

Public Retributive Violence in Nigeria: Legal Analysis and the Duty of Familial Repair

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Abstract

Public retributive violence is a pressing socio-legal issue in Nigeria, having claimed the lives of numerous citizens and depriving them of the dignity and honour inherently due to every human person. It is recognized as one of the most degrading and horrific ways to die. While a few victims may narrowly escape death due to timely intervention by law enforcement agents, the vast majority of documented cases reveal that they are brutally murdered through excessive beating, torture, and ultimately being set ablaze in a practice commonly referred to as necklacing; a form of summary execution. These punishments are often meted out on individuals alleged to have committed offences such as petty theft, armed robbery, blasphemy, witchcraft, and other morally or socially reprehensible acts. However, in many instances, the victims are later found to be innocent of the accusations levelled against them. This article therefore discusses the concept of retributive violence as a form of extrajudicial punishment, while considering the legal frameworks prohibiting it, the police and prosecutorial failures, the difficulty in the identification of the perpetrators, and the inclusiveness of victims' relatives in restorative-justice and repair policy.

Keywords: Mob violence, retributive violence, jungle justice

1. INTRODUCTION

On 26 May 2024, Akro Jeffrey Chamuke, a university student, died after being subjected to a prolonged assault by fellow students who accused him of stealing a mobile phone.² The incident reflects the continuing practice of extrajudicial punishment in Nigeria, where individuals or groups assume coercive authority outside formal legal processes. Although the full scale of such incidents is difficult to quantify due to inconsistent reporting, documented cases in the media and human rights reports indicate that the phenomenon is not isolated.

According to a report by Amnesty International, there have been at least 555 victims from 363 reported incidents of retributive violence between 2012 and 2023. The regional breakdown of these cases further highlights its popular nature: The South-South recorded 82,

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² Uthman Salami, 'Tortured for Eight Hours: Ajayi Crowther Student Beaten by Fellow Students Dies' *Punch Newspapers* 26 May 2024 <<https://punchng.com/oyo-private-varsity-student-beaten-to-death-for-alleged-phone-theft/>> accessed 13 October 2025.

the South-East 43, and the South-West 98 incidents. In the northern geo-political zones, the North-Central had 42, the North-West 100, and the North-East 26 documented cases.³

Individuals subjected to these punishments are typically accused of offences such as blasphemy, armed robbery, petty theft, or witchcraft, yet, in most instances, they are later found to be innocent of the charges.⁴ While a minority of victims may survive due to timely police intervention, the overwhelming majority are ultimately killed through excessive beating, torture, and immolation (necklacing), which serves as a form of summary execution.⁵ The persistence of this vice has often been related to the shortcomings of the criminal justice system and state omissions in addressing this problem.⁶

Extrajudicial punishment does not terminate with the death of the direct victim; its consequences extend into the social, emotional, and legal realities of the victim's family. In many instances, relatives are left to contend not only with grief, but also with stigma, economic dislocation, and the absence of meaningful institutional response.⁷ The resulting denial of accountability and effective remedies raises serious constitutional and human rights concerns. Notwithstanding the guarantees provided under the Constitution of the Federal Republic of Nigeria and Nigeria's binding obligations under international human rights law, the position of victims' families within the justice process remains insufficiently defined and inadequately protected. This article therefore contends that the existing legal and institutional framework fails to give proper recognition to the enforceable interests of relatives affected by extrajudicial killings. It accordingly analyses the relevant constitutional and statutory provisions, evaluates patterns of police and prosecutorial inaction, and advances a structured approach to reparative inclusion that situates the family as an active rights-bearing participant within the administration of justice.

³ Amnesty International, *Instantly Killed! How Law Enforcement Failures Exacerbate Nigeria's Wave of Mob Violence (Oct 2024)*; See also SBM Intelligence, 'Chart of the Week: Mob Violence in Nigeria' 30 May 2022 <<https://www.sbmintel.com/2022/05/chart-of-the-week-mob-violence-in-nigeria/>> accessed 13 October 2025.

⁴ Kolawole Amao, 'Effectiveness of the Criminal Justice System in Tackling the Menace of Jungle Justice in Nigeria' *African Journal of Criminal Law and Jurisprudence* (2020) (5)138; See Chika Otuchikere, 'Niger mob burnt woman to death before reinforcement — Police' *Punch Newspapers* 1 September 2025 <<https://punchng.com/niger-mob-burnt-woman-to-death-before-reinforcement-police/>> accessed 13 October 2025

⁵ Amnesty International, 'Nigeria: Escalation of mob violence emboldens impunity' (28 October 2024)

⁶ (n 3)

⁷ PRAWA & NOPRIN, *Torture and Extrajudicial Killings in Nigeria: A Joint Report to the Universal Periodic Review (UPR) by Prisoners' Rehabilitation and Welfare Action (PRAWA) and Network on Police Reforms in Nigeria (NOPRIN)* <https://upr-info.org/sites/default/files/documents/2014-03/js11_upr17_nga_e_main.pdf> accessed 13 October 2025.

2. CONCEPTUAL CLARIFICATIONS

Retributive violence constitutes a form of extrajudicial punishment, defined by the application of sanctions by members of the public without recourse to the established criminal justice framework. It is a form of violence perpetrated to punish offenders without court intervention and frequently results in the death of the accused. Retributive violence is often referred to as the “public justice” meaning that it is an informal but recognized means of imposing summary punishment on suspected offenders, due to its speedy nature of prosecution. It occurs when people take laws into their own hands in place of allowing the justice system to declare punishment accordingly.⁸ In this circumstance, the people administer justice with the act of torture, humiliation and forms of vindictive harassment on incapacitated suspects to their satisfaction.⁹ Retributive violence targets not only the alleged offender but also destabilizes peace and order within affected communities.¹⁰

Retributive violence is synonymous with terms such as “jungle justice”, “mob justice”, “summary execution”, “instant justice”, “jungle law”.¹¹ Jungle justice, among all these terms, has gained more recognition in African and Nigerian literatures where it is identified as a form of extrajudicial punishment.¹²

Jungle justice is defined as lynching of suspects of a crime by collective mob action.¹³ This practice contravenes the basic principles of natural law and fair hearing – *audi alteram partem* (every man should be heard) and *nemo iudex in causa sua* (No person should act as a judge in matters concerning his own case.)

⁸ LAC, ‘Taking the Law into Your Own Hands’ *Legal Assistance Centre* 31 January 2022 <<https://www.lac.org.na/index.php/2022/01/31/taking-the-law-into-own-hands/>> accessed 13 October 2025.

⁹ Abati R, ‘Jungle Justice as a Normal Justice’ (2015) <<http://www.reubenabati.com.ng/index.php/others>> accessed 14 October 2025.

¹⁰ (n 2)

¹¹ Brahim Ignatius Felix Ruwan, Odoh Priscilia Ogechukwu, Charlton Jose, Gbenga Oba Fadare and Musa Yusuf Garba ‘Appraisal of Jungle Justice on the Incidences of Crime in Nigeria’ *KIU Journal of Social Sciences*, (2020) 6(3) 135–145

¹² Ayomide Ilori, ‘Jungle justice in Lagos metropolis, Nigeria’ *International Journal of Sociology and Anthropology* (2020) 12(3) 60; Tope Shola Akinyetun and Sarah Olufunmilayo Adedini, ‘The Police, Extrajudicial Killings and Imperatives for Reforms in the Nigerian Fourth Republic’ *Društvene i humanističke studije* (2022) 7(3(20)), 141-166

¹³ Uroko Favour C and Ukeachusim Chidinma Precious, ‘Proportionality as a Moral Principle in Punishment: Examining the Issue of Lynching/Jungle Justice in Nigeria Through the Lens of I Kings 21:1-19’ *Perspectiva Teológica* (2025) 57(1) 3
<<https://www.scielo.br/j/pteo/a/MSGFhDpYpRN3V5QLjcLy6Cb/?format=html&lang=en>> accessed 15 October 2025.

2.1. Retributive Justice and Retributive Violence

Retributive justice is a theory of justice grounded in the principle of proportionality in punishment. Retribution originates from a Latin word “*retribuere*” which consists of the prefix “*re*” and “*tribuere*” meaning “*in return*” and “*to divide among tribes*”. It was conceived by primitive man to obtain justice for a crime against a member of a particular tribe, such that the victim’s tribe can be compensated.¹⁴

However, this concept evolved from compensation to include punitive sanctions. The retributive theory of justice centres on the principle of “just deserts,” meaning that individuals should receive punishment proportionate to the offences they have committed.¹⁵ This theory also provides justification for punishment by emphasizing that the offender deserves to be penalized.¹⁶

Retributive theory of justice includes the following:

1. Those who commit serious wrongful acts, such as major crimes, morally deserve to receive punishment that is proportionate to their wrongdoing.
2. It is inherently and morally right for a lawful authority to give offenders the punishment they deserve, even if no other good results from it.
3. It is morally wrong to deliberately punish an innocent person or to impose a punishment that is excessive compared to the offender’s wrongdoing.¹⁷

These principles present that retributive violence does not align with the theoretical foundation of retributive justice. The concept of proportionality is central to retributive justice, mandating that punishment corresponds to the gravity of the offence. Although perfect proportionality may be unattainable in practice, the law endeavours to strike a fair balance, ensuring penalties are neither excessively harsh nor unduly lenient.

¹⁴ Didier Fassin and others (eds), *The Will to Punish* (Oxford University Press 2018).

¹⁵ Gerber, Monica M. and Jackson Jonathan ‘Retribution as revenge and retribution as just deserts’ *Social Justice Research*, (2013) 26 (1) 63

¹⁶ Jeffrie G Murphy and Jean Hampton, *Forgiveness and Mercy* (1st edn, Cambridge University Press 1988) <<https://www.cambridge.org/core/product/identifier/9780511625121/type/book>> accessed 15 October 2025.

¹⁷ Walen A, “Retributive Justice” (in the Stanford Encyclopedia of Philosophy) <<https://plato.stanford.edu/entries/justice-retributive/>> accessed 15 October 2025; See also Administration of Criminal Justice Act, 2015, s401(2)(f)

Retributive violence, by contrast, disregards proportionality, as mobs frequently impose a uniform and extreme punishment without regard to the character or gravity of the alleged offence. Retributive violence violates the principle of proportionality because mobs impose the same harsh punishment on all offenders, regardless of the severity of the offence. Thus, minor offences like phone or food theft receive the same brutal treatment as serious crimes such as kidnapping or ritual killings.

The Constitution vests the court with the power to adjudicate on both civil and criminal proceedings.¹⁸ Although Alternative Dispute Resolution (ADR) is recognized within the Nigerian justice system, its application is limited to civil matters; the adjudication of criminal cases is exclusively reserved for the courts. The prosecution of criminal offences is regarded as a matter both for the victim and for the state, since crimes are considered offences against society as a whole. The state thus assumes the role of complainant, while the victim typically serves as a principal witness. As a result, only the state may discontinue a criminal prosecution through the mechanism of *nolle prosequi*¹⁹. However, If the complainant is able to satisfy the court that sufficient grounds exist for the withdrawal of the complaint, the court may permit the withdrawal and thereafter acquit the defendant.²⁰ The law also stipulates punishment for a complainant who deliberately and for the purpose of monetary consideration discontinues a criminal proceeding.²¹

Although private prosecution is rare, it is permissible in certain circumstances, provided that the procedures set out in the Administration of Criminal Justice Act (ACJA) 2015 are observed.²² Therefore, any attempt by a group to administer justice through summary execution is unlawful.

Retributive violence is prevalent in Nigeria and often results in the death of victims.²³ There have been various justifications offered for this practice, such as economic frustration, banditry, weak judicial system, and inefficiency and corruption within the police. It has also been argued that it provides a more expedient and effective means of achieving justice.

¹⁸Constitution of the Federal Republic of Nigeria 1999 (CFRN 1999), s6(6)

¹⁹ Merriam Webster defines *nolle prosequi* as “an entry on the record of a legal action denoting that the prosecutor or plaintiff will proceed no further in an action or suit either as a whole or as to some count or as to one or more of several defendants”; *ibid.* s211 and 174

²⁰ ACJA 2015, s355

²¹ Criminal Code. Cap38 LFN 2004, s127

²²(n 19) s109 (e) and 383-384; FRN v Sen. Olawole Julius Adewunmi (2007) 10 NWLR (pt.1042) 399.

²³ CE Chukwudi, PC Ezebuilo, EE Owa, and JN Ofuonye, ‘Jungle Justice and Rule of Law in Nigeria: the Implications on Achieving Societal Stability and SDG-16’ *Journal of Lifestyle & SDG's Review* (2025) 5(3) 8

However, mob violence has proven to be more detrimental than beneficial, particularly in situations involving mistaken identity. In many instances, participants in the mob neither know one another nor possess accurate knowledge of the alleged offence. This indiscriminate approach, as suggested by media account, is further exacerbated by the fact that mere suspicion or a minor allegation is often sufficient to subject an individual to severe physical assault or even death at the hands of the mob.²⁴

The law provides that where any arrest has been made, either by the police or by other persons, the person arrested will have to be brought to a police station, or other place for the reception of the suspect.²⁵ This is not the case for mob violence. Therefore, mob violence is in all regard unlawful, unconstitutional and also undermines the principle of the rule of law.

2.2. Digital Vigilantism

This is an emerging form of mob justice that takes place in the digital environment.²⁶ It is known as internet vigilantism where coordinated people, in cyberspace, harass, shame and punish people who are alleged to have committed offences. It is seen as a form of doxing to ensure offenders are punished whether or not the criminal justice system is working towards the offenders. On this, Ramesh²⁷ submits that internet vigilantism is coordinated online action by users to expose wrongdoers, hold authorities accountable, or find missing persons, using tactics like exposing misconduct online, tricking fraudsters, and activism.

The consequences of these acts in the online space are evident in real world situations which, though not always resulting in the death of the victim, lead to emotional harm, depression, stigmatization, and psychological distress in the community, particularly in cases where the victim is innocent of the alleged offence.

2.3. Parties Involved in Retributive Violence

There is usually confusion as to whom is to be held responsible for the extrajudicial killing of a suspect. The confusion arises from the fact that mob violence involves the participation of a

²⁴ See Adejumo Kabir, “‘Thief! Thief!’: Living With The Scars Of Nigeria’s Jungle Justice Rage” *HumAngle* (3 September 2022) <<https://humanglemedia.com/thief-thief-living-with-the-scars-of-nigerias-jungle-justice-rage/>> accessed 13 October 2025

²⁵ ACJA 2015, s14(1)

²⁶ Amanda Hetler, ‘Digilantism explained: Everything you need to know’ TechTarget Network 27 Dec 2022 <<https://www.techtarget.com/whatis/feature/Digilantism-explained-Everything-you-need-to-know>> accessed on 17 October 2025

²⁷Siddipet Mcj, ‘Internet Vigilantism, Ethics and Democracy’ <https://www.academia.edu/33451042/INTERNET_VIGILANTISM_ETHICS_AND_DEMOCRACY> accessed 18 October 2025.

large number of people in the society where it occurs. These people range from the passersby, bystanders, perpetrators, instigators, owner of a property (in case of alleged stealing), to community members.

Owner of Property

An owner of property is the owner of stolen property especially in cases of alleged stealing. He/she is likely to fall under the category of instigators as most often detect the act of stealing of the suspect.

Instigators

These include individuals who provoke or encourage mob violence. They may be local vigilantes and on-lookers or any other persons whose allegations form the basis of punishing the suspect. They carry out the extrajudicial punishment or sometimes remain silent during mob violence. A key legal dilemma is whether such individuals should be held criminally liable for inciting mob action, particularly when their allegations later prove to be unfounded. Pursuant to the provision of the Criminal Code, instigators in this regard may be guilty of felony, whether they are certain of the person's guilt, so long as they did not genuinely believe the accused to be guilty.²⁸ In addition, the act of instigators will no longer fall under provisions of Section 288 and 289 of the Criminal Code if done with the intention to initiate retributive violence.

Passersby

Passersby are individuals who are present at the scene of mob violence by coincidence and do not actively or passively participate in the incident. While some people may want to watch the heinous punishment and execution, some passersby subscribe to leaving the location where such an event occurs. A passerby becomes a bystander when he chooses to stay and watch the incident as it unfolds.

Bystanders

Assemblies, whether lawful or unlawful, usually attract a crowd of people. It is due to this fact that there seems to be many more bystanders than perpetrators of mob violence. In prosecution, these individuals are the best witnesses that may be used to adduce evidence in court. The bystanders may actively or passively participate in mob violence and some do

²⁸(n 40) s125

both. In fact, retributive violence may be triggered by bystanders who have watched a person violate the law, for instance, in case of alleged kidnapping.²⁹

In some circumstances, especially cases of blasphemy,³⁰ killing and kidnapping, onlookers may incite mob violence by chanting words of encouragement to perpetrators. The situation is further exacerbated by the proliferation of social media platforms, where bystanders do not simply observe the incident but actively record and disseminate videos and images of the violent act for the purpose of gaining likes, comments, and shares.

Bystanders are often perceived as exempt from criminal liability for deaths arising from mob violence. In criminal law, liability may arise from acts of commission or omission. However, the law generally does not impose liability for omissions unless a legal duty to act exists. For instance, failing to save a drowning person does not constitute murder or manslaughter if the individual ultimately drowns. This principle of law exempts onlookers from criminal liability if they choose to only watch and omit to rescue the victim. In this case, it may be difficult to arrest bystanders or hold them criminally liable for the offence of murder, assault and such offences stipulated in the Criminal Code. This ambiguity complicates prosecutions where multiple parties are present at the scene. Nonetheless, under the Criminal Code,³¹ and the Violence Against Persons (Prohibition) Act,³² a person chanting words of encouragement to the act of mob violence will be deemed to be a party to the offence and thus be liable together with those that actively participate.

While the law does not punish omission of moral duty in offences, except in some cases where duty is imposed, it is important to look into morality. Law and morality are said to be two distinctive but interrelated concepts. This is premised on the fact that what is morally right may be legally wrong and what is legally wrong may be morally wrong. The interdependency of law and morality has been contended by proponents of different schools of thoughts. On this note, Lord Devlin states:

“Society disintegrates from within more frequently than they are broken up by external pressures. There is disintegration when no common morality is

²⁹ See Camillus Eboh, ‘Mob Kills Seven Suspected Kidnappers in Nigeria’s Edo State’ Reuters 28 March 2025 <<https://www.reuters.com/world/africa/mob-kills-seven-suspected-kidnappers-nigerias-edo-state-2025-03-28/>> accessed 21 October 2025.

³⁰ Blasphemy allegations in Northern Nigeria are a major driving force behind mob violence, with numerous accused individuals brutally killed by lynch mobs. See *Abubakar Dan Shalla v The State* (S.C. 245/2004) [2007] NGSC 28.

³¹ (n 40) s7(c) and (d)

³² VAPPA 2015, s2

observed and history shows that the loosening of moral bonds is often the first stage of disintegration, so that the society is justified in taking the same steps to preserve its moral code as it does to preserve its government... The suppression of vice is as much the law's business as the suppression of subversive activities.”³³

Therefore, it is important that bystanders, rather than documenting incidents, should, when feasible, act to rescue victims—particularly when the alleged offence is yet to be ascertained, though this may be difficult amid a hostile and volatile mob.

Perpetrators

These are a set of people that actively participate in retributive violence. They are often regarded as “angry mob”, “destructive mob”, and other similar names. Perpetrators are jointly and severally liable for any death, grievous harm, or injuries resulting from the violence.³⁴

Community Members

These are residents where mob violence is carried out. In most cases, they may either be perpetrators, instigators or onlookers and are subject to suspicion by law enforcement authorities.

3. Methodology

This article adopts a doctrinal legal research methodology. The main issue that is addressed in this systemic analysis is the legal nature of public retributive violence in Nigeria, the adequacy of the current normative system, and the position of the relatives of the victims of such violence in the justice process.

The primary sources that examined in this paper are the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Criminal Code Act, the Penal Code (that applies to Northern Nigeria), the Administration of Criminal Justice Act 2015, and the Violence Against Persons (Prohibition) Act 2015 together with some international instruments which include the International Covenant on Civil and Political Rights (ICCPR), the Universal Declaration of Human Rights (UDHR), the African Charter of Human and Peoples Rights (ACHPR), and the European Convention on Human Rights (ECHR) . These constitute the

³³ Lord Devlin, *The Enforcement of Morals* Oxford University Press, 1959, p. 4. Quoted from, P. Harris, p.43.

³⁴ (n 57)

foundational legal texts governing criminal conduct, state obligations, and the rights of individuals in Nigeria.

The paper also draws on judicial decisions from Nigerian courts. Case law is used to demonstrate how courts have construed the rights to life, dignity, and fair hearing, and to establish the procedural obligations of the State in cases involving unlawful deprivation of life. Peer-reviewed journal articles, human rights reports, media reports, and scholarly commentaries on the retributive violence, jungle justice and similar phenomena in Nigeria are also consulted as the secondary materials. The paper takes a socio-legal and mixed doctrinal approach. Due to the lack of recorded judicial rulings on mob violence, media coverage is adopted with the sole purpose of recording the repetitive factual patterns and experience of victims and their relatives. They are not utilized as sources of legal authority. The normative analysis is based on the constitutional provisions, the appellate jurisprudence as well as on the regional human rights doctrine.

The analytical approach is normative and critical. In the examination of this paper, no empirical data collection, field research or quantitative analysis was done. The statistical data mentioned such as the Amnesty International data on at least 555 victims of 363 reported cases of retributive violence in 2012-2023 are based on already existing human rights reports and are not regarded as independently verified statistics.

4. CONSTITUTIONAL GUARANTEES AND STATUTORY PROHIBITIONS

4.1. The Right to Life

The right to life constitutes the most fundamental of all human rights as it serves as a foundation to other rights, and as such, different constitutions of the world recognize the right to life as an inalienable entitlement. The Constitution of the Federal Republic of Nigeria 1999 provides that every individual is entitled to life, and that no one may be deliberately killed except when carrying out a court's death sentence for a crime for which the person has been lawfully convicted in Nigeria.³⁵ The Constitution thus protects the sanctity of life and extends this protection to all persons within the country, regardless of citizenship status.

The right to life is also enshrined in international and regional human rights instruments:³⁶ Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR) gives a

³⁵ CFRN 1999, s33(1)

³⁶ Universal Declaration of Human Rights (UDHR) Art. 3; European Convention on Human Rights (ECHR) 1950, Art. 2; African Charter on Human and Peoples' Rights (ACHPR) 1981, Art. 4

comprehensive provision that every person has the natural right to life; it is protected by law and there shall be no deprivation of it.

According to the Constitution of the Federal Republic of Nigeria 1999, only a court of competent jurisdiction may pronounce a death sentence, and even then, the courts have increasingly preferred sentencing offenders to life imprisonment rather than imposing the death sentence which is applicable solely to the gravest offences as stipulated in the Criminal Code and the Penal Code. Notably, several countries, such as Australia and Brazil, have abolished capital punishment entirely.

Section 33(1) of the Nigerian constitution implies that an accused person sentenced to death notwithstanding is entitled to appeal such a pronouncement. Accordingly, the courts have held that carrying out a death sentence while an appeal is pending is unconstitutional and amount to a breach of the fundamental right to life.³⁷ Likewise, executing an individual without lawful justification amounts to an unlawful deprivation of this right.

Retributive violence is a contravention of the right to life and therefore is unconstitutional and amounts to a breach of fundamental human rights. The killing of victims is a deprivation of life without recourse to the court, the only institution vested with the power to give death penalties. It is therefore disregard for the right to life of a human person.

The constitution also excuses the lethal use of force when reasonably necessary for self-defence, lawful arrest or riot suppression.³⁸ Mob justice perpetrators most times hide under this provision that they are merely protecting their property or community from harm and go on to give their ruthless justice. However, in this case, it stops being self defence when there is an intent to assault or torture or kill the victim hereby going beyond the defence of self to the commission of an offence.

Nevertheless, right to life not only cover individual Nigerian citizens but also reflect the duties of the state in safeguarding the lives of its citizens. This means that the state has both a negative obligation (not to unlawfully take life) and a positive obligation (to prevent and respond effectively to its unlawful deprivation). While the reading of Section 33 explicitly stipulates that duty of the state to refrain from intentional killing of the citizens, international human instruments impose positive obligations on state to actively prevent and protect

³⁷ *Bello v Attorney General of Oyo State* [1985] 5 NWLR (pt 45)

³⁸ CFRN 1999, s33(2)

individuals from foreseeable threats by private persons.³⁹ The implications of this obligation for victims' families will be examined subsequently.

4.2. The Right to Dignity

It follows that the right to dignity follows the right to life. The right to life will be futile without the existence of the right to dignity. The Constitution specifically provides that every person must be protected from torture and from any conduct that is cruel, inhuman, or degrading.⁴⁰ Several international and regional legal instruments prohibit human torture, inhuman and degrading treatment or punishment.⁴¹

The Administration of Criminal Justice Act further provides procedural safeguards for individuals under arrest, with the aim of preserving the dignity of the accused. It stipulates that "a suspect shall be accorded humane treatment, having regard to his right to the dignity of his person; and not be subjected to any form of torture, cruel, inhuman or degrading treatment."⁴²

In the majority of retributive violence cases, victims are subjected to severe beatings with various objects, stoning, and are often stripped naked. In some instances, the mob may not directly kill the victim or set them ablaze, but death frequently results from excessive torture and the ensuing severe injuries. Victims are frequently subjected to processes of dehumanization, whereby they are no longer perceived or treated as autonomous human beings but rather reduced to sub-human status.

Thus, while it has been argued that mob violence is sufficient as offenders receive their just deserts, it is important to note that innocent victims most likely face the same wrath. An innocent victim, even if later rescued from the act, continues to suffer from injuries, stigmatization and emotional distress. This affects the enjoyment of his right to dignity.

Importantly, the right to dignity also carries protective implications. Where state authorities fail to intervene during ongoing acts of mob torture, or neglect to investigate and prosecute perpetrators, the harm inflicted by private actors is compounded by institutional indifference. In such circumstances, constitutional injury extends beyond the immediate violence to encompass the failure of the State to uphold the minimum standards of human treatment.

³⁹ The United Nations Human Rights Committee (in General Comment No. 36)

⁴⁰ (n 30) s34(1)(e)

⁴¹ ICCPR, Art. 7; UDHR, Art 5

⁴² ACJA 2015, s8

4.3. Right to Fair Hearing

The right to fair hearing is underpinned by the fundamental principles of natural justice, notably *audi alteram partem* and *nemo judex in causa sua*. *Audi alteram partem*, meaning “let the other side be heard,” requires that both parties in a legal dispute be given a fair opportunity to present their case. The principle of *nemo judex in causa sua* stipulates that no one should act as a judge in their own cause, to prevent bias and miscarriage of justice

The Constitution guarantees the right to fair hearing. It stipulates that any person accused of a crime has the right to a fair public hearing in a reasonable amount of time from a court or tribunal, and also provides that each individual charged will remain innocent in a criminal case until he is found guilty.⁴³

A fair trial is guaranteed to anyone accused of a crime by a number of crucial rights. First and foremost, they need to be promptly and thoroughly told in a language they can comprehend about the nature of the complaint against them. Likewise, they have a right to sufficient time and resources to get ready for defence. The accused is entitled to either represent themselves or be represented by a lawyer of their choosing.⁴⁴ Furthermore, under the same circumstances, they must be permitted to question and call witnesses in their favour as well as question and question the prosecution's witnesses. Finally, the accused is entitled to free interpretation services if they are unable to grasp the language spoken during the trial.

The right to fair hearing ensures that due process is observed in the administration of justice, thereby safeguarding the legitimacy of any conviction or acquittal of the accused person. In *Eze v. FRN*,⁴⁵ the court held that the right to a fair trial is a fundamental principle of the administration of justice and is, thus, recognized by both common law and the Constitution.

Mob justice, by contrast, is characterized by its swiftness and denial of the opportunity for the accused to be heard. The right to fair hearing enables a defendant to prove both the *actus reus* and *mens rea* elements of an offence, and to raise statutory defences⁴⁶, but in the context of retributive violence, the victim is deprived of these safeguards and is unable to assert any legal defence. In cases of mistaken identity, an accused individual is denied the opportunity to demonstrate his innocence.

⁴³ CFRN 1999, s36

⁴⁴ *Brown v Brown* (1994) 8 NWLR (PT 355)

⁴⁵ (2018) ALL FWLR (pt 923) 172, *Adeoye v State* (1991) 4 SSC 67

⁴⁶Defences under the Criminal Code Act include: self-defence (s286–288), mistake of fact (s25), insanity (s28), intoxication (s29), immaturity (s30), accident (s24), extraordinary emergency (s26), alibi (a common law defence recognized under Nigerian jurisprudence) among others.

4.4. Statutory Frameworks

Currently, there is no specific statute that explicitly prohibits the acts of popular retributive violence. However, different legislations have made certain prohibitions associated with these forms of social conduct. Retributive violence commonly involves offences such as murder, assault, conspiracy, unlawful assembly, violence against persons, and related crimes. These offences are expressly prohibited in different legislations like the Criminal Code of Southern Nigeria, the Penal Code of Northern Nigeria, the Violence Against Persons (Prohibition) Act, and the Administration of Criminal Justice Act.

The Criminal Code of Southern Nigeria is the central legislation that covers all kinds of offences. In relation to retributive violence, it defines riot and unlawful assembly and clearly declares such to be offences under the law.⁴⁷ Unlawful assembly is defined as an assemblage by three or more persons that reasonably will disturb the peace of a neighbourhood while a riot occurs when an unlawful assembly has begun to act in such tumultuous a manner as to disturb the peace.

It stipulates that anyone who participates in a riot is guilty of a felony and liable to imprisonment for three years.⁴⁸ It further stipulates that anyone who, while in a riotous assembly, unlawfully demolishes or starts to demolish any building, railroad, machinery, or structures is guilty of a felony and liable to imprisonment for life.⁴⁹

The Act respectively defines assault, proscribe the act or conduct unlawful and prescribes punishment for such,⁵⁰ while also providing that any person who unlawfully kills another is guilty of an offence which is called murder or manslaughter.⁵¹ The Act also provides that “any person who, with intent to maim, disfigure or disable, any person, or to do some grievous harm to any person... is guilty of a felony and is liable to imprisonment for life.”⁵²

The Criminal Code further stipulates that the perpetrators of an act resulting in the death of a person will still be held criminally liable if the victim dies afterward (within a year and a day after the commission or omission of the act) though his death does not instantaneously occur.⁵³ This presupposes where the victim sustains injuries but subsequently dies as a result.

⁴⁷The Criminal Code (n 20) ss69 and 70

⁴⁸Ibid., s71

⁴⁹ Ibid., s76

⁵⁰Ibid., ss252, 253 and 255

⁵¹ Ibid., s313 and s315(2)(3)(4) specifically defines murder in relation to retributive violence.

⁵²Ibid., s332

⁵³ Ibid., s314

In this instance, the mob will still be liable for the act provided the death occurs within a period of a year and a day. The perpetrators are guilty of murder even when the victim is rescued and dies days or months after as a result of the injuries sustained.

Also, the Penal Code makes provision that “whoever causes death by doing an act to cause death or such bodily injury as is likely to cause death, commits the offence of culpable homicide”.⁵⁴

Violence Against Persons (Prohibition) Act is another legislation that prohibits the act of retributive violence. It criminalizes any acts, assistance, attempts that are purported to commit the act of violence and also stipulates punishment.⁵⁵ It also prohibits the act of placing persons in fear of physical harm or injury.⁵⁶ However, the problem with the Act is that it is only applicable in Federal Capital Territory and states that have “domesticated” or adopted it.

Although these legislations prohibits acts such as assault, murder, torture, unlawful assembly, none explicitly define or prohibit retributive violence or mob justice as a distinct offence, nor do they provide for compensation of victims’ families. An attempt of this was made in September 2017, when The Act on the Prohibition and Protection of Persons from Lynching, Mob Action, Extrajudicial Executions, and Other Related Offences in Nigeria was approved by the Senate.⁵⁷ The purpose of the bill was to: (i) deter the employment of extrajudicial procedures or jungle justice to deal with criminal cases and make sure those who commit them are held accountable; (ii) make it illegal to commit any act that would deny someone their right to life by means of unlawful assembly, mob violence, or crowd lynching; and (iii) prohibit any omission of security personnel to fail to stop or shield both citizens and non-citizens from mob violence, crowd lynching, or extrajudicial execution. However, the bill has been ignored ever since it was not signed into law.⁵⁸

Also, another attempt to enact such Act was taken in 2021 with the introduction of a bill titled “An Act to amend the Criminal Code Act, CAP 38, Laws of the Federation of Nigeria, 2004 to further preserve the sanctity of human life and property, and to provide specifically

⁵⁴ Ibid., s220

⁵⁵ Violence Against Persons (Prohibition) Act, 2015, s2.

⁵⁶ Ibid., s4

⁵⁷ ‘Senate Passes The Prohibition And Protection Of Persons From Lynching, Mob Action And Extra Judicial Execution Bill, 2017 – Policy and Legal Advocacy Centre’ <<https://placng.org/i/senate-passes-the-prohibition-and-protection-of-persons-from-lynching-mob-action-and-extra-judicial-execution-bill-2017/>> accessed 19 October 2025.

⁵⁸ Ibid

for mob action, prescribe punishment and other matters.”. However, it was later withdrawn due to misconceptions as stated by the sponsor of the bill.⁵⁹

5. POLICE ROLE AND SYSTEMIC ENFORCEMENT FAILURES AND DUTY OF FAMILIAL REPAIR

Multiple factors contribute to the prevalence of retributive violence, including unemployment, public frustration, distrust in governmental institutions, religion⁶⁰, etc. Besides this, retributive violence is mostly attributed to the ineffectiveness of the criminal justice system which comprises the court, the police force and the correctional institution.

The criminal justice system is saddled with the responsibility of upholding justice by punishing offenders and acquitting the innocent.⁶¹ However, it is evident that these fundamental institutions of the criminal justice system are not working effectively for this purpose. The court has been widely perceived as an institution that is slow in decision making due to technicalities, frequent adjournment and procedural rules which are to be followed before the execution of justice. Moreover, beyond the delays attributable to the courts, another major setback within the criminal justice system stems from the inefficiencies of the police force.

The Constitution establishes the Nigeria Police Force to uphold law and order.⁶² The duties and functions of the police force are to maintain public safety, law and order and protect the lives and property of all Nigerians among others.⁶³ However, the police often fail in these duties as there are several cases of mob violence.

5.1. Patterns of Non-Feasance

In this instance, the non-feasance of the police could be largely divided into two parts: omission to intervene during ongoing mob violence and failure or corruption in investigating

⁵⁹ See Ikechukwu Amaechi, ‘ANTI-MOB LEGISLATION: My Bill Has Nothing to Do with Jailing Protesters — Rep Chinedu’ <<https://www.vanguardngr.com/2021/07/anti-mob-legislation-my-bill-has-nothing-to-do-with-jailing-protesters-rep-chinedu/>> accessed 19 October 2025.

⁶⁰ Blasphemy in relation to religious beliefs, is a major trigger for mob violence in Northern states. In *Kaza v. State* (2008) 7 NWLR (Pt. 1085) 125, the court held that: “Islamic religion is not a primitive religion that allows its adherents to take the law into their hands and to commit jungle justice. Instead, there is a judicial system in Islam which hears and determines cases including the trial of criminal offences and anybody accused of committing an offence against the religion or against a fellow Muslim brother should be taken to the court (either a Sharia or a secular court) for adjudication.”

⁶¹ Richard Garside, ‘The Purpose of the Criminal Justice System’ Centre for Crime and Justice Studies 17 March 2008 <<https://www.crimeandjustice.org.uk/purpose-criminal-justice-system>> accessed 20 October 2025.

⁶² CFRN 1999, s214

⁶³ Nigeria Police Act 2020, s4

reported cases. These deficiencies undermine public confidence in the justice system and contribute to the persistence of retributive violence. The recurring patterns include:

1. Omission to interfere or act: Media accounts document incidents in which police officers allegedly remained passive during the lynching of suspected offenders.⁶⁴ This is also known as “killing by looking the other way”.⁶⁵ Such inaction constitutes a breach of their statutory duty to protect the lives and property of citizens. The police, besides the breach of duty of protecting citizens, may also be criminally responsible for failure to act which ultimately results in the death of a person. Although criminal liability for omissions is generally limited, an individual, including a police officer, may be held culpable where a legal duty to prevent harm exists and is deliberately neglected provided they were at the scene of the crime and they failed to act.
2. Delayed or no response to mob alerts: Police often arrive late at scenes of mob violence, by which time victims may already have died. Media reports further describe instances in which the police allegedly failed to investigate incidents of mob violence and, in some cases, released suspects who later retaliated against complainants.⁶⁶

In addition, the police have been seen to extort communities where angry mobs have caused the killing of persons by way of retributive violence.⁶⁷ Innocent community members, due to inadequate investigations, may be arrested, thereby discouraging witnesses from identifying actual perpetrators. This breakdown in trust frequently leads the public to resort to vigilantism rather than entrust suspects to the police.⁶⁸

⁶⁴See ‘Why Resort to Jungle Justice?’ Vanguard News 15 January 2013 <<https://www.vanguardngr.com/2013/01/why-resort-to-jungle-justice/>> accessed 20 October 2025; ‘Family Demands Justice at Burial of Lynched Youth, as Community Offers Cash Settlement’ Nigerian Eye 17 August 2013 <<https://www.nigerianeye.com/2013/08/family-demands-justice-at-burial-of.html>> accessed 20 October 2025.

⁶⁵(n 10) 156; (n 13)

⁶⁶In the prosecution of the suspects involved in the killing of Deborah Samuel, Prosecutor Inspector Khalid Musa reportedly failed to appear in court without providing any justification, despite having formally charged the defendants. Furthermore, law enforcement authorities failed to apprehend one of the perpetrators who was visibly identifiable from publicly circulated video footage of the incident. See Ahmed Oluwasanjo, ‘Police charged killers of Deborah Samuel but failed to appear, court documents reveal’ Gazette NG 18 May 2023 <<https://gazettengr.com/police-charged-killers-of-deborah-samuel-but-failed-to-appear-court-documents-reveal/>> accessed 22 October 2025.

⁶⁷Etop Ekanem, Luminous Jannamike and Ozioruva Ali, ‘Uromi killings: Residents allege indiscriminate arrests, extortion’ Vanguard News 3 April 3 2025 <<https://www.vanguardngr.com/2025/04/uromi-killings-residents-allege-indiscriminate-arrests-extortion-2/>> accessed on 22 October 2025.

⁶⁸In an interview with the press, a person said, “I am not in support of jungle justice but I won’t stop anybody if they want to lynch any criminal. Handing criminals over to the police is not effective, as we have seen over

5.2. Duty of Familial Repair

When a victim dies as a result of mob violence, the constitutional infringement of such an event does not cease with the demise of the victim alone but also extends to the family relatives of the victim particularly in situations where the state does not give an effective investigation of the case, prosecute the culprits and offer a redress in such circumstances. As earlier established, section 33 does not only address the right of the citizens to life, but also sets the obligation on the state refrain from unlawful killing of its citizens. Besides, the right to life also means that the State should make reasonable efforts to prevent unlawful deprivation of life and act appropriately, in case of such deprivation. Therefore, there are the positive, negative and procedural conditions of the state to the protection of right to life in retributive violence cases.

In this instance, the negative obligation imposes a duty on the state to prevent illegal killings or arbitrary deprivation of the citizens' lives. The positive obligation ensures that the state actively protects the citizens' life from private actors with all appropriate means while the procedural obligation includes the duty to effectively investigate suspicious or violent deaths.⁶⁹ In this case, the third obligation appears in the forefront as it is evident the state has failed in carry out both negative and positive functions. Hence, the failure of the police to intervene either by non-feasance or refusal to conduct adequate investigations or lazy investigations towards the cases of mob violence is but a continuing constitutional violation. This violation significantly has a considerable impact on a substantial proportion of the family of the victims since by omitting the police on proper investigative actions, they lack the right to life of the deceased but demand an efficient recourse to the lapse of constitutional defences by the State.

This is then the basis of the duty of familial repair as it is the responsibility of the state to adequate cater, supervise, prosecute and ensure the death of the victim is not worthless. The state owes a duty to investigate the case and ultimately consider the relatives of the victims for compensation.

time. Most times, the criminals come back to 'punish' the community when they are released from custody, better to get rid of them once and for all," Samson Ezea, 'Rising, Worrisome Cases of Jungle Justice in Nigeria' The Guardian News 19 August 2017 <<https://guardian.ng/saturday-magazine/rising-worrisome-cases-of-jungle-justice-in-nigeria/>> accessed 20 October 2025.

⁶⁹ In *Gabriel v The State* ((2010) 6 NWLR (pt. 1190) 280, The court held that the State's duty to protect the right to life is not limited to punishing offenders. It also includes taking active steps to prevent threats and protect people before harm occurs.

Section 46 of the Constitution of the Federal Republic of Nigeria 1999 vests jurisdiction in the High Court to consider applications brought by a person who claims that a fundamental right has been, is being, or is likely to be violated against him. The unlawful death of the primary victim does not make the violation of his rights incapable of judicial enforcement. The State's failure to investigate efficiently and promptly also constitutes an ongoing violation, subject to court proceedings. The relatives of the deceased can thus approach the court, not on the basis of a transmitted right of life, but on the ground that the obligations imposed on the state to protect the right have not yet been enforced. Their locus standi is therefore based on the justiciability of the ongoing breach and their interest which can be legally identified in the effective investigation and proper reparation.⁷⁰ An expansive interpretation of Section 46 shows that relatives are concerned not merely with enforcing the deceased's abstract rights; rather they are interested in the inability of the State to perform its procedural and remedial functions arising from the unlawful taking of life.

Therefore, the duty of familial repair arises from the State's failure to prevent and adequately investigate incidents of mob violence. When the State fails in this primary obligation, a secondary responsibility emerges. The State must ensure that the relatives of the deceased obtain justice, while also prosecuting those responsible for the lynching. Familial repair is threefold. It consists of proper reinvestigation of the incident, prosecution of the perpetrators, and the provision of remedies to the affected relatives. Taken together, these measures ensure that the relatives receive meaningful remedial redress from the State.

5.3. Reinvestigation of the Case

The State's failure to properly investigate mob violence constitutes a breach of its fundamental obligations to protect life and maintain public order. Through its law enforcement agencies, particularly the police, the State is constitutionally mandated to maintain law and order and to protect lives and property. This obligation necessarily includes conducting thorough and impartial investigations into incidents of mob violence. A superficial or casual inquiry does not satisfy this duty. Likewise, arbitrary arrest or random incrimination of witnesses cannot be regarded as proper investigation. An investigation is only adequate where it is diligent, evidence-based, and directed toward identifying and prosecuting the actual perpetrators of the violence. Where this standard is not met, the

⁷⁰ The Fundamental Rights (Enforcement Procedure) Rules, 2009 abolished the restriction of locus standi to the directly aggrieved party, allowing other interested persons, including relatives, to bring actions for the enforcement of fundamental rights; See Preamble 3 of the Fundamental Right (Enforcement Procedure) Rules, 2009.

investigative process becomes ineffective and does not discharge the State of its continuing obligation

5.4. Prosecution of the perpetrators

Perpetrators are the major active participants in retributive violence cases. In most cases, this category of people is a part of those present in event of mob lynching and as a result it is difficult to specifically identify them. It is therefore the duty of the state to identify these people through prompt and detailed investigation of the police, prosecute this set of participants as they are jointly and severely liable for the death of the victim of mob violence.⁷¹

5.5. Remedies to the Affected Relatives

The state, through its institutions, must ensure that relatives have access to justice. Access to justice in this context is the ability to present a claim to the court for a fair and just decision. It is linked to the rule of law and judicial access. It encompasses the rights to initiate legal action, to actively engage in the proceedings, and to benefit from the efficient implementation of court orders.⁷² The fundamental purpose of law is the realization of justice within society, and the denial of access to justice to the victim's relative is a flagrant breach of their fundamental human rights, as well as Section 401(2) of the Administration of Criminal Justice Act.⁷³

The state in exercising its duty of familial repair should compensate the relatives of the deceased for their loss. The criminal justice system does not concern itself only with punitive justice for the perpetrators but also with the state's restorative efforts to address the loss of the relative. This means the relatives are entitled to monetary compensation and damages. The court may grant that the monetary compensation be paid by either the state or the perpetrators.⁷⁴

Compensation must be properly understood. It does not arise automatically in every case of unlawful killing. It becomes available only where legal responsibility has been established, whether through a criminal conviction or proof of civil liability. The court could direct a convicted defendant to give compensation and damages can be granted against the State in

⁷¹ Section 7 and 8 of the Criminal Code; see *Abol Gyang & anor v The Queen* (1954) 14 WACA, 584

⁷² CO Adekoya, 'Construing the Right to Access to Justice in Nigeria – Drawing Inspirations from the Decisions of the European Court on Human Rights' *University of Ibadan Law Journal* (2012) 2(2) 247-270

⁷³ The sub-section provides that the court must consider the following in determining sentencing: prevention, restraint, rehabilitation, deterrence, education of the public, retribution and restitution.

⁷⁴ ACJA 2015, s314 (1)

appropriate circumstances for breach of a constitutional or statutory duty. Monetary redress is therefore one aspect of repairing the harm suffered by the family. It does not substitute, but develops, prosecution and formal acceptance of wrongdoing.

6. Results

There are four significant findings in the paper. First, retributive violence is explicitly unlawful in the Nigerian laws since it infringes the constitutional rights of life, fair hearing, and dignity provision in the Sections 33, 36 and 34 of the 1999 Constitution respectively. Besides, the individual acts that constitute mob violence are already criminalized by the existing laws such as the Criminal Code and Violence Against Persons (Prohibition) Act, although no standard legislation on the subject is in place. The second observation is that the Nigeria Police Force has systemic trends of non-feasance that perpetuate the practice. Officers have been caught on camera standing and watching as individuals are lynched, investigations are poorly handled, and perpetrators routinely go unpunished which further makes people distrust the police and take the law into their own hands. Third, the paper concludes that it is not just the victims who is wronged but also the relatives as the State has a duty to investigate, prosecute those who wrong victim and provide some form of remedy, and when it fails to do all of these, the family has a legal ground to go to court and demand accountability. Lastly, the paper concludes that there is a gap in the Nigerian law since there is no specific statute that defines and outlaws mob justice. This leaves the legal response to retributive violence scattered, random, and mostly ineffective. The paper therefore proposes a reconsideration of the abandoned anti-mob bill or the enactment of a new statute which will bridge this gap.

7. Discussion

The paper begins by putting the retributive violence in context as both a social problem and a constitutional crisis in full and states that it is not only the mob but the many layers of state failure, which encompasses the inaction of the police, the lack of concern of the prosecutors, the silence of the legislature, and the denial of justice to the victims' families. This makes the practice live and even become normal to most individuals. It then forms the original contribution of the paper, the duty of familial repair, which counters the tendency to treat the families of victims as strangers to the legal process but instead accepting them as individuals who possess actual claims of law which comprises of the right to receive a proper reinvestigation, the prosecution of the perpetrators, and some form of compensation which

the State is bound to provide and may be taken to court over failing to do so. Lastly, the paper advocates for a new law of retributive violence, restructured police force, better protection for witnesses and involvement of the relatives of the victims to compensate.

8. RECOMMENDATIONS AND CONCLUSION

8.1 Recommendation

To address the pervasive issue of retributive violence, it is imperative that a comprehensive legal framework be established, either through the revival of the abandoned Anti-Jungle Justice Bill or the enactment of a new legislation. Such a framework should not only criminalize all forms of mob violence and extrajudicial punishment, it should also provide clear mechanisms for the investigation and prosecution of offenders.

The proposed Act should contain five core components. First, it should provide a clear statutory definition of mob violence. The absence of a precise definition creates uncertainty and weakens prosecution. The Act should define mob violence as collective unlawful conduct by an assembly of persons resulting in death, serious bodily harm, or destruction of property.

Second, the Act should introduce a presumption of joint criminal liability where an unlawful assembly results in death. Where individuals voluntarily participate in a violent assembly that leads to a killing, liability should not depend on identifying the person who delivered the fatal blow. Participation in the collective enterprise should ground responsibility, subject to proof and available defences.

Third, the Act should provide for mandatory, yet effective, police investigation of retributive violence cases.

Fourth, the Act should create a structured witness protection framework. The fear of witness incrimination affects the procedural conviction of the perpetrators. Without statutory guarantees of protection, reporting and testimony will remain limited.

Fifth, the Act should impose criminal liability for police non-feasance in circumstances where officers fail, without lawful justification, to intervene or take reasonable steps to prevent mob violence. Legal accountability must extend not only to perpetrators but also to state actors who deliberately or recklessly fail to act.

Furthermore, it should ensure that victims' families obtain justice and fair compensation, strengthening public trust in the legal system and the rule of law.

The criminal justice system should strengthen its institutional mechanisms for investigating, prosecuting, and adjudicating cases involving individuals who, whether actively or passively, participate in mob violence. This includes the development of specialized investigative units, improved training for law enforcement personnel, and the establishment of protocols to protect witnesses and victims' families throughout the judicial process.

8.2. Conclusion

Retributive violence continues to pose a significant socio-legal challenge in Nigeria and has led to the death of several citizens. While the public has justified the act by citing the ineffectiveness of the criminal justice system, it remains unlawful. The widespread practice of summary executions, particularly in cases of alleged kidnapping or armed robbery, has led to the wrongful punishment of numerous innocent persons. The primary factor responsible for the continuation of mob violence in Nigeria has been found to be the public's mistrust of the criminal justice system, which includes the courts, the Nigeria Police Force, and the correctional centres.⁷⁵ Furthermore, the police force has frequently fallen short of its responsibilities to uphold peace and order and safeguard individuals' lives and property. Furthermore, procedural ambiguities and difficulties in prosecuting those responsible for mob violence have hindered the delivery of justice.

Few victims of mob attacks survive; the majority die as a result of multiple inflicted injuries, yet the relatives of these deceased victims are often denied proper investigation, justice, and any form of compensation for the harm and losses suffered. In this regard, retributive violence is unlawful and contravenes the provisions of the Nigerian Constitution. The court in *Oshoboja v. Amuda*.⁷⁶ held that, "The rules of court are made to be followed and to avoid what in common parlance is referred to as arbitrary or jungle justice... We should not sacrifice justice for a speedy trial."

⁷⁵ op.cit. (n3) pg. 143

⁷⁶ 1992) 6 NWLR (Pt. 250) 690