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UPPER SHARIA COURT HAUSAWA KANO
PRESIDED OVER BY HONOURABLE JUDGE
MALAM ALIYU MUHAMMAD KANI (USCJ)

CASE NO. CR/43/2020

DATE OF FILING 20/03/2020

DATE OF HEARING 20/03/2020

COMPLAINANT - COMMISSIONER OF POLICE

VS.

DEFENDANT - YAHAYA SHARIFF AMINU

OFFENCE: BALSPEMNY AGAINST THE PROPHET

MUHAMMAD (P.B.U.H.)

CASE EXPLANATION: Today being 20/03/2020, the prosecutor has presented to the court an F.I.R. from Police Station (S.I.B.) containing information of a charge as follows:-

"That on the 23/2/2020 between 8:00 to 11:050pm, you Shariff Yahaya Aminu, 30 years old, resident of No. 26 Sharifai Quarters Kano with intent to touch the heart of Muslims as a whole, recorded an audio which you sent to a website called GIDAN UMMA AMINA which you used foolish and disgraceful words wherein you called the prophet (P.B.U.H.) as a full devil and his position does not reach that of Inyass.

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CERTIFIED TRUE TRANSLATION
TRANSLATED BY *Musbehu Ashu*
DATE *19/03/2020*

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Hence you are arraigned before his court on this charge against you.

Signed

Hon. Judge

Today being 20/3/2020 the prosecutor CSP Hamza Tambai holding the brief of Inspector Aminu Sani as a prosecutor in this case, the Defendant is in court.

Court - I ordered to read the F.I.R. to him relying on Section 129(7) K.A.C.J.L. 2019.

Court - Defendant - Do you understand what was read to you?

Answer - I understand.

Court - Defendant - Do you fully understand what was read to you?

Answer - I understand fully.

Court - Defendant - So you heard that you are charged with the offence of blasphemy against the prophet (P.B.U.H.) that is, you uttered some words against him as contained in the FIR and doing this is contrary to section 382(b) Kano state Sharia Penal Code Law 2000 is it true that you uttered those words?

Answer - It is true I committed.

CERTIFIED TRUE TRAN-
SLATED BY Musaka Kaka
DATE 19/03/2020

Court - Defendant - That is to say, you posted in a web that prophet Muhammad (P.B.U.H.) is a full devil.

Answer - I committed that.

Court - Defendant - The statement that Inyass is superior to the prophet (P.B.U.H.) you also posted it?

Answer - I committed that.

Court - Prosecutor - you have heard that he admitted the offence?

Answer - I want the court to establish to him the witnesses of admission/utterance.

Court - Defendant - As the court is talking to you now are you fully sane?

Answer I am sane.

Court - defendant - how old are you?

Answer I am 30 years old.

Court - Defendant - Are you a Muslim?

Answer - I am a Muslim.

Court - Musa Muhammad - do you heard what he said?

Answer - I heard him saying that what he is being accused of posting in his web is true.

Court - Malam Abdullahi - Do you heard what he said?

Answer - I heard what he said.

CERTIFIED TRUE TRANSLATION
TRANSLATED BY *Musabeher Doh*
DATE *19/05/2020*

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Court - The court has established the witnesses of admission relying on the authority of MUKHTASAR KHALIL.

ARABIC TEXT

Meaning: - If a person made an admission, it is necessary that witnesses of an admission be established against him.

Court - Prosecutor - Have you heard?

Answer - Being that what he wrote and posted was an audio, I am applying for time so as to present it before the court to further prove what he committed.

Court - I stopped and I hereby ordered that the defendant be remanded at correctional centre within Kano metropolitan till 28/4/2020 relying on section 171 Kano State Administration of Criminal Justice Law 2019 and considering the nature of the charge he should engage the services of a legal practitioner.

Signed

Hon. Judge

Today being 28/4/2020 the prosecutor Inspector Aminu Sani and the Defendant are before the court.

CERTIFIED TRUE TRANSLATION
TRANSLATED BY Abubakar B. Sani
DATE 19/05/2020

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Court - Defendant - Do you engaged the service of a legal practitioner who will represent you?

Answer - I did not get.

Court - I hereby ordered that a letter be sent to Legal aid Council Kano to inform them to get a legal practitioner who will represent him, I stopped till 17/6/2020

Signed

Hon. Judge

Today being 24/6/2020 Inspector Adamu Sani the Prosecution and the Defendant are all before the court.

Court - Registrar - Has the letter been sent?

Answer - Yes but there is no reply and there is no legal practitioner that come from there.

Court - I hereby ordered that the FIR be read to him again.

Court - Defendant - Do you understand what was read to you?

Answer - Yes.

Court - Defendant - Do you understand fully well what was read to you?

Answer - You are being charged with blasphemy against prophet Muhammad (P.B.U.H.) which is an offence

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CERTIFIED TRUE TRANSLATION
TRANSLATED BY Muhammad Sani
DATE 29/07/2020

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contrary to Section 382(b) KSSPC Law 2000, is it true that you have committed this offence?

Answer - It is true that I committed but I am pleading for leniency.

Court - Defendant - Are you sane?

Answer - I am sane built I am pleading for leniency.

Court - Prosecutor - You heard that he has still admitted that he committed the offence.

Answer - we+ are applying to the court to give us change again so as to present what he said with his voice which the police force Kano Command has since caused his voice to be reduced into writing and we will present both the two.

Court - It granted and I stop here till 27/7/2020 to hear this voice.

Signed

Hon. Judge

Today being 27/7/2020 the prosecutor Inspector Aminu Sani and the Defendant in court.

Prosecutor- Court - Today is fixed for the presentation of the voice of the defendant which led to this charge and

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CERTIFIED TRUE COPY
TRANSLATED BY: *Nasiratu Dahir*
DATE: *19/07/2020*

what he said is here in writing, we are urging this court to give us chance to play it.

Court – It permitted he prosecutor to play the voice.

Court – Defendant – Do you recognize this voice?

Answer – Yes.

Court – Defendant – And it is true that you were the one who made this statement?

Answer – It is correct, but I am seeking for leniency, it was a mistake of the tongue.

Court – Defendant – Is the voice yours?

Answer – It is mine.

Court – Prosecutor – You heard that he admitted, is that all?

Answer – Here is what he said in writing, we are applying to the court to admit this writing and the audio as exhibit A and B. in this case.

Court – Prosecutor – I ordered that it be given to him to read it so as to hear from his mouth.

Court – Defendant – Is this what you said in writing as it is?

Answer – Yes, but I am seeking for leniency.

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CERTIFIED TRUE TRANSLATION
TRANSLATED BY Paula Lake John
DATE 19/10/2020

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Court - Has admitted the audio and the document as Exhibit A and B in this case with an order that the document be pasted in the record of this case.

Court - Prosecutor - Is that all?

Answer - We are applying to this Honourable court that the defendant since on the first day is not denying this charge against him, the court should sentence him.

Signed

Hon. Judge

1. alas, brother there is no great pager like Prophet Muhammad he is a complete pagan, or you did not understand, he brought an unforgivable sin to the world, he is a pagan and the one you referred as Sayyada is above you, above your mother and above your father because the knowledge she had of Prophet Muhammad and God your parent does not do she knows them and she saw them naked without gown and trouser naked, if there is an answer you reply and you will not be removed from the group and lets continue and see whether we will be go astray or you will goes astray.

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TRANSLATED BY Ayisha Akh
DATE 19/10/2015

2. To God, I will not remove you from this house let's continue, I swear by the God I will not hold prophet Muhammad and leave Gausu. I will hold Gausu and you go to hereafter and see whether you will see prophet Muhammad, to God it is Shehu Ibrahim that you will see, I swear by the prophet Muhammad whom you are proud of, it is Shehu Ibrahim that you will see, to God everything that was said will do and to God I will not hold him, it is Shehu Ibrahim that I hold, by the vagina of your mother.

FOUND QUILTY

I, Aliyu Muhammad Kani Upper Sharia Court Judge, Hausawa, found you Shariff Yahaya Sharifai guilty of the offence of blasphemy against Prophet Muhammad (P.B.U.H.) which is an offence contrary to Section 38(b) of Kano State Sharia Penal Code Law 2000 which the punishment for whoever committed it is to kill him until he is dead.

Court - Defendant - Do you hear the punishment provided by law against you, do you understand?

Answer - I understand.

Court - Defendant - So what do you say?

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CERTIFIED TRUE TRANSLATION
TRANSLATED BY Alusaka John
DATE 19/02/2020

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Answer - I am pleading for the leniency of the court in mitigation.

Court - Defendant - Are you taking intoxicants?

Answer - no.

Court - Defendant - Are you in your sense.

Answer - Yes I am sane.

ALLOCUTUS (IZAR)

Court - Defendant - Do you have any cause, ground or reason which the court will consider in mitigation of the punishment provided by law?

Answer - There is none, I am seeking for leniency.

Court - Prosecutor - do you have any ground?

Answer - We want the court to convict him since he is not denying.

Court - Has established 2 witnesses of allocutus to them.

Court - Mustapha - Do you heard what he said?

Answer - He said he is pleading for leniency.

Court - What of Abdullahi?

Answer - He said he is pleading for leniency.

ARABIC TEXT

COURT - I stopped till 10/8/2020 for judgment.

Signed

Hon. Judge

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CERTIFIED TRUE TRANSLATION
TRANSLATED BY *Musabeh Doh*
DATE *19/08/2020*

Today 10/8/2020 Inspector Aminu Sani the prosecutor and the Defendant are in court.

Prosecutor - Court - The court has fixed for judgment we are ready.

JUDGMENT

Initially, it was the police force Kano Command that presented the case on F.I.R. on 20/3/2020 where they are charging one Shariff Yahaya Sharifai resident of Sharifai Quarters Kano with the offence of blasphemy against Prophet Muhammad (P.B.U.H.) wherein he made those speeches and posted same to their group in whatsapp called Gidan Umma Amina where he was saying that :”there is no great pagan like Prophet Muhammad (P.B.U.H.) , he is a complete pager he brought an unforgivable sin to the world” and he was saying “ I will not hold prophet Muhammad (P.B.U.H.) and leave Inyass” which is an offence contrary to Section 352(b) Kano state Sharia Penal Code Law 2000.

After the court received the F.I.R. as provided by Section 126(a) of Kano State Administration of Criminal Justice Law 2019, the court read to him the content of the charge

CERTIFIED TRUE TRAN-
SLATED BY Muhammadu Bala
DATE 19/08/2020

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as provided by Section 129(7) of KSACJ Law 2019, wherein the Defendant after the court turned to him, he made an admission as provided by the authority of JAWAHIRUL IKLIL VOL 2 SH 226

ARABIC TEXT

Meaning, if a person made an admission, witness be established against him.

Later the court read to the Defendant the contents of the charge again and he confirmed that he made those statements but by mistake, lastly, the prosecutor has presented the voice of the defendant which was contained in an audio and the one that was reproduced into writing as Exhibits A and B. from there, the court made an allocutus as provided by law. The issue in this case are:-

1. The ways of establishing the offence charged against the defendant.
2. The position of his admission in this case.
3. Whether uttering these statements as slip of tongue or mistake can be excuse in law?

Referring to the First issue, it is a well known procedure that this offence or similar offence can be proved by 2 ways:-

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TRANSLATED BY Mustafa Jek
DATE 19/10/20

1. Evidence of 2 persons.

2. Admission.

See TABSIRATUL HUKKAM VOL 1 Page 314 has provided the places of using an evidence.

Regarding the second issue in law, any person who admitted committing something, this admission has a strong ground than presenting witnesses. See the authority of BAHJA VOL. 1 PAGE 147

ARABIC TEXT

Meaning, making an admission on something is the strongest.

And the authority in NIZAMUL KHAD'I WAL MURAFAT FI SHARIATUL ISLAMIYYA PAGE 174

ARABIC TEXT

It is the saying of the Defendant that he made those statements by mistake together with posting them at their whatsapp group, this will not be an excuse because a case of blasphemy against Prophet Muhammad (P.B.U.H.) is among the things that a person who made them shall not be excused. See the authority of TABYINIL MASALIK COMMENTARY OF TADRIBUL SALIK ILA AKBARUL MASALIK VOL. 4 PAGE 483.

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CERTIFIED TRUE TRANSLATION
TRANSLATED BY Muhammad Ashur
DATE 19/10/2020

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Meaning "The excuse shall not be accepted of a person who
Blasphemed Prophet Muhammad (P.B.U.H.) by ignorance --
----." has committed

Finally, relying on the grounds above, the court was satisfied that the Defendant in his capacity as a sane, Muslim has committed this offence. Base on this, relying on Section 382(B) Kano State Sharia Penal Code Law 2000 and the case of DAN SHALLA VS. THE STATE (2007) 12 MJSC AT P.53 where the Supreme Court held that:-

"The trite position of the law under Sharia is that who insults, defames or utters words or acts which are capable of bringing into disrespect ----- such a person has committed a serious crime which is punishable by death.

I hereby sentenced him to death by hanging.

RIGHT OF APPEAL

WHOEVER IS NOT SATISFIED SHALL APPEAL TO HIGH COURT FROM TODAY 10/8/2020.

SIGNED

HON. JUDGE



Muhammad Aslam
Principal Registrar /
Appeals & Transfer Dept
High Court of Justice, Kano
10/08/2020

CERTIFIED
TRANSLATED BY *Muhammad Aslam*
DATE 10/08/2020