

EXHIBIT C

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 :

ANGLO-AMERICAN COURT REPORTERS LTD
LONDON, ENGLAND

Tel: (011 44) 20 7264 2088

Website: www.a-acr.com

Fax: (011 44) 1483 234894

E-mail: info@a-acr.com



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DEPOSITION OF BONIFACE EJIUGU

Saturday, 22nd May 2004

AT: 9.00 am

Taken at:

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

ANGLO-AMERICAN COURT REPORTERS LTD
LONDON, ENGLAND

Tel: (011 44) 20 7264 2088
Website: www.a-acr.com

Fax: (011 44) 1483 234894
E-mail: info@a-acr.com



101

1 A. Yes, he was in the room and one white man and
2 black man. The white man I saw there, big white man
3 and I can remember, I know the district manager, and
4 James Udofia was there too inside the room.

5 Q. Mr Udofia was there?

6 A. In the room before we get in.

7 Q. How do you know it was James Udofia, James
8 Udofia, how do you know?

9 A. I know him, the District Manager or
10 Divisional Manager.

11 Q. What did you do next?

12 A. We now lifted the money and my commander
13 said; Bonny, remember to be behind the soldier, let
14 them carry the money to the boot.

15 Q. Did he say carry the money to the boot?

16 A. Yes.

17 Q. Did he use those words?

18 A. He used those words, he said: Carry this
19 money to the boot.

20 Q. Are you sure he used the word "money"?

21 A. Yes, he used money.

22 Q. Would you describe how large the bags were
23 please that you carried?

24 A. Ghana Must Go bags, the biggest one is very
25 big, the giant one, it is not here I can't show you.

ANGLO-AMERICAN COURT REPORTERS LTD
LONDON, ENGLAND

Tel: (011 44) 20 7264 2088
Website: www.a-acr.com

Fax: (011 44) 1483 234894
E-mail: info@a-acr.com



1 MR MILLSON: Is it a yard high.

2 MR DI CAPRIO: I will ask the questions,
3 please. Were they all the same size?

4 A. Yes, all the same size, the biggest ones.

5 Q. Using your hands, about how wide were the
6 Ghana Must Go bags?

7 A. It is like this.

8 Q. How deep were they, would you put your hand
9 on the table. How high were they?

10 A. Okay.

11 Q. On the side, how deep were they. Were they
12 all the same colour?

13 A. No, it is mixed. Some red colour, some
14 white colour, checked colour with blue and white, the
15 other one was red and white, Ghana Must Go bags.

16 Q. Did you observe anything after that?

17 A. When we lifted the money, all of them lifted
18 the money, one of us lifted so one can't be able to
19 lift his own because it busted, it busted on the
20 grounds the zip caught. He shouted by my side, he
21 said, man, this is money.

22 Q. Did you see inside of the bag?

23 A. Yes, when the bag was so heavy and busted in
24 the ground the middle of the zip teared because there
25 was a load of money, I mean, I saw the money in bundle,

1 20 Naira nomination.

2 Q. Would you describe the money that you saw in
3 the bag, how many bundles of money did you see?

4 A. It is big, I didn't count it. I saw the bag
5 bounced on the ground and I saw the money bundles and
6 they are all money.

7 Q. Where were Mr Upkpong and Okuntimo at this
8 time when the bag opened?

9 A. They were right in the office when we are
10 lifting. We are lifting this money from the office,
11 they are right inside the office.

12 Q. So the bag opened in the office?

13 A. Yes, opened in their presence.

14 Q. What happened next?

15 A. We moved down the money. I lifted, I helped
16 my colleague. I lifted the money to him then he
17 carried it and I jacked my own and we move to the
18 vehicle. Before we get there the driver had already
19 opened the boot and put their own and then we wait for
20 our commander. We loaded the money.

21 Q. Did you leave the Industrial Area that day?

22 A. Immediately with our commander.

23 Q. Was that Major Okuntimo?

24 A. Major Okuntimo direct to the Bori Camp town.

25 Q. Who else left with you?

104

1 A. The driver, Wale and Aba and me.

2 Q. Now you describe an incident that took place
3 I think you said it took place in Bori village later
4 that day when you brought them, the Ghana Must Go bags
5 out from the Industrial Area, do you remember that?

6 MR MILLSON: Object to the form of the
7 question.

8 A. Where, in Bori?

9 MR DI CAPRIO: Where did you go after you
10 collected the Ghana Must Go bags that day?

11 A. We moved down to Bori Camp.

12 Q. Was that Bori Camp in the town of Port
13 Harcourt?

14 A. Yes, Okuntimo's office.

15 Q. In Port Harcourt?

16 A. In Garrison headquarters.

17 Q. In Port Harcourt?

18 A. Yes.

19 Q. You testified that on one occasion you went
20 to Mr Upkpong's house, you were with your commander and
21 Mr Upkpong came out and later during the course of that
22 have there were four Ghana Must Go bags?

23 MR MILLSON: Objection to the form of the
24 question.

25 MR DI CAPRIO: Do you remember that

ANGLO-AMERICAN COURT REPORTERS LTD
LONDON, ENGLAND

Tel: (011 44) 20 7264 2088
Website: www.a-acr.com

Fax: (011 44) 1483 234894
E-mail: info@a-acr.com



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 :
OWENS WIWA, and BLESSING KPUINEN :
Individually and as the Administratrix :
Of the Estate of her husband, :
JOHN KPUINEN, and JANE DOE :
Plaintiffs :
vs. :
ROYAL DUTCH PETROLEUM COMPANY and :
SHELL TRANSPORT AND TRADING COMPANY :
P.l.c. :
Defendants :
KEN WIWA, individually and as Executor : 01 Civ.
Of the Estate of his deceased father : 1909 (KMW)
KEN SARO-WIWA, AND OWENS WIWA :
And BLESSING KPUINEN, individually :
And as the Administratrix of the :
Estate of her husband, JOHN KPUINEN, :
and JANE DOE, :
vs. :
BRIAN ANDERSON, :
Defendant :

ANGLO-AMERICAN COURT REPORTERS LTD
LONDON, ENGLAND

Tel: (011 44) 20 7264 2088
Website: www.a-acr.com

Fax: (011 44) 1483 234894
E-mail: info@a-acr.com


ANGLO-AMERICAN
COURT REPORTERS
LTD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DEPOSITION OF BONIFACE EJIOGU

Sunday, 23rd May May 2004

AT: 9.02 am

Taken at:

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

ANGLO-AMERICAN COURT REPORTERS LTD
LONDON, ENGLAND

Tel: (011 44) 20 7264 2088
Website: www.a-acr.com

Fax: (011 44) 1483 234894
E-mail: info@a-acr.com



39

1 A. I have to go back to my photograph because it
2 is giving me money.

3 Q. Which photograph was giving you money?

4 A. As a photographer I have to continue my job.

5 Q. So after you quit Eclipse Oil you decided to
6 become a photographer?

7 MR DI CAPRIO: Objection.

8 MR D'AVINO: Objection.

9 MR MILLSON: Again?

10 A. Because it is an easy one.

11 Q. You decided to do that in Obigbo?

12 A. Yes, I have to go back and meet my family.

13 Q. In Obigbo?

14 A. Yes.

15 Q. How long did you take up your job as a
16 photographer in Obigbo again?

17 A. That was when I left the Eclipse Oil and Gas.

18 Q. Did you make a living in Obigbo as a
19 photographer after you quit Eclipse Oil in April 2003?

20 MR DI CAPRIO: Objection.

21 A. Yes.

22 MR MILLSON: For how long?

23 A. For how long?

24 Q. Are you still living in Obigbo?

25 A. When I was in Obigbo I have to do the

1 photographic work.

2 Q. Were you supporting your family?

3 A. Yes, I have to support my family.

4 Q. Was there enough money to have food and
5 lodging for all of them?

6 A. Yes, sometimes I have to get food from my
7 mother.

8 Q. Sometimes you had to get food from your
9 mother?

10 A. Yes.

11 Q. To help support your family?

12 A. Yes.

13 Q. Were you staying with your mother?

14 A. No.

15 Q. Were you staying in your own house?

16 A. What?

17 Q. Did you have your own house in Obigbo?

18 A. I have my own house I pay in Obigbo town.

19 Q. Are you still living in Obigbo?

20 A. Now?

21 Q. Yes?

22 A. No.

23 Q. When did you leave Obigbo?

24 A. That was September 2003.

25 Q. Did you support yourself as a photographer

1 from April 2003 to September 2003 in Obigbo?

2 A. Yes.

3 Q. Are you still working as a photographer?

4 A. Now?

5 Q. Yes.

6 A. Now?

7 Q. Yes.

8 A. No.

9 Q. When did you stop working as a photographer?

10 A. That was September 2003.

11 Q. Where did you move to in September 2003?

12 A. That is when I got the information about this
13 testification.

14 Q. You got the information about this
15 testification from whom?

16 A. From Labas, an Ogoni boy.

17 Q. How do you spell Labas?

18 A. L-A-B-A-S.

19 Q. Who is this person?

20 A. Well, that boy was very good to me when I was
21 with the Internal Security Task Force in Ogoni. He
22 take care of my washing, my clothes, my Army uniform.

23 Q. This one who works for you washing your
24 clothes?

25 A. Yes, excuse me, I want to ease myself.

42

1 THE VIDEOGRAPHER: Off the record at 9.48
2 am.

3

4 (Short Adjournment).

5 THE VIDEOGRAPHER: This is the start of the
6 third roll in the deposition of Boniface Ejiogu. Back
7 on the record at 10.12 am.

8 MR MILLSON: Can you get a copy of your
9 military record from the Nigerian Army?

10 A. That is my certificates, you want
11 certificates, are you talking about certificates?

12 Q. Yes, is there a piece of paper in the
13 Nigerian Army?

14 A. Yes, I have my certificates.

15 Q. Would you mind giving us a copy?

16 A. If I am permitted.

17 Q. If you are permitted. Did you ever give the
18 counsel for the Plaintiffs a copy of your Army service
19 record?

20 A. I don't give it to anybody.

21 Q. Would you?

22 A. It is my private affair.

23 Q. Would you give us a copy?

24 A. I repeat, if it is necessary.

25 Q. I am asking if you will give a copy of your

**ANGLO-AMERICAN COURT REPORTERS LTD
LONDON, ENGLAND**

Tel: (011 44) 20 7264 2088
Website: www.a-acr.com

Fax: (011 44) 1483 234894
E-mail: info@a-acr.com



1 A. We both meet in Benin in public here.
2 Q. When was that?
3 A. That was September, September 2003.
4 Q. September 9th?
5 A. September 2003.
6 Q. September 9th 2003?
7 A. Repeat please.
8 Q. September 9th 2003?
9 A. I can't remember the date.
10 Q. Did you all come over here together?
11 A. No, no.
12 Q. How did you get over here to Benin?
13 A. How?
14 Q. How did you get to Benin?
15 A. I passed through the border.
16 Q. Who brought you?
17 A. That was Anslem.
18 Q. Anslem whom?
19 A. Anslem John Miller.
20 Q. Did you bring your whole family?
21 A. Yes, I come with my family, I don't live in
22 Nigeria.
23 Q. How many people are in your family?
24 A. My wife and four kids.
25 Q. How old are your kids?

ANGLO-AMERICAN COURT REPORTERS LTD
LONDON, ENGLAND

Tel: (011 44) 20 7264 2088
Website: www.a-acr.com

Fax: (011 44) 1483 234894
E-mail: info@a-acr.com



1 A. I have big ones and I have small ones.

2 Q. How hold is the big one?

3 A. The big one is 15.

4 Q. The second one?

5 A. 14 years.

6 Q. Then I have 13 years, the last one is 7,
7 I have four boys, one girl, four boys one girl?

8 A. Three boys one girl. Correct. Correct.

9 Q. Now have you been back to Nigeria since you
10 came here in September 2003?

11 A. No way. I am running for my life.

12 Q. You are running for your life. Where are
13 you staying in Benin?

14 A. I am staying in Komay.

15 Q. What sort of building in Komay?

16 A. Local house.

17 Q. Is it your own local house?

18 A. Repeat.

19 Q. Are you staying in the local house by
20 yourself?

21 A. Yeah, local house.

22 Q. In the local house, who is staying in the
23 house with you?

24 A. I am staying with my family.

25 Q. Just your family?

- 1 A. Family with one other person.
- 2 Q. Who is the other person?
- 3 A. That is Lete.
- 4 Q. Lete who?
- 5 A. I don't know his surname.
- 6 Q. Is he also someone in this witness programme?
- 7 MR D'AVINO: Objection?
- 8 A. He is an Ogoni boy.
- 9 MR MILLSON: His last name Gbarale?
- 10 A. I cannot understand you please.
- 11 MR WHINSTON: That is the Italian witness
- 12 programme.
- 13 A. I didn't understand, please repeat.
- 14 MR MILLSON: Who is paying for this house?
- 15 A. I don't know.
- 16 Q. It is not you?
- 17 A. No, I am not working.
- 18 Q. You are not working?
- 19 A. I am not working here.
- 20 Q. Other than testifying?
- 21 A. Pardon.
- 22 MR D'AVINO: Objection.
- 23 MR MILLSON: Who is paying for your living
- 24 expenses?
- 25 A. Lete is giving me money as Ogoni Class Action

1 is sending money for us.

2 Q. The Ogoni Class Action is sending money for
3 you?

4 A. Yes.

5 Q. So you can come here and testify?

6 A. Yes.

7 Q. How much money have they given you thus far?

8 MR D'AVINO: Objection.

9 A. 50,000 Francs.

10 MR MILLSON: That is just in cash?

11 A. It is in cash for my feeding.

12 Q. They pay your house on top of that?

13 A. No, I don't know who pay for my house.

14 Q. What else do they pay for you?

15 A. Only feeding, nothing else.

16 Q. How often do you get paid?

17 A. It is monthly.

18 Q. When did it start?

19 A. When?

20 Q. When did they start giving you monthly
21 payments?

22 A. It is the time we arrive there.

23 Q. So September was the first payment?

24 A. October was the first payment.

25 Q. How did you get paid for September?

1 A. Lete gave me the money.

2 Q. When did you get the money?

3 A. Every month's end.

4 Q. So you got a payment on October 1st for
5 September?

6 MR D'AVINO: Objection.

7 MR MILLSON: When did you get the payment
8 for September?

9 A. I didn't get any money for September, I was
10 feeding with the money I came from Nigeria.

11 Q. So that was your own money?

12 A. That was my own money.

13 Q. And?

14 A. That was my private money.

15 Q. That was all of your money that you used in
16 September?

17 A. Yes, I have to change it at the Benin
18 Republic here. I changed Naira to Francs.

19 Q. Do you have a residence permit from Benin?

20 A. Residents permit?

21 Q. Yes, do you have a Benin document that says
22 you are allowed to live here?

23 A. Yes.

24 Q. From Benin?

25 A. Yes, from Benin.