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Examination of Traditional Judicial Methods of Settlement of Dispute in Ebonyi State

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Abstract

From prehistoric times up till the present, humans have encountered disputes in their quest to live together. Over time, they developed different methods of resolving same. The geographical area of Ebonyi State, Nigeria is not left out. These dispute resolution mechanisms pre-dated the advent of the colonial legal system and are still in place. Because of the sheer importance of these mechanisms, this article was conceived to examine them and urge people to accept them in addition to the more common and orthodox dispute resolution mechanisms. It is believed that a ready acceptance of these coupled with a dynamic and fervent fine-tuning thereof will have a positive and reverberating effect on the speed and quality of dispute resolution in Ebonyi State with the ultimate and inexorable consequence of accentuating the harmonious co-existence of people in this geographical area.

Key Words: Dispute, Dispute Resolution, Traditional, Ebonyi State.

1. Introduction

Disputes are part and parcel of human existence. This is because, as far as there are human interactions, disputes are inevitable. This point is stressed by Durkheim, when he averred that even in a 'society of saints' there would still be deviance.[1] Where there is a dispute, the traditional methods of settling same come handy. This is hinged on the premise that peace and harmony are by-products of dispute. Onyeozili and Ebbe argue that Igbo like every other society 'have customary standards of conduct and negative sanctions for any breach.'[2] It is important to stress that since dispute is inevitable in human existence, the means of settling same becomes vital so that any society which treats same with levity is doomed.

In Ebonyi State, there exists a well-entrenched system of dispute settlement indigenous to people before the advent of colonialism. The traditional methods of dispute settlements ranged from arbitration, oath taking, divination, trial by ordeal among others. Other practices reverenced for the collective good of the society are ritual processes, preservation of evil forest, sacred objects/animals among others. This work became imperative for the purpose of a jurisprudential exposition of the traditional judicial methods of dispute settlement in Ebonyi State. The imperativeness of the work lies in the scantiness of literature on the area under discourse. For this purpose, this article shall do a conceptual analysis of the key words under the topic of discourse and make recommendations for the purpose of improving the traditional methods of dispute resolution in Ebonyi State.

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[1] E Durkheim, D*ivision of Labour in Society* (New York, NY: Free Press, 1964).

[2] EC Onyeozili and OI Ebbe 'Social Control in Precolonial Igboland of Nigeria' (2012) 6 (1 & 2) *African Journal of Criminology and Justices Studies* 30.

2. Ebonyi State

Ebonyi State is a state in the Southeast geopolitical zone of the Federal Republic of Nigeria.[3] The State shares boundaries with Enugu State to the West, Abia States to the Southwest, Cross River State to the east and Benue State to the north and northeast.[4] Ebonyi State is predominately occupied by the Igbos while people from other tribes also reside there. Ebonyi State is made up of thirteen Local Government Areas to *wit*: Abakaliki, Afikpo North, Afikpo South, Ebonyi, Ezza North, Ezza South, Ikwo, Ishielu, Ivo, Izzi, Ohaozara, Ohaukwu and Onicha.[5] Ebonyians are mostly agrarians, artisans, craftsmen and traders with some in the public and civil service. Ebonyians believe in hard work and that the esteem of a man is achieved through his industry. There are four market days in Ebonyi land to *wit: afor, nkwo, eke* and *orie*. Yam is seen as the king of crops in Ebonyi State while rice is a predominate crop that has launched Ebonyi Sate on the map of the world, that is why Abakaliki rice rings a bell everywhere. Kolanut is reverenced in many ways such as welcoming visitors, prayers to ancestors and gods, oath taking, reconciliation, celebrations[6], among others. Ebonyi State was carved out of Abia and Enugu States on 1st October 1996 by General Sani Abacha[7] after a lengthy struggle due to the 'unprecedented marginalisation, untold discrimination, verbal derogatory attack and immeasurable treatment'[8] suffered by her people.

The traditional political system in Ebonyi State before now was based on 'tree shade democracy.' This is a scenario where decisions are taken under a big tree in the village or market squares where every adult especially men are expected to participate and air their views on the issue before a decision is taken on it. This arrangement in modern times could be classified as a republican form of government. The leadership in Ebonyi State ranged from the family units, kindred units, age grades, village committees, council of elders, traditional title holders. *ndi-ezes* and *ezes*.[9]Ebonyians believe in the gods of their ancestors which greatly influence their lifestyles, economic and social status as well as in reincarnation. Uchendu acknowledges that 'Igbo construction of the world is that reincarnation after death and the need to join the living lineage, make the world of man and the world of the dead a single universe providing an alternative abode for man.'[10] Reincarnation gives hope to a traditional Ebonyi man since he believes that he will definitely come back in another life circle to accomplish his dreams. That is why namesakes in Ebonyi land are not restricted to the living only but also to the dead as there is the belief that a child named to the dead is the reincarnation of the dead. Ebonyi is rich in diversity of various festivals such as new yam festivals. Masquerade societies play vital role in entertainment and social control in Ebonyi State.

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[3] 'Ebonyi State', online article available at <https://en.m.wikipedia.org/wiki/Ebonyi_State>; accessed 17 January 2024.

[4]Ibid.

[5]Ibid.

[6] GA Dike, 'An Ethno Linguistic Survey of Kolanut as Penance to Global Peace', (2010) Vol. 4 No.6 *Zaria Journal of Linguistic and Literary Studies* 38.

[7] MN Elechi, *The 39-Year Road to Ebonyi State: A Personal Account of the Struggle for the Creation of Ebonyi* State (Enugu: Snaap Press Ltd,2000), 353-355.

[8] A Ugochukwu, *Dawn of a New Era in Ebonyi State: Engr. David Umahi Nweze and the Making of Equity Government* (Abakaliki: Ugub's Printing & Publishing Co, 2016), 1.

[9] An eze is a traditional ruler in Igbo land. In some places like Onitsha in Anambra state, a traditional ruler is called obi.

[10]VC Uchendu, 'Ezi Na Ulo: 'The Extended Family in Igbo Civilisation' (1995) Unpublished Lecture Series.

The dispute resolution methods in Ebonyi State include customary arbitration, oath taking, divination and trial by ordeal among others.

Dispute

The conceptual of the word 'dispute' is not a straightforward notion that can be explained without drawing inference from the propositions in legal texts and opinions of scholars. Flowing from the above, Longman Dictionary defines dispute as the 'state of disagreement between people, groups, countries, etc.'[11] The definition of dispute offered by the Longman Dictionary is not all-inclusive. This is because; dispute may arise even between inanimate objects like the occurrences of the eclipses of the sun, moon or even in laws. In line with this idea, Rehim opines that dispute is 'the interactive process manifested in incompatibility, disagreement or dissonance within or between social entities.' [12] Onwubie argues that dispute 'shows itself when disagreement arises in relationship over issues or substance or wherever emotional ill-feelings spawn between persons or groups.'[13]

Dispute is synonymous with conflict. It is a controversy that is a by-product of divided interests. In every human sphere, there are bound to be disputes. This is because, as long as humans interact with one another, ego, personal, economic, political, religion or social interests are bound to clash. At this point, resolution of the dispute becomes necessary. In order to achieve effective resolution of dispute, several cultures adopted mechanisms that are best suitable to bring permanent solution to a certain dispute. Some of the traditional dispute resolution mechanisms in Ebonyi State include: customary arbitration, oath taking, divination and trial by ordeal. The traditional judicial system in Ebonyi State includes family units, kindred, age grades and the council of elders.

3. Traditional Judicial System in Ebonyi State

In Ebonyi State traditional judicial system, the court of first instance is made up of the parents. Parents have the responsibility of settling minor disputes that arise within the family. In most cases, the head of the family may convene a court composed of the wives and children who would be there to witness the judgment aimed at resolving the dispute and correcting the offending member of the family.[14] Another court of first instance that exists in Ebonyi State is the council of elders. The council of elders handles more serious dispute among members of the village or community. Cases usually referred to the council of elders include serious land disputes or offences otherwise called public offences or abominable offences (*aru).* The person accused of committing public offence is tried before the council of elders who usually sit in public places like ancestral home, playground or market place.

Ndi-Eze, Ndi-Ichie, Ndi-Ozo, Isiuke, Ekpuke among others otherwise called the judicial council serve as court of appeal in the traditional Ebonyi Igbo society and at the same time have original jurisdiction in disputes involving clans, communities or villages. Memberships of judicial council are drawn from titleholders who are considered righteous men among members of clans that make

[11]Longman Dictionary online, <https://www.idoceonline.com>, accessed 28June 2022.
[12] MA Rahim, *Managing Dispute in Organisation* (2nd edn, Ulestport: C.T Praeger, 1992) 16.
[13] B.C Onwubie, 'Kolanut: a True Symbol of Dispute Resolution in Igbo Culture' *Journal of the Arts Oluoha*, Vol.4 (Owerri: AlvanIkoku Federal College of Education, 2017).
[14] E.C Onyeozili and O.N.I Ebbe, 'Social Control in Precolonial Igboland of Nigeria' (2012) 6(1&2) *African Journal of Criminology and Justice Studies: AJCJS,* 36.

up the community.[15] The Chief Priest Court serves as the Supreme Court in Ebonyi traditional society. The Court handles the most difficult and serious civil and criminal cases. The verdict of the Chief Priest Court is final and it is believed to rain calamity on the guilty person.[16] Although there was no evidence of separate lawmaking body in traditional Ebonyi society, people were conversant with the rules of native law and customs handled down from time immemorial by their ancestors. Offiong agreed with this assertion when he posited thus:

> *There is no lawmaking in the ordinary sense of the laws as deterrents against behavior that offends collective conscience, because everybody accepts implicitly that departure from the social norms socially approved by the deities and spirits as well as ancestors is likely to incur the displeasure and vengeance of the ancestors. When emergency "laws" are promulgated by the elders' council, such laws are invariably given a divine sanction.*[17]

Traditional the Ebonyi judicial system observes the principle of fair hearing in adjudication. Parties to a dispute are allowed to present their cases and call witnesses where the need arises. Decisions in matters are done openly and in the presence of the parties, members of their family, village or community. This is in line with the present day provision of Section 36 (3) of the Constitution of the Federal Republic of Nigeria 1999 (as amended). For this purpose, Section 36(3) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) provides that the proceedings of the court including the announcement of the court's decisions shall be done in public.[18]

Traditional Ebonyi State system of adjudication believes that man's head cannot be shaved in his absence or in secret. Although there was no evidence of how adjudicators and advocates were trained in traditional Ebonyi society, available records reveal that parties acted as advocates for themselves. In most cases, an elderly member of a family may be called upon to speak on behalf of an offending member of the family or friend. Playgrounds, kings' palaces, compound of family heads, village heads or community heads acted as the courts and youths were used as orderlies to the kings, chiefs among others and for the purpose of enforcing discipline among the natives. In all these cases, native law, customs and traditions were cited to drive home one's argument.

Truth remains the watchword in traditional dispute resolution mechanism in Ebonyi State. Both the disputants and the arbitrators are expected to be truthful. According to Theresa, it is the firm belief that the 'presence of the ancestral forces is a factor; some may collapse or be forced to say the truth because of the ancestral forces.'[19] In ascertaining the truth in settling cases under the Ebonyi State traditional methods of dispute settlements especially where either the identity of the

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[15]Kindred units, age grades, village heads, communities, masquerade societies, diviners, oracles. In Pre-colonial Igbo time the following famous oracles existed.

[16]Among the power deities in Igboland include: *Ibini Ukpabi* of Aro-Chukw in Abia State, *Igwe-ka-Ala* of Umunoha, *Kamalu* of Ozuzu, *Mkpokiti Obirikete* of Umunze, *Haba* of Agulu, *Igwele* of Uburu, *NteOfine* of Echara, *AliIgbudu*, *Nkwo*Ameka, *Arishi* Okpuzu, *Juju* of Okija and *Mkpuma* Ebonyi.

[17] D A Offiong, *Witchcraft, Sorcery, Magic and Social Order among the Ibibio of Nigeria* (Enugu: Fourth Dimension Publishing, 1991) as cited by T Onadeko, *Yoruba Traditional Adjudicatory Systems, op cit.*

[18]*Scott v Scott* [1913] AC 417 at 440; *Mohammed v State* [2015] 13 NWLR (Pt. 1476)276 at 282 ratio 5.

[19] A.A Theresa, 'Methods of Conflict Resolution in African Traditional Society' *African Research Review'*(2014) 8(2) *An International Multidisciplinary Journal, 138-157*<http://dx.doi.org/10.4314/afrrev.v8i2.9> accessed 26 October 2018.

offender is in doubt or it is very difficult to resolve the facts in issue through customary arbitration, instruments like oath taking, divination and trial by ordeal are employed.

4. Traditional Methods of Dispute Resolution in Ebonyi State

It is pertinent to examine some traditional methods of dispute settlements in Ebonyi State here. These methods include customary arbitration, oath taking, divination and trial by ordeal.

4.1 Customary Arbitration: Custom is 'a rule of conduct, obligatory on those within its scope, established by long usage.'[20]The Black's Law Dictionary describes custom as 'a practice that by its common adoption and long use, unvarying habit has come to have the force of law.'[21] For the purpose of lucidity, a custom may be synonymous with culture but the aspect of the custom that has been accepted by people as a code of conduct becomes customary law. In order to drive home the perception, custom in its simplicity is the way of life of a particular set of people. The way people eat, drink, talk, walk, farm, build houses, marry, dress, greet, welcome guests, celebrate festivals, worship their gods, harvest their crops, allocate homesteads, playgrounds, markets, masquerades, coronate leaders, bury death, name their children, initiate into manhood, dance, build streams, and settle disputes constitute their custom.

Customary arbitration is one of the traditional methods of dispute resolution in Ebonyi State. Gadzama noted that 'Arbitration had been with various indigenous communities in Nigeria prior to the introduction of litigation.'[22] Halsbury's *Laws of England* describes Arbitration as: 'the process by which a dispute or difference between two or more parties as to their mutual legal rights and liabilities is referred to and determined judicially and with binding effect by the application of law by one or more persons (the arbitral tribunal) instead of by a court of law.'[23] In another breadth, the Black's Law Dictionary conceptualises Arbitration as 'A method of dispute resolution involving one or more neutral third parties who are usually agreed to by the disputing parties and whose decision is binding.'[24] Customary arbitration in its literal parlance is an arbitration conducted under the native law and customs. Elias acknowledges that:

> *It is well accepted that one of the many African customary modes of settling disputes is to refer the dispute to the family head or an elder or elders of the community for a compromise solution based on the subsequent acceptance by both parties of the suggested award, which becomes binding only after such signification of its acceptance, and from which either party is free to resile at any stage of the proceedings.*[25]

Ezejiofor explains that the 'distinctive feature of customary arbitration is that agreement to conduct the arbitration is oral and its proceedings and decisions are not normally recorded in writing. Because of these factors, customary arbitration is not regulated by the Arbitration and Mediation

[20] L Rutherford and S Bone eds, *Osborn's Concise Law Dictionary* (8th edn, London: Sweet & Maxwell 1993) 105.
[21] BA Garner, *Black's Law Dictionary* (9th edn, USA: Thomsom Reuters, 2004) 442.
[22] JK Gadzama 'Inception of ADR and Arbitration in Nigeria' A Paper presented at Nigerian Bar Association Abuja, https://www.gadzama.com/index.php?=3 accessed on Wednesday, 29 June, 2022.
[23] *Halsbury's Laws of England* (4thed, England: Butterworths Publication, 1999) p.332.
[24] BA Garner, *op cit*,119.
[25] TO Elias, *The Nature of African Customary Law* (England: Manchester University Press, 1956) 212.

Act, which is concerned with written agreement to arbitrate.' [26]Akanbi argues that 'the essential philosophy of arbitration in indigenous Nigerian societies is that it is a system of governance for the social order, and the maintenance of peace and stability in the community.'[27] A customary arbitration is essentially a native arrangement by selected elders of the community who are well acquainted with the customary law of the people and take decisions designed or aimed at bringing some settlement, stability and social equilibrium to the people and their immediate society or environment.

Customary arbitration is as old as the society itself. It predates the court system and has served as an instrument of social control and peaceful coexistence before the advent of western culture and administration in Nigeria. Its relevance has continued to promote its survival in the midst of domineering western culture. Customary arbitration is dominant in the traditional settlements of dispute in Ebonyi State. It is the process visible in various native courts to *wit*: family units, kindred's, age grades, villages, communities and title holders' courts in Ebonyi State.

4.2 Oath Taking

The supernatural plays a crucial role in African customary law[28] and native oaths are part of 'this supernatural complex.'[29] The Black's Law Dictionary defines oath as 'A solemn declaration, accompanied by a swearing to God or a revered person or thing that one's statement is true and that one will be bound to a promise.'[30] 'The person making the Oath wholly invites punishment upon himself if the statement turns out to be false.'[31] Oath taking is a serious instrument used in dispute resolutions under the traditional system in Ebonyi State. It is used in serious disputes because of its grave consequences. Items like kola nut, sand, cock, egg, symbol of shrine (*juju*) among others are used in Oath taking process. Mbiti states that women and children are exempted from Oath taking in Southeast Nigeria because of the belief that they are not knowledgeable enough to understand the implications of Oath taking.[32] It goes without saying that this view is a retrogressive and antiquated view which must be jettisoned in the modern era because the ability to understand the nature of oath taking is not necessarily dependent on the age of the prospective oath taker but on their capacity to understand the nature of an oath as well as the consequences of lying under oath. Be that as it may, this aspect of the Ebonyi State system of justice administration is captured in the rule of evidence in regular courts. For this purpose, section 205 of the Evidence Act, 2011 (as amended) provides that 'all oral evidence in court to be given upon oath of

[26] G Ezejiofor, *op cit*, 22.
[27] M.M Akanbi 'A Critical Assessment of the History and Law of Domestic Arbitration in Nigeria' *The Learned* (3rdedn, Ilorin: Kwara State College of Arabic and Islamic Studies) p.41.
[28] JF Holleman, 'An Anthropological Approach to Bantu Law (With Special Reference to Shona Law)' (1949) 10 *Rhodes-Livingstone Journal* ,55 at 61-64.
[29] AA Oba, 'Juju Oaths in Customary Law Arbitration and their Legal Validity in Nigerian Courts', (2008)52, 1. J*ournal of African Law,* 139.
[30] B.A Garner, *Black's Law Dictionary Seventh Edition* (St. Paul Minnesota: West Group, 1999) 1176.
[31] *Ibid*.
[32] J.S Mbiti *African Religion and Philosophy* (London: Heinemann, 1969) 85.

affirmation.'[33] Oath taking has received judicial blessing in the Nigerian cases of *Onyenge & 2Ors*v. *Ebere& 2Ors*,[34] and *Oparaji*v. *Ohanu*[35]*, Njoku*v*Ekeocha& Anor*[36] *and Ojibah* v. *Ojibah.*[37]

Oath taking in traditional settlements in Ebonyi State is implored in an issue that appears to defy human solution. In this scenario, the living will invite the non-living or the gods to provide solution to and resolve the dispute among the parties. It is used as the last resort in a situation where it has become difficult to unravel the truth in a particular dispute. In this case, a party who feels that the allegation against him is untrue will volunteer to swear to an oath in order for the gods to vindicate his innocence. Oath taking plays a vital role in traditional dispute resolution in Ebonyi State as it saves the time of the disputants and the arbitrators. It also subjects a party or parties to telling the truth because of the fear of the consequences which befall the oath taker if he does not speak the truth. The end product of oath taking may leads to restitution since the person adjudged guilty by the gods is made to compensate the innocent for the loss suffered and expenses incurred in the course of the arbitral proceedings. Oath taking in Ebonyi State is regulated by the one year and one day rule. It is the belief of the people of Ebonyi State that the consequences or the calamities of oath taking must fall on the guilt oath taker or vindicate the innocent oath taker within one year and a day after the oath was taken.

Oath taking facilitates maintenance of order and tranquility in indigenous Ebonyi societies. Its relevance has not been undermined by the colonial intrusion into the local administration in Africa. The Oath taker subjects himself to the judgment of gods as the final arbiter of human affairs. There is no reason why it will not continue to serve the end of justice in Ebonyi State.

4.3 Divination

Divination is derived from Latin word '*divinire'* which means to foresee, to be inspired by gods. It is an attempt to gain insight into a question or situation by way of occult or ritual processes. According to the New Webster's Dictionary, divination is 'the art of telling of the future or the unknown by supernatural means.'[38] In Ebonyi State, it is not out of place among the indigenous people to invite a diviner to unravel some mysteries in the family, village or the community.[39] In a situation where crime is committed and the identity of the offender is in doubt, diviners are usually consulted to unravel the offender. Diviners are believed to be middlemen between the living and the dead. Ndi Ebonyi believe strongly in the potency of their gods and ancestors. It is expected that after incantations, a diviner would tell the people who consulted him who the culprit of an offence is or be able to trace the missing article. The fear of being taken to a diviner often propels the suspect to say the truth. Divination is a strong instrument of dispute resolutions in traditional Ebonyi society because of the potential of exposure of the guilty person and the public shame resulting there from.

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[33] Section 208 of the Evidence Act 2011 permits the court in some circumstances to receive evidence though not on oath from a witness base on the religious belief.
[34] [2004]All FWLR (Pt. 219) 98.
[35] (2001) FWLR (Pt. 43) 385.
[36] [1972] 2 ECSLR (Pt. 1) 199.
[37] [1991] 5 NWLR (Pt. 191) 296, 314.
[38] *The New Webster Dictionary of the English Language International Edition* (New York: Lexicon International-Publisher Guild Group, 1995) p. 275.
[39] E.E Akhigbe, A Adekanle, P.F Oamen, A.A Tijani, M.F Idahosa and M.E Nwocha, *opcit,* p. 480

4.4 Trial by Ordeal

Trial by ordeal is a traditional method of subjecting a suspect to physical test in order to ascertain his guilt or innocence. Black's Law Dictionary defines ordeal as 'a primitive form of trial in which an accused person was subjected to a dangerous or painful physical test, the result being considered a divine revelation of the person's guilt or innocence.'[40] Trial by ordeal is one of the means of dispute resolution in Ebonyi State. Trial by ordeal that is likely to result in the death of or bodily injury to any party to the proceeding has been outlawed by Criminal Code Act.[41] For this purpose, section 207 of the Criminal Code Act provides that:

> *The trial by the ordeal of sasswood, esere-bean, or other poison, boiling oil, fire, immersion in water or exposure to the attacks of crocodiles or other wild animals, or by any ordeal which is likely to result in the death of or bodily injury to any party to the proceeding is unlawful.*

The Criminal Code Act did not outlaw trial by ordeal in its entity but outlaws the aspect that is likely to cause death or bodily harm. The implication is that a modification of the trial by ordeal system is required to eliminate the aspect that may result in death or injury. In the system we find ourselves today where truth has become a scarce commodity among many, it is obvious that the ordeal system cannot be wished away if we must combat high profile crimes revenging the nation. The antagonists of trial by ordeal will always rely on the constitutional presumption of innocence of the accused person to buttress their points. However, law changes with the societal changes and plays along in order to sustain its relevance. Volatile situations require volatile responses.

The above instruments of judicial dispute resolutions were among the strongest means of social control employed in pre-colonial Ebonyi society. This was prefixed on the belief that if human attempts at getting at the truth failed, at least the unseen forces would not err.[42]The instruments worked very effectively in pre-colonial Ebonyi society and if they are allowed to take their proper place again, dispute resolutions and social control will be easier in Ebonyi State. Trial by ordeal is conducted with sacred substances and in sacred places.

5. Evil Forest: A Tool for Social Control in Ebonyi State

Summer Legend in its rhetoric, queries 'what became of the Black people of Summer? The traveler asked the old man…what happened to them? 'Ah' the old man sighed. They lost their history, so they died.'[43] That is the case of the destruction of evil forest in Ebonyi State. Ebonyians have lost value for the preservation of evil forest. They have lost the habitats for evil spirits, accepted imitation of culture and customs in dealing with evil and the consequence is that evil spirits occupy vacuums at homes, working places, place of worships, market places, public gathering among others. Under customary arrangement, planning and land use control were well established. Lands were zoned for different purposes such as allocation for homestead, road, farming, playground, market square, sacrificial grounds, evil forest among others.

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[40] *Black's Law Dictionary, op cit* p. 1123.
[41] Criminal Code Act, Cap C3. Laws of the Federation of Nigeria 2004.
[42]O.Adewoye, *The Judicial System in Southern Nigeria* (New Jersey: Atlantic Highlands Humanities Press Inc 1977) 8.
[43] Summer Legend is a play of many descriptions.

Evil forest[44] is reserved land where evil spirits are believed to inhabit in a community. It is a place where people adjudged to have committed evil or people inflicted with uncommon diseases before their death during their lifetime are buried, high profile sacrifices are made among others. Suicide is an anathema in Ebonyi State and until now, people who commit suicide were thrown away in the evil forest. Green acknowledged that 'throughout history, cultures around the world have created the concept of the evil forest, a dark, scary place where bad things happen.'[45] People feared evil forest and it served as an instrument of social control. Only priests can go to evil forest to make scarifies, harvest plants, roots and herbs for the making of traditional medicine that will help to drive away the evil spirits.

Under Ebonyi native practice, before a dead could be buried in evil forest, the person must have been proven evil beyond reasonable doubt. In order to establish that the person is evil for the purpose of taking his corpse to be buried in evil forest, there must be evil sign or signs around where his corpse lays in state on day of his burial or around his grave after his burial. For instance, visitation of lizard or soldier ants to the place where a corpse is laying in state or on his grave after his burial, is one of the signs that the person committed abominable offence when he was alive. In the same vein, the refusal of the fowl to eat pounded yam spread on the grave of the dead in the morning following his burial is also another sign that the dead was an evil person while alive. Since the custom requires that the guilt of such person be established beyond reasonable doubt, elders of the family of the deceased that has the sign of evil omen must consult different diviners to be satisfied and to unravel the cause of the evil sign. The essence of consulting different diviners is to ensure that what one diviner says is similar to what other diviners will say on the matter. This is to avoid the Igbo proverb that says: 'a snake seen by one person usually turns to a python.' This is also to clear the doubt of whether someone planted the evil omen against the dead. Once it is clearly established that the dead was an evil man while alive, his corpse even if had been be buried will be exhumed and taken to the evil forest for burial. After the burial at the evil forest, there will be a sacrifice to purify those that went to bury the corpse as well as to totally banish the spirit of the evil man so that the spirit does not come back to terrorize the living. A spirit of a righteous ancestor is a pride of the family while that of an evil man is a curse to the family that every other family treads with caution to avoid contact with either through marriage or any other thing that can bring bond with that family.

The Evil forest is a fearful, dark and scary place where it is believed that evil spirits are inhabited. While Ebonyians welcome good spirit of their righteous ancestors at home, celebrate them and always appease for long life, good health, bumper harvest and for protection, the spirits of evil men are bad omens even when one sees them in the dream and must be rebuked and banished to the evil forest. People are not permitted to farm, harvest firewood or fetch water in the evil forest. Animals in the evil forest are not hunted neither does anyone go to collect mushrooms in the evil forest. Unfortunately, today some many villages and communities have lost the value of the evil forest as a result of western religion and development. The implication is that evil spirits now dwell in our homes, places of work, worship places, markets, playgrounds among others. One thing that the present generation fails to appreciate is that spirits whether good or bad live in perpetuity. They do not die and must at all times have a dwelling place. Mansions built these days with few rooms

[44] Evil forest is also known as bad bush or Ajiofia in Igbo parlance.
[45] J Green, 'Preserving Nigeria's Evil Forest', online article available at<https://.www.dirt.aslo.org>, accessed on 24th November 2023.

in effective occupation pave way for evil spirits' abode. This is because a vacuum created either in life, houses, offices, cars among others must be abhorred by a natural phenomenon including the evil spirits. This has resulted in the increase in crime and criminal activities in villages, communities and state.

The Evil forest represents a tool for social control. This is because, if one remembers that his corpse will be thrown away in the evil forest if found to have committed an abominable offence while alive, one becomes careful to avoid committing such an offence. In this light, the fear of one's corpse being thrown away in the evil forest and banishment of one's spirit to the evil forest becomes the beginning of one behaving righteously during his lifetime. Burying a person that is adjudged to has committed abominable offence in the evil forest served as an important process that enhanced social cohesion. It is a kind of punishment meted out to people who committed deplorable acts while alive thereby acting as a caution to those still living to desist from opprobrious behavior.

6. Preservation of Sacred Objects/Animals in Ebonyi Tradition

Sacred objects are objects or images designated for gods or reverenced in a given society. Sacred animals are animals sacrificed to gods or animals reverenced in a given area. Some sacred objects in Ebonyi State include trees like the *Ofo* tree, *Oji* tree, *Iroko* tree, Kolanut tree, *Akpu* tree, *Igirisi* tree, *Oha* tree, *Ogbu* tree, *Ngwu* tree among others. *Ofo* tree is reverenced in Ebonyi State because of its significance in justice.[46]*Iroko* tree is sacred due to its size; that is why it is classified as *Okeosisi*. The *Akpu* tree is usually a homestead of village or community deities. The *Igirisi* tree is significant because of its usage in demarcation of land boundaries. Sacred objects like objects of worship, heads of masquerade, staff of the Chief priest, among others are reverenced in Ebonyi State.

In Ebonyi State, different communities hold different animals as sacred. The animals may be taken to have affinity with the community or to be a representation of deity. For example, in Amagu community in Ikwo Local Government Area, tortoise is regarded as a sacred animal. It is not to be killed intentionally by any Amagu man because of the belief that it helped the warriors to access water during wars in ancient times. It was noted that during the war in time immemorial, warriors were exhausted and needed water to quench their taste. They were unable to see where to get the water but suddenly they saw a tortoise with the body wet. The warriors traced the track that the tortoise followed to come out and saw a source of water which they drank and sustained themselves. It was because of that help that the tortoise rendered to the communities in time immemorial that makes it sacred animal in Amagu communities. In some other parts of Ebonyi State, like Amaogu Akpoha in Afikpo North Local Government Area, Okposi in Ohaozara Local Government Area, Ishiagu in Ivo Local Government Area and also Amagu in Ikwo Local Government Area, green snake is regarded as a sacred animal that is worshipped because of their belief that it is linked to certain deities. In Nkalegu in Ishielu Local Government Area, crocodile is a sacred reptile that is linked to certain deity.

[46] Bentor cited by OE Nwanchor. 'Sacred Objects and Igbo Ecospirituality' (IA Kanued) *African Indigenous Ecological Knowledge System.*https://acjol.org accessed on Monday 4th December 2023.

7. Ritual Processes

Nwanchor noted that ritual can be described as 'behaviours in a wide range of fields, for example, the routine morning offerings of an African elder, early morning public worship might qualify as ritual.'[47] In the same vein, the celebration of holy mass and communion by church priests constitute rituals. Turner defines ritual as a 'prescribed formal behaviour for occasions not given over to technological routine, having reference to beliefs in mystical beings or powers.'[48] Rituals evolved in the process of man trying to survive in his environment. Afigbo noted that *Ali* occupies prominent place in Igbo religion and when provoked

> *Could cause the harvest to fail and men to die prematurely- to the Igbo two of the worst disasters imaginable. It imposed innumerable laws and taboos to guide conduct between man and man, as between man and itself. The transgression of any of these rules known as omenala was promptly punished.*[49]

Ritual is a repeated pattern of behaviour performed at a particular time. It is a sequence of actions done in a specific time for a long time. In Ebonyi State, most ritual processes are undergone to initiate men and women into adulthood. The popular *Ogo* ritual process in Ehugbo is an example of a ritual processes aimed at preparing an Ehugbo man to adulthood. *Ofuafia* is a seasonal ritual process in Ikwo of Ebonyi State aimed at initiating men and women into adulthood. The process and time of ritual in Ebonyi State depends on the type of ritual and the part of Ebonyi State involved. Every ritual has its own peculiar characteristics that differentiate it from the other. In all, ritual processes are secret codes that must not be divulged by the people undergoing the processes because of the belief of the ultimate punishment such as death that will automatically visit the person who divulged the process.

8. Conclusion

The outcome of the above scholarly peregrination is that traditional judicial methods of dispute resolution in Ebonyi State have been useful tools of social control, peace, harmony and processes of restoring collective bond in communities. Judicial settlement methods like arbitration, was mostly employed in non-contentious matters but where it would appear that the matter in controversy has defied mortal solutions, the unseen was usually consulted to help in unraveling the truth. In such situations, oath taking, divination or trial by ordeal may be employed to vindicate the innocent and punish the guilt.

Traditional Ebonyi societies had well established judicial systems which ranged from the family court, kindred court, age grade court, village court, community court, Ndieze/ozo court and the chief priest court. Matters were conducted in the public such as the village square, market square and eze's palace. Traditional Ebonyi judicial structure had reserved land classified as evil forest where people who were guilty of act of witches and wizards were buried when they die. Certain classes of objects and animals were held sacred and as such it became an abominable offence (*aru*) for one to touch such an object, cut the tree, kill or eat a sacred animal. Offenders may be visited

[47] OE Nwanchor. 'Sacred Objects and Igbo Ecospirituality' in IA Kanued,*African Indigenous Ecological Knowledge System*, available at <https://acjol.org>, accessed on 4th December 2023.

[48] Turner cited by OE Nwanchor, ibid.

[49] A Afigbo, 'Prolegomena to the Study of the Cultural History of the Igbo- Speaking Peoples of Nigeria.' In FC Ogalu& E Emenanjo (Eds) I*gbo Language and Culture* (Ibadan: University Press 1975) 42-43.

with banishment or ostracism from the community. They may also be excommunicated and will be required to undergo certain ritual processes before he could be reunited in the community.

This particle therefore calls for a reinvigoration of the Traditional judicial dispute resolution methods indigenous to Ebonyi People. This is against the backdrop that the western system of justice delivery imposed on our people appears to have not served the end of justice. It is our respectful view that if tribes indigenous to Ebonyi State are allowed to adjudicate over their disputes in accordance with their native laws and customs, Ebonyi State will be more peaceful and high profile crimes and criminal activities can easily be unraveled through the instrumentality of divine consultations.