

# Mob Justice in Ethiopia: Examining Its Implications on Human Rights in Amhara Regional State

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## Abstract

Since the coming of PM Abiy Ahmed into power in 2018, mob violence has become a recurring problem in Ethiopia. Fundamental rights, which are recognized under international human rights instruments and FDRE Constitution, have been frequently abused by non-state actor violence. Ethiopia has international obligations to prevent/promote/protect and remedy human rights violations by individuals. However, loss of life and destruction of property, among others, have been a common incident in Ethiopia. Even though mob actions have become a major problem in many regions of Ethiopia, the situation in Amhara Regional State has become worse. Hence, this paper examines the implications of mob violence on fundamental human rights of individuals in Amhara Regional state.

## Keywords

Mob Violence, Rule of Law, Human Rights

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## 1. Introduction

Every nation in the world over has a system of government in place that is saddled with the responsibility of government which include but is not limited to maintain law and order. The essence of a system of government in a nation is to avoid descent in to the state of chaos and anarchy where only the strong survives (Orbueze & Ohaeto, 2013).

Presently, the FDRE Constitution not only establishes but also distributes powers to the three organs of government viz: the executive, the legislature and the judiciary. In the same vein the Constitution further authorizes in its articles 52(2)(g) states can establish police forces to maintain law and order, ensure pub-

lic safety, while article 79(1) establishes the courts to administer justice.

Contrary to the preceding mainstream fact, mob actions have increased in accordance with recent ongoing political change in Ethiopia. As such mob justice refers to a situation in which a large disorganized crowd of people take the law in to their hands and aggressively carry judgement and punishment on a suspected criminal. People become the executor of the law without following the due process. Author such as Gyamfi (2014) describes this act as a direct and undeniable violation of human rights (Gyamfi, 2014).

Different reasons have been raised for mob actions. Among the other things, mob action is seen as a system of poor governance that may come from normlessness, statelessness and the failures of different social institutions in the country. Furthermore, authors indicate that not only the absence of norms but also incorrect implementation of these norms could bring mob actions (Gyamfi, 2014). Typically, such actions act occurring in developing democracies where the public governmental systems are not well established, performs un professional and stand by the political elite, particularly, emerging states host a lot of justice often referred to as “jungle justice” (Emmanuel, 2014).

Though different reasons have been forwarded, the explanation behind these actions is not justified by rational legal frames. Because, it reduces the ability of human beings to control themselves with their interactions to society and law-abiding citizens. Also, most acts that constitute mob action are not only criminal but also amount to the violations of fundamental—human rights and freedoms which are guaranteed under national, continental and international human rights instruments. As the potential damage and violation group and individual rights, it could lead to the possible distractions and rivalries among different peoples and community members (Yakob, 2019).

As indicated in the early paragraphs, following the coming of PM Abiy into power, mob actions increased in different regional states of the country. Amhara Regional State is not an exception to this national fact. Many mob actions include: slashing, stoning, spanking, biting and setting suspects and criminals in to flames have occurred so far in different woredas and city administrations of Amhara Regional State.

However, despite the increasing nature and the multifaceted impacts it has on citizens’ rights and function of government, little has been studied so far about mob justice. Hence; this study aims to examine the implications on human rights and how these problems can be curtailed in Amhara Regional State.

## 2. Nature of Mob Justice

There is no universally agreed definition of mob action. To get a clear picture of what mob action is, it is important to understand what a mob is. The Merriam Webster dictionary defines a mob as “a large group or crowd of people who are angry, violent or difficult to control”. Mob justice may refer to the situation when an irritated mob takes justice into their own hands to deal with suspected

criminals and commonly ends with brutalities and loss of lives. In other words, it is a condition where mob actions take upon themselves illegally to dispense justice on without giving the suspect the right to a defense (Gyamfi, 2014). This frequently results in spanking of suspected robbers to death; stripping suspects' nude and lynching them with stones, till suspects die and occasionally setting them ablaze.

Gyamfi (2014) describes instant action as instantaneous infliction of bodily and mental pain, suffering or death on a person arrested, or otherwise physically overpowered, as punishment for his alleged wrong as he is so subdued (Ibid). Mob justice can refer to a state where a large unsystematic crowd of people choose violence and demolition in an effort to guarantee fairness and equity for themselves with no way out for the legal state and public bodies entrusted with this task to perform it accordingly. The term mob (jungle) justice also commonly referred to as street justice, jungle law or instant justice refers to a situation in which people take the law into their own hands and mete out punishment to a suspect for perceived heinous crimes (Yakob, 2019).

On top of that other writer described it as a situation where some lawless people arrogate unto themselves, the power to punish criminals by way of public extra-judicial killings, beating or humiliation without recourse to the rule of law or regards to the offender's fundamental human right or the sanctity of life (Attafuah, 2008). Other author defines mob justice as a vicious violation of the fundamental human right of an alleged criminal who is either stripped naked, tortured or set ablaze which the mob watch to their delight that justice has at last arrived (Ibid).

From the above descriptions, it can be concluded that mob action is a situation where a group of people without authority grant themselves the power to punish suspected criminals within their communities; and it is an extra-judicial form of trial and execution by an informal group. It does not serve the interest of justice because it falls short of the known meaning of justice since it is done outside the known legal and criminal justice framework.

### **2.1. Causes of Mob Justice**

Mob action has become a national epidemic currently in Ethiopia. It appears as an alternative mechanism of enforcing law and order but definitely not a necessary answer to the problem of crime as it infringes on the constitutional rights of the victims. Commonly known causes of mob justice comprise grave crimes and general insecurity, ineffective policing and lack of faith in the criminal justice system (Gashanew, 2019). There are also economic factors such as poverty and unemployment as well as social problems. It is submitted that the factors contributing to the rising occurrence of mob actions in Ethiopia include a growing number of un-employed youths, social inequality, poverty and inadequate law enforcement (Arnold, 2017).

Mob actions can be committed due to different reasons. For instance, it is principally a backward-looking action with a sense of insecurity and it is concentrating on a particular target, one whose choice be governed by on how such

insecurity may be defined (Yakob, 2019). The action of mob justice takes place when a crowd of people act as both accusers, jury and judge and penalize a suspected wrongdoer on the spot (Ibid). In this regard, the most dangerous case of a practice engrained in the community that is together with extremely punitive and further than the control of the justice system is “mob justice”, an occurrence that is more and more dominant in African states, through which thieves and others being instantaneously mobbed on the street (Ntanda, 2004). Mob justice highlights the boundless encounter of the rationalizing customary process using a rights-based approach because communities may endow judicially, but decide on administering justice in ways that are alien to the conceptions that are essential to the justice system, it turns out to be enormously challenging for the central established order to intervene. Even where the apparatuses to do so exist (Gashanew, 2019).

## 2.2. The Patterns of Mob Justice

Mob action propagates a series of violent, generates a culture of fright, and cast-offs individual responsibility for ferocious actions that are committed in the name of justice (Abudlwahab, 2016). As one denounces the act of mob justice, it is imperative to cognize the social climate that allows for it to take place. Mob justice is an outcome of the austere absence of faith in local law enforcement agency and the judicial systems in general (Michael, 2014). Because of such an interactional nature of mob justice the patterns of the action are also varied in terms of different aspects. The basic pattern that is known, according to different literatures is held with the participation of public officials directly or indirectly in the action of mob justice. As Human Rights Watch asserts, the participation and collaboration of public officers in mob justice create severe abuses of human rights; via play a part in, overlooking, assisting, or covering up mob justice, officials’ grip accountability in lieu of damage of life, they furthermore refute criminal suspects due process and the right to a fair trial, misuse their authority, and fail to eloquently defend inhabitants meant for providing security. In this regard the major patterns of involving in mob justice action could be summarized under the following pertinent points (Human Rights Watch, 2010).

## 2.3. Implications of Mob Justice

Mob action is likely to contribute for different implications. For instance, it is likely to deteriorate the legal system by divulging criminal justice system as incompetent and weak of punishing criminals determined according to the law (Gyamfi, 2014). In relation to that, it is also true that the action of mob justice arranges for a severe extortion to nationwide and international security, peace and stability. On the global front, Mob actions exercise undoubtedly portrays individuals as primitive and coarse (Kylimba, 2009). There are also numerous circumstances where innocent sufferers have remained desensitized and killed as erroneous identity incident left behind to probable suspicious link with a crime

committed may be securitized and brutalized those who are not involved in the action (Samuel, 2021), Mob actions create unexpected fragmentation in the examination procedure and the impermeability or inconveniency of arresting other co-conspirators of the alleged crime, and finally Mob justice by the side of all periods provides penalty which is extremely ruthless and brutal, compared to the crime committed (Jefferson, 2009).

#### **2.4. Principles of Rule of Law and Its Implication to Mob Violence**

The 2017/2018 report by the World Justice Project (WJP) sets out four basic principles of rule of law. WJP tried to select universally accepted principles, among others. According to WJP, the rule of law can be a system when the following four principles are met. Accountability is the first principle: both the government and non-state actors should be accountable under the law. Mob violence is usually a result of non-state actor movement (Gashanew, 2019). Where non-state actors have moved under the umbrella of the rule of law, basic human rights rules would be protected. The other important principle is the need for just laws. Laws should be clear, publicized and stable (Manisuli, 2018). More importantly those laws must protect fundamental rights including the security of persons, property and core human rights. Open government is the third principle (Gyamfi, 2014). The process of enactment of laws and enforcement mechanisms should be fair and efficient, and the last, accessible and impartial dispute resolution institutions are needed. Justice has to be delivered by competent representative of the people, which means justice by a mob is out of the principles of rule of law. In other words, when principles of the rule of law are not protected, justice might be delivered by mobs (Byabashaija, 2016).

Scholars argue that, the rule of law and human existence is inseparable. The rule of law has the capacity to hold governments legally accountable. This will be realized when the state moves under the sphere of the rule of law. When rule of law effectively respected, the state's commitment to discharge its obligations towards its citizens will increase (Campbell, 2010). Rule of law is also a means to protect human rights. The right to life, human security, personal property and other rights which are recognized by national and international instruments can be protected only if the rule of law is realized; to support the rule of law means to advocate the protection of individual right (Chalya et al., 2015).

#### **2.5. Legal Framework on Mob Justice**

This section highlights the legal and institutional framework in place to protect against acts of mob action in Ethiopia. Although there is no specific law that criminalizes mob action in Ethiopia, there are several international and regional instruments as well as national legislations that are relevant to the prevention, prohibition and punishment of acts of mob action (Arnold, 2017).

##### **2.5.1. International Frameworks on Mob Justice**

International and regional human rights treaties lay down obligations which

States are bound to respect. By becoming parties to international and regional treaties, States assume obligations and duties under international law to respect, to protect and to fulfill human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses especially by third parties. The obligation to fulfill means that States must take positive action to facilitate the enjoyment of basic human rights (UDHR, 1948).

Under the international and regional instruments highlighted below, Ethiopia has the obligation to put in place mechanisms to ensure that its citizens enjoy the human rights enshrined therein. Ethiopia is also obliged to protect its citizens from human rights abuses by third parties, including private individuals who are perpetrators of acts of mob action.

### **2.5.2. The International Covenant on Civil and Political Rights (ICCPR)**

The ICCPR is the primary international human rights instrument on civil and political rights. The ICCPR guarantees the right to life (ICCPR, 1966: Art. 6) and provides for the right to a fair and public hearing, the presumption of innocence, procedural guarantees and protection from double jeopardy (Ibid, Art. 14).

### **2.5.3. The African Charter on Human and Peoples' Rights (ACHPR)**

The ACHPR provides a legal framework for the protection and promotion of human rights in Africa. Article 1 enjoins all member states to recognize the rights, duties and freedoms enshrined in the Charter and to undertake to adopt legislative or other measures to give effect to the rights and freedoms. The Charter provides for the right to life and that nobody shall be arbitrarily deprived of their right to life (ACHPR, Art. 4). The right to a fair and public hearing is also guaranteed by the Charter and it entails the right to be presumed innocent until proven guilty (Ibid, Art. 7(1)). The Charter further provides for the right to property (Ibid Art. 14). Therefore, as a State party to the ACHPR, Ethiopia is mandated to put in place and enforce laws that give effect to the rights and freedoms enshrined in the Charter and specifically the rights and freedoms affected by acts of mob action.

## **2.6. National Legal Framework**

### **2.6.1. The FDRE Constitution**

Ethiopia domesticated its obligations under the various international and regional human rights instruments it ratified by incorporating them into the Constitution and specifically under Chapter three. As the supreme law of the land, the Constitution, particularly in Chapter three, is a testament of Ethiopia's commitment to ensure that its citizens enjoy their human rights and freedoms. The Constitution provides for the right to a fair and public hearing by an independent and impartial tribunal in the determination of criminal charges against

any person (FDRE Constitution, 1995: Art 79).

The FDRE constitution guarantees basic human rights. The right to life, the right to property, freedom of assembly, the right to be free from torture, inhuman or any other degrading treatment or punishment, which are more vulnerable than other rights by mob violence, have been smartly put in the document. Ethiopia is also a signatory state to international and regional basic human rights instruments and those instruments are part of the Ethiopian legal system.

The right to life is guaranteed under the Constitution which provides that no person shall be deprived of life intentionally except in execution of a sentence passed in a fair trial by a court of competent jurisdiction unless committed grave offences provided under FDRE Criminal Code (Ibid, Art. 15).

### **2.6.2. FDRE Criminal Code**

Ethiopian Criminal Code does not provide specific rules applicable mob violence except for the provision criminalizing rioting. Art. 488 of the Code provides “Whoever, of his own free will, takes part in an unlawful assembly in the course of which violence is done collectively to person or property, is punishable with simple imprisonment not exceeding one month or fine (Criminal Code of the FDRE, 2004: Art 488(1)). The FDRE Criminal Code doesn’t give a clear picture about mob violence. Rioting is expressed only in terms of unlawful assembly. The minimum number of participants in the riot is not defined in a clear way.

The FDRE criminal code uses the phrase “unlawful assembly” and “rioting mob” which are only one form of mob violence, intimidation, coercion, or violence by rioting mob is punishable with simple imprisonment (Ibid, Art 442).

### **2.6.3. The Amhara National Regional State Constitution**

The Amhara National Regional State Constitution mirrors and is subordinate to the FDRE Constitution. The Amhara constitution declares that the FDRE constitution is supreme over the region (The Revised Amhara Constitution, Art. 91). Any inconsistency with the FDRE constitution may not have an effect in the region. All human rights enshrined in the FDRE constitution are also incorporated in the Amhara constitution, so it is useless to enumerate and discuss such specific rights (Gashanew, 2019).

As that of the FDRE constitution, the Amhara constitution also imposes an obligation to the three branches of the government, namely the legislature, the executive and the judiciary to respect and enforce the constitution (Ibid, Art. 13(1)). The regional authorities, thus, have the responsibility to the violations of human rights by no-state actors including mob violence. The region is expected to realize both preventive and remedial responsibilities. Prosecution of mob violence perpetrators and reparation of victims are among the international and regional obligations of the regional different branch of the government. This is because the Amhara constitution is also interpreted in light with the international human rights instruments (Ibid, Art. 13(2)).

### **3. Assessment of Practical Cases of Mob Violence and Incidents in Some Areas of Amhara Regional State**

#### **3.1. The Incident of Mob Violence in North Wollo, Mersa and Woldeya Towns**

The mob violence incidence at Mersa town on Jan, 27, 2018, which cases the death of five persons and destruction of property, aimed to punish the suspected corruptors and human rights violators who remain unprosecuted before the coming in to force of Pm Abiy Ahmed. In the city, Tigray ethnic members were in power in different offices. The residents believe that those persons in power are corruptors and human rights violators who remained unprosecuted, so the mob conducted to revenge impunity. To this end, the mob killed the Habru district court's president, Ato kefelegn Arage and other four persons in the same day. The mob killed and burned the court president. The court which is led by the deceased president was also turned in to ash. The incidence originally seemed an ethnic violence because the properties of Tigray ethnic members were destroyed. Ethnic violence was a banner; the real triggering cause was impunity of corruptors and human right abusers. The property of two Tigrians was not destroyed; the reason was that the two Tigray ethnic members were not considered as social deviance. The two persons who were saved from the attack of mob violence believe by this argument. The Habru district municipality was also partly burned by the angry mob. The alleged corruptors were there, in municipality's different positions, but they were nor brought to justice. The mob, then, tends to destroy the institution as that of the court.

During mob violence incident at Mersa city, 25 persons were seriously injured, 13 of them were police officers. The home of eight, including the home of inspector Sisay Desalegn who was commander of the city police, were burned. Mersa city police office also had been burnet by the angry mob. The residents of Mersa city haven't known why and how the past mal administration and human right violations have been performed, so they are triggered to violence and cause another human right violations (Gashanew, 2019).

In reality, Neither Bereket nor his car were there. The destruction of property and loss of life by mob violence were caused by false dissemination of information through social media. The police forces were not effective enough to control the event, because they haven't tried to control at crowd stage.

#### **3.2. The Incidents of Gongi Kola Woreda of West Gojjam Zone**

With the growing level of sporadic violence happening in the region a, three researchers became the latest victims of mob attack where the two were stoned to death and one was critically injured in West Gojjam Zone of the Amhara Regional State. The incident occurred in the afternoon of October 23, 2018, where Wossen Tafere, a researcher and a PhD candidate at the Ethiopian Institute of Water Resources and his friend, Mandfero Abi, were killed while conducting a research at a school in West Gojjam Zone, Gonji Kola Wereda at a town called



Addis Alem. In addition, Hailyesus Mulu, a lab technician who works in the same town where the attack had occurred and was assigned by the woreda health office to assist the two researchers, was also critically injured in incident and is now receiving treatment in Felege Hiwot Hospital in Bahir Dar (Gashanew, 2019).

The main researcher, Wossen, was conducting field research entitled “Estimation of Disease Burden Attributable to Poor Water, Sanitation and Hygiene (WaSH) Provision in two Districts of the Amhara Region, Ethiopia—A Comparative Study”. “For this purpose, Wossen went to the area in July, 2018”, Upon his travel to the area, Wossen went to schools in Gonji Kola Wereda, mainly to gather saliva from primary school students. Particularly, on the day of the killing, he and his friend Mandefero, along with the aforementioned lab technicians were collecting samples in Addis Alem Primary School.

“The deceased researcher came to our wereda with all the needed legal requirements which include letters from Ethiopian Public Health Institute and Zonal Health Bureau,” Achu Abebaw, head of health office at the Wereda “We know them and we gave them the permission to conduct the research,” said Anemaw Dagnachew, communication director of West Gojjam Zone.

However, things took a turn to worst following the unfounded rumours circulating in the town on the day of the killing. A group of youths in the area spread a rumour about the two researchers saying that they were administering injections and vaccinations to students. The youth also disseminated a false claim that the students who received the injections from the researchers were filling ill and dying, according to multiple of sources from the area. This unfounded and totally false information agitated the public. Following this, hundreds of people went to the school where the researchers were taking samples and began attacking them. They were attacked by stones and dragged on to the streets. “The situation was very difficult and it was beyond the capacity of the woreda police force,” They even tried to attack the director of the Addis Alem Primary School<sup>1</sup>.

In the meantime, the woreda police arrested 30 individuals who were allegedly accused of orchestrating the attack and the prosecution department of West Gojjam Zone Administration brought criminal charge against the 31 suspects in violations of art 539 of the FDRE Criminal Code. The High court of Bahirdar area convicted and sentenced 26 accused persons from 14 - 20 years rigorous imprisonment (Prosecutor vs Melaku Abebe et al. (2021) Bahirdar City High Court, file no. 04-07831).

### **3.3. The Incidence Legambo Woreda**

On July1, 2019 a group of ten persons has caused the death of the victim Ato Jemal Goltime and caused bodily injury of other three victims in Legambo Woreda kebele 029 area. The main cause of the accident was ten accused persons brutally beat and stoned and killed the death of the victim as the preparators

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<sup>1</sup>Interview with Inspector Abebaw Alemu, Head of Police Department, 122 December 2019.

suspected the victims have been engaged in kidnapping children in the district.

The prosecution department of South Wollo Zone charged against ten persons pursuant to art 32(1)(a)/540 (second degree homicide) and the High Court of South Wollo Zone court convicted the accused persons and sentenced them from 16 years and six months imprisonment (*Prosecutor vs Asnake Mekonnen et al. (2020) Trial Judgement No. 19048. South Wollo Zone High Court*). The cause of this mob accident was based on the false information that the victims were engaged in kidnapping children<sup>2</sup>.

### 3.4. The Case of Dessie Zuria Woreda

On 04 August 2019, a group of 22 persons were detained by the police officer who was suspected killing two victims in Dessie Zuria Woreda 028 kebele. The accused brutally beat and killed the two victims using axes and sticks by snatching the victims from the hands of local security personnel. The suspects committed the offence relied on false information that the victims have been engaged in kidnapping and slaughtering children and selling the kidneys of children<sup>3</sup>.

The public prosecutor charged the 22 persons pursuant to art 32(1)(a)/539 (First degree homicide). However, the public prosecutor did not prove the guilty of the accused persons on the alleged offence and the High court of South Wollo has not found all 22 accused persons pursuant to art 539. Instead, the court convicted on four accused persons pursuant to 556(2) and sentenced 2 - 6 months imprisonment (*Public Prosecutor vs Yimer Kassaw et al. (2020) S. Wollo H. Ct. file no. 19048*).

### 3.5. The Case of Jamma Woreda

On 27 August 2018, nine persons broke the construction shop of Abebeaw Tsegaye and looted 45, 000 Birr and many construction goods which were estimated about 98, 312 Birr in Jamma Woreda, Degolo kebele. The offenders committed the alleged offence to get undue financial benefits for them. The prosecution department of South Wollo Zone brought criminal charge against nine offenders pursuant to art 32(1)(a)/671(1)(a) of FDRE Criminal Code. The High Court of South Wollo Zone convicted only four accused persons and sentenced them eight years rigorous imprisonment (*Prosecutor vs Akililu Syum et al. (2021) S. Wollo H. Ct. file no. 17934*).

My findings have indicated that besides affecting the fundamental human rights of individuals, mob actions have also damaged the businesses of the regional State of Amhara State. A lot of small and medium businesses have been burnt and demolished by the move actions which lasted for three years in different zones of Amhara Region. The problems were very critical in South Wollo, North Wollo and East and West Gojjam Administrative Zones. Hotels, farms beverage industries and shops have burnt by mob actions in the last three years.

<sup>2</sup>Interview with Inspector Ahmed Said Head, Legambo Woreda Police Department, March 21, 2021.

<sup>3</sup>Interview with Inspector Asamine Lakew Head, Dessie Zuria Woreda Police Department, March 29, 2021.

However, there are no concrete and reliable evidences which show that mob actions have been influenced by extreme religious groups in Amhara Regional State. The Amhara Regional State Government has attempted to inhibit the worst actions of mob justice for the last three years, Nevertheless, findings have shown that still the problems are common in the different parts of the region.

#### 4. Concluding Remarks

Mob action is a social problem in the Amhara Regional State. It is a recent phenomenon in Ethiopia in general and Amhara regional state in particular. Although Ethiopia has ratified most core international human rights instruments, the attention given to human right protections has become very minimal. Mob actions have been committed in the ANRS in the form of rioting, lynching and vigilantism, in different level of organization and target of attack. The incident caused loss human life and destruction of property in contrary to international human rights obligations and domestic constitutions. When the rule of law is not effectively realized, mob actions would be prevalent. Mob justice violates human rights and freedoms. Many mobs have been committed in different parts of Amhara Regional State for the last three years. The root cause of the mob justice is the people distrust in the legal and security authorities to properly handle suspected criminals compounded with the increase rate of crime and other factors.

The Amhara Regional State should compensate the victims of mob actions. Besides, citizens must learn to respect and obey fully the laws of the country (the State) and collaborate with the national security agencies and court to deal with crime and ensure the protection of fundamental human rights. On top of that, courts, public prosecutor, the police should do their best to ensure speedy trial of cases.

#### Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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