

# EXHIBIT 7

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF NEW YORK

3 -----X

4 KEN WIWA, individually and as of the  
 5 Estate of his deceased father KEN  
 6 SARO-WIWA, and OWENS WIWA; BLESSING  
 7 KPUINEN, individually and as the  
 8 Administratrix of the Estate of her  
 9 late husband, JOHN KPUINEN; KARALOLO  
 10 KOGBARA; MICHAEL TEMA VIZOR; LUCKY  
 11 DOOBEE, individually and as the  
 12 Administrator of the estate of his  
 13 late brother SATURDAY DOOBEE; FRIDAY  
 14 NUATE, individually and as Administratrix  
 15 of the Estate of her late husband FELIX  
 16 NUATE; MONDAY GBOKOO brother of the late  
 17 DANIEL GBOKOO; DAVID KIOBEL, individually  
 18 and on behalf of his siblings STELLA  
 19 KIOBEL, LEESI KIOBEL, and BARIDI KIOBEL  
 20 and on behalf of his minor siblings,  
 21 ANGELA KIOBEL and GODWILL KIOBEL for harm  
 22 suffered for the wrongful UNITED their  
 23 father DR. BARINEM KIOBEL; JAMES B. N-NAH,  
 24 individually and as Administrator for  
 25 his late brother N-NAH UEBARI,

15 Plaintiffs,  
 16 -against- Civil Action No.  
 17 96 CV 8386

18 ROYAL DUTCH PETROLEUM COMPANY and  
 19 SHELL TRANSPORT AND TRADING COMPANY,  
 20 P.L.C.  
 21 and  
 22 SHELL TRANSPORT AND TRADING  
 23 COMPANY, P.L.C.

24 Defendants.

25 -----X

1 -----X  
 KEN WIWA, individually and as Executor  
 2 of the Estate of his deceased father  
 KEN SARO-WIWA; OWENS WIWA; BLESSING  
 3 KPUINEN, individually and as the  
 Administratrix of the Estate of her late  
 4 husband, JOHN KPUINEN; MICHAEL TEMA  
 VIZOR; LUCKY DOOBEE, individually and  
 5 as the Administrator of the Estate of  
 his late Brother, SATURDAY DOOBEE;  
 6 FRIDAY NUATE, individually and as  
 Administratrix of the Estate of her  
 7 late husband FELIX NUATE; MONDAY  
 GBOKOO, brother of the late DANIEL  
 8 GBOKOO; DAVID KIOBEL, individually  
 and on behalf of his siblings,  
 9 STELLA KIOBEL, LEESI KIOBEL, and  
 BARIDI KIOBEL and on behalf of his  
 10 minor siblings, ANGELA KIOBEL and  
 GODWILL KIOBEL for harm suffered  
 11 for the wrongful UNITED their  
 father DR. BARINEM KIOBEL;

12  
 Plaintiffs,  
 13 -against- Civil Action No.  
 01 CV 1909  
 14 BRIAN ANDERSON,

15 Defendant.  
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1 ESTHER KIOBEL, individually and on  
 behalf of her late husband, DR. BARINEM  
 2 KIOBEL, BISHOP AUGUSTINE NUMENE JOHN-MILLER,  
 DORNUBAR ANSLEM JOHN-MILLER, CHARLES  
 3 BARIDORN WIWA, ISRAEL PYAKENE NWIDOR,  
 KENDRICKS DORLE NWIKPO, ANTHONY B.  
 4 KOTE-WITAH, VICTOR B. WIFA, DUMLE J.  
 KUNENU, BENSON MAGNUS IKARI, LEGBARA TONY  
 5 IDIGIMA, PIUS NWINEE, SIMEON DEDDOA, KPOBARI  
 TUSIMA, individually and on behalf of his  
 6 late father CLEMENT TUSIMA, and individually  
 on behalf of all others similarly situated,  
 7

8 Plaintiffs,

9 Civil Action No.  
 -against- 02 CV 7618

10 ROYAL DUTCH PETROLEUM COMPANY and  
 11 SHELL TRANSPORT AND TRADING COMPANY,  
 P.L.C.

12 Defendants.

-----x  
 13 May 28, 2004  
 9:40 a.m.

14 Videotaped Deposition of MICHAEL  
 15 VIZOR, taken by Defendants, at the offices of  
 Cravath, Swaine & Moore, 825 Eighth Avenue, New  
 16 York, New York, before Nancy Mahoney, a  
 Certified Shorthand Reporter, Registered  
 17 Professional Reporter, and Notary Public within  
 and for the States of New York and New Jersey.

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1           MICHAEL VIZOR

2       A.   Mr. S.T. Tomii is a Shell  
3 contractor, Dandison I. Opbe is a retired Shell  
4 damage clerk, but he was still operating with  
5 them. These two have confronted me and told me  
6 that Shell would deal with me.

7       Q.   Let's take these people one at a  
8 time and I'm going to have to ask you to repeat  
9 their names for me and for the benefit of the  
10 reporter, if you wouldn't mind spelling them.  
11 Let's take the first person that you mentioned  
12 who was a contractor. What was that person's  
13 name?

14      A.   Mr. S.T. Tomii. S stand for  
15 Simeon, T, I don't know what that stand for, but  
16 Tomii.

17      Q.   How do you spell that last name?

18      A.   T-o-m-i-i.

19      Q.   What did Mr. Tomii tell you about  
20 SPDC?

21      A.   Tomii has told me often, I mean,  
22 many times that Shell will deal with all of us,  
23 including Ken Saro-Wiwa, and that he's going to  
24 -- Shell will -- if I don't want to die, I  
25 better resign from MOSOP, otherwise Shell would

1           MICHAEL VIZOR

2   kill me. He told me that.

3       Q.   What was Mr. Tomii's position with

4   Shell?

5       A.   General contractor.

6       Q.   To do what sort of work?

7       A.   General contractor, he supplies

8   workers, manual laborers to Shell, he cleans the

9   location, clear the area, locations, I mean,

10   that Shell want to operate, he clear that place,

11   both their locations, and access road, he clear

12   these things.

13           They give him the contract for

14   borrow pit where all the waste, all the waste

15   material from where they drain oil will be

16   brought inside, called borrow pit. He digs the

17   borrow pit and -- he also builds sheds where

18   they will put their chemical -- when I say

19   house, it's not house, but it's where they store

20   their bags of chemicals that we use in the

21   operation. He build that place, all those

22   things. Those are the type of jobs he do.

23       Q.   He was not a Shell employee,

24   correct, or a SPDC employee, was he?

25       A.   I only know him as a contractor, a

1           MICHAEL VIZOR

2   Shell contractor, yes. We know him as a

3   contractor.

4       Q.   Was he an Ogoni man?

5       A.   He's an Ogoni man from Mogho.

6       Q.   From Mogho?

7       A.   Yeah, the same community with me.

8       Q.   When was the first time you had a

9   conversation with Mr. Tomii about actions that

10   SPDC would take against you?

11      A.   That was '93, in '93 when MOSOP was

12   actually moving, that year, so it was '93.

13      Q.   How many times after that first

14   conversation did you have conversations with

15   Mr. Tomii on the same subject?

16      A.   He has told me that about three

17   times, once he came to my house.

18      Q.   Where was this first conversation?

19      A.   The first conversation?

20      Q.   The first one.

21      A.   The first one was I was passing

22   because his house is by the side of the road, so

23   he saw me passing. He called me in.

24      Q.   What did he say to you?

25      A.   He said, "Mike, I know you. You

1           MICHAEL VIZOR

2   are a very good person in this community. Do  
3   not join MOSOP. If you join MOSOP, government  
4   is going to deal with you, Shell is going to  
5   deal with you." He mentioned two people:  
6   "Government and Shell is going to deal with  
7   you." I say, "How are they going to deal with  
8   me?" He said, "They may kill us."

9       Q.   Did he tell you why he thought that  
10   SPDC would deal with you?

11      A.   Yes.

12      Q.   What did he say?

13      A.   He said because we have no rights.  
14   He say we are trying to stop Shell from dealing  
15   oil and we cannot do that. Shell is a very big  
16   organization and they are with the government,  
17   we can't stop them.

18           So he told me -- he was telling me  
19   just as a townsman, sort -- because he know me,  
20   we are from the same community. He was giving  
21   me advice to withdraw from MOSOP, otherwise  
22   Shell is going to deal with us, Shell is going  
23   to kill us, government is going to kill us.

24      Q.   This was his opinion, correct?

25      A.   Yes, sir, his opinion.



1           MICHAEL VIZOR

2       Q.   Did he tell you that anyone from  
3   SPDC had told him that SPDC was going to deal  
4   with you or deal with MOSOP?

5           MS. LAHOOD: Objection just to the  
6   extent that he keeps referring to Shell in the  
7   context of this conversation and you keep  
8   referring to SPDC.

9       Q.   You can answer the question.

10      A.   He has not particularly say Shell  
11   told him they would deal with me, but I believe  
12   that because he represents Shell in that  
13   community, he's there for the contractor,  
14   whatever thing he told me was what he might have  
15   been told, what he might have had somewhere, one  
16   way or the other, because he wasn't telling me  
17   that he was going to kill me. He said Shell was  
18   going to kill me.

19      Q.   Now, you said there was a time when  
20   you had a conversation with Mr. Tomii at your  
21   house, correct?

22      A.   Yes.

23      Q.   When was that?

24      A.   He came to my house the same '93,  
25   he came to my house and told me that.

1           MICHAEL VIZOR

2       Q.   What did he say to you on that day?

3       A.   He said he want to repeat what he  
4 told me in his house and now he's in my house,  
5 that I should be serious, I should take it  
6 serious, that I should withdraw from MOSOP,  
7 otherwise Shell and the government are going to  
8 kill me.

9       Q.   Did he, in that conversation, tell  
10 you that anyone from Shell or SPDC had told him  
11 that they were going to kill you?

12      A.   No.

13      Q.   What did you say to him that day  
14 when you were talking to him in your house?

15      A.   I asked him why would they kill me?  
16 I asked him that.

17      Q.   Did he have an answer for you?

18      A.   Yes.

19      Q.   What was it?

20      A.   He said because we're trying to  
21 stop them not to drill oil.

22      Q.   I'm sorry?

23      A.   Not to drill oil from our ground  
24 and we couldn't do that and stay. We cannot say  
25 that and we cannot do that and survive.

1           MICHAEL VIZOR

2       Q.   That was his opinion, correct?

3       A.   It's more than his opinion now,  
4 it's more than his opinion because -- it might  
5 be his opinion, or otherwise I don't know what  
6 to call it, but this is what he told me in my  
7 house.

8       Q.   You said -- was there another time  
9 that you had a conversation with Mr. Tomii on  
10 this subject, aside from the two that we've  
11 already discussed?

12      A.   That was not only him again. That  
13 was the time when he invited me in the midst of  
14 other people, there were other people, not only  
15 himself again.

16      Q.   This was a separate occasion?

17      A.   Yeah, the third occasion was in his  
18 house again and among other people. There were  
19 other people there before they invited me in.

20      Q.   Who were the other people there? I  
21 don't necessarily need their names, but were  
22 they people from Mogho?

23      A.   They were not from Mogho. They  
24 were from Bodo, two from Bodo, one, I don't  
25 remember where he came from, whether from Khana,

1           MICHAEL VIZOR

2   but he's an Ogoni man.

3       Q.   They're all Ogoni people?

4       A.   Yes, the one other person,

5   contractor too, from Khana but I don't remember

6   his name, was he himself to me.

7       Q.   The people who were there in

8   Mr. Tomii's house on this third occasion, were

9   they all affiliated with Shell or SPDC?

10      A.   Yes, one -- two, because one

11   general contractor -- to me, the other was

12   former Shell -- manager of the Shell Delta

13   Clinic.

14      Q.   A medical clinic?

15      A.   Shell, yeah.

16      Q.   With doctors and --

17      A.   No, not doctors. He was the

18   manager of that Shell clinic based on Port

19   Hartcourt. I've not been there, so I don't

20   know, but I used to pass there, there's a Shell

21   clinic, but he was the manager.

22      Q.   Were there people at this meeting

23   who were not affiliated with SPDC or Shell,

24   aside from yourself?

25      A.   By the virtue that he was one of

1           MICHAEL VIZOR

2   them, I'm saying was a former manager of that  
3   clinic. He still have connection with them  
4   because he's a prominent man -- was a prominent  
5   man in Ogoni.

6       Q.   Let me try this a different way.

7   How many people were present in Mr. Tomii's  
8   house for this meeting?

9       A.   Well, S.T. Tomii, was the general  
10   contractor, the one his name -- one I said was a  
11   Shell Delta Clinic manager, and his name is I.  
12   Kogbara.

13      Q.   Ignatius Kogbara?

14      A.   Yes. How do you know his name,  
15   please?

16           MS. LAHOOD: You can't ask him a  
17   question.

18      Q.   I'll be happy to talk with you  
19   after the deposition. You can ask me all the  
20   questions you like if your lawyer will allow it.

21      A.   He was there. Chief E.N. Kobani.

22      Q.   Is that Edward Kobani?

23      A.   Edward Kobani, yes, you already  
24   know their names, and three others I don't know  
25   their names and I don't know where they come

1           MICHAEL VIZOR

2 from, but I understand one of them is also a  
3 contractor, Shell contractor, but others I don't  
4 know -- I don't know their village, I don't know  
5 their names.

6       Q.   I count you, plus --

7       A.   I don't count myself.

8       Q.   -- seven other people. Is that  
9 right?

10      A.   Yeah, yeah.

11      Q.   You were --

12      A.   I think six other people. I said  
13 S.T. Tomii, Kogbara, Kobani and three others.

14      Q.   You and six other people were  
15 there?

16      A.   Yes -- no, I be six -- Ed Kogbara,  
17 Tomii, Kobani, myself, you're right.

18      Q.   You tell me. You're the one who  
19 was there. There's you and six other people,  
20 correct?

21      A.   Yes.

22      Q.   And you said you were invited to  
23 come to this meeting?

24      A.   Yes.

25      Q.   And they were already all there?

1           MICHAEL VIZOR

2       A.   Yes.

3       Q.   When you arrived, what did they say  
4 to you? Who spoke to you?

5       A.   The first person who spoke was  
6 Chief E.N. Kobani.

7       Q.   What did chief say to you?

8       A.   He said chief -- he used to call me  
9 Chief, I'm not a chief, he said, "Chief Mike," I  
10 said, "Sir, why we call you?" He asked me if I  
11 know all these people, all these people. I say,  
12 "Yes, I know three people. I don't know the  
13 rest three." He said, well, I will know them  
14 later.

15           I continue?

16       Q.   Yes, please.

17       A.   He said, why they call me that they  
18 want to advise me to assemble all the NYCOP  
19 people and tell the NYCOP people from Gokana,  
20 that's our place, to withdraw their support from  
21 Ken Saro-Wiwa, to discontinue support to Ken  
22 Saro-Wiwa, that he's not doing fine, he's not  
23 doing well, what he's doing is not good.

24           Then he stop there. I asked  
25 Kogbara, I said, well, he has not known me

1                   MICHAEL VIZOR

2 before but Ed Kobani has told him about me and  
3 he's happy to know me, that I -- that what his  
4 friend has told him is what they are here for.

5       Q.   This is Mr. Kogbara?

6       A.   Yes, Kogbara, that they don't want  
7 me -- they want me now to call the people, the  
8 youth of Gokana to stop their supporting to Ken  
9 Saro-Wiwa, that we tell Gokana boys supporting  
10 him, he will not go anywhere, he will not do  
11 what he's doing, MOSOP will not be ceased, and  
12 that why he's here, he represents Shell, he can  
13 speak to Shell and because he has spoken with  
14 some Shell officials.

15       Q.   Who told you that?

16       A.   I asked Kogbara. I should do that  
17 and tell me -- I mean tell them what I want,  
18 what I need, that they are going to meet up my  
19 demands, they are going to meet up my demands  
20 financially and otherwise, whatever thing I  
21 need, Shell will give it to me, the government  
22 will give it to me, so I should call the people  
23 if only we can stop our support to Ken  
24 Saro-Wiwa, I should wait to see what Shell and  
25 the government is going to do for me. That's



1           MICHAEL VIZOR

2    what I. Kogbara told me in Chief Tomii's house.

3       Q.   When was this meeting?

4       A.   That was -- I don't remember the

5   date -- but it was some day in March, sometime

6   in March 1993.

7       Q.   What did you say in response?

8       A.   I asked the question: "What did

9   Ken Saro-Wiwa do that I would like to know what

10   he's doing and what he had done that we would

11   stop our support to him?"

12           Tomii -- S.T. Tomii reach up his

13   hands and say let him answer. He said Ken

14   Saro-Wiwa did not believe and did not regard all

15   these people, all these intelligent people, all

16   these chiefs of Gokana, he tells that he knows

17   everything. There's nothing he -- he would not

18   accept anything they told him.

19       Q.   You're talking about Mr. --

20   Mr. Tomii was talking about the people who were

21   there in the room with you that day?

22       A.   Yeah, he said those people there

23   and other Gokana people. That's what Tomii told

24   me in his house.

25       Q.   What did you respond to him?

1           MICHAEL VIZOR

2       A.   I said, well, I have not seen -- he  
3 has not mentioned a particular something that  
4 Ken is doing or has done. He say he does not  
5 respect them. I don't know what happens, how he  
6 does not respect them, I don't know.

7           So I stop there and one other --  
8 yeah, I think Chief Kobani, he knows me because  
9 I've been his boy, I have been his boy in the  
10 school, he was my principal of secondary school,  
11 Stella Maris College, Port Hartcourt 1971. He  
12 said he knows me. I'm a good boy, very  
13 honorable boy and they would expect me to do  
14 just what he told me and let me leave the rest  
15 for them and see what they will do for me and  
16 maybe some of the boys that I know. He told me  
17 that.

18           So on that note they did not  
19 mention any particular something that Ken did  
20 that was wrong, so I took excuse and got up and  
21 left there.

22       Q.   Then you left?

23       A.   I left.

24       Q.   After that meeting, did you have  
25 any other conversations with Mr. Tomii about --

1           MICHAEL VIZOR

2   let's go back to that meeting.

3           Did anyone at that meeting say to  
4   you that SPDC would deal with you in some way as  
5   a result of your support of Ken Saro-Wiwa?

6           MS. LAHOOD: Objection.

7    A.   Tomii is my -- is -- even though he  
8   had told me that, we still greet ourselves. I  
9   still say hi to him, he say hi to me.

10          So no other person in that  
11   committee -- yeah, no other person in that  
12   committee has told me that except Tomii.

13   Q.   Did anyone on that day say to you  
14   that SPDC would take some action against you as  
15   a result of your support of Ken Saro-Wiwa?

16          MS. LAHOOD: Objection.

17   A.   As I was going, as I was leaving  
18   the place, I heard Tomii say, "Remember what I  
19   told you. Remember what I told you before. If  
20   you don't listen to these people," so I was  
21   going.

22   Q.   Did anybody, aside from Mr. Tomii,  
23   say anything to you about SPDC taking some  
24   action against you as a result of your support  
25   for Ken Saro-Wiwa?

1           MICHAEL VIZOR

2       Q.   Where were you when you had this  
3 conversation with Mr. Opbe?

4       A.   I was home, I was home that day. I  
5 returned from Port Hartcourt with my children  
6 for home to give -- to go to church to say thank  
7 God and also to observe MOSOP, that was the day  
8 we want to remember what happened to Ken; and so  
9 he saw me, I was returning from the junction,  
10 from the Mogho junction to my house. I saw him  
11 returning from Bomu. He was on the motorcycle.  
12 He stopped by me. I said, "Tomii has told me  
13 something. Shell is going to deal with you."  
14 He told me that.

15           In the night --

16       Q.   We will get to the next -- what  
17 happened that night. Let's stay on that  
18 conversation first.

19           Did he tell you why he believed  
20 that Shell would deal with you?

21       A.   Yes.

22       Q.   What did he say?

23       A.   He said we stopped Shell from  
24 drilling oil in Gokana. We stopped Shell and  
25 they are going to deal with us.

1           MICHAEL VIZOR

2   these soldiers who were guarding you before you  
3   went into the tribunal.

4           Were there other agents of -- other  
5   people that you call agents of SPDC who made  
6   statements that make you believe that SPDC was  
7   paying the military?

8           MS. LAHOOD: Objection.

9    A.    Could I go?

10   Q.    Yes.

11           MS. LAHOOD: Yes.

12   A.    Yes, the police say so.

13   Q.    How many times did the police say  
14   so?

15   A.    I don't keep record of time.

16   Q.    It was more than once?

17   A.    Yes, it was more than once.

18   Q.    Where were you when the police said  
19   this?

20           MS. LAHOOD: Objection.

21   Q.    On each time that you can remember.

22   A.    My first arrest sometime '93, or so  
23   -- I forgot the date and time -- I was arrested  
24   and detained for four days without charge and  
25   when they brought me to the police stand, handed

1           MICHAEL VIZOR

2   me over to the people on the counter, introduce  
3   me as an Ogoni man, as a MOSOP leader.  
4   Everybody, oh, Ogoni people, Ogoni leader, MOSOP  
5   leader, you think you -- they have gone, they  
6   handed me over and they ask them to lock me in  
7   the cell and they went.

8           They say MOSOP people, you think  
9   you can stop Shell from taking oil. They will  
10   kill you. Whatever thing they ask us to do, we  
11   will do with you. Ken Saro-Wiwa cannot do  
12   anything, the Ogoni people cannot do anything.  
13   How many soldiers do you have -- they would tell  
14   us as if we were quarreling, they were free to  
15   tell us anything as an Ogoni man.

16           They will kill us or lock us in  
17   cell or look at me now, I'm with Ogoni, they ask  
18   somebody to open the cell and they push me  
19   inside the cell.

20           So on my release after four days  
21   they release me, they say the same thing to me.  
22   When my children bring food to me, they would  
23   tell me on the face of my children, they will  
24   kill your father, Shell ask us to kill your  
25   father, we will kill him, we will lock Ken

1           MICHAEL VIZOR

2   hunt me.

3       Q.   How long after you left Mile 30 did

4   you get arrested?

5       A.   That was in the evening.

6       Q.   That very day?

7       A.   Yeah, this very day in the evening.

8       Q.   What day was that; do you recall

9   the date?

10      A.   Sometime in April, but I don't

11   remember the days, end of April or mid-April, I

12   don't remember the date.

13      Q.   When the three people that you've

14   described came into your home to arrest you, did

15   they say anything to you?

16      A.   Yeah.

17      Q.   Tell me what they said.

18      A.   They say, "NYCOP, NYCOP," he called

19   me NYCOP, "come out, come out." They are in my

20   house because I didn't shut my door, I didn't

21   close my door, so they just park their car and

22   walk in.

23           They say, "NYCOP, you get up. You

24   were in my territory trying to stop the people

25   from peaceful walk they were doing. Get up, get

1           MICHAEL VIZOR

2       A.   They say I organized people to stop  
3 the job we were doing at Mile 30, so they should  
4 lock me in the cell.

5       Q.   Have you ever found out who the  
6 third man was who arrested you? You said one  
7 was military, one was police and one was in  
8 civilian clothes?

9       A.   No, I don't attempt to find out.

10      Q.   You don't know who that was?

11      A.   I don't care to find out because  
12 what am I going to do to him?

13      Q.   The people behind the counter at  
14 the police station, did they take you and put  
15 you into a cell?

16      A.   Yes.

17      Q.   How long were you there?

18      A.   It was four days.

19      Q.   While you were there did you see  
20 anyone from SPDC?

21      A.   I saw nobody from there. Whether  
22 they came during my -- when I was in the cell, I  
23 don't know, but I didn't observe anybody, apart  
24 from the police.

25      Q.   Did any of the police during your



1           MICHAEL VIZOR

2 government and then we all have that place as  
3 our headquarters, so anybody ethnic group --  
4 people from other states, because you get job,  
5 you get business, you get everything, so  
6 different people live there.

7       Q.   Do you recall who else was there  
8 watching you and Johnson Vikue play draft?

9       A.   A lot of people. I don't remember.  
10 I don't remember. I remember I was playing with  
11 Johnson because I mentioned his name in the  
12 tribunal.

13      Q.   When did you first hear about the  
14 murders?

15      A.   When did I first --

16      Q.   When did you first hear that the  
17 murders had happened?

18      A.   That was between 11, 10 when they  
19 announced over the radio, 11, 12, 1, around that  
20 time or between -- or among this time, 11 or 12,  
21 1, 12, 1 -- I can't precisely -- but it was  
22 around noon.

23      Q.   That very day of the murders?

24      A.   Yes, yes.

25      Q.   When were you arrested?

1           MICHAEL VIZOR

2       A.   I was arrested in July.

3       Q.   Did you believe that the police  
4 were looking for you between the time of the  
5 murder and the time you were arrested?

6       A.   I didn't believe they were looking  
7 for me. I don't believe they were looking for  
8 me and that's why I was still in my house.

9       Q.   Did you hear anything during that  
10 time to the effect that people had accused you  
11 of being responsible in some way for the  
12 murders?

13      A.   At that time I was never accused.  
14 At the very beginning no one accused me. When  
15 they said the MOSOP and NYCOP leaders, so I  
16 understand myself -- I was president at home, I  
17 didn't go Ogoni, so they were not -- maybe they  
18 were talking about other MOSOP leaders, not me.

19      Q.   So your were just going about  
20 continuing with your business during that  
21 period?

22      A.   Yes.

23      Q.   Who came to arrest you in July --  
24 was it July 2nd of 1994?

25      A.   July, sometime that -- not later

1           MICHAEL VIZOR

2       Q.   You didn't see anyone there that  
3 you knew to be Shell or SPDC, did you?

4       A.   No.

5       Q.   What time of day was it that you  
6 were arrested?

7       A.   About noon.

8       Q.   Were you beaten when you were  
9 arrested?

10      A.   They had me rough, hijacked me and  
11 hit me in the presence of my children. My  
12 children cry, even before me they all cry. They  
13 beat me before my children and held me rough,  
14 threw me in the trunk -- the truck or what you  
15 call it.

16      Q.   Who was it who beat you?

17      A.   These military people, the military  
18 people, because they appear in their uniform.

19      Q.   The khaki uniform you described?

20      A.   Yeah, the khaki uniform, the khaki  
21 boys.

22      Q.   Where were you taken?

23      A.   I was taken to a place within Port  
24 Hartcourt but I've not been there or known to  
25 me.

1           MICHAEL VIZOR

2       Q.   Can you describe what sort of place  
3 it was?

4       A.   Later I was known because one day  
5 my children look for me and they were told where  
6 I was, so they went to that place. I was  
7 already taken out of that place to a different  
8 place and they first went there. When me met  
9 finally, they told me that they have been to  
10 officer's mess.

11      Q.   Officer's mess?

12      A.   Officer's mess. And the people  
13 there said go to SIIB.

14      Q.   So SIIB is the second place that  
15 you went?

16      A.   Yes.

17      Q.   How long were you at the officer's  
18 mess?

19      A.   Some time, some time. I didn't  
20 count the hour but they arrested me in my house  
21 at noon, took me there and around the time they  
22 took me to SIIB was evening time, between 4, 5,  
23 6 -- I didn't look at it because I have no mind  
24 to look at it.

25      Q.   When you were at the officer's

1           MICHAEL VIZOR

2   mess, did you see anyone from Shell or SPDC?

3       A.   There were many faces of different  
4   people belonging to government or Shell there,  
5   but I didn't identify who is who.

6       Q.   What makes you say there were  
7   people there who were from Shell or SPDC at the  
8   officer's mess?

9       A.   What?

10      Q.   Do you believe that you saw people  
11   at the officer's mess who were from Shell or  
12   SPDC?

13      A.   I cannot say particularly that they  
14   were from Shell, but I saw different faces,  
15   known faces from Ogoni and unknown faces from  
16   other part of the state, and I don't know  
17   whether Shell should be among them or not. I  
18   don't know.

19      Q.   Then you were taken to SIIB and you  
20   were put into a cell?

21      A.   Sure.

22      Q.   Can you describe the cell you were  
23   put into?

24      A.   Yes. I was taken from that place,  
25   officer's mess, later on to SIIB and then led by

1           MICHAEL VIZOR

2 the soldiers who led my hands, some came behind,  
3 some in front, I was in the middle. They took  
4 me past the first gate and the second gate and  
5 then finally they come to the place where the  
6 cell was.

7           I met some soldiers there sitting  
8 by the gate and the people who took me there  
9 handed me over to the armies at the gate and  
10 told them this is one of NYCOP executive. The  
11 people who kill the four people. They should  
12 treat me accordingly.

13          They went back -- they told them  
14 they were going to bring other people. So as  
15 they left -- the soldiers at the gate, oh, NYCOP  
16 man, NYCOP man, you kill, you are here, okay, I  
17 can't save you now, Ken cannot save you now, Ken  
18 is in the cell. Do I know what is going to  
19 happen to me? They were talking to me. I said  
20 shut up, I should undress, he search my dress  
21 and remove the money I had from me. They remove  
22 my dress, the first dress I wear, make sure --  
23 they look everywhere whether I have knife or any  
24 other thing, and then eventually they push me to  
25 the cell, they open the cell, after removing my

1           MICHAEL VIZOR

2   money, and then as the person in charge of the  
3   cell, the person -- this prisoner has somebody  
4   charged, and so they asked him to put me in that  
5   room, they should put me in kutru.

6       Q.   What does that mean?

7       A.   Kutru is a small, narrow, rough,  
8   dark, smelling place.

9           MS. LAHOOD: You can take a break  
10   any time you want. Do you need a break?

11          THE WITNESS: No.

12       A.   Then they open that gate -- there  
13   was a gate. It's a cell within the cell. They  
14   open that gate and pushed me inside and I  
15   describe that place as a hell and if you ask me  
16   what hell means, I will say -- I don't know, but  
17   -- there were armed robbers there, smelly, and  
18   this is a place meant for people they want to  
19   kill in cell.

20       Q.   How long were you in that place?

21       A.   I was there seven days and seven  
22   nights and I was there -- two people died  
23   different day and different time.

24       Q.   They were in there with you?

25       A.   They were in that cell.

1           MICHAEL VIZOR

2       Q.   And after you got out of this  
3   terrible place, where were you put?

4       A.   Before that day, before I was  
5   brought out of that place, I was brought out of  
6   the cell and taken to where -- I don't know  
7   which one come first -- I don't remember the  
8   time -- which one came first, I don't know. You  
9   asked me that question. I don't know which one  
10   come first. I think I was brought out of the  
11   cell and put into the main cell for a day --

12      Q.   You said you were put into the main  
13   cell?

14      A.   The main cell now from the hell,  
15   put in the main cell -- oh, that's where, yes.

16      Q.   How long were you in the main cell?

17      A.   I stay in the main cell about one  
18   year before we were transferred to Port  
19   Harcourt prison on the application of my lawyer  
20   -- of our lawyers.

21      Q.   Were you beaten when you were in  
22   the main cell?

23      A.   Beaten to a hell, was beaten  
24   terribly.

25      Q.   By the military?



1           MICHAEL VIZOR

2       A.   By the -- at one time I was beaten  
3   was when I was taken out of the cell to  
4   interrogation, to where they interrogated me.

5       Q.   And the person -- who beat you on  
6   that occasion when you were being interrogated?

7       A.   This paramilitary. No other people  
8   did that.

9       Q.   Were there other times that you  
10   were beaten during the year that you were in the  
11   main cell?

12      A.   Oh, they beat me all the time.  
13   They beat me, yes, on the order of these people  
14   at the gate, on the order of these people who  
15   cause of our arrest because they always come  
16   there to see what we are doing. You see them  
17   through the window, through the opening outside.  
18   They are always there.

19           In fact, sometime a person like  
20   Dandison Opbe and Tomii and John Kponi, these  
21   three people -- John Kponi is a general  
22   contractor -- always come and look through the  
23   window to see us. On one occasion -- you want  
24   me to continue?

25           MS. LAHOOD: If you need to take a

1           MICHAEL VIZOR

2       A.   No.

3       Q.   After the one year in the main  
4 cell, you said you were moved to the prison in  
5 Port Hartcourt, correct?

6       A.   Yes, after about one year.

7       Q.   How long were you in the prison in  
8 Port Hartcourt?

9       A.   About eight, nine months, or so.  
10 We were transferred from Port Hartcourt prison  
11 to -- I mean from SIIB to Port Hartcourt prison  
12 in between February and March, February and  
13 March. I don't remember precisely the month or  
14 the part of the year.

15      Q.   1995?

16      A.   '95, yes.

17      Q.   Who was your lawyer who made the  
18 application to have you moved?

19      A.   That was the first lawyer.

20      Q.   Do you remember that person's name?

21      A.   The first team of lawyer that --  
22 the human rights lawyer led by chief Gani  
23 Fawehinmi, they struggled, they fought for our  
24 -- they made the application on our behalf,  
25 after he heard complaining the way we were being

1           MICHAEL VIZOR

2       Q.   What sort of problems do you have  
3   in your wrists?

4       A.   When I was arrested and during my  
5   interrogation I was -- I don't want to remember  
6   some of these things -- I was happy that you  
7   would not call me to do these things -- in the  
8   day of my interrogation I was brought out of the  
9   cell and taken to the office where they prepared  
10   that place for interrogation, I don't know.

11      Q.   Who was it who brought you out of  
12   the cell?

13      A.   The soldiers.

14      Q.   Do you know what day this was?

15      A.   That was early week -- no, the  
16   early period of my arrest was when they brought  
17   me out of the cell for interrogation and they  
18   took me to place in that office and said, "You  
19   are one of the killers who organize and kill  
20   these four prominent Ogoni people." I said,  
21   yes, I'm not.

22           Already they put a table, they put  
23   a table in the center of the office where there  
24   was a hook, there was a hook up on the ceiling  
25   and there was something they tie like rope and

1           MICHAEL VIZOR

2   then they bring that table, bring a chair, ask  
3   me to mount the table to get on top of the  
4   table, and then already they've tied my two  
5   wrists and then take the other end of the hook  
6   on the ceiling and then they move the table and  
7   I was suspended and they started beating me,  
8   started beating me, and that's where from that  
9   day I have these hands pain and so many other  
10  problem I have.

11     Q.   These people who were beating you  
12  were the military, correct?

13     A.   Yes.

14     Q.   Was there anyone there at the time  
15  from SPDC?

16     A.   I didn't notice it.

17     Q.   How many people were there who were  
18  in the room with you?

19     A.   There were about four people, about  
20  four people.

21     Q.   They were all wearing uniforms?

22     A.   Yes.

23     Q.   Do you know any of their names?

24     A.   I don't know their names.

25     Q.   I assume those you would tell me?

1           MICHAEL VIZOR

2    You're not worried about their safety.

3       A.    I don't know their names.

4       Q.    Did any of those people say

5    anything to you about SPDC?

6       A.    They say we kill, we kill people,

7    and we don't want Shell to drill oil and they

8    want to let us know that we can't do that. By

9    the time they kill all of us, finish, they will

10   see who else is coming to say, oh, don't take

11   oil again. They told me that even at that point

12   of time.

13       Q.    Did any of them tell you that SPDC

14   had asked you to be arrested?

15       A.    They didn't mention that

16   particularly to me.

17       Q.    Did any of them tell you that they

18   were torturing you or beating you because SPDC

19   had asked them to?

20       A.    They didn't tell me that.

21       Q.    You described this as an

22   interrogation. Were they asking you questions?

23       A.    They interrogated me. They said I

24   must confess, I should say yes, I should say yes

25   that I was one of the people who killed these

1           MICHAEL VIZOR

2 four.

3       Q.   And you refused?

4       A.   I refused, because I wasn't, and

5 they started beating me.

6       Q.   Were there --

7       A.   Kicking me, kicking me all over my

8 body. I have scar and wounds.

9       Q.   Let me know when you want to take a

10 break, I'm sorry to do that.

11       A.   Let's continue.

12       Q.   Did this happen more than one time

13 where they brought you into this room that had

14 the hook?

15       A.   Once.

16       Q.   Just once? After you refused to

17 confess and they beat you, do you remember what

18 happened next?

19       A.   What happened next to me?

20       Q.   Yes.

21       A.   I couldn't know myself. I

22 honestly, at that particular time I thought I

23 was no longer in this world.

24       Q.   What's the next thing that you do

25 remember?