

**PREVALENCE OF MOB VIOLENCE AND KILLING BY FIRE IN NIGERIA: A
CONSIDERATION FOR THE WORKABILITY OF SHARI'A PRINCIPLE OF
RETALIATORY PUNISHMENT (QISAS)**

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ABSTRACT

For the past 25 years, Nigeria has been witnessing cases of jungle justice perpetrated by mob groups all over the country, who, on every slight allegation of crime commission, take law into their hands by killing the suspects instantly. In most cases, apart from various form of torture, cruelty, inhuman and degrading treatments to which the victims are subjected, they are burnt alive. The concern of this study lies in how this mob action continues to prevail with impunity in a country whose constitution guarantees rights to life and respect for the dignity of human person as fundamental. This paper employs doctrinal legal research methodology with a view to finding wherein lies the problem of such continuous mob crime for over 2 decades without cessation, and considering the workability of employing Shari'a principle of retaliatory punishment (qisas) against the offenders. The study finds that the problem lies with the law enforcement only as there exists adequate penal legislation to address the menace, and that Shari'a retaliatory punitive legislation against the offenders lacks foundation in the country's organic laws. Consequently, the study recommends full enforcement of the related penal laws and establishing special tribunal for the trial of the perpetrators in special way.

Key terms: mob action, torture, Nigeria, Islamic Law

1.0 Introduction

Man's desire for security, especially of life, has always been the central reason behind his submission to the idea of government, believing that it is only under that arrangement such essential need is best guaranteed. This is true because, it is only through the instrument of government that man's natural tendencies to march on others' rights are tamed - by dictating strictly sanctioned standards of behaviour within human society. Of all matters to which government and its policies attach major significance, life ranks the highest. Towards

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protecting the sanctity of human life, right to it is always guaranteed as fundamental right of persons by all nations, and as complementary to that, life for life - based penal legislations are common place around the globe, Nigeria inclusive.

Surprisingly, however, recent trends in Nigeria in how lives not only suffer illegitimate loss, but the manner by which they are so lost, suggest serious question on the efficacy of Nigerian criminal justice system.

On this note, and in particular, the gruesome murder of good number of Kano State indigenes who were set ablaze by a mob of purported community Vigilantes in Edo State - which is but a usual repeat of the menace - inspires the conduct of this research with a view to uncovering wherein the lacuna lies in the county's criminal justice system on one hand, and to consider whether Shari'a principle of retaliatory punishment (qisas) is an option in the circumstance in suggesting a workable solution to that effect.

2.0 Mob Action, Torture and Immolation Contextualized

Mob action, also known as mob justice, jungle justice or vigilantism refers to situation in which group of angry people takes law into its hands by applying instant punitive measure against suspects of unsubstantiated criminal allegations in a manner other than established by law. By nature, it is an action that characterizes false accusations, brutal violence and extrajudicial punishments, mostly involving cruel treatments and killings.¹

Obviously, subjecting suspects of crimes to various types of torture and killing explain the major characteristics of mob action in Nigeria. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to which Nigeria is a signatory offers comprehensive definition of 'torture' by providing:

"For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in

¹Aliu Oladimeji Shodunke, Sodiq Abiodun Oladipupo, Mubarak Olawale Alabi and Ayobami Habeeb Akindele, 'Establishing the Nexus Among Mob Justice, Human Rights Violations and the State: Evidence from Nigeria'. *International Journal of Law, Crime and Justice*, [2023] 72 (100573).

an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."²

This definition of torture has been adopted *mutatis mutandis* by the Nigerian statute.³

In addition, the Act categorically brings burning human being within the scope of the definition of 'torture'. It provides:

'For the purpose of this Act, torture includes.-

...

(iv) cigarette · burning, burning by electrically heated rods, hot oil, acid, by the rubbing of pepper or other chemical on mucous membranes, or acids or spices directly on the wounds..."⁴

Of all forms of torture to which victims of mob actions are subjected, burning alive is, arguably, the highest form of torture man can suffer. This practice of killing human being by burning is technically known as immolation.

Immolation has been defined as: "the act of killing yourself or someone else, or of destroying something, usually by burning."⁵ By Oxford Dictionary, an act of immolation means to: '*kill or offer as a sacrifice, especially by burning*'.⁶

3.0 Nigerian Legal Regime Against Mob Action and Torture

Although Nigerian criminal justice system as it is did not make special penal legislation against killing by fire, it is obvious that the system, taken generally, is not short of arrangement that draws cotton on such barbaric practice and its likes.

As a foundation, the constitution of the Federal Republic of Nigeria, 1999 recognizes and guarantees to the citizens rights to life and respect for the dignity of human person as fundamental human rights. While section 33 guarantees right to life to the citizens and frowns on meddling with such right, save in a manner provided by law, section 34 categorically prohibits any form of torture, inhuman and degrading treatments. The two sections relate to cruelty manifest in setting human being ablaze to death in two ways. First, nowhere, either under the

²Article 1, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984 by General Assembly resolution 39/46)

³Section 2 (1) Anti Torture Act, 2017.

⁴Section 2 (2) Anti Torture Act, 2017.

⁵Cambridge Advanced Learner's Dictionary & Thesaurus <https://dictionary.cambridge.org/us/dictionary/english/> retrieved 14th September 2025.

⁶Oxford Dictionaries <http://oxforddictionaries.com/definition/immolate> retrieved 14th September 2025.

exceptions provided by section 33 or in any other penal legislation, killing by fire is authorized. Second, as burning human being alive is the highest degree of torture to which living being can ever be subjected, such cruelty rightly fits into the scope of the provision of section 34 of the constitution that prohibits subjecting person to torture. As some reports on mob actions in Nigeria show that, in some cases, victims of such acts are stripped naked, paraded through towns as such and severely beaten with sticks before being set ablaze,⁷ they suffer inhuman and degrading treatments within the contemplation of the section, as well.

Further, section 17(2)(b) of the Constitution imposes on all persons and authorities in Nigeria obligation to recognize, maintain and enhance the sanctity and human dignity of every person.

Equally, as at July, 2009, Nigeria established National Committee Against Torture (NCAT) as part of efforts to fight and eradicate all practices of torture, cruelty, inhuman and degrading treatments of the citizens pursuant to its responsibility under Convention Against Torture (CAT), as well as the Optional Protocol to the CAT (OPCAT).

Also, Nigerian Anti Torture Act, 2017 criminalizes and penalizes acts of torture and ill-treatment. It prescribes up to 25 year term of imprisonment as punishment for the offence.

On its part, Administration of Criminal Justice Act, 2015, following constitutional steps regarding citizens rights to respect for the dignity of human person, makes arrangement that targets ensuring humane treatment of persons undergoing criminal proceedings right from arrest. From the on set, the Act provides for proper handling of suspects of crimes by dictating that suspects of crime be taken to police station immediately.⁸

Equally, the Act provides that even suspects of crime shall, having regards to their right to respect for the dignity of human person, be accorded humane treatment, and not to be subjected to torture, inhuman, cruel and degrading treatments of any kind.⁹

⁷See item 4.0 below.

⁸Section 14 (1), Administration of Criminal Justice Act, 2015.

⁹Ibid section 8 (1).

The Criminal Code Act has some provisions that have partial relevance to killings linked to activities of mob groups since the Act criminalizes unlawful assembly and rioting. Oftentimes, cases of killing by fire within the context of this study are acts of unlawful assembly and or rioting. In particular, section 76 of the Criminal Code provides:

“Any persons who, being riotously assembled, unlawfully pull down or destroy, or begin to pull down or destroy any building, railway, machinery or structures are guilty of a felony and each of them is liable to imprisonment for life.”

Under section 71, the Act prescribes 3 years imprisonment for taking part in a riot being a felony offence.

The Act also prohibits physical assault under sections 252 and 253. By section 315 of the Criminal Code Act, unlawful killing - whether by an individual, group or mob, and by whatever means - is prohibited. The section provides: *“any person who unlawfully kills another is guilty of an offence called murder or manslaughter, according to the circumstances of the case”*.

On its part, the Penal Code provides under section 220: “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”.

Violence Against Persons Act deals directly with the offence of wilful causation and infliction of physical injury on the body of any person using object, weapon or substance. It prohibits the act under section 2 (1).

The above legislation represent the extant legal regime against human torture and killing generally in Nigeria. It appears that the regime is short of special legislation aimed at addressing mob actions, crowd lynching and killing by fire. This limitation was acknowledged by the lawmakers at two different failed occasions as explained below.¹⁰

1. The Nigerian Senate, passed Prohibition and Protection From Mob Action and Extrajudicial Execution Bill, 2017, in September, 2017. The Bill aimed to prevent resorting to jungle justice and extrajudicial measures in handling criminal cases; ensure that culprits are subjected to legal processes and punished accordingly; proscribe mob actions, crowd lynching and riotous assembly specifically for the preservation of

¹⁰Amnesty International, 'How Law Enforcement Failures Exacerbate Nigeria's Wave of Mob Action' (2025).

citizens' right to life; and criminalize and provide punishment for the act of law enforcement officials of failing to protect people from mob actions, crowd lynching and extrajudicial killings. Unfortunately, the Bill was abandoned.

2. In 2021, Bill for an Act to amend the Criminal Code Act, CAP 38, Laws of the Federation of Nigeria, 2004 was also introduced. The Bill intended to achieve more preservation of the right of human life and property for which course it aimed at making provisions for mob actions, punishment therefor^e and other matters specifically. However, This Bill was later withdrawn.

The implication of the consideration of the criminal legal regime above is that Nigeria is yet to promulgate special legislate special legislation for mob actions, extrajudicial killings and crowd lynching and killing by fire. Consequently, the offences are and must be treated under the extant general penal legislation as has always been the case.

4.0 Review of the Prevalence of Mob action Involving Killing by Fire in Nigeria

It is disheartening that, in today's Nigeria, despite the rich penal legislation against unlawful assembly and rioting (in which mob action rightly fits), torture and all other forms of inhuman treatments, mob violence involving killing people by fire has gained ground across the country for the past couple of decades with impunity.

The recent notorious mob action involving killing by fire that sparked public reactions is the one that claimed 16 lives in Uromi, Edo State. On the 2th March, 2025, a mob identified as vigilante group intercepted 25 hunters (all indigenes of Kano State) aboard a truck with registration number KKF 225 XA at Uromi, Edo State, attacked them and set no fewer than 16 of them ablaze to their deaths on mere suspicion of them being kidnappers.¹¹

Recurrence of similar mob action was recorded in the Nigeria's capital in less than six months. There, on Friday, September 5th, 2025, three men, identified as motor park touts, were set ablaze in Abuja. The incident followed allegation that, while attempting to extort money from a family's car driver, the touts dragged the car steering from the driver, thereby causing fatal accident on Mabushi Bridge.¹²

¹¹Editorial, 'How 16 Hunters were Mobbed, Killed in Uromi' *Daily Trust* (29 March 2025) <https://share.google/UEDnh5aqByEsdmbE3> retrieved 16th September, 2025.

¹²Adenle Ahmed Abiola, Touts Chase Family of Three to Death in Abuja *The Eagle Online* (04 September 2025) <https://theeagleonline.com.ng/touts-chase-family-of-three-to-death-in-abuja/> retrieved 17th August, 2025.

On Saturday, August 30th, 2025, a mob in Kasuwan Garba town, Mariga Local Government, Niger State, lynched and set ablaze one Amaye, a woman food vendor, over an alleged derogatory remarks against Prophet Muhammad (SAW). It was amazing how Amaye was burnt alive by the mob even though she was first taken to the District Head of Kasuwan Garba, who later handed her over to security operatives.¹³

On January 3rd, 2025, one Urimchi Okorochoa was launched and set ablaze by mob in Enohia Itim Village, Apikpo Local Government Area, Ebonyi State. Urimchi was murdered by the mob on the allegation of killing different people through witchcraft and spiritual means. Seventeen persons were arrested by police in connection with the case since 3rd January, 2025.¹⁴ Nothing is heard about the case since then.

In March, 2023, a group of five suspected handset phone snatchers apprehended by angry mob were all killed by setting them ablaze in Aukwa, Anambra State.¹⁵

In April, 2023, a driver by name Olorunfemi Tope, was burnt alive together with his mother in Ijoka, Akure, Ondo State, by angry mob following mere accusation that the victim was a fraudster (aka yahoo boy). Olorunfemi Tope, a driver, who was involved in an accident that claimed four lives, was killed and set ablaze at Ijoka area of Akure, Ondo State.¹⁶

A 22 year old young man alleged to have stolen android handset phone was set ablaze by mob in Atimbo, Calabar, Cross River State. This incident was a scenario recurrence of past few years incident of more horrific killing in Orile-Iganmu of Lagos State where a 7-year old child was burnt to death on suspicion of stealing handset phone.¹⁷

Around May, 2022, angry mob set a female student of Shehu Shagari College of Education, Sokoto, Deborah, on fire to her death on suspicion linked to blasphemy.¹⁸

¹³Abubakar Akote, Daily Trust E-paper (31 August 2025) <https://dailytrust.com/alleged-blasphemy-woman-burnt-alive-in-niger/> retrieved 12th September, 2025.

¹⁴Punch Newspaper available at <https://punchng.com> retrieved 31st August, 2025 at 10:40 am.

¹⁵Daniel Obi, 'Cruelty of Setting Human Being Ablaze' April 25, 2023 *Businessday NG Online Newspaper* (25 April 2025) available at <https://businessday.ng> retrieved 31st August, 2025.

¹⁶Ibid.

¹⁷Ibid.

¹⁸Ibid.

In 2022, also, one David lost his life as a result of been set abaze by mob in Lekki, Lagos State, following altercation with okada rider over just N 100.0 (One Hundred Naira Only).¹⁹

A research by Amnesty International into gruesome murder cases perpetrated, mostly, by mob, repots how the practice has been prevailing in Nigeria for almost a past decade with no account of prosecution. It reveals the following incidents:

On 25th June, 2023, one Usman Buda, was tortured and stoned to death at Tipper garage, in Lugbe, Abuja, following allegation of making derogatory statement against Prophet Muhammad (SAW). Usman was said to have been approached by a street begger who asked him for alms for the sake of Allah and the Prophet. In response, Usman cautioned the begger that one can only seek help for the sake of Allah, not for the sake of the Prophet.

In June, 2023, one lady by name Martina Okey Itagbor was tortured and burnt to death by a group of people who attributed an accident that claimed two lives to her act of witchcraft.

On 12th May, 2022, one David Imoh, identified as a sound engineer, lost his life in the hand of mob of commercial motorcycle riders (okada). The victim was burnt alive on the road by the mob in Lekki, Lagos State, following the victim's unwelcomed attempt to settle a dispute over N 100 involving a member of the mob group.

In June 2022, one Ahmad Usman, a member of Vigilante group operating at Tipper garage in Lugbe District of Abuja was lynched and burnt to death on account of blasphemy allegation in the presence of Police personnel who were overpowered by the mob that carried out the operation.

On March 30th, 2021, one Talle Mai-ruwa, a 47 year mentally-ill person of Sade community, Darazo Local Government Area, Bauchi State, was publicly tortured and burnt to death by an angry mob for allegedly blaspheming Prophet Muhammad (SAW). The mob chased the victim to the Police Station he ran to for safety, over powered the police officers and executed him.

¹⁹Ibid.

On 19th November 2021, a 16 year old boy, Anthony Okpahefufe and his two friends were lynched and set ablaze by a mob led by a group of Vigilantes in Ogoja, Cross River State. The incident followed mere allegation raised by one store owner who reported that his money had been stolen, and he suspected none but the victims.

On 5th October, 2012, four young men, all students of University of Port Harcourt, Rivers State, comprising Chiadika Biringa, Ugonna Obuzor, Lloyd Toku and Tekena Elkanah, were gruesomely murdered by a mob in Aluu village by been tied to tyres and burnt alive after stripping them naked, beaten with sticks and paraded through town. The victims were alleged to have stolen phones and laptop computers.

The respondents interviewed over these incidents reported that their distrust in the justice system of the country was the reason for the mob actions in that way.²⁰

On another account, although the Oduduwa People's Congress (OPC) is not being heard of in recent times, history will always reckon with its activities on matters of cruel Killings. In October, 2000 one Sahabi, a 35 year old Hausa man, was killed by Oduduwa People's Congress (OPC) people in the presence of his family at Ajegunle, Lagos State. He was slaughtered and his body cut into pieces with cutlasses.²¹

Empirical study into the activities of this group around 2002 revealed that as a mob, the OPC frequently poured acid on their victims or set fire to their remains after mutilating them.²²

Of all these cases, there is none for which evidence of proper investigation, prosecution and trial exists within public domain.

5.0 Considering the Workability of Deterrent Punitive Measure as Solution to the Menace

Among many implications, the reported cases of mob violence exhibiting various forms of torture, cruelty, inhuman and degrading treatments all over Nigeria succeed in writing the

²⁰Amnesty International, 'How Law Enforcement Failures Exacerbate Nigeria's Wave of Mob Action' (2025).

²¹Human Rights Watch interview, Ajegunle, Lagos (3 September 2002).

²²Human Rights Watch, 'Killings and Abuses by the OPC' available at <https://www.hrw.org> retrieved 31st August, 2025.

efficacy of the related Nigerian penal regime in black. That is, it fails to meet the desired objective since the menace is on the increase.

One may, therefore, think of looking for solution in promulgating a deterrent punitive measure against the menace of killing by fire. This seems reasonable for one reason. Where killing is by fire, two fundamental injuries are meted on the victim; loss of life and severe hurt of burning. The extant penal legislation in Nigeria does not provide for the offence of burning human flesh and punishment therefor specifically.

To fight this mischief that is in the increase, a deterrent punitive measure is a good consideration. Deterrent model of punishment is one that aims to deal with the offender in a manner capable of preventing both the offender and other potential offenders from committing similar offence. Thus, punishment is the instrument of achieving deterrence when by its nature is capable of inculcating fear of committing similar offence in the minds of others. For punishment to characterize as such, it needs to be severe and timely.²³

In addition to this peculiar nature of deterrent punishment, any model of punishment requires that punishment should neither measure higher nor lower than the offence, and that it must be demonstrated first to the offender and then to others in the society.²⁴

In the case of killing by fire, going by the gravity, injury occasioned and prevalence of the offence, a punishment that can equate such offence, and capable of deterring others is none but retaliatory one. That is, to prescribe immolation as the punishment for such offence. This is because, no amount of punishment can equal killing by fire since burning is the greatest torture that human flesh can ever test.

However, towards this consideration, due consideration must be given to certain laws that underlie punitive legislation in Nigeria.

Article 1 of The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and section 2 (2) of Nigerian Anti Torture Act, 2007 that offer the

²³Md. Ezazul Karim, 'The Critical Evaluation of the Different Theories of Punishment' [2020] *Jahangirnagar Review* Part-C, Vol. XXIX, pp 471-489, ISSN 2306-3920)

²⁴*Ibid.*

comprehensive definition of 'torture' considered above have, in effect, proscribed torture. In particular, the prohibition is especially targeted at fighting use of torture by public officials in the course of crime investigation and punishment. Anti Torture Act categorically brings burning human being within the scope of the definition of 'torture'. It provides:

'For the purpose of this Act, torture includes.-

...

(iv) cigarette · burning, burning by electrically heated rods, hot oil, acid, by the rubbing of pepper or other chemical on mucous membranes, or acids or spices directly on the wounds..."

Equally, it was earlier shown how ACJA, 2015 emphasizes that even suspects of crime shall, having regards to their right to respect for the dignity of human person, be accorded humane treatment, and not to be subjected to torture, inhuman, cruel and degrading treatments of any kind.

The Nigerian legal regime against torture as such alligns with its obligation to the global community as a signatory to different international and regional human rights treaties that detest torture and all other forms of ill-treatment even in the course of lawful punishment.²⁵

The effect of the above provisions is that retaliatory punishment for the offence of killing by fire cannot gain ground in the Nigerian conventional criminal justice regime, in that the provisions emphasize prohibiting any form of torture against suspects of crimes by any public official. In particular, this accounts for the reason cigarette burning, electrically heated rod and oil burning are prohibited under Anti Torture Act.

On another account, as Nigerian legal system embodies Shari'a law, a look at its take on this is imperative. Generally, the Sharia criminal justice system allows for retaliatory punishment (*Qisas*). *Qisas*, technically, refers to a retaliatory punishment; a Shari'a principle of 'eye for an eye'.²⁶

²⁵Some of these treaties are: the Convention against Torture (CAT), the International Convention for the Protection of All Persons from Enforced Disappearance (ICED), International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the African Charter on Human and Peoples' Rights (ACHPR).

²⁶Ram Swarup, "Crime and Punishment (Qasamah, Qisas, Hadud)", <http://www.voiceofdharma.org/books/uith/index.htm> retrieved 14th September, 2025.

Quran says:

We ordained therein for them: "Life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds equal for equal." But if any one remits the retaliation by way of charity, it is an act of atonement for himself. And if any fail to judge by (the light of) what Allah hath revealed, they are (no better than) wrong-doers.²⁷

On the strength of this Qur'anic dictate, some shari'a practicing states have promulgated retaliatory punitive measures to tackle some emerging crimes against human body. Pouring acid on human body is one of such cases.

Recently, in 2025, a court in Iran ordered removal of a man's eyes having found him guilty of throwing a bottle of acid at another person leading to the total blindness of the said victim. The verdict specifically directed that acid be poured into the eyes of the convict on the basis of *qisas*.²⁸

In 2023, a court in Pakistan ordered that a man who blinded his fiancée using acid be blinded in the same manner.²⁹

An Iranian court, in 2008, ordered the pouring of 10 drops of certain form of acid into both eyes of one Majid Movahedi for the purpose of turning him blind as a retaliatory punishment for splashing acid on a woman who turned down his marriage proposal leading to her blindness.³⁰

However, many traditions of the noble Prophet Muhammad (SAW) prohibit punishment with fire under whatever guise. Some of these traditions are:

لا يعذب بالنار إلا رب النار

"No one may punish using fire other than the Lord of the Fire (Allaah)"³¹

²⁷Al-Ma'idah: 45.

²⁸Free Republic, "Iranian Court Orders Man to be Blinded", <http://www.freerepublic.com/focus/f-news/1434247/posts> retrieved 14th September, 2025.

²⁹"Eye for an Eye in Pakistan Acid Case", *BBC News* http://news.bbc.co.uk/2/hi/south_asia/3313207.stm, retrieved 14th September, 2025.

³⁰Iran Human Rights, "URGENT: Iranian Man's Acid Blinding Punishment Set for Tomorrow Morning in Tehran" <http://iranhr.net/spip.php?article2194>, retrieved 14th September, 2025.

³¹Imam Aboo Daawood, *Sunan Aboo Dawood*, Hadith Nos. 2673 - 2674.

Another hadith provides:

إنه لا ينبغي أن يعذب بالنار إلا رب النار

”e Fire (Allaah)It is not befitting for anyone to punish using fire, other than the Lord of th“³²

Another hadith says:

لا تعذبوا بعذاب الله

”!Do not punish with the punishment of Allaah“³³

These traditions represent the consensual position of Muslim scholars on punishment with fire despite Khalif Alee bin Abee - Talid contrary act. It was reported that Alee bin Abee - Talib once ordered the killing by fire of some apostates.³⁴ However, he later proved humble to admit acting in error when Ibn Abbas stated the correct position. Ibn Abbas (RA) said: “If I had been in his place, I would not have burned them, because the Prophet (ﷺ) said: *‘Do not punish with Allah’s punishment (fire).’ I would have killed them instead.”³⁵

By these traditions, using fire as a punishment constitutes an exception to the principle of *qisas* punishment. This coincides with the prohibition of punishment with fire under the Nigerian conventional penal system to make adopting retaliatory punitive measure against killing by fire impracticable in Nigeria.

6.0 Findings

Following the consideration of the variables of this study, especially the menace of mob action involving killing by fire and Nigerian penal legal regime, the following major findings are realized:

1. That the menace of mob action involving killing by fire is an old practice stretching to as far back as 25 years and it continues to prevail with impunity.
2. That retaliatory punitive measure against killing by fire is impracticable in Nigeria being in conflict with the fundamental principles that underlie the country's criminal justice system.

³²Ibid 2675.

³³Muhammad Bn Ismail Al-Bukhari, *Saheeh - Al - Bukhari*, 3017.

³⁴ Muhammad Bn Ismail Al-Bukhari, *Sahih Al-Bukhari*, 3017.

³⁵Ibid.

3. That although the Nigerian penal legislation do not specifically provide for the offence of mob action involving killing by fire, the extant penal legislation address the menace through general provisions that bring mob action, killing by fire or any other form of torture or cruelty right within proscribed actions in Nigeria.

3. That the prevalence of mob action involving killing by fire in Nigeria for the period of at least 25 years is tied to lack of political will on the part of the executive manifests in law enforcement failure.

7.0 Recommendations

Based on the above findings, the following recommendations are made:

1. The executive organ of Nigerian state should stand to its responsibility in earnest by ensuring full enforcement of the penal legislation against mob action, killing by fire, torture, cruelty, inhuman and degrading treatments of any kind throughout the Federal Republic of Nigeria.
2. That special tribunal should be established for the trial of perpetrators of mob action, killing by fire, torture, cruelty, inhuman and degrading treatments with special rules of procedure that prescribes not less than 10 months trial, including appeal to the Court of Appeal and supreme Court as in the case of election petition.
3. That death sentence, if ordered by the tribunal, should be carried out as soon as the final proceedings in the matter terminates, and be demonstrated in public as a deterrent measure to the society.

8.0 Conclusion

Through documented records of the various acts of mob action involving killing people by fire examined, this study shows the prevalence of the menace to be a problem of national concern. For at least 25 years, such practice permeated the nation's landscape and is still in the increase with impunity. The study's quest for finding solace in adopting retaliatory punitive measure against the offenders (death sentence by fire) meets its deadlock when it finds that the country's fundamental legal norms as influenced by its constitution, principles of Shari'a, as well as its obligation to international community cannot lend credence to that.

Despite this, however, and although there exists in Nigeria, no special penal measure against mob action involving killing by fire, this paper, having considered provisions of the constitution relating to citizens' rights to life and respect for the dignity of human person, alongside the extant general penal legislation against unlawful assembly, torture and other

forms of cruelty to human person, finds Nigerian criminal justice regime worthy of addressing the problem, but for lack of political will on the part of the executive regarding enforcement. As such, the paper emphasizes, in its recommendations, on full enforcement of the extant general penal legislation and establishing special tribunal for the trial of such offenders as the workable solution to the problem in the circumstances.

