



THE MOB JUSTICE PROHIBITION BILL PROPOSAL

October 19th, 2012

Written, Edited and Reviewed By Nigerians Fighting For CHANGE



“Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.”
- Nigerian Constitution: Chapter IV Section 33 Fundamental Rights

I. Summary

On October 5th, 2012, Chiadika Lordson (Year two, Theatre Arts), (Year Two, Geology), Lloyd Toku (Year Two, Civil Engineering) and Tekena Erikena, students at the University of Port-Harcourt, were falsely accused of theft and severely beaten and burnt to death as scores of Nigerians stood and watched.

This scene **Mob Justice** has gradually become a normal way of life in Nigeria. As people/communities usurp the law and take matters into their own hands. Now we know that there are no dependable statistics or numbers regarding Mob Justice occurrences in Nigeria, but what we do know is that has been happening for years. And for years we have complained, we have cried and we have watched, but nothing has changed as Mob Justice still occurs with its perpetrators largely going unpunished.

This is largely due to the fact that people have lost faith in a police force and judicial system that have been derailed by corruption, incompetence, and inadequate resources. But also exacerbating the matter is the absence and lack of recognition of Mob Justice (and its many variations) as a crime in our Federal Laws, most particularly our CRIMINAL CODE ACT, CAP C38 LFN 2004. An act which in its robust 145 page listing of criminal acts makes no mention or reference to Mob Justice...it covers Ritual Killings, Riots and even Counterfeit Stamps, but not Mob Justice.

Nigeria is in dire need of a law. A law that punishes those that carry out extra-judiciary acts of Mob Justice on their fellow Nigerians, but more importantly a law that prosecutes those that stand and watch as these acts occur. Because those that stand and watch are the ones feeding the frenzy as they make it difficult for law enforcement agents to break up the Mob and restore peace.

Now we can continue to do what we have done for years...but we know it will not solve the problem as it is yet to work. So now is the time to try something different, to rally around the creation of a law that explicitly prohibits Mob Justice in Nigeria. Fortunately, there is a petition for a Mob Justice Prohibition Bill (see below) that does exactly that.

We are asking for your support in making this Bill or a variation of the Bill an actual reality in our criminal code, because it is our hope and belief that the passage of a Mob Justice Prohibition Bill will be the first step in actively fighting and eradicating Mob Justice from Nigeria.

Thanks for your time on this matter.



Okechukwu Ofili

II. The Proposal

FOR AN ACT TO AMEND CHAPTER 10– UNLAWFUL ASSEMBLIES: BREACHES OF THE PEACE OF THE CRIMINAL CODE ACT, CAP. C38 LFN 2004 SO AS TO MAKE PROVISION FOR LAWS RELATING TO MOB JUSTICE; AND FOR MATIERS CONNECTED THEREWITH.

Proposal

1. Definition: Mob Justice

The assemblage of three or more people armed with firearms, bows and arrows, spears, swords, knives, other dangerous weapons or any articles improvised as weapons without authority of either state or federal law in order to effect or aid in effecting extrajudicial acts, causing humiliation, leading to bodily harm, or death of the victim(s), in order to punish an alleged transgressor.

2. Punishment of unlawful assembly: Mob Justice

- Mob Justice in the first degree will be defined as "Any act of violence inflicted by a mob upon the body of another person(s) from which death results." Under this definition:
 - Any person(s) who actually performs the act, which constitutes the offence, is guilty of a felony, and will be charged with murder, which is punishable by death.
 - Any person(s) who counsels or procures any other person to commit the offence is guilty of a felony, and will be charged with manslaughter and is liable to imprisonment for 10-15 years.
 - Any person(s) (including on-lookers, community heads, and police officers) who omits to perform their fundamental duty to protect victim(s) of mob justice but yet remains in the vicinity of the mob is guilty of a felony, and will be charged with manslaughter and is liable to imprisonment for 5-10 years.
- Mob Justice in the second degree is defined as "Any act of violence inflicted by a mob upon the body of another person(s) which does not result in a death."
 - Any person(s) who actually does the act, which constitutes the offence, is guilty of a felony and is liable to imprisonment for 3-5 years.
 - Any person(s) who counsels or procures any other person to commit the offence is guilty of felony and is liable to imprisonment for 2-4 years.
 - Any person(s) (including on-lookers, community heads, and police officers) who omits to perform their fundamental duty to protect victim(s) of mob justice but yet remains in the vicinity of the mob is guilty of a misdemeanor and is liable to imprisonment for 1-3 years.
- ₦1,500,000 fine to be paid by the community in which mob justice took place, to be turned over to the victim(s) family. If the victim was seized in one community and killed in another, both communities will share the fine.

3. Making proclamation for mob crowd to disperse.

Any magistrate or, in his absence, any police officer, or any commissioned officer in the Naval, Military or Air Forces of Nigeria in whose view a mob justice is being committed, or who perceives that mob justice is about to be committed by persons assembled within his view, may make or cause to be made a proclamation in the name of the Federal Republic of Nigeria in such form as he thinks fit, commanding the persons so assembled to disperse peaceably.

4. Dispersion of Mob crowd after Proclamation made.

If upon the expiration of a reasonable time after such proclamation is made, or after the making of such proclamation has been prevented by force, three or more persons continue assembled together performing mob justice, any person authorized to make proclamation, or any police officer, or any other person acting in aid of such person or police officer, may do all things necessary for dispersing the persons so continuing assembled, or for apprehending them or any of them, and, if any person(s) makes resistance, may use all such force as is reasonably necessary for overcoming such resistance, and shall not be liable in any criminal or civil proceeding for having, by the use of such force, caused harm or death to any person.

If upon the expiration of a reasonable time after such proclamation is made or after such proclamation has been prevented by force by three or more persons assembled together performing mob justice, any person authorized to make proclamation, or any police officer, or any other person acting in aid of such person or police officer, may do all things necessary for dispersing the persons so continuing assembled, or for apprehending any such person(s), and if any person(s) makes resistance, may use all such force as is reasonably necessary for overcoming such resistance, and shall not be liable in any criminal or civil proceeding for having, by the use of such force, caused harm or death to any person.

5. Mob justice after Proclamation.

If proclamation is made, commanding the persons engaged in the act of mob justice to disperse, every person who, at or after the expiration of a reasonable time from the making of such proclamation takes or continues to take part in the riot or assembly is guilty of a felony and is liable to imprisonment for 5 years.

6. Preventing or Obstructing the making of Proclamation

Any person who forcibly prevents or obstructs the making of such proclamation as is in section 5 of this code, is guilty of a felony and is liable to imprisonment for ten years; and if the making of the proclamation is so prevented, every person who, knowing that it has been so prevented, takes or continues to take part in the riot or assembly is liable to imprisonment for five years.



III. References:

1. <http://en.wikipedia.org/wiki/Lynching>
2. CHAPTER C38 CRIMINAL CODE ACT
3. Mob Justice in Burundi Official Complicity and Impunity by Human Rights Watch
4. <http://www.thisdaylive.com/articles/uniport-identifies-3-murdered-students/127195/>