

EXHIBIT B

COPY

1

1	UNITED STATES DISTRICT COURT	
2	FOR THE SOUTHERN DISTRICT OF NEW YORK	
3	ESTHER KIOBEL, individually and on behalf	: CIVIL
4	of her late husband, DR BARINEM KIOBEL,	: ACTION
5	BISHOP AUGUSTINE NUMENE	: NO. 02CV
6	JOHN-MILLER, DORNUBARI ANSLEM	: 7618
7	JOHN-MILLER, CHARLES BARIDORN WIWA,	:
8	ISRAEL PYAKENE NWIDOR,	:
9	KENDRICKS DORLE NWIKPO, ANTHONY B,	:
10	KOTE-WITAH, VICTOR B WIFA, DUMLE J.	:
11	KUNENU, BENSON MAGNUS IKARI,	:
12	LEGBARA TONY IDIGMA, PIUS NWINEE,	:
13	SIMEON DEDDOA, KPOBARI TUSIMA individually	:
14	and on behalf of his late father	:
15	CLEMENT TUSIMA, and individually on behalf	:
16	Of all others similarly situated:	:
17	Plaintiffs	:
18	Vs.	:
19	ROYAL DUTCH PETROLEUM COMPANY;	:
20	SHELL TRANSPORT AND TRADING	:
21	COMPANY, p.l.c.	:
22	Defendants	:
23	KEN WIWA, individually and as	: 96 Civ.
24	Executor of the Estate of his	: 8386 (KMW)
25	deceased father KEN SARO-WIWA, and	:
26	OWENS WIWA, and BLESSING KPUINEN	:
27	Individually and as the Administratix	:
28	Of the Estate of her husband,	:
29	JOHN KPUINEN, and JANE DOE	:
30	Plaintiffs	:
31	vs.	:
32	ROYAL DUTCH PETROLEUM COMPANY and	:
33	SHELL TRANSPORT AND TRADING COMPANY	:
34	P.l.c.	:
35	Defendants	:
36	KEN WIWA, individually and as Executor	: 01 Civ.
37	Of the Estate of his deceased father	: 1909 (KMW)
38	KEN SARO-WIWA, AND OWENS WIWA	:
39	And BLESSING KPUINEN, individually	:
40	And as the Administratix of the	:
41	Estate of her husband, JOHN KPUINEN,	:
42	and JANE DOE,	:
43	vs.	:
44	BRIAN ANDERSON,	:
45	Defendant	:

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DEPOSITION OF PRINCE OSAROR

Thursday, 20th May 2004

AT: 9.10 am

Taken at:

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

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1 I know is one, from the ground up like this and set the
2 basket on top of a small structure and it is locked,
3 call it maybe basket cell, more or less lion cell, it
4 is more or less a lion, means a lion is dangerous to
5 when you put his head there you know. It means it was
6 a severe case.

7 MR WHINSTON: Can you read back what you
8 have?

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

10 Do you know how long Mr Saro Wiwa was kept in
11 that basket cell?

12 A. I don't know how long he was there.

13 Q. Was it more than a few days?

14 A. Sometimes two weeks.

15 Q. When Mr Saro Wiwa -- what were the bars, what
16 was the structure of the basket cell made of?

17 A. Made of iron and cement, a bit of structure
18 like this up, cemented. Then on it they make iron.
19 Just, you know, baskets? Just like this, take a look,
20 that is very light.

21 Q. I am going to ask you, if you would, to draw
22 a picture, understanding it won't be-- I don't know if
23 you are a good artist or not?

24 A. I am not good.

25 Q. Can you do the best you can in trying to draw

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1 this basket cell?

2 A. I cannot sketch anything.

3 Q. Okay, then I won't ask you to. Was Mr Saro
4 Wiwa restrained while he was in the basket cell?

5 A. Restrained from visitors or what?

6 Q. Was he chained while he was in the basket
7 cell?

8 A. Yes.

9 Q. Did you see this with your eyes?

10 A. I witnessed it.

11 Q. Could you describe how he was chained?

12 A. He was chained with the hands, with the two
13 legs.

14 Q. So there was, could you describe -- or maybe
15 you can even show to the camera where the chains were
16 on Mr Saro Wiwa?

17 A. It cannot be on the neck, so the hands, with
18 the two legs like roasted chicken.

19 Q. Where on his -- so the chains went around his
20 wrists?

21 A. Yes, wrists.

22 Q. Where on his legs?

23 A. Together.

24 Q. Where on the legs, the thighs, knees, ankles?

25 A. Here.

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1 Q. The ankles?

2 A. The ankles.

3 Q. Were the chains on his wrist connected to the
4 chains on his ankles?

5 A. That is what I mean, that is a punishment.

6 Q. How much, what was the length of chain
7 between his wrists and his ankles?

8 A. You cannot raise up your head but you can
9 look up just like this. Let me show you, just you can
10 do, you can only do this.

11 Q. So he could not stand up?

12 A. Can't stand up, when you are chained to the
13 ankles all this time.

14 Q. How long a period of time was Mr Saro Wiwa
15 chained like that?

16 A. If I go in and take a look and go out, I
17 don't know how long he stayed.

18 Q. Was there a name that was given for the way
19 in which Mr Saro Wiwa was chained?

20 A. They call it roasted chicken chain.

21 Q. Rooster chicken chain?

22 A. Yes.

23 Q. Roasted chicken?

24 MR MILLSON: Roasted?

25 A. Roasted chicken.

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1 Q. How do you spell the first word?

2 A. R-O-A-S-T-E-D.

3 Q. Now you also mentioned that he was taken out
4 of the cell and given metal torture?

5 A. Any time they want to torture him to get the
6 facts from him.

7 Q. What do you mean by metal torture?

8 A. Using metal objects, hitting him, using metal
9 objects and finding facts from him, what happened as
10 part of the interrogation.

11 Q. Did you see bruises on Mr Saro Wiwa from the
12 metal torture?

13 A. Yes, because sometimes they used the metal
14 torture on the knees, the joints.

15 Q. The elbows you are pointing to?

16 A. What do you mean?

17 Q. The elbows?

18 A. Yes, elbows.

19 Q. Anywhere else?

20 A. I think they don't use on his head but the
21 body, giving internal wounds.

22 Q. Do you know whether Mr Saro Wiwa was provided
23 food while he was detained at the Bori Camp?

24 A. Sometime when I met him I confronted him if
25 he was taking a normal meal. He said no, they starved

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1 A. They were in uniform ECOMOG heavy badge,
2 written ECOMOG.

3 Q. Do you know why they were assigned to come to
4 Ogoni?

5 A. Because their presence in Ogoni according to
6 the way, to act in the way they wanted to act so when
7 they go they will have the bloody eyes. They still
8 have that reputation of do or die. So they come in
9 and started shooting the Ogoni.

10 Q. How did you learn that?

11 A. I know when the gun is going on doot, doot,
12 doot. Death, somebody's death, I hear it. I go to
13 the formation, you see then the performance of duty is
14 different from other present soldiers.

15 Q. In what way?

16 A. If they want to do searching of the vehicle
17 you cannot stop them. They will like to overshadow
18 everything. They don't hear, they don't hear stop.
19 So we call ECOMOG, they are not from River State, they
20 are from Warri. They are external force.

21 Q. Were they part of the Internal Security Task
22 Force?

23 A. Not a part. I say external force.
24 Internal Security Force.

25 Q. Are you aware of any payment by Shell to the

1 Internal Security Task Force?

2 A. Internal Security Task Force, payment by
3 Shell, I have said that they give RCA. If we want to
4 talk about the officers then you have to explain.

5 Q. Are you aware of any payments by Shell to
6 Okuntimo?

7 A. Okuntimo and Shell BP, some times I have
8 overheard them struggling over payment. So some
9 officers were saying they were supposed to give them
10 1 million as Shell promised them. Then according to
11 the reports I heard doing my investigation, they fought
12 over the money, the fought over the money, the sharing
13 of the money.

14 MR MILLSON: Can I have that read back?
15 (The answer was read back by the Court Reporter).

16 MR WHINSTON: Were you finished with the
17 answer?

18 A. Are you finished the question?

19 Q. You said "the officers were saying", what
20 officers said this to you?

21 A. Pardon?

22 Q. What officers told you this?

23 A. I say that the orderly, because it was a big
24 case one of the officers released a bullet in the
25 process when they were driving, so when the orderly

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1 heard the bullet shot they went in to see what was
2 going on, they were fighting over the money, the
3 million, 56 million, and the monies was to go to the
4 officers was 1 million. So I don't know what
5 happened, Okuntimo refused to pay them 1 million.

6 MR MILLSON: Can I have that answer read
7 back?

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

9 MR WHINSTON: I want to try to take this
10 step by step with you?

11 A. Yes.

12 Q. Okay, I will try. What is the first thing
13 that you heard about this incident of payment to
14 Okuntimo by Shell?

15 MR MILLSON: Object to the form of the
16 question.

17 A. The orderlies, some officers and Okuntimo
18 were called for interrogation, called for interrogation
19 as a witness.

20 Q. The orderlies of?

21 A. Okuntimo.

22 Q. How many orderlies?

23 A. I think I know somebody, I think Corporal
24 Boniface Ejiogu is orderly to Okutimo, and I think I
25 can remember this one, it is a long time Corporal

1 Boniface I can recognise him very much.

2 Q. Were there other orderlies?

3 A. Other orderlies too. I have written it but
4 I don't know, I can't just given the names.

5 Q. How many were there?

6 A. There should be more than two or three.

7 Q. Two or three, more than two or three?

8 A. Yes.

9 Q. Who called these orderlies for interrogation?

10 A. The OC Military Police.

11 Q. What is OC?

12 A. Officer Commanding.

13 Q. Were you present for the interrogation, were
14 you there?

15 A. In case they have to send for me because I am
16 on operational ground, anything that happens to
17 operational has to go with my operation.

18 Q. Were you there when the orderlies were
19 interrogated?

20 A. I was one interrogator too.

21 Q. Where did this interrogation take place?

22 A. This took place in the Bori Camp.

23 Q. Who was there other than yourself?

24 A. I think Sergeant Belo, or Corporal Obi, they
25 are not in the same military with me, so I can't

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1 remember them.

2 Q. Did they work with you?

3 A. Yes, they worked with me.

4 Q. Were there any officers involved in the
5 interrogation?

6 A. As OC Military Police.

7 Q. The officer in charge?

8 A. Yes.

9 Q. Who was that, do you remember his name?

10 A. I think Balbogan, Captain Balbogan, then, I
11 don't know now.

12 Q. Do you remember when this was, what year or
13 what month?

14 A. Pardon?

15 Q. When did this occur?

16 A. I don't know, except I see the report, but it
17 was a long time ago.

18 Q. What did you learn from the interrogation?

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

21 MR WHINSTON: Strike that, I will ask
22 another question. What did the orderlies say during
23 the interrogation?

24 A. The orderlies said they went to Shell RA and
25 collected seven Ghana Must Go bags. It was when the

1 incident broke out that they know the money is for 56
2 million, so they were trying to share when the officers
3 refused to collect the money Okuntimo gave to them.
4 They said they would give them 1 million Naira so
5 Okuntimo refused to give them money, 1 million each and
6 they are.

7 MR MILLSON: Can I have the last two or
8 three questions and answers read back, please.
9 (The questions and answers were read back by the Court
10 Reporter).

11 MR WHINSTON: Did the orderlies tell you
12 where they took these seven Ghana Must Go bags?

13 A. I think in my report the place is stated but
14 I don't know, maybe Shell RA residential area. If I
15 see the report I can tell.

16 Q. Do you recall -- strike that. Did the
17 orderlies tell you where they took the bags from the RA
18 to where?

19 A. They took the bags to Okuntimo's office.

20 Q. Where is Okuntimo's office located?

21 A. I think it should be in the Bori Camp.

22 Q. Bori Camp in Port Harcourt?

23 A. Yes.

24 Q. Did the orderlies tell you what happened once
25 they brought the bags to Okuntimo's office?

1 A. He has to call the officers.

2 Q. He called the officers?

3 A. The officers have to come down there for the
4 sharing of the money.

5 Q. Did the orderlies tell you what happened when
6 the officers came there for the sharing of the money?

7 A. The orderlies were outside, when they went in
8 with the money to the office, so since the money
9 Okuntimo promised the Shell, they would share the
10 1 million the officers refused to collect the money so
11 they were about to scatter the money, so one released a
12 bullet. So by releasing the bullet some people dropped
13 on the ground, they were fighting each other. Maybe
14 some officers supported Okuntimo to cheat and went to
15 share big one, you know, some supported Okuntimo, so
16 they were fighting each other. One released the
17 bullet. Pieces were dropped on the floor. So the
18 orderlies have to rush in to watch what was going on.
19 So the officer was saying, Captain Belo was in the
20 house, give us 1 million, they are not taking more than
21 1 million, they have to take 1 million. So from there
22 the orderly overheard what happened, so they were
23 explaining.

24 MR MILLSON: Can I have that answer read
25 back, please?

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

2 MR WHINSTON: All this information was
3 provided to you by the orderlies?

4 A. Yes.

5 Q. This was during the interrogation of the
6 orderlies?

7 A. Yes.

8 Q. Did you speak to anyone else, did you
9 interrogate anyone else as part of this investigation?

10 A. Among the officers?

11 Q. Yes.

12 A. Officers, they said to themselves, no the
13 case is not going further again. The case ends there
14 because the person was in charge is a captain, Military
15 police officer of the investigation who now go to them
16 and talk to them. They resolve it between themselves
17 it did not go further again.

18 Q. Did you interrogate anyone else other than
19 the three orderlies with regard to this incident?

20 A. Sometimes, I don't know. It has been a long
21 time except I see my report writing.

22 Q. Did you discuss this incident with Major
23 Okuntimo?

24 A. No.

25 Q. Do you know whether anyone in the Complaint

1 Department or the Military Police discussed this
2 incident with Major Okuntimo?

3 A. Yes, I mean the officer in charge discussed
4 with them.

5 Q. Did the officer in charge of the
6 investigation tell you about his discussion with Major
7 Okuntimo?

8 A. I don't know. I don't know.

9 Q. Did the officer in charge tell you of his
10 discussion with Major Okuntimo's Captains or officers
11 who were involved?

12 A. I said it has been a long time, the Captain
13 or the O C did not come to tell me anything, because he
14 is an officer too. He saw everything maybe he is
15 among the sharers, wants people to collect the
16 1 million.

17 Q. How did you find out that this was resolved
18 among the officers?

19 A. When the case no further coming up, when it
20 stopped, there was a calmness. Nothing. It is over.

21 Q. Did you discuss this incident with any Shell
22 employee?

23 A. No.

24 Q. Did you investigate other payments by Shell
25 to Okuntimo?

1 MR MILLSON: Object to the form of the
2 question.

3 A. Well, about the compensation that Shell gave
4 to him, because the operation that I am on is for
5 officers including itself, the operation that I am on,
6 this 56 million is operational money given to the
7 officers working hard. So now he has a personal
8 compensation, given to him by Shell, that Shell gave to
9 him direct, said this is yours. That was on the
10 ground. They build a house for him, bought land and
11 build a house for him, a mighty building.

12 THE VIDEOGRAPHER: Off the record at 12.23
13 pm.

14
15 (The Luncheon Adjournment)

16
17 THE VIDEOGRAPHER: Back on the record at
18 13.44.

19 MR WHINSTON: Mr Osaror, we are back to
20 start your deposition again, to continue with your
21 deposition. You are still under oath, do you
22 understand that?

23 A. Yes.

24 Q. Have you ever seen a Shell helicopter?

25 A. Yes, I mentioned it in my statement.

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1 Q. On what occasions have you seen a Shell
2 helicopter?

3 A. Sometimes they came with white men.

4 Q. White man or men?

5 A. Men, with Shell operators, Shell BP.

6 Q. Where did you see this?

7 A. Sometime, I think I have reflected in my
8 report, writing, they came down to Ogoni to take snaps,
9 check some other areas.

10 Q. They what?

11 A. Snaps, taking picture, but I didn't
12 investigate what was going on but I saw the snap and
13 I reflected it in my report.

14 Q. Was this in Ogoni?

15 A. In Ogoni.

16 Q. Where in Ogoni?

17 A. I have forgotten the area now.

18 Q. Did you ever see Shell helicopters at Bori
19 Camp?

20 A. I cannot just remember.

21 Q. Would you mark this as the next exhibit,
22 please)

23 (Marked for identification Exhibit 703)

24 MR MILLSON: Again I would request the
25 original of this document, Mr Whinston.

1 A. Nobody told me, it was open. That is not
2 part of the investigation it is open.

3 Q. You had to have heard, you didn't see him
4 getting beaten?

5 A. No, yes.

6 Q. So you had to hear it from somewhere?

7 A. Heard it from somewhere, it was a confirmed
8 story.

9 Q. Who confirmed it to you?

10 A. No, no, that is not the area. It is a
11 confirmed story that the Commander was beaten, uniform,
12 bruises on his face and mouth.

13 Q. Do you know where in Ogoni this took place?

14 A. I think part of Koro Koro, maybe Koro Koro
15 but maybe I am not right thereabouts.

16 Q. Did Major Okuntimo ever threaten you?

17 A. Pardon?

18 Q. Threaten you?

19 A. He have threaten me and threaten me to change
20 me, even by giving me bribes he is threatening me too.

21 Q. Did he ever threaten your life?

22 A. Yes, that he would deal with me on several
23 occasions and I need to be changed. So we passed
24 through different way before he send him money, so it
25 is part of threatening too. The money the bribe,

1 admission, offering me gratification which I refused to
2 take for 20,000. I have said it earlier.

3 Q. This is the same 20,000 Naira that you talked
4 about earlier?

5 A. Yes, that he threatened to me.

6 Q. Who was Major Okuntimo's successor?

7 A. Major Obiomahi.

8 Q. Did you ever investigate whether payments had
9 been made to Major Obiomahi by Shell?

10 A. Yes, 1997, yes the contract was awarded to.

11 Q. So in 1997?

12 A. I believe 97, no 96, sorry.

13 Q. Can you tell me what your investigation
14 consisted off, what did you do to investigate?

15 A. Okay. A contract for still water. The MD
16 of the still water is, the Managing Director of still
17 water, Mr Akin, was awarded a contract of 500m.

18 Q. Naira?

19 A. Yes. This contract, front payment was made
20 of 50 million to him, front payment.

21 Q. A front payment of 50m Naira was made to who?

22 A. Akin. When Obiomahi came in and entered the
23 refinery looking for work to do.

24 Q. Entered the refinery?

25 A. Yes, that was where the job is located.

1 Q. What refinery is that?

2 A. LMA Refinery, LMA. Project there, project.

3 THE VIDEOGRAPHER: Off the record at 14.21.

4 ^^.

5 (Short adjournment).

6 THE VIDEOGRAPHER: This is the start of roll
7 three of the deposition of Prince Osaror. Back on the
8 record at 14.54.

9 MR WHINSTON: Mr Osaror, I want to make sure
10 that I understand your testimony. You said that
11 Obiomahi came into the refinery looking for what?

12 A. I didn't say he came to the refinery looking
13 for something, he was brought in by, I think by Shell
14 to compensate him. So now they withdraw the job from
15 original contractor, Akin, they were withdrawing the
16 job from him back to Major Obiomahi.

17 Q. How do you know this?

18 A. I know when two elephants are fighting the
19 grass has to suffer, people have to know what is going
20 on. So Akin of himself, the MD of still water, so
21 why? Is that because he is a Major, he has to raise
22 alarm. Most of the military office is complaining
23 that the military officer is trying to steal the job
24 from him, the job that had been paid 50m as a front
25 payment to him, which now is trying to remove the job

1 and almost giving the job to him. So he have to look
2 into the matter. We finally know the job was part of
3 compensation to Obiomahi, so they withdraw the job
4 finally from still water and give to Obiomahi.
5 Obiomahi is doing the job.

6 Q. What job was this?

7 A. The job was on the pipeline where the
8 pipeline construction.

9 Q. And what was the -- was the contract given to
10 Major Obiomahi individually as a person, or was it
11 given to some other --

12 A. The contract was given to him.

13 Q. It was given to him?

14 A. Yes, direct.

15 Q. And do you have an understanding as to
16 whether he was paid for this work?

17 A. I don't believe he did the job. He didn't
18 do the job. The job is just the formality of the
19 agreement. He didn't do the job. He just do it
20 because that job is, the person Akin, himself, don't do
21 the part of the job, the part of the job. So he was
22 given the job and just finally Shell give the job as
23 part of compensation. After that it is contracted
24 Brass Oil, that is the name, filling station, petrol
25 station, the name of that petrol station is Brass Oil.

1 MR MILLSON: Can I have the question and
2 answer as I have no idea what that question and answer
3 was given.

4 (The question answer was read back by the Court
5 Reporter).

6 MR WHINSTON: What is Brass Oil?

7 A. Filling station, petrol station.

8 Q. Owned by who?

9 A. By Obiomahi.

10 Q. How do you know that?

11 A. Because the name of the company he uses in
12 doing the job is Brass Construction Company.

13 Q. How do you know that?

14 A. I have the knowledge about that.

15 Q. How did you obtain that knowledge?

16 A. Through the investigation we know. He
17 tendered a quotation, Brass Construction quotation.

18 Q. How did you know that Major Obiomahi was
19 connected with Brass Construction?

20 A. When, personally it is his own personal
21 company established by him, registered by him.

22 Q. Registered by him?

23 A. Yes, by Corporate Affairs Commission, CAC.

24 Q. Did you look at the registration papers as
25 part of your investigation?

1 A. Yes, because when you tender a quotation you
2 must tender, certify documents that you know, Corporate
3 Affairs Commission. That Corporate Affairs Commission
4 must attach a quotation that I am looking for this
5 job. So I went through this, even in communication it
6 was written Brass Oil. It is written Brass Oil.

7 Q. On the filling station?

8 A. Yes.

9 Q. Can you read back the answer so that I make
10 sure we are both on the same page?

11 (The question and answer was read back by the Court
12 Reporter).

13 Was this an official investigation by the
14 Complaints Department?

15 A. Well, I will not say Complaint Department
16 because I was doing it on behalf of the Complaint
17 Department.

18 Q. But this investigation was part of your job
19 with the Complaint Department?

20 A. Because when it is occurs between military
21 and civilian, you know what I mean, it is part of my
22 job.

23 Q. Did your investigation of this situation with
24 Major Obiomahi, did this reveal that any other members
25 of Major Obimahi's family were involved?

1 you reported to in Pakasi?

2 A. I say military to military, I don't have to
3 report this, this is secret.

4 Q. So everything that goes on in the army is
5 secret?

6 A. I don't know, that area is military to
7 military.

8 Q. So you --

9 A. It has nothing to do with human rights.

10 Q. You would believe that the internal
11 operations of the Nigerian military should be secret,
12 is that what your belief is?

13 MR DI CAPRIO: Objection.

14 A. That is not my belief, what I believe is not
15 relevant to what you are supposed to ask me.

16 MR MILLSON: Did you report solely to -- let
17 me withdraw that. Was Pakasi a military camp?

18 MR WHINSTON: Do you want to take a break?

19 A. Pakasi is nothing to do with human rights.
20 I don't want to go on about Pakasi, it is pure
21 military. I am saying it is pure military.

22 MR MILLSON: The newspaper that you are
23 reading is called Today, correct?

24 A. Yes.

25 Q. It is a Nigerian newspaper, correct?

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1 A. Yes.

2 Q. Did you go back into Nigeria recently to get
3 that newspaper?

4 A. It is part of Nigeria, it is sold all over
5 Africa.

6 Q. Did you go back into Nigeria to buy that --

7 A. I said it is sold all over Africa.

8 MR WHINSTON: Listen to his question.

9 A. I say it is sold all over Africa, I bought it
10 from Benin here.

11 MR MILLSON: When did you last go into
12 Nigeria?

13 A. I left Nigeria last year.

14 Q. When did you last go into Nigeria?

15 A. I have not been to Nigeria since then.

16 Q. When exactly did you leave Nigeria?

17 A. I left Nigeria September last.

18 Q. September when?

19 A. September 10th, 9th September.

20 Q. 9th September?

21 A. 9th September.

22 Q. Have you been back to Nigeria since
23 9th September?

24 A. No.

25 Q. Did you go back to --

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1 A. No.

2 Q. Did you go back to Nigeria to meet with
3 Mr Whinston after 9th September?

4 A. I met him once in Lagos.

5 Q. Was that after 9th September?

6 A. October.

7 Q. So it was after 9th September?

8 A. Yes.

9 Q. So you went back into Lagos after 9th
10 September?

11 A. Yes.

12 Q. How many times --

13 A. That is only the one.

14 MR WHINSTON: Wait till he finishes his
15 question. Go slow.

16 MR MILLSON: Was Pakasi a camp?

17 MR DI CAPRIO: Objection.

18 A. I had nothing to do with Pakasi.

19 MR MILLSON: You had nothing to do with
20 Pakasi?

21 A. I had nothing to do with Pakasi.

22 Q. Did you report to the camp commander at
23 Pakasi?

24 MR WHINSTON: Objection to form.

25 A. This question is only to do with Pakasi,

1 A. He pay my RCA with the money, they come with
2 Okuntimo they come with the money together and pay the
3 RCA. There is a time that they will not come, Upkpong
4 would not come and Okuntimo would do it by himself.

5 Q. On several occasions in Ogoni when Mr Upkpong
6 was handing you this RCA money he was wearing his Shell
7 BP name tag, right?

8 A. I said I have not seen him with name tag, but
9 all the time he does not put name tag on. I have seen
10 he does not put name tag, but every soldier knows him.

11 Q. Knows him?

12 A. Yes, as Shell BP security boss.

13 Q. As what?

14 A. Security boss.

15 Q. When he came to the Afam warehouse he was
16 wearing his Shell BP?

17 A. No, I have seen him once with the Shell BP,
18 if he put shirt on look again because I saw him, I know
19 him.

20 Q. So how many times did you see Mr Upkpong with
21 his Shell BP name tag on?

22 A. I have seen him once with the name tag, if he
23 was coming often with name tag, I don't know. I don't
24 have a close look again. It is not an investigation.

25 Q. But you were given RCA money by George

1 Upkpong in many place in Ogoni; is that correct?

2 MR WHINSTON: Objection to form.

3 A. What I mean is George Upkpong flew to give
4 the money, the time that Okuntimo was sending money by
5 himself. Sometimes he doesn't come for one week.
6 Sometimes they give money to Okuntimo who embezzled the
7 money. So I believe those things involve Okuntimo
8 following him sometimes to give him the RCA. Okuntimo
9 embezzled the money and soldier would be one week
10 without RCA, so Upkpong have this man Okuntimo issued
11 the money so he used to follow him.

12 Q. You testified earlier that there was a fight
13 over 56 million Naira?

14 A. Yes.

15 Q. And it was in seven Ghana Must Go bags?

16 A. Yes.

17 Q. And the largest denomination for Naira at the
18 time was 200 Naira?

19 A. I don't know that I am not sure, two Nairas,
20 out, if 200 Nairas not out then. It is not out.

21 Q. So the largest denomination at the time was
22 100?

23 A. Should be 20 or 50, I don't know.

24 Q. It was 20 or 50?

25 A. But it is not hundred.

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1 Q. How big is the Ghana Must Go bags?

2 A. The Ghana Must Go is seven. The orderly who
3 made the statement said it was seven Ghana Must Go.
4 The orderly would follow him to Shell and assign the
5 money, put inside a truck and drove it to Okuntimo's
6 office, say it was seven Ghana Must Go.

7 Q. How big from the Ghana Must Go bags?

8 A. I did not witness the seven Ghana Must Go
9 bags but it was given as investigations, as a
10 statement.

11 Q. Did you ask how big the bags were?

12 A. When they were arrested and called for
13 interrogation they explained, the orderly to Okuntimo
14 explained that the Ghana Must Go bags was seven big
15 Ghana Must Go, seven big Ghana Must Go, loaded with
16 money.

17 Q. Do you have any idea how much paper would be
18 involved in \$56m in Naira in 20 Naira bills?

19 MR WHINSTON: Objection to form.

20 A. How many people?

21 Q. How much paper?

22 MR WHINSTON: Objection to form.

23 A. The money is meant for the officers who are
24 part of the duties in Ogoniland.

25 Q. Did you say what is the size of the pile of

1 paper of Naira to get to 56 million Naira in 20 Naira
2 bills?

3 MR WHINSTON: Objection to form.

4 A. Okay, what is happening is that we were only
5 asked the question and they explained what happened,
6 cost 56 million. If every officer is demanding for
7 1 million it means the money is above 20 million. So
8 definitely it was arrived at 56 million.

9 MR MILLSON: Would 56 million Naira, could
10 you fit, would it fill this whole room if you got 56
11 million Naira in 20 Naira bills?

12 MR DI CAPRIO: Objection.

13 MR WHINSTON: Objection to form.

14 A. Maybe it is 50 denomination or 20
15 denomination, but what I know is it was the orderly to
16 Okuntimo said it was seven Ghana Must Go, seven Ghana
17 Must Go.

18 MR MILLSON: Now, you told us that the
19 orderly offered you a bribe?

20 MR DI CAPRIO: Objection.

21 MR MILLSON: You told us that Okuntimo's
22 orderly offered you a bribe?

23 A. Not that he only offered me a bribe, the
24 bribe was sent through the orderly, it was passed
25 through the orderly.

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1 Q. Right, and he offered you the bribe?

2 A. Yes.

3 Q. What was his name?

4 A. Boniface Ejiogu.

5 Q. Did he ever on another occasion offer you a
6 bribe?

7 A. Yes, I believe, I have stated that in my
8 statement.

9 Q. How many times did Boniface offer you a
10 bribe?

11 A. Just once, that 20,000 only.

12 Q. Any other time?

13 A. No.

14 Q. Are you aware of any other people that
15 Boniface offered a bribe to?

16 A. No, they offered the bribe personally to me
17 because I was stubborn to Okuntimo. I was blocking him
18 from what he was doing.

19 Q. And Boniface just did what Major Okuntimo
20 told him, right?

21 A. Yes.

22 Q. Including offering you a bribe?

23 A. They gave me the money that he came and gave
24 me.

25 Q. Did Boniface ever cut anyone with a machete?

COPY

1

1	UNITED STATES DISTRICT COURT	
2	FOR THE SOUTHERN DISTRICT OF NEW YORK	
3	ESTHER KIOBEL, individually and on behalf	: CIVIL
4	of her late husband, DR BARINEM KIOBEL,	: ACTION
5	BISHOP AUGUSTINE NUMENE	: NO. 02CV
6	JOHN-MILLER, DORNUBARI ANSLEM	: 7618
7	JOHN-MILLER, CHARLES BARIDORN WIWA,	:
8	ISRAEL PYAKENE NWIDOR,	:
9	KENDRICKS DORLE NWIKPO, ANTHONY B,	:
10	KOTE-WITAH, VICTOR B WIFA, DUMLE J.	:
11	KUNENU, BENSON MAGNUS IKARI,	:
12	LEGBARA TONY IDIGMA, PIUS NWINEE,	:
13	SIMEON DEDDOA, KPOBARI TUSIMA individually	:
14	and on behalf of his late father	:
15	CLEMENT TUSIMA, and individually on behalf	:
16	Of all others similarly situated:	:
17	Plaintiffs	:
18	Vs.	:
19	ROYAL DUTCH PETROLEUM COMPANY;	:
20	SHELL TRANSPORT AND TRADING	:
21	COMPANY, p.l.c.	:
22	Defendants	:
23	KEN WIWA, individually and as	: 96 Civ.
24	Executor of the Estate of his	: 8386 (KMW)
25	deceased father KEN SARO-WIWA, and	:
26	OWENS WIWA, and BLESSING KPUINEN	:
27	Individually and as the Administratix	:
28	Of the Estate of her husband,	:
29	JOHN KPUINEN, and JANE DOE	:
30	Plaintiffs	:
31	vs.	:
32	ROYAL DUTCH PETROLEUM COMPANY and	:
33	SHELL TRANSPORT AND TRADING COMPANY	:
34	P.l.c.	:
35	Defendants	:
36	KEN WIWA, individually and as Executor	: 01 Civ.
37	Of the Estate of his deceased father	: 1909 (KMW)
38	KEN SARO-WIWA, AND OWENS WIWA	:
39	And BLESSING KPUINEN, individually	:
40	And as the Administratix of the	:
41	Estate of her husband, JOHN KPUINEN,	:
42	and JANE DOE,	:
43	vs.	:
44	BRIAN ANDERSON,	:
45	Defendant	:

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1
2
3
4 DEPOSITION OF PRINCE OSAROR

5
6 Friday, 21st May 2004

7 AT: 9.00 am

8
9 Taken at:

10
11 Benin Marina Hotel
12 Republique Du Benin
13 Afrique De L'Ouest
14 Boulevard De La Marina
15 BP 1901, Cotonou
16 Benin
17
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19
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1 got ammunition from people on duty at the depot?

2 MR WHINSTON: Objection to form.

3 A. To see any Shell man to be on duty at that
4 ammunition depot?

5 MR MILLSON: No, when you got depot you get
6 ammunition from the people on duty, correct?

7 A. Yes.

8 Q. Those people on duty are either the police or
9 army, correct?

10 A. Yes.

11 Q. Okay, they give you the ammunition, correct?

12 A. Yes, yes.

13 Q. Was there anyone from Shell there at any time
14 that the people on duty give you ammunition?

15 MR DI CAPRIO: Objection.

16 MR WHINSTON: Objection to form.

17 MR DI CAPRIO: He asked and answered it a
18 number of times.

19 MR MILLSON: You may answer.

20 A. I have told you there is no Shell man gave me
21 ammunition, the first time I am introduced there was
22 Okuntimo and Upkpong. Any time I go to find
23 ammunition no Shell man give me ammunition, they may be
24 around in the house but I don't know.

25 Q. You testified yesterday about the LMA

1 Refinery, correct?

2 A. LMA Refinery, yes.

3 Q. You told us that Mr Akin had a contract to do
4 work inside the LMA Refinery, okay?

5 MR WHINSTON: Objection to form.

6 A. That job contract on pipe construction.
7 Pipe construction.

8 MR MILLSON: Inside the LMA Refinery, right?

9 A. Yes.

10 Q. And you said -- Mr Akin's company was called
11 Still Water, correct?

12 A. Yes.

13 Q. The contract was for 500m Naira between Still
14 Water and the LMA Refinery to build pipeline inside the
15 Refinery, correct?

16 MR WHINSTON: Objection to form.

17 A. The Refinery did not award the contract.

18 MR MILLSON: Who awarded the contract?

19 A. This contract belongs to Shell BP, Shell
20 awarded the contract to International Petroleum
21 Company, IPCO.

22 Q. Shell awarded the contract to IPCO, how do
23 you spell IPCO?

24 A. IPCO, they sub let the Company to MF Kent.
25 The MF Kent now they were contracted to Akin.

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1 Q. What is the contract with IPCO?

2 MR WHINSTON: Objection to form.

3 A. I don't understand.

4 MR MILLSON: You said Shell awarded the
5 contract to IPCO?

6 A. Yes, it is a major contractor.

7 Q. What did Shell contract with IPCO for?

8 A. If you are asking me about Akin or asking me
9 about MF Kent.

10 Q. You said Shell awarded the contract to IPCO,
11 what was the contract between Shell and IPCO for?

12 A. To build a unit and service it, tank and
13 construction of pipe laying.

14 Q. Build a unit and service it and?

15 A. And pipe laying.

16 Q. For pipe laying and tank building inside the
17 LMA Refinery?

18 A. Yes.

19 Q. Did you ever see that contract?

20 A. Yes, I was there.

21 Q. I am not asking you, you have been to the LMA
22 Refinery?

23 A. If you want me to take you down I will take
24 you down and show you the whole job on the grounds.

25 Q. You have been to the LMA Refinery?

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1 Q. Yes?

2 A. IPCO, it is an International Petroleum
3 Company, that is the meaning of IPCO.

4 Q. So IPCO, you say had a contract with Shell to
5 build something at Shell's LMA Refinery, correct?

6 A. At?

7 Q. Shell's LMA Refinery?

8 A. Yes.

9 Q. You say that that contract was then
10 sub-contracted to MF Kent?

11 A. Yes, MF Kent, American company.

12 Q. Tell me what you know about the agreement
13 between IPCO and MF Kent?

14 A. The agreement is that MF Kent, IPCO sub let
15 the contract on MF Kent.

16 Q. Did you see that agreement?

17 A. I didn't see the agreement anyway but I know
18 something about it. We know just the time we know a
19 small parts about it through the investigation.

20 Q. What do you know about the contract between
21 IPCO and MF Kent?

22 A. IPCO sub let the contract to MF Kent.

23 Q. Do you know anything else about it?

24 A. I don't know anything else.

25 Q. Do you know anything else about the contract

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1 between IPCO and MF Kent?

2 A. That is what I mean, when they give the
3 contract to MF Kent, MF Kent now give the contract,
4 pipe laying to Akin, the Managing Director of Still
5 Water.

6 Q. When you said earlier that you could show me
7 exactly where it was, you actually walked around to see
8 where the pipes would be laid?

9 A. I know all the foundation, everything the
10 tank.

11 Q. And you walked all round the LMA Refinery and
12 saw this?

13 A. I am telling you the area of the contract, it
14 is part of the contract, a particular area. So I know
15 the area.

16 Q. And this area is all part of the LMA
17 Refinery?

18 A. Yes, all part of the Refinery.

19 Q. You personally went and saw the pipes being
20 laid there?

21 A. I saw the pipe laying down. The process of
22 laying the pipe they stop Akin have to lay the pipe,
23 and it is only the process, they stopped him halfway,
24 and turned the contract over to Obiomahi after giving
25 Akin 50m up front.

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1 Q. Do you know what units the pipes at the LMA
2 Refinery were connecting that Akin was building?

3 MR WHINSTON: Objection to form.

4 A. The pipe, the pipeline is for oil.

5 MR MILLSON: They were putting in pipes to
6 bring in oil to be refined?

7 MR WHINSTON: Objection to form.

8 A. I believe maybe. It was a very long
9 construction.

10 MR MILLSON: It was a very long
11 construction?

12 A. Yes.

13 Q. Do you know if the construction is still
14 there?

15 A. The construction still there.

16 Q. Yes, is it still there?

17 A. They finished the construction, the work is
18 there.

19 Q. So the work that Akin did that you
20 investigated, that's all part of the completed Refinery
21 at LMA?

22 A. They didn't complete the job.

23 Q. Who didn't complete the job?

24 A. Akin.

25 Q. But you saw the work that he was starting,

1 correct?

2 A. I saw the work started.

3 Q. You know now that the work at the LMA
4 Refinery is completed?

5 A. The work is completed now. Completed now.

6 Q. And that was completed by the Brass
7 Construction company?

8 A. Yes.

9 Q. The work that Akin did that you saw yourself
10 is part of the completed work at the LMA Refinery,
11 correct?

12 A. Yes, of the MF Kent contract, awarded to
13 Brass Construction.

14 MR MILLSON: Can you read that back?
15 (The question was read back by the Court Reporter).

16 MR MILLSON: MF Kent became a sub-contractor
17 for Brass Construction.

18 MR WHINSTON: Objection to form.

19 A. MF Kent sub let to Brass because he now sub
20 let the job to Brass.

21 MR MILLSON: So I see. So your view is
22 that Shell still has a contract with IPCO to build
23 something at their LMA Refinery, right?

24 A. Yes.

25 Q. And that IPCO still has a contract with MF

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1 Kent, correct. You have to answer audibly?

2 A. Yes, sir.

3 Q. That MF Kent used to have a contract with
4 Akin but Akin got replaced with Brass Construction?

5 A. Yes, by Obiomahi.

6 Q. Correct?

7 A. Yes.

8 Q. When was this?

9 A. In 1996, I mean 97.

10 Q. Now you mentioned yesterday that you had gone
11 to the files that were created, that someone had to
12 create when they tendered a quotation, correct?

13 MR WHINSTON: Objection to form.

14 MR MILLSON: Let me ask you again: Is there
15 some form that has to be filled out when there is a
16 tender?

17 MR DI CAPRIO: Objection to form.

18 A. What I mean by that, if you want to, want the
19 contract and major contract, you must have Corporate
20 Affairs Commission certificate registered with the
21 Corporate Affairs Commission. They will tender you
22 with a letterhead for the job, for the quotation.

23 Q. So there is a tender for quotation, is that
24 what it is called?

25 A. Quotation.

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1 Q. So there is a quotation and which of the
2 companies did a quotation in this transaction that you
3 looked at?

4 A. Well, probably Akin and Obiomahi.

5 Q. So what is Akin's company called, Still
6 Water?

7 A. Yes, sir.

8 Q. Obiomahi's company is called Brass
9 Construction?

10 A. Brass Construction.

11 Q. And each of them did a quotation?

12 A. I mean that Akin awarded the original,
13 originally awarded the contract -- before Obiomahi came
14 in and obstructed him.

15 Q. You looked at Brass Construction's quotation,
16 correct?

17 A. I don't look because he has quoted for the
18 job and awarded the contract and they started doing the
19 contract, the sum of 50 million was paid to him as part
20 of the contract.

21 Q. That is Still Water?

22 A. Yes.

23 Q. I am saying as part of your investigation you
24 looked at the quotation by Brass Construction, correct?

25 A. Yes.

1 A. I think the Managing Director was in
2 Malaysia, and the material controller was living in
3 Flavavia(?) Peter Summerhill.

4 Q. Peter Summerhill, he was the material
5 controller for IPCO?

6 A. Yes.

7 Q. Who was the man living in Malaysia?

8 A. Something Managing Director of IPCO, I have
9 forgotten the man's name, and Dick Surrey is Managing
10 Director.

11 MR WHINSTON: How do you spell that?

12 A. S-U-R-R-E-Y.

13 MR MILLSON: Who was the person from Shell
14 who signed the contract about the LMA Refinery?

15 A. I don't see any person sign from Shell, I say
16 Shell signed contract with IPCO overseas then they
17 brought a supervisor to IPCO.

18 Q. Do you know who from Shell -- and this is all
19 about the LMA Refinery?

20 A. Right.

21 Q. Right?

22 A. Yes, talking about IPCO job.

23 Q. Sorry?

24 A. We are not talking about LMA Refinery we are
25 talking about the IPCO job.

1 MR MILLSON: Yes, the IPCO job was to build
2 something at Shell's LMA Refinery, right?

3 A. Yes.

4 Q. Who from Shell signed this contract overseas?

5 A. That is not problem for me to know what
6 happen.

7 Q. If you don't know that is okay?

8 A. There is no problem with IPCO and Shell.

9 Q. Did anyone from Shell approve the
10 cancellation of the contract between MF Kent and Still
11 Water?

12 MR WHINSTON: Objection to form, you can
13 answer.

14 A. That is internal, I don't know.

15 MR MILLSON: Did anyone from Shell approve
16 the granting of a contract to Brass Construction by MF
17 Kent?

18 A. That is internal, I don't know.

19 Q. What made you conclude that the granting of a
20 contract from MF Kent to Brass Construction was
21 approved by Shell?

22 A. I am saying they went to Government House,
23 they went to Government House and when they went to
24 Government House Akin was crying that it was the deal,
25 it was because Obiomayhi is in the general army and

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1 they went to compensate him as Internal Security
2 chief. And since the money they pay is 50m they are
3 asking to refund the money, and he say that Shell say
4 he should go with the money.

5 Q. Who should go with the money?

6 A. Akin should go with the 50m.

7 Q. Who from Shell said that Akin should get the
8 50m?

9 A. Akin was just making the comment, we saw him,
10 we confronted what was outcome from the Government
11 House is the resolution of the contract.

12 Q. He told you that Shell --

13 A. Not only me, I alone, yes.

14 Q. He told you that Shell said that he should
15 get 50m Naira because of a project at Shell's LMA
16 Refinery?

17 A. The money is not refundable he should take
18 away the money 50m.

19 Q. This was all in connection with Shell's LMA
20 Refinery, correct?

21 A. I don't understand what you are saying.

22 Q. He told you --

23 A. Not that he told me. He told the body of
24 the investigation.

25 Q. The board or body?

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1 A. The body.

2 Q. So Akin told the board of -- Akin told the
3 board of investigation that Shell --

4 A. I didn't say the board, the body.

5 Q. Let me start again. Akin told the body of
6 investigation that Shell wanted him to get 50m Naira in
7 connection with Shell's LMA Refinery, correct?

8 A. No, no.

9 Q. What is not correct about that?

10 A. You say that they have resolved everything.
11 Since Obiomahi is a major and now this Internal
12 Security and they wanted to compensate him through that
13 way, so he should go with that 50m not refundable.
14 They were asking him who resolved the issue. He said
15 the Governor and some other member, a representative
16 from Shell and IPCO.

17 Q. And this was all in connection with Shell's
18 LMA Refinery, correct?

19 A. I don't understand.

20 Q. He was getting paid by Shell for work that he
21 had done?

22 A. I said it was IPCO, MF Kent who gave front
23 payment but before such money was released IPCO must be
24 aware, IPCO must be aware because it is a big contract.

25 Q. And because IPCO must be aware of the work it

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1 is doing at Shell's Refinery Shell must be too?

2 MR WHINSTON: Objection to form.

3 A. It is internal, I don't know, that is not my
4 level of operations.

5 MR MILLSON: Do you know whether anyone from
6 Shell was aware that Akin was getting 50m Naira in
7 connection with work being done at Shell's LMA
8 Refinery?

9 A. Not confirmation, payment, if you are doing
10 contract above 20m or 10m, that is the money they will
11 give you at the start of the job.

12 Q. And the job is at Shell's LMA Refinery,
13 correct?

14 A. Not at Shell LMA Refinery I am talking about
15 the Shell awarded the job to IPCO, so what is happening
16 Shell is aware.

17 Q. The work is at Shell's LMA Refinery, correct?

18 A. Pardon?

19 Q. And the work is at Shell's LMA Refinery,
20 correct?

21 A. Not called Shell Refinery it is International
22 Petroleum Company, not LMA Refinery.

23 Q. Okay. And Shell is paying for the work that
24 is being done there, correct?

25 A. As the owner of the job.

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1 Q. You said that you interviewed Mr Watts in
2 Ogoni, correct?

3 MR WHINSTON: Objection, asked and
4 answered.

5 A. I have told you.

6 MR MILLSON: Have you told me everything
7 that he told you at this meeting with the helicopter,
8 right?

9 A. I didn't tell you I have any meeting, I said
10 I was introduced to Phil Watts, he is Managing Director
11 of Shell BP.

12 Q. Did you conclude from your conversation with
13 Mr Watts when you were introduced to him that Shell was
14 one hundred percent responsible?

15 MR WHINSTON: Objection to the form of the
16 question. The witness has already testified he
17 doesn't recall what he said to Mr Watts and what
18 Mr Watts said to him or, indeed, if there was a
19 conversation.

20 A. That conclusion is one hundred percent what
21 happened in Ogoniland, Shell contributed, finished.

22 MR MILLSON: Your conversation with Mr Watts
23 was not part of that conclusion, was it?

24 MR WHINSTON: Objection to form.

25 A. I don't know.

1 MR MILLSON: Was your conversation with
2 Mr Archibong part of that conclusion?

3 A. All what happened, I draw the conclusion, the
4 past three weeks. What happened in Ogoni, Shell
5 contributed one hundred percent. I do not say 99.
6 So if you ask me again I will say exactly.

7 Q. Did you interview Major Okuntimo?

8 A. No, at any time, he is a commander.

9 Q. When it says "interview with the following
10 personality", you didn't interview Major Okuntimo?

11 A. Because I say Okuntimo is included here
12 because he came with Phil Watts and Archibong.

13 Q. But you didn't interview Major Okuntimo,
14 right?

15 A. I don't have to interview him because I know
16 his job there in Ogoniland, so there is no need to
17 interview him, I know him.

18 Q. You say of Major Okuntimo, you say he was
19 given 56 million Naira by Shell BP for execution of
20 military duty and Bori Ogoni crises, right?

21 A. Yes, because we investigated the matter, we
22 find out he was given 56 million when the officers came
23 to the camp with the money.

24 Q. That is the 56 million you told me about
25 yesterday?

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1 A. Exactly.

2 Q. Would it surprise you if I told you that 56
3 million Naira in 50 Naira notes was several hundred
4 yards high?

5 MR WHINSTON: Objection to form.

6 A. Several hundred yards high, then I am not
7 working in maintenance office to know how the money
8 looked high. I know from the investigation drawn from
9 all the orderlies that guides them, they explain they
10 carry seven Ghana Must Go bags, each officer is
11 declared 1 million. If officers declared 1 million and
12 there are more than 20 you must draw 50m.

13 Q. Okay. You go on and say:

14 "Major Obiomahi he takeover from Okuntimo,
15 Shell BP aware contract of 450 million Naira through
16 IPCO to Obiomahi to use the money to about build
17 filling station" etc. You have told me everything you
18 know about that, right?

19 A. You want me to tell you?

20 Q. No, I said you have told me everything that
21 you know about the payment by Shell to Obiomahi right?

22 A. Yes, I have told you.

23 Q. We have talked about the 9.5bl Naira to
24 Abacha, do you have any other idea of how Shell gave
25 9.5 billion Naira to Abacha?

1 A. It is looking more mathematical again. I
2 have told you, there is no mathematics I can do again
3 than to tell you what happened.

4 Q. But you told me that, on Okuntimo you told me
5 that you knew there was 56 million Naira in seven Ghana
6 Must Go bags, right?

7 A. Yes.

8 Q. And you told me on Obiomayhi that there was
9 450 million Naira on a contract with IPCO, okay, so we
10 know where you got that number from. Where did you
11 get the 9.5bl Naira paid to General Abacha?

12 A. I have explained myself to you, that sometime
13 ago Shell gave the contract, because finding the way to
14 pay in the money, they have to pay it, so they have to
15 send accounts of Julius Berger to pay in the account of
16 Julius Berger. This is just a ghost account. So it
17 pay through the account and then pay percentage to
18 Julius Berger for storing the money in his account for
19 his money then paid in the accounts, so they pay
20 commission out of the money.

21 Q. So you understood when you wrote this memo
22 that Shell BP had paid \$9.5bl, 9.5bl Naira into an
23 account of Julius Berger for General Abacha, correct?

24 A. Yes, I believe.

25 Q. Who told you that?

1 A. That is my investigation, after the dead many
2 things come out. We know that, because before anything
3 happened there was a Conference in Abuja in the
4 Presidential Villa about how the morality, to take from
5 the Ogoni people, to take and enter Ogoni because Shell
6 want to remain in Ogoni. While the intimidation on
7 Ogoni, that Shell wanted to remain in Ogoni and Ogoni
8 didn't want Shell to remain on their land. If they
9 want to remain they should pay the landlord fees of
10 \$60bl and £60 billion tally.

11 Q. That is what Mr Saro Wiwa told you, right?

12 A. No one told me.

13 Q. He didn't tell you that?

14 A. He told me in the cell.

15 Q. But the 9.5bl Naira, when did you find out
16 about the payment by Shell to general Abacha of 9.5bl
17 Naira?

18 A. We knew before Abacha was dead that was the
19 money given to him. So out of the money he now call
20 upon some other generals and given them some money so
21 they would carry out the operation with him.

22 Q. So in your investigation you found out that
23 Shell BP had paid 9.5bl Naira to General Abacha,
24 correct?

25 A. I believe, yes.