his wife, Hajiya Hafsat, who was prosecution witness two (PW2) in the case, informed the court that, "The following morning (10th August, 2009), I could not see the car that I earlier saw in the garage of the former commissioner. The development, however, convinced me that the car was removed from the garage the previous night".

Another witness, a police officer attached to the Criminal Investigation Department (CID), Jigawa State Command, told the court that the first and second accused persons confessed to the police that they were responsible for evacuating the corpses of the children from the car. They informed the police that the corpses were evacuated from a Toyota Carina model also belonging to the former commissioner.

In his testimony, Dr Aliyu Baba Umar of Aminu Kano Teaching Hospital, Kano (AKTH), who was prosecution witness number five (PW5) told the court that he conducted autopsy tests on the corpses. He confirmed that owing to the level of decomposition of the bodies, he could not ascertain the causes of death of the two children. But, he however, confirmed that contrary to earlier speculations, nothing was removed from the corpses.

The defence witness one (DW1), who was also the first accused person, Alhaji Abba Umar Kukuma, testified that though the corpses of the children were found in the boot of his car, a Peugeot 505 model, he was not responsible for their deaths.

Defence prosecution two (DW2), the second accused person in the case, Alhaji Hamza Muhammad, informed the court that he was informed about the corpses by one Mallam Yakubu Zubairu, who was prosecution witness three (PW3) in the case. Weekly Trust observed that the prosecuting counsel, Sulaiman Umar, tendered seven witnesses and six exhibits including the car in which the corpses were discovered, pair of shoes belonging to the two deceased and a blue handbag. The defence counsel on the other hand tendered four witnesses including the first

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and second accused persons in the whole case.

Our correspondent also observed that the major issues that heated debates in the court were whether the circumstantial evidences were cogent enough to be relied upon by the court to convict the accused persons and whether or not the prosecuting counsel had proved the case beyond reasonable doubt. Other issues that also generated debate in the case was the earlier withdrawal of the confessional statement made by the two accused persons, which according to their lawyer, they were forced by the police to make.

In their final addresses, the prosecuting counsel, Sulaiman Umar, told the court that the evidences before the court were enough to convince it of the guilt of the accused persons. He insisted that cases have their own peculiarities and the court could only depend on available facts to pass its judgement. He further argued that, "Although the evidences tendered before the court did not directly link the two accused persons to the deaths of the children, they have proven beyond reasonable doubt that the duo were guilty of the charges levelled against them, hence the need for the court to convict them accordingly".

Objecting the prayer, counsel to the accused persons, Barrister Adamu Abubakar argued that circumstantial evidences are weak enough for a court of law to rely upon and convict accused persons. He told the court that, "The evidences given by PW1, PW2, PW3 and PW4 were circumstantial and driven from suspicions, hence the court should disregard them and discharge the two accused persons".

He further argued that to prove suspicions, all elements of suspicions must be proved beyond reasonable doubt, but whereas only one element is proven, the court should not consider such to convict accused persons.

"I am not defending this case just to bail out my clients; rather, I am defending it to ensure that justice is done to all the parties involved. I want to ensure that an innocent person is not prosecuted by this honourable court," reaffirmed Barrister Abubakar. In a swift reaction to the final judgment against his clients, he said he would file an appeal at Kaduna Appeal Court within two days.

Also speaking to our correspondent, the prosecuting counsel, who is also the state's Director of Public Prosecution, Barrister Sulaiman Umar, expressed satisfaction over the judgement, saying, "Ours is to bring the case to court and follow due processes in presenting and defending the case, but only the court can determine the guilt or otherwise of the accused persons and the court has done its best in this case".

Sulaiman also said the state government is ready to defend the case in case the accused persons decide to make an appeal in an upper court. Weekly Trust observed that heavy security was put in place at the premises of the court. Thorough search was conducted on anybody willing to enter the court by the police.

However, the judgement has generated a lot of controversy in the state. While others view it as politically aimed at tarnishing the good image of the former commissioner, others see it as well-delivered. For those who opine that it was political, they allege that Umar Kukuma was accused of murdering the two children just to tarnish his good image, because of his loyalty to the immediate past governor of the state, Alhaji Ibrahim Saminu Turaki.

Contrary to this view, opinions from other quarters suggest that the former commissioner only paid for the consequences of his action. According to Mallam Ibrahim Dutse, there is no way a court of law can convict the former commissioner innocently. Dutse explained that, "The Nigerian judiciary is restoring its lost glory. The recent judgements delivered by some courts concerning the 2007 elections have proved to many Nigerians that the judiciary is reforming itself, hence, the judgement that has earned Kukuma life imprisonment should not be considered political".

Whether political or not, only the Appeal Court can put to an end the ongoing controversies surrounding the recently-delivered judgement by the Jigawa State High Court in Ringim.

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