

# EXHIBIT 16

**In The Matter Of:**

*ESTHER KIOBEL v.  
ROYAL DUTCH PETROLEUM COMPANY*

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*ISRAEL NWIDOR  
September 24, 2003*

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<p style="text-align: right;">Page 17</p> <p>1 injuries that you have listed? Let me take them 2 one at a time. 3       Who is responsible for any injury 4 you incurred by virtue of being arrested? 5 A. I was injured by the River State Internal 6 Security Task Force, and whoever assisted them will 7 bear responsibility for the injury. 8 Q. Do you know if anyone assisted the River State 9 Internal Security Task Force? 10 A. Shell help -- I mean, helping River State 11 Internal Security Task Force. So, I mean, if they 12 are -- been helping them, they are also involved in 13 my -- being responsible for the injuries that I 14 incurred. 15 Q. Do you have any basis for believing that, 16 quote, Shell, end quote, helped the River State 17 Internal Security Task Force? 18 A. MOSOP accused Shell for being responsible for 19 the actions of -- for being -- for helping River 20 State Internal Security Task Force. 21       During the course of this action, 22 all that plaintiffs also testified, I mean, Shell 23 had been responsible with River State Internal 24 Security Task Force. And it was common knowledge 25 within the community that Shell was involved, and</p>	<p style="text-align: right;">Page 19</p> <p>1 Force? 2 A. Personal knowledge, knowing something or 3 having documentation? What do you mean by 4 "personal knowledge"? 5 Q. Personal knowledge is something that involves 6 one of your five senses. You saw it, you heard it, 7 you felt it, you tasted it, you touched it. It is 8 something that involves you. 9       So if you saw something that said 10 Shell is helping the River State Internal Security 11 Task Force, that's something I am talking about. 12 A. Okay. 13 Q. If you heard someone from defendants or SPDC 14 saying they were helping the River State Internal 15 Security Task Force, they told you that, that's 16 also something I am talking about. 17       So I am talking about something you 18 know personally because you were there and you 19 experienced it, not because you heard rumors. 20 A. But you have stated that personal knowledge 21 involves the five senses. 22 Q. Yes. I don't mean -- when I say, "hear," I 23 don't mean rumor. I mean you were there to hear 24 the exchange. 25       You heard a conversation between,</p>
<p style="text-align: right;">Page 18</p> <p>1 their actions were just open. 2 Q. Other than MOSOP's accusation and the common 3 knowledge of the Ogoni community, do you have any 4 other basis for saying that, quote, Shell, end 5 quote, helped the River State Internal Security 6 Task Force? 7 A. Paul Okuntimo stated on the day he arrested me 8 that the reason he was arresting me was because I 9 was involved in demonstration against Shell. 10 Q. At that time did Mr. Okuntimo say that, quote, 11 Shell, end quote, was helping him? 12 A. Well, he mentioned Shell. Why would he 13 mention Shell as a security officer? 14 Q. The only question I am asking you is, did he 15 mention at the time he was speaking to you that, 16 quote, Shell, end quote, was helping him? 17 A. No. 18 Q. So other than MOSOP's accusation and common 19 knowledge of the Ogoni community, do you have any 20 specific basis for saying that, quote, Shell, end 21 quote, was helping the River State Internal 22 Security Task Force? 23 A. No. 24 Q. So you have no personal knowledge of Shell 25 helping the River State Internal Security Task</p>	<p style="text-align: right;">Page 20</p> <p>1 for example, Okuntimo and someone from defendants 2 and SPDC. You were there. You saw them talking, 3 you heard them talking, and you can tell me what 4 they said, if such a meeting ever happened. 5 A. So, in essence, what you are trying to say is 6 that the only thing that involves hearing is if I 7 was there when this was happening? 8 Q. Yes. 9 A. So if I heard from people, from group of 10 people mention Shell, that does not involve 11 hearing, is that what you are trying to say? 12 Q. No; it involves hearing, but it doesn't 13 involve your personal knowledge. 14       I am going to ask you questions 15 generally. I will say, did you ever hear that 16 Shell was helping the River State Internal Security 17 Task Force. 18       And then you can say, yes, I heard 19 that -- I heard it from MOSOP, I heard it from 20 community members, I interpreted Paul Okuntimo's 21 statement when he said X to mean Y. So that's one 22 question. 23       Then when I say, do you have 24 personal knowledge, meaning do you know it for a 25 fact yourself, that's a different question.</p>

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<p style="text-align: right;">Page 69</p> <p>1 Does that help?</p> <p>2 Q. Thank you, yes.</p> <p>3 Do you have any of your papers or</p> <p>4 books from when you were getting your degrees?</p> <p>5 A. I have a particular -- I was so excited by the</p> <p>6 project that I did in my final year, and I brought</p> <p>7 it with me to America. If you want to take a look</p> <p>8 at it, I can give it to you.</p> <p>9 Q. What was the project you did in your final</p> <p>10 year?</p> <p>11 A. It was on plastics and the effect of plastics</p> <p>12 on corrosion.</p> <p>13 Q. The effect of plastics on corrosion?</p> <p>14 A. On corrosion.</p> <p>15 Q. Did you bring any other books or papers from</p> <p>16 your education in Nigeria?</p> <p>17 A. I have some books on thermodynamics. I have a</p> <p>18 book on thermodynamics, chemicals processes, and</p> <p>19 all of that.</p> <p>20 I have a few of them, yes, that it</p> <p>21 was possible for me to take them when I was running</p> <p>22 out of Nigeria. But those were books that I</p> <p>23 cherished and ones that I could throw them into any</p> <p>24 pack that I was taking around.</p> <p>25 Q. Are your books and papers from your education</p>	<p style="text-align: right;">Page 71</p> <p>1 that?</p> <p>2 A. Can you ask me the question again? I</p> <p>3 interrupted myself in asking for some water.</p> <p>4 Q. That's all right.</p> <p>5 If you asked your family to collect</p> <p>6 up your books and papers that are in Nigeria, could</p> <p>7 they do that for you?</p> <p>8 A. Well, now that you are talking about it, I</p> <p>9 mean, it's making it interesting.</p> <p>10 But if you volunteer to give me some</p> <p>11 money to do that...</p> <p>12 Q. Sure. Assuming money is not the issue.</p> <p>13 A. I can do that.</p> <p>14 Q. If money is not the issue, somebody could get</p> <p>15 that information for you?</p> <p>16 A. Well, if I ask for it, they are going to send</p> <p>17 me the books.</p> <p>18 Thank you. I hope I will impress on</p> <p>19 you to give me some money to do that.</p> <p>20 Q. Well, I won't, but I have a feeling there is a</p> <p>21 source for you.</p> <p>22 A. Please.</p> <p>23 Q. Do you allege that defendants or SPDC viewed</p> <p>24 you as an enemy?</p> <p>25 A. I stated that in my -- in my case, the case</p>
<p style="text-align: right;">Page 70</p> <p>1 still with your family in Nigeria?</p> <p>2 A. Most of my books are in Nigeria. They are in</p> <p>3 Nigeria, yes. Most of my books are there. Because</p> <p>4 I couldn't have carried a whole pack of books while</p> <p>5 running away.</p> <p>6 Q. Sure.</p> <p>7 A. It wasn't the right thing to do. And I know</p> <p>8 that you will say that it will not have been the</p> <p>9 right thing for me to do.</p> <p>10 I am hiding, and I am hiding books,</p> <p>11 too? No.</p> <p>12 Q. What about any papers that you wrote for the</p> <p>13 class that you took in your final year about</p> <p>14 petroleum?</p> <p>15 A. I did not go along with my papers.</p> <p>16 Q. No; I am asking, are those still in Nigeria?</p> <p>17 A. When I went to Nigeria, I didn't have the</p> <p>18 opportunity. I spend only two weeks. I didn't</p> <p>19 have the opportunity of checking those papers, so I</p> <p>20 wouldn't know if they are still there.</p> <p>21 I had not checked them back then.</p> <p>22 But if they are still there, if you could, you will</p> <p>23 see them.</p> <p>24 Q. If you asked your family to collect up your</p> <p>25 books and papers that are in Nigeria, could they do</p>	<p style="text-align: right;">Page 72</p> <p>1 that I wrote for the lawyers, that due to my</p> <p>2 activities during the campaign and my being members</p> <p>3 of -- member of MOSOP, Shell viewed us and viewed</p> <p>4 me as an enemy to themselves.</p> <p>5 Because we had declared them -- we</p> <p>6 had declared them persona non grata. And Okuntimo</p> <p>7 told me when he arrested me that, "Oh, we have</p> <p>8 got -- we have got those ones who have been working</p> <p>9 against Shell." He stated that.</p> <p>10 And if he stated that, that would</p> <p>11 mean that Shell viewed me as an enemy.</p> <p>12 MR. D'AVINO: Would you restate</p> <p>13 that.</p> <p>14 (The reporter read the record as</p> <p>15 requested.)</p> <p>16 BY MS. WHEATLEY:</p> <p>17 Q. Other than the statement you just recounted</p> <p>18 from Mr. Okuntimo, do you have any other basis for</p> <p>19 believing that defendants or SPDC viewed you as an</p> <p>20 enemy?</p> <p>21 A. No.</p> <p>22 Q. When did you hear Mr. Okuntimo make that</p> <p>23 statement that you just recounted?</p> <p>24 A. The day he arrested me on the 25th of May,</p> <p>25 1994.</p>

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<p style="text-align: right;">Page 105</p> <p>1 A. Okuntimo, for instance. 2 Q. Do you have any other -- strike that. 3 What is your basis for saying that 4 Paul Okuntimo was an agent of Shell? 5 A. Because it is common knowledge, like I told 6 you, that Shell was supporting the River State 7 Internal Security Task Force. 8 And since they were supporting, they 9 were agents to Shell, because they were working to 10 preserve Shell installation within Ogoniland. 11 Q. What is your basis for saying that Shell was 12 supporting the River State Internal Security Task 13 Force? 14 A. Well, you have heard, maybe from other people 15 who have testified, about Shell reconnaissance 16 activities, flying helicopters in areas during 17 destruction activities by the communities who were 18 destroying Ogoniland. 19 I mean, does that help you to know 20 what I am talking about? 21 Q. No. 22 I am asking you, how do you know 23 that Shell was supposed to be supporting the River 24 State Internal Security Task Force? 25 Not what other people have told me.</p>	<p style="text-align: right;">Page 107</p> <p>1 Q. Is there anything else? 2 A. No. 3 Q. So we have to clean this up a little bit. You 4 can't say, "uh-huh," and, "unh-unh," because they 5 don't translate. 6 A. No; I said, "No." 7 Q. You have to say yes or no. 8 A. I said, "No." 9 Q. Let me ask you this question again. 10 A. Okay. 11 Q. Because she got your no, she didn't get the 12 other piece of it. 13 When I asked you what is your basis 14 for saying that Shell was supposed to be supporting 15 the River State Internal Security Task Force, you 16 listed your seeing helicopters -- 17 A. Yes. 18 Q. -- and what Paul Okuntimo said to you. 19 Is that everything on which you base 20 your statement that Shell was supposed to be 21 supporting the River State Internal Security Task 22 Force? 23 A. Also the information that we had gotten, the 24 people that stated that Shell was supporting the 25 Ogoni people, which I stated at the beginning when</p>
<p style="text-align: right;">Page 106</p> <p>1 I am asking, how do you know that? 2 A. I was in Ogoniland during the crisis in 3 Ogoniland. I was teaching in Ogoniland during the 4 crisis of Ogoniland. I saw the helicopters when 5 they even flew over Bane during the attack by the 6 Andonis. 7 I saw the helicopters. They came 8 down, I saw the markings on them. Okuntimo, when 9 he mentioned Shell's name during my arrest. 10 And during other occasions while I 11 was in detention, he came recounting his 12 exploitation of Ogoniland and the fact that we had 13 refused to allow Shell to engage in activities in 14 our area. He recounted, even when I was in 15 detention. 16 Q. Let's take what you have listed one at a time. 17 A. Okay. 18 Q. So when I ask you what is your basis for 19 saying that Shell was supposed to be supporting the 20 River State Internal Security Task Force -- 21 A. Okay. 22 Q. -- you referred to helicopters that you saw. 23 A. Uh-huh. 24 Q. You referred to Okuntimo. 25 A. Okay.</p>	<p style="text-align: right;">Page 108</p> <p>1 we were talking about this. 2 Q. So plus the common knowledge? 3 A. Yes. 4 Q. Is there anything else, other than your seeing 5 helicopters? 6 A. I mean, evidence that probably other people 7 have put to you. 8 Q. No. I am asking what you know, not what 9 people have told me. 10 A. Yes, that's all. 11 Q. So what you know about what supports your 12 statement that Shell was supporting the River State 13 Internal Security Task Force are the helicopters, 14 Okuntimo, and common knowledge? 15 A. Yes. 16 Q. When did you see helicopters in Ogoniland? 17 A. Let me give you a particular incident. 18 Bane was attacked, my village was 19 attacked, by the Andonis. Now, before this attack, 20 to our surprise, we saw Shell helicopter flying 21 very low to the ground all over Bane area. I was 22 right in my village. I was there, and I saw it. 23 I know Shell logo, and I saw the 24 logo right on the helicopter. 25 And after these activities by the</p>

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<p style="text-align: right;">Page 109</p> <p>1 helicopter, we got information that a fishing 2 village which belong to Bane had been attacked and 3 people had been killed. We rushed there, and we 4 saw these dead bodies out there. 5       So what will you think if you saw 6 this? What would be your inference if you saw 7 this? I wish you were there, you will believe what 8 I am telling you. 9       Go ahead, ask your question. 10 Q. When after you saw the helicopter did you 11 see -- strike that. 12       When after you saw the helicopter 13 was there an attack on another village? 14 A. The helicopters flew around the village. 15 After that we got information, somebody came in 16 from the fishing village, that the fishing village 17 had been attacked and people are being killed, and 18 we rushed there and we saw the evidence of the 19 attack. 20 Q. I am asking you when after that. 21       So you saw the helicopter on one 22 day, and then how many days later did you hear that 23 there had been an attack on another village? 24 A. The same day. 25 Q. The same day?</p>	<p style="text-align: right;">Page 111</p> <p>1       If you want to know how the Shell 2 logo looks like, take a drive around Philadelphia 3 or any part of America, see a Shell station, and 4 you will see that logo. 5       A Shell logo is Shell logo anywhere, 6 any day, any time. 7 Q. Was there any writing on the helicopter? 8 A. I don't recall the writings. 9 Q. How big was the logo? 10 A. I did not measure it, so I will not be able to 11 give you a description of how big it was. 12       But it is the Shell logo, and the 13 much -- and that I know, is that it was a Shell 14 logo. 15 Q. About how big was it? 16       I am not asking you for precise 17 measurements, but about how large was the logo that 18 you saw? 19 A. I cannot give you a quantification of how big 20 it was, but it was a Shell logo. 21 Q. Was it as big as this table? 22 A. It was a Shell logo. 23 Q. Was it as large as this table? 24 A. No, it was not as large as this table. 25 Q. Was it as small as this bottle cap? I am</p>
<p style="text-align: right;">Page 110</p> <p>1 A. The difference is only in time. 2 Q. Okay. So -- 3       MR. D'AVINO: He didn't say it was a 4 different village. You should clarify that. He 5 said it was a fishing village that was part of 6 Bane. 7       THE WITNESS: Yes. 8       MR. D'AVINO: That's what he said. 9 Just speak clearly. 10       MS. WHEATLEY: Oh, okay. 11 BY MS. WHEATLEY: 12 Q. What time of day was it that you saw the 13 helicopter in Bane? 14 A. In the afternoon, broad daylight. 15 Q. And where was the logo that you believe you 16 saw? 17 A. On the body of the helicopter. 18 Q. Where on the body of the helicopter? 19 A. On the body. 20 Q. On the front, on the back, on the top, on the 21 bottom? 22 A. I don't remember the exact place. But the 23 logo was there, and I saw the logo. 24 Q. What did it look like? 25 A. It looks like a Shell logo.</p>	<p style="text-align: right;">Page 112</p> <p>1 trying to help you estimate. 2       Was it as small as this? 3       MR. D'AVINO: Objection. You are 4 now harassing the witness. 5       MS. WHEATLEY: Not at all. 6       MR. D'AVINO: Yes, you are. 7       MS. WHEATLEY: Your objection is 8 noted. Can't say more than that. I am trying to 9 help the witness estimate size. 10 BY MS. WHEATLEY: 11 Q. Was the logo that you saw larger than this 12 bottle cap? 13 A. It was a Shell logo. 14       I did not do the measurement, and I 15 would not be able to give you a quantification of 16 the logo. But it was a Shell logo. 17 Q. I am not asking you to give me a 18 quantification. I am just asking you, was it 19 larger than this, or was it -- 20 A. If you are asking me that, what are you 21 referring to, quantification of the Shell logo? It 22 was a Shell logo. 23 Q. It is just a yes or no question, it is not a 24 trap. 25       Was it larger than this cap, this</p>

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<p style="text-align: right;">Page 173</p> <p>1 He was also -- he was arrested, he was beaten up.                  2 In fact, he got a wound on his hand                  3 and we had to -- we had no means of getting                  4 medication to him. It was a big problem. Also he                  5 got into the cell. So his case was a case I recall                  6 very well.                  7 Q. Is this the young man that you were testifying                  8 to before, that was crying?                  9 A. No; this is different.                  10 Q. Have you been on the scene when anyone else                  11 was injured by the Nigerian military or the River                  12 State Internal Security Task Force?                  13 A. There were so many people who were injured, I                  14 wouldn't know their names. And I have been on the                  15 scene when -- I have been right there when some                  16 arrests were made. People were beaten up and                  17 injured.                  18 Q. This is what you just described to me?                  19 A. Yes; yes.                  20 Q. Have you been on the scene for any other --                  21 A. No.                  22 Q. -- injuries inflicted by the Nigerian                  23 military or River State Internal Security Task                  24 Force?                  25 A. No.</p>	<p style="text-align: right;">Page 175</p> <p>1 And I saw how his family home was                  2 burnt down, his father was beaten up, and                  3 everything carted away. His books, gone.                  4 Q. Have you ever been on the scene when the                  5 Nigerian military or the River State Internal                  6 Security Task Force destroyed property that was                  7 owned by an Ogoni?                  8 A. No.                  9 Q. Have you ever seen the Nigerian military or                  10 the River State Internal Security Task Force bribe                  11 anyone?                  12 A. I have not seen; I have heard.                  13 Q. Have you ever seen anyone who you believed to                  14 be from defendants or SPDC bribing anyone?                  15 A. I have not seen; I have heard.                  16 Q. What have you heard about defendants or SPDC                  17 bribing or attempting to bribe anyone?                  18 A. I heard that they attempted to bribe people to                  19 testify against Ken Saro-Wiwa.                  20 Q. Who did you hear that from?                  21 A. Affidavit were put in newspapers in Nigeria,                  22 affidavit that was sworn to by these people, that                  23 they were bribed by Shell to testify against Ken                  24 Saro-Wiwa. And at least I have heard about that.                  25 Q. Have you ever had any encounters with the</p>
<p style="text-align: right;">Page 174</p> <p>1 Q. Other than what you have testified about thus                  2 far, have you ever seen any active violence                  3 committed by the Nigerian military or the River                  4 State Internal Security Task Force?                  5 A. Violence in what sense of violence? Being                  6 violent?                  7 Well, I have a friend of mine who                  8 got his father beaten up, and in his absence, and                  9 his family home burned down.                  10 Q. Were you there at the time?                  11 A. If that is what you call -- no. I saw the                  12 aftermath and I saw the man. And he testified to                  13 the fact that he was beaten up by the River State                  14 Internal Security Task Force.                  15 He is dead now.                  16 Q. You were not --                  17 A. I was not there, but I saw the aftermath of                  18 their brutality.                  19 Q. Have you ever seen the Nigerian military or                  20 the River State Internal Security Task Force                  21 destroy any property that was owned by an Ogoni                  22 person?                  23 A. I have seen property that was destroyed. One                  24 I have just mentioned to you is directly -- this                  25 happened to be my friend.</p>	<p style="text-align: right;">Page 176</p> <p>1 mobile police in Nigeria?                  2 A. No.                  3 Q. Have you ever had any encounters with the                  4 State Security Task Force in Nigeria?                  5 A. Yes.                  6 Q. Not the River State Internal Security Task                  7 Force; I am asking about something different, just                  8 the State Security Task Force.                  9 A. What you mean by "State Security Task Force"?                  10 Who are you referring to?                  11 We have different units of the state                  12 security. We have the NSO, National Security                  13 Organizations. We have the police force. They are                  14 all members of the security network in River State.                  15 So be specific.                  16 Q. Let me ask you this.                  17 A. Please.                  18 Q. What security forces in Nigeria have you ever                  19 had encounters with?                  20 A. What nature of encounter are you talking                  21 about?                  22 Q. I will rephrase.                  23 A. Please.                  24 Q. Have you ever had an encounter with any                  25 security force in Nigeria that resulted in any type</p>

<p style="text-align: right;">Page 177</p> <p>1 of injury to you?</p> <p>2 MR. D'AVINO: Object to the form of</p> <p>3 the question. But he may answer.</p> <p>4 A. No. No; outside the River State Internal</p> <p>5 Security Task Force.</p> <p>6 You were telling me you are not</p> <p>7 talking about them. You are talking about any</p> <p>8 other security network. No.</p> <p>9 Q. So the only security force with whom you have</p> <p>10 had an encounter that resulted in your injury was</p> <p>11 the River State Internal Security Task Force?</p> <p>12 A. Yes.</p> <p>13 Q. Okay.</p> <p>14 A. I am not a criminal, so I don't have issues</p> <p>15 with security officers.</p> <p>16 Q. How many encounters have you had with the</p> <p>17 River State Internal Security Task Force that</p> <p>18 resulted in your injury?</p> <p>19 MR. D'AVINO: I object to the form</p> <p>20 of the question because the word "encounter" is</p> <p>21 vague, and there are different things that happened</p> <p>22 that might fall within that makeup.</p> <p>23 BY MS. WHEATLEY:</p> <p>24 Q. You can answer.</p> <p>25 MR. D'AVINO: You may answer.</p>	<p style="text-align: right;">Page 179</p> <p>1 be shot dead when arrested.</p> <p>2 Does that try to help you? That's</p> <p>3 the story of the poor man, a young man, who went</p> <p>4 through all that. Have pity on me.</p> <p>5 Q. Other than the events that resulted from your</p> <p>6 arrest on May 25, 1994, did you have any other</p> <p>7 encounters with the River State Internal Security</p> <p>8 Task Force?</p> <p>9 A. Directly?</p> <p>10 Q. Yes.</p> <p>11 A. No.</p> <p>12 Q. Did you have any indirect encounters with the</p> <p>13 River State Internal Security Task Force, other</p> <p>14 than what you described resulted from your arrest</p> <p>15 on May 25, 1994?</p> <p>16 A. A few days before I fled Nigeria, some Army</p> <p>17 officers, I was not there, came in asking questions</p> <p>18 at my hiding place, a few days. A few? I can't</p> <p>19 remember the very day that that happened.</p> <p>20 And when I was told, I knew that I</p> <p>21 was not very safe. And I remembered the statement</p> <p>22 I signed and everything, and that prompted me to</p> <p>23 seek an alternative place of living. And I had to</p> <p>24 flee Nigeria.</p> <p>25 Q. Was your arrest on May 25, 1994, the only time</p>
<p style="text-align: right;">Page 178</p> <p>1 A. The encounter that I had earlier described was</p> <p>2 the arrest. The arrest that was made on the 25th.</p> <p>3 I was arrested by the River State Internal Security</p> <p>4 Task Force, headed by Okuntimo.</p> <p>5 He was there, he arrested me, took</p> <p>6 me to Bori camp. He had me kept in the sun, the</p> <p>7 rain for the whole day before I was taken in.</p> <p>8 Stripped naked, stayed in detention for the number</p> <p>9 of days. I was beaten occasionally before meals or</p> <p>10 before I could even relieve myself.</p> <p>11 In fact, he beat me occasionally</p> <p>12 right in the cell. I was tortured and beaten up in</p> <p>13 that cell. I was moved from the cell in Port</p> <p>14 Harcourt to a cell in Ogoniland at a place called</p> <p>15 Bori.</p> <p>16 I was beaten up on the day of my</p> <p>17 release with a bunch of koboko, high-tension cable,</p> <p>18 put ten of them and they gave me 18 strokes of the</p> <p>19 cane. So if you put all together, that resulted in</p> <p>20 180 strokes of the cane the day of arrest. I</p> <p>21 passed out.</p> <p>22 I was asked to sign a document</p> <p>23 saying that I was not going to be involved in any</p> <p>24 activities against Shell. My passport was put on</p> <p>25 there. And that if I ever do that, I was going to</p>	<p style="text-align: right;">Page 180</p> <p>1 that you were arrested in Nigeria?</p> <p>2 A. Yes.</p> <p>3 I told you I am not a criminal. I</p> <p>4 have not been involved in any arrests, no place,</p> <p>5 nowhere, not even in America.</p> <p>6 Q. Let's talk about what happened on the day that</p> <p>7 you were arrested on May 25, 1994.</p> <p>8 A. Thank you.</p> <p>9 Q. At what time of day were you arrested?</p> <p>10 A. In morning of May the 25th. I was traveling</p> <p>11 from Port Harcourt home with my wife. She had an</p> <p>12 appointment.</p> <p>13 And she had asked me to accompany</p> <p>14 her because she was scared of the news she was</p> <p>15 hearing back home, to give her some sort of</p> <p>16 support. I decided to accompany her. I followed</p> <p>17 her. We got into a bus.</p> <p>18 Q. What was she afraid of?</p> <p>19 A. She was afraid of the news we had heard at</p> <p>20 home about the raping of women and all the</p> <p>21 atrocities that were committed by the Army within</p> <p>22 the region. So she asked me to give her some</p> <p>23 support and go with her.</p> <p>24 Q. Was your wife ever the victim of rape?</p> <p>25 A. She would have to talk about that. I -- when</p>



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1 under any obligation to discuss my wife's issue.  
 2 Q. Is your wife covered by the Complaint that you  
 3 have brought against the defendants?  
 4 A. No. Trust myself.  
 5 Q. Okay.  
 6 A. And I speak for myself, yes.  
 7 Off the record, can I tell you one  
 8 thing?  
 9 MR. D'AVINO: Go off the record.  
 10 MS. WHEATLEY: Sure.  
 11 (Discussion off the record.)  
 12 BY MS. WHEATLEY:  
 13 Q. You testified earlier that you are seeking  
 14 compensation --  
 15 A. Yes.  
 16 Q. -- in connection with this lawsuit.  
 17 A. Yes.  
 18 Q. Are you seeking compensation for anything that  
 19 may have happened to your wife?  
 20 A. I am seeking compensation for what happened to  
 21 me.  
 22 Q. Are you seeking compensation on behalf of  
 23 anyone who may have been the victim of a rape?  
 24 A. The judge will decide if they are going to add  
 25 anyone or not. But I am seeking compensation for

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1 specifically. Okay?  
 2 A. Okay.  
 3 Q. You are riding on the bus, and what happened?  
 4 Why did the bus stop?  
 5 A. I was riding on the bus. We got to a military  
 6 check point where the military had barricaded the  
 7 road.  
 8 Q. Were you in Ogoniland at that point?  
 9 A. At that point we were thoroughly in Ogoniland.  
 10 Q. Okay.  
 11 A. The bus was stopped, everybody was asked out.  
 12 Questions were asked to the people.  
 13 Okuntimo came straight to me and  
 14 looked at me, asked me was I from Ogoni, Bane. He  
 15 said, "We caught you. You are the ones who never  
 16 allowed Shell to come into Ogoniland to do the  
 17 activities or to carry out their activities."  
 18 And I told him that he was wrong,  
 19 that -- I mean, what was he really talking about?  
 20 I said that he had no right to stop me right there.  
 21 I wasn't -- I was talking to him.  
 22 And he stated that, how can a  
 23 civilian talk to him that way. He slapped me.  
 24 I told him he had no right to slap  
 25 me.

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1 myself and what happened to me. I don't know how  
 2 broad this case is and whatsoever it encompasses.  
 3 I do not have the details of  
 4 individual -- individual persons who are involved  
 5 in this case, so I am not going to be able to stand  
 6 in for anybody, I stated from the beginning.  
 7 What is my -- what is my issue is  
 8 what I am going to discuss with you. And aside  
 9 that, can you have pity on me and not let me  
 10 discuss another person.  
 11 Q. I think that's sufficient for this line of  
 12 questioning.  
 13 So we were talking about that your  
 14 wife had asked you to accompany her to an  
 15 appointment that she had in Port Harcourt on the  
 16 morning of May 25; is that right?  
 17 A. My wife had asked me to accompany her. We  
 18 were at Port Harcourt, and we were going home. I  
 19 was going with her when the bus was stopped.  
 20 Everybody was asked out, and then  
 21 Okuntimo came to me and recounted everything  
 22 that -- he stated all that he stated, asked the  
 23 soldiers to beat me up, and everything resulted  
 24 from there.  
 25 Q. So let's talk about what happened more

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1 He then ordered everybody around  
 2 there, the soldiers. He said, "Come on, beat him,  
 3 boys," and they all rounded me up, hit me onto the  
 4 ground. They beat me with koboko, everything they  
 5 had on them. I got my whole body lacerated. I was  
 6 there.  
 7 He came straight to me and said he  
 8 was going to burn me, get me burned with the  
 9 gasoline that he had in a gallon.  
 10 He said, "Look, I have gasoline  
 11 here. I can burn you alive. You are a murderer.  
 12 You kill people. You destroy -- you never allow  
 13 Shell to come into Ogoniland. You destroy things.  
 14 We are going to burn you alive."  
 15 I just stayed there until after he  
 16 had done more arrests, then he put everybody into  
 17 the -- an open van, drove us straight to the Bori  
 18 camp. It was my first time of entering the Army  
 19 barracks.  
 20 We got in there. He put us -- put  
 21 us outside. We were stripped naked, put outside  
 22 there. The rain fell on us, the sun, the rain, the  
 23 sun shined on us. He stood there, he was making  
 24 all different comment, threats and everything.  
 25 Towards the evening he took

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<p style="text-align: right;">Page 189</p> <p>1 everybody and asked us to get into -- asked us to  2 go into a barricaded room and locked us in there.  3 And that was where we stayed for a number of weeks  4 that I was there.  5 And every occasion he came back from  6 his encounters in Bane, he would rush in there, "I  7 have come from this village today. I killed them.  8 I whipped them."  9 He was recounting it happily,  10 shouting happily how he raped these poor -- how he  11 did this, he caught this, he beat up this man. He  12 would mention the things he did.  13 And he said, "Look, all of you are  14 murderers. You will all be killed." He threatened  15 us. There was nothing he did not do.  16 Now, before you ever go out in the  17 morning to relieve yourself, he will give you some  18 strokes of the cane, before you go out, and then  19 you go back in.  20 In the evening before you go out --  21 because you have to use the washroom, you have to  22 use the bush to pass out your urine or anything in  23 the morning at 7 o'clock and evening at 7 o'clock.  24 This was a routine we went through.  25 I was not allowed any medical</p>	<p style="text-align: right;">Page 191</p> <p>1 He brought. He took the passport  2 and clipped, and clip it to the piece of paper, and  3 the piece of paper was not given to me.  4 Under that condition I was asked to  5 go, my brother took me home, and that was how I got  6 out of cell.  7 Q. Let me just ask you some questions about what  8 you have told me.  9 A. Yes.  10 Q. When you first were ordered out of the bus by  11 Okuntimo and he was talking to you, did he know  12 your name? Do you have any reason to think he knew  13 your name?  14 A. He did not -- he did not mention my name.  15 Q. And then you said you were standing up for  16 yourself when he was talking to you, and then he  17 slapped you; is that right?  18 A. Yes; yes.  19 Q. Did this interaction with Okuntimo start  20 because he thought you were disrespecting him?  21 A. I don't know what he was thinking. I would  22 not know what he was thinking. But whatsoever he  23 was thinking resulted in slapping me and order the  24 soldier to beat me up.  25 Q. Now, you said you were taken to Bori camp?</p>
<p style="text-align: right;">Page 190</p> <p>1 treatment. I stayed there. The Lord was in  2 control of my life. God helped me, and I did not  3 die in that cell. I stayed there. I prayed to  4 God.  5 I was there for a number of weeks I  6 stayed there, before I was moved to a detention  7 camp in Kpor. I was put in a detention camp with  8 so many people late in the night.  9 The following morning he put me out,  10 brought me outside. I got beaten up by the  11 military officer. He asked me to go to the table.  12 I went to the table, and he had a  13 paper in front of him on which he has written that  14 I have personally stated that I was not going to be  15 involved in any activities against Shell, or to  16 have any other demonstration against Shell; and  17 that if I was arrested on any other occasion, I was  18 going to be shot dead. That was the last statement  19 he read to me. He asked me to sign it. I signed  20 it.  21 He had my passport, which was  22 brought. He had asked my brother -- because my  23 brother had come there to take me home. He had  24 asked my brother, he asked my brother to bring the  25 passport.</p>	<p style="text-align: right;">Page 192</p> <p>1 A. Yes.  2 Q. Is that right?  3 A. Yes.  4 Q. And that you were beaten by Okuntimo's  5 military people before they took you there; is that  6 right?  7 A. Yes; yes.  8 Q. And you testified when they took you to the  9 Bori camp, they kept you under the sun?  10 A. They put us under the sun. They put us  11 outside under the sun. We're naked and we are  12 under the sun. The sun was shining on us. I wish  13 you know it.  14 A particular day in Philadelphia, if  15 you live in Philadelphia or any part of the U.S.,  16 on a summer day, when temperature is as high as the  17 temperature in Nigeria, you will know what I am  18 talking about.  19 And you will be stripped naked with  20 all this lacerated body out there. And then the  21 rain will fall on you and the sun will shine on  22 you. You probably would be able to know what I am  23 talking about.  24 Q. How long did you stay outside?  25 A. I do not know time in terms of hours. But</p>

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<p style="text-align: right;">Page 193</p> <p>1 what happened took place too in the morning hours  2 when we were going out. And from the morning hours  3 to the evening, all this took place.  4           So you can just try to -- I mean,  5 think of these hours that the man in front of you  6 here went through this torture.  7 Q. And at the end of the day you said Okuntimo  8 and other members of the River State Internal  9 Security Task Force put you in a cell?  10 A. Yes.  11 Q. Who else was in the cell with you?  12 A. I know Ledum Mitte was right by my side.  13 Ledum Mitte was by my side, because we were lying  14 side by side.  15           Oke, I think his first name Oke, was  16 in the same cell with me.  17           And these are names that I could  18 easily remember. They were in the same cell with  19 me. The whole cell was also crowded with other  20 people. I do know them. Most of them I know from  21 the same village from me.  22           I know Mitte because we have had to  23 meet occasionally. And Oke happened to come from  24 the same village with me.  25           There was another cell that was</p>	<p style="text-align: right;">Page 195</p> <p>1 A. Now, when you ask about given food, given food  2 by the military or given food by who?  3 Q. By anyone.  4           Did you eat during that six-week  5 period?  6 A. I ate.  7 Q. Who gave you food?  8 A. My wife always come to Bori camp, my parents  9 always came to Bori camp, then they pay some money  10 to the soldiers before they would let them bring  11 food for me.  12 Q. Is that typical, that people's families bring  13 them food when they are in prison?  14 A. Yes -- no, not when they are in prison.  15 Q. When they are --  16 A. You are talking about prison.  17 Q. When they are in Bori camp, is it common for  18 people's families to bring them food?  19 A. Yes.  20 Q. When you were taken to Bori camp and you were  21 sitting outside, was it nighttime when you went  22 inside to the cell or was it still daylight?  23 A. It was towards the evening that we were taken  24 inside.  25 Q. You testified earlier that you were beaten</p>
<p style="text-align: right;">Page 194</p> <p>1 opposite of us, and there were only people were in  2 the cell. Ken Saro-Wiwa was in the opposite cell.  3 I saw him the day I had to come in, because he came  4 to the gate and asked me a few questions before I  5 went in.  6 Q. What did he ask you?  7 A. He called me and said, "Nwidor."  8           I said, "Saro."  9           He said, "They arrested you also.  10 What about the job you were doing? I heard you  11 were doing a job. They took you away from the  12 job?"  13           I said, "Yes."  14           He looked at me, he asked me to take  15 care, and he walked back and I went inside.  16           That was the last time I spoke with  17 him, and the only time I ever spoke with him again.  18 He didn't talk to me again.  19 Q. How many days did you stay at the Bori camp?  20 A. I told you it was about six weeks. I spent  21 about six weeks at the Bori camp.  22 Q. Were you given food during that six-week  23 period?  24 A. No.  25 Q. You didn't eat for six weeks?</p>	<p style="text-align: right;">Page 196</p> <p>1 occasionally by Okuntimo himself; is that right?  2 A. By his soldiers, under his order.  3 Q. How frequently did this occur?  4 A. Sometimes the mornings before you go to --  5 before you go to relieve yourself, I mean, you have  6 these soldiers just bring you out and give you some  7 strokes of the cane.  8 Q. Did this happen every day?  9 A. Not every day; occasionally.  10           And then sometimes Okuntimo would  11 come from operation in Ogoniland, he will feel very  12 unhappy followed by the situation of things, and so  13 on, so agitated. He will call out a group of  14 Ogonis, take them to a room, and beat them all up.  15 Q. Did Okuntimo visit your cell every day?  16 A. Almost every day.  17 Q. Was there ever a time during the six weeks  18 that you were detained at Bori camp where you were  19 denied food and water?  20 A. I was not allowed food the very day I was  21 arrested until the following day. That was when my  22 mother-in-law had talked to Okuntimo, and then he  23 had asked for some money -- some money was given to  24 the soldiers, and then that was when I was allowed  25 to have some food to eat.</p>

<p style="text-align: right;">Page 197</p> <p>1 Q. So you had food the day after you arrived at 2 Bori camp? 3 A. Yes; yes. 4 Q. Other than the first day that you got there, 5 was there any other time that you were denied food 6 during the six weeks you were at Bori camp? 7 A. I was not -- they always allowed them to pay 8 some money before bringing in food to us, but they 9 were not stopped because they had some money given 10 to them. 11 Q. When you lived in Nigeria, did you have any 12 source of income other than your job? 13 A. No. 14 Q. In the United States do you have any source of 15 income other than your job? 16 A. No. 17 Q. Have you ever had any source of income other 18 than your -- the income you received from your 19 employment? 20 A. By fishing with my dad, yes. Fishing with my 21 dad, you make some money, a few. But that is not 22 permanent anything. You can take a weekend off, go 23 fishing, make some money, and that was it. 24 Q. You said that you were moved from Kpor to 25 Bori; is that right?</p>	<p style="text-align: right;">Page 199</p> <p>1 Security Task Force. 2 It was on that basis that he 3 negotiated for a bribe of 10,000 to be given to 4 them, and on that basis that I was released. 5 Q. 10,000 Naira or dollars? 6 A. 10,000 Naira, yes. 7 Q. In all the times that you heard Major Okuntimo 8 speak, was there ever any time that he mentioned 9 SPDC? 10 A. Yes. 11 Q. On the occasions where Major Okuntimo 12 mentioned SPDC, what did he say? 13 A. On this particular -- I will give you a 14 particular incident. 15 The day I was released, Okuntimo, I 16 told you, put the paper right in front of him and 17 stated that he had written down there, and read it 18 to me, that he was saying that I should attest to 19 the fact that I was not going to be involved in any 20 activity against Shell, to disrupt Shell in 21 Ogoniland; I was not going to be involved in 22 anything that must have had to do to stop Shell 23 from coming to the area or involving any 24 demonstration against Shell; and that if I was 25 involved in anything of that sort in the future and</p>
<p style="text-align: right;">Page 198</p> <p>1 A. Yes. 2 Q. After how many days were you moved to Kpor? 3 A. I was in Bori camp all through the six weeks 4 that I was there. I was taken to Kpor in the 5 night, put in the cell at night, and the following 6 morning I was released. 7 Q. You said that you were beaten with a koboko 8 whip on the day of your release; is that right? 9 A. Yes. 10 Q. How many times did you say? 11 A. I said 18 times with koboko that was ten 12 koboko that were wrapped together, were wound 13 together. 14 Q. What brought about your release from prison, 15 or from the camp? 16 A. My brother had gotten in touch with a 17 particular member of the River State Internal 18 Security Task Force that was a little bit -- I will 19 say had some sort of human feelings, and my brother 20 pressurize him. 21 The bishop had also given a letter 22 to my brother that was presented to them pleading 23 on my behalf that I should be allowed -- Catholic 24 bishop of Nigeria had given a letter to my brother 25 that I had been taken by River State Internal</p>	<p style="text-align: right;">Page 200</p> <p>1 arrested, I was going to be shot dead. 2 He mentioned Shell. That's one -- 3 that's something that, I mean, really brought to 4 me, I mean, that this issue of arrest was based on 5 Shell. It was to protect Shell. 6 Q. Did they give you your passport back when you 7 were released? 8 A. No; he kept the photo passport. 9 Q. He kept a copy of the passport or he kept the 10 actual passport? 11 A. He kept everything. He never gave me a copy. 12 If he had given me a copy, you would 13 have seen it right here. 14 Q. So you subsequently got another passport; is 15 that correct? 16 A. Okay. Let me explain to you. Because when 17 the Nigerian talk about "passport," you see the 18 snapshot has been taken, the photo that has been 19 taken, a smaller size photo. The one we took 20 today, that's what we refer to as passport. 21 I am not talking about an American 22 passport that's used to travel. I am talking about 23 a photo, a little photograph, a small photograph. 24 Q. Where did you get that photograph of you? 25 A. My brother brought it. He was requested to</p>