

EXHIBIT 11

1 UNITED STATES DISTRICT COURT

2 FOR THE SOUTHERN DISTRICT OF NEW YORK

3 ESTHER KIOBEL, individually and on behalf : CIVIL
of her late husband, DR BARINEM KIOBEL, : ACTION
4 BISHOP AUGUSTINE NUMENE : NO. 02CV
JOHN-MILLER, DORNUBARI ANSLEM : 7618
5 JOHN-MILLER, CHARLES BARIDORN WIWA, :
ISRAEL PYAKENE NWIDOR, :
6 KENDRICKS DORLE NWIKPO, ANTHONY B, :
KOTE-WITAH, VICTOR B WIFA, DUMLE J. :
7 KUNENU, BENSON MAGNUS IKARI, :
LEGBARA TONY IDIGMA, PIUS NWINEE, :
8 SIMEON DEDDOA, KPOBARI TUSIMA individually :
and on behalf of his late father :
9 CLEMENT TUSIMA, and individually on behalf :
Of all others similarly situated: :
Plaintiffs :

10 Vs. :
ROYAL DUTCH PETROLEUM COMPANY; :
11 SHELL TRANSPORT AND TRADING :
COMPANY, p.l.c. :
12 Defendants :
:

13 KEN WIWA, individually and as : 96 Civ.
Executor of the Estate of his : 8386 (KMW)
14 deceased father KEN SARO-WIWA, and :
OWENS WIWA, and BLESSING KPUINEN :
15 Individually and as the Administratix :
Of the Estate of her husband, :
16 JOHN KPUINEN, and JANE DOE :
Plaintiffs :
17 :

vs. :
18 ROYAL DUTCH PETROLEUM COMPANY and :
SHELL TRANSPORT AND TRADING COMPANY :
19 P.l.c. :
Defendants :
20 KEN WIWA, individually and as Executor : 01 Civ.
Of the Estate of his deceased father : 1909 (KMW)
21 KEN SARO-WIWA, AND OWENS WIWA :
And BLESSING KPUINEN, individually :
22 And as the Administratix of the :
Estate of her husband, JOHN KPUINEN, :
23 and JANE DOE, :
vs. :
24 BRIAN ANDERSON, :
Defendant :
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DEPOSITION OF VINCENT TORNEBAMRI NWIDOH

Tuesday, 25th May May 2004

AT: 11.58 am

Taken at:

Benin Marina Hotel
Republique Du Benin
Afrique De L'Ouest
Boulevard De La Marina
BP 1901, Cotonou
Benin

1 come.

2 Q. Let me first ask you about the Army. Do you
3 recall any particular times when you saw the Army at
4 Bonny Terminal?

5 A. Yes, I do, I do remember sometimes in 1993.

6 Q. Could you describe what you saw?

7 A. I saw some group of Army military men with
8 arms who arrived at the station while I was on night
9 duty.

10 Q. What was your assignment at the time?

11 A. My assignment was the writer, I was posted as
12 the writer in the charge room.

13 Q. In the charge room?

14 MR MILLSON: Can I read that back, did he
15 say writer?

16 MR WHINSTON: Yes. Where is the charge
17 room located at Bonny Terminal?

18 A. The charge room is located on your left-hand
19 side while entering into the Bonny Terminal.

20 Q. Entering into the Bonny Terminal?

21 A. Yes.

22 Q. What was your job as writer?

23 A. Taking an inventory of charge room
24 stationeries, police stationeries, arriving officers
25 that would take over duties from me and any other thing

1 that also warrant me recording in the charge room.

2 MR MILLSON: Can you read that back.

3 (The answer was read back by the Court Reporter)

4 Like paper?

5 A. Every other thing that was handed over to
6 you, that is for that post.

7 MR WHINSTON: Why don't you wait, I would
8 have asked that question too.

9 MR WHINSTON: What do you mean by charge
10 room stationeries?

11 A. Charge room stationeries involves every other
12 police property or Shell property that is in that
13 charge room as of the time you take over duty, and when
14 you also hand over duty.

15 Q. Tell me what you saw with regard to the
16 soldiers, the Army soldiers when you were on duty that
17 evening?

18 MR MILLSON: Object to the form of the
19 question.

20 A. The Army arrived at the Bonny Terminal charge
21 room police post in their numbers. I cannot recall
22 the number now, in uniform and with arms.

23 MR WHINSTON: How did they arrive?

24 A. They came through the gate.

25 Q. How did they come through the gate, were they

1 on vehicles or on foot?

2 A. On foot.

3 MR MILLSON: Object to the form of the
4 question.

5 MR WHINSTON: Were they carrying anything
6 the soldiers?

7 MR MILLSON: Objection?

8 A. Yes, they were.

9 MR WHINSTON: What were they carrying?

10 A. Arms, kit bags and boxes.

11 Q. Do you know what was in the boxes?

12 A. I don't know but it was an ammunition box.

13 Q. You could -- had you ever seen boxes like
14 that before?

15 A. Yes.

16 Q. What did you know to be in those boxes?

17 MR MILLSON: Object to the form of the
18 question.

19 A. Ammunition.

20 MR WHINSTON: Did you speak with any of the
21 soldiers that came in that evening?

22 A. Yes, I do.

23 Q. What did they tell you?

24 A. He told me that they were going to Ogoni,
25 that they have problem with their boat on the

1 sea and that is why they come into Shell.

2 Q. How long did those soldiers stay at Bonny
3 Terminal?

4 A. They stayed that night.

5 Q. Did you see them the next day?

6 A. Yes, I saw them in the morning.

7 Q. What did you see them do the next morning?

8 A. They went back on the Shell police bus and
9 left. Because of my situation as of that time I could
10 not really trace them, where they went to.

11 Q. Can you tell me when this occurred, what
12 months or year?

13 A. It was in 1993, but I cannot remember the
14 month or the date.

15 Q. Were there any occasions -- you said
16 previously that you also saw MOPOL police at Bonny
17 Terminal; is that right?

18 A. Yes.

19 Q. Can you recall any of those incidents?

20 A. One of those incidents was about the youths
21 of Bonny protesting against Shell, SPDC.

22 Q. How did the MOPOL arrive at that time?

23 A. The MOPOL arrived through Shell helicopter,
24 Bristow helicopter.

25 Q. Can you tell me what month or year this was?

1 A. That was in August, but I can't remember the
2 year, but I know it was August.

3 Q. How do you remember it being August?

4 A. Yes, I remember it was August, I can't
5 remember the year.

6 Q. How long did the MOPOL stay at Bonny
7 Terminal?

8 A. They stay for more than two days.

9 Q. Do you know how many MOPOL came on that
10 occasion?

11 A. I don't know the number, there were more than
12 10.

13 Q. Did you see the MOPOL get out of the Shell,
14 the Bristow helicopters?

15 A. The Bristow arrived at the helipad while we
16 were in the charge room. After sometime, after a while
17 we saw them trekking towards the gate.

18 Q. Do you know where they were going to?

19 MR MILLSON: Objection to the form of the
20 question.

21 A. Yes, they were going to Bonny.

22 MR WHINSTON: To the town?

23 A. To Bonny town.

24 MR WHINSTON: Were there any occasions, you
25 testified there were occasions when the regular police

1 came to Bonny Terminal?

2 A. Yes, I remember --

3 Q. Can you recall any incidents when that
4 happened?

5 A. Also during the Bonny crisis, the youth
6 crisis incident.

7 Q. Is this the same time as the MOPOL incident
8 you just talked about?

9 A. Yes.

10 Q. How did the regular police arrived?

11 A. The regular police were many in number, more
12 than the MOPOL men, I know the regular police came
13 through boat, lying through the Bonny Shell Slaughter.

14 Q. Shell?

15 A. Jetty.

16 Q. You said Lion?

17 A. Boat.

18 Q. That is the name of the boat?

19 A. Oil Lion.

20 Q. Is that how Lion is spelt L-I-O-N?

21 A. Yes.

22 Q. How long did the regular police stay at Bonny
23 Terminal on that occasion?

24 A. They stayed for some time.

25 Q. Was there any, you said that this was

1 relating to a youth demonstration at Bonny Terminal?

2 A. Yes.

3 Q. Was there any damage to the Terminal as a
4 result of that youth demonstration?

5 A. There was not.

6 Q. Are you aware of whether anyone was killed in
7 connection with that demonstration?

8 A. Yes.

9 Q. Tell me what you know about that?

10 A. During this protest I saw a corpse with angry
11 youth.

12 MR MILLSON: Cops or corpse?

13 MR WHINSTON: A dead body?

14 A. A dead body. One man Mr Omosa Brown was
15 taken to the gate by this angry youth.

16 MR MILLSON: Can I have that read back?

17 (The answer was read back by the Court Reporter).

18 MR WHINSTON: What was the name of the
19 person that was dead?

20 A. Omosa Brown.

21 Q. How do you know that?

22 A. Omosa Brown was working also as a contract
23 staff with Shell, a gate contract staff, a gate man.

24 Q. After Bonny Terminal where were you posted?

25 A. After Bonny Terminal I was posted to Port

1 A. Yes.

2 Q. And he was killed by the angry youths, right?

3 A. I didn't say he was killed by the angry
4 youths.

5 Q. And his body was carried off by the angry
6 youths, right?

7 A. By Bonny youths.

8 Q. And they were angry, right?

9 A. Because their brother is dead.

10 Q. And that brother was contract staff who
11 worked for Shell, right?

12 A. I know him as that.

13 Q. Did they know him as that?

14 MR WHINSTON: Objection to form.

15 A. I don't know.

16 MR MILLSON: And the regular police were the
17 ones who shot him?

18 A. The police shot him, that is what the youths
19 who brought the corpse up to Shell gate were saying.

20 MR MILLSON: So the youths brought the body
21 of a Shell contract staff to the Shell gate and said
22 the regular police had killed him, correct?

23 A. That is what they said, Shell hired policemen
24 killed their brother. That is what they were singing
25 towards the gate. And I did a job for Shell by not

1 allowing this youth to go in the terminal. I think
2 I also protected Shell properties and their lives.

3 Q. Well, you were the Shell police at the gate,
4 right?

5 A. We were at the gate; I was on duty.

6 Q. You didn't kill Omosa Brown, did you?

7 A. I did not.

8 Q. And none of the Supernumerary Police who were
9 with you killed Omosa Brown, correct?

10 A. None of them but those that was brought into
11 Shell that went into Bonny town did this ugly incident.

12 Q. The people who, Shell brought in some people?

13 A. Yes.

14 Q. Who killed a Shell worker, is that your
15 testimony?

16 A. I said this person was killed by those MOPOL
17 men that came into Bonny Terminal enroute to Bonny
18 town.

19 Q. You told us earlier that the people who came
20 were the regular police who came on an Oil Lion boat
21 through the Shell jetty?

22 A. The regular police came, that is what they
23 call Quick Intervention and when they saw that they
24 cannot really protect the situation MOPOL were later
25 brought through helicopter.

1 of the helicopter?

2 A. I can't remember.

3 Q. Did you, when you were in Air Operations ever
4 let anyone with a gun go on the airplane?

5 A. Yes.

6 Q. Who did you let go on with a gun?

7 A. The armed MOPOL men.

8 Q. Armed MOPOL men and you let them go on with
9 their machine guns and the bullets in the breach and
10 everything like that?

11 A. It is not in their pocket. My duty is to
12 scan you to find out if there is any other thing you
13 don't display, anything you don't show out. Anything
14 hidden in you.

15 Q. You were looking only for hidden weapons; is
16 that correct?

17 A. I don't understand.

18 Q. You were scanning everyone all over with your
19 machine to see if they had any hidden weapons, correct?

20 A. Everybody.

21 Q. Absolutely everybody?

22 A. Everybody.

23 Q. If the President of Nigeria came you would
24 scan him before he got on the helicopter, right?

25 MR WHINSTON: Objection to form.