

## **EXHIBIT F**

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 Administratix :  
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 Administratix of the :  
Estate of her husband, JOHN KPUINEN, :  
and JANE DOE, :  
vs. :  
BRIAN ANDERSON, :  
Defendant :

25

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DEPOSITION OF LETE ALLENS GBARALE

Thursday, 27th May 2004

AT: 9.05 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 MR MILLSON: Object to the form of the  
2 question.

3 A. Other Ogonis saying?

4 MR DI CAPRIO: Yes.

5 A. Saying what?

6 Q. That Ken was a symbol of peace?

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

9 A. It was known to every Ogoni sons and  
10 daughters.

11 Q. What was known to them?

12 A. The activities of Ken as a symbol of peace  
13 and light. It was well known.

14 Q. Do you recall the time that Ken, directing  
15 your attention to the day that Ken was hanged, can you  
16 tell me what the death of Ken Saro Wiwa meant to you?

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

19 A. It meant a lot. I know from my little  
20 understanding it means liberation, no matter the  
21 hanging or the death, it means a lot in the life of the  
22 Ogonis.

23 MR DI CAPRIO: I have nothing further.

24 MR MILLSON: Thank you, why don't we take a  
25 short break and I will set up that side.

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1 THE VIDEOGRAPHER: Off the record at 11.01  
2 am.

3

4 (Short Adjournment).

5 THE VIDEOGRAPHER: Back on the record at  
6 11.14 am.

7

8 Cross-examination by MR MILLSON.

9 Q. Good morning?

10 A. Good morning, sir.

11 Q. Now, you told us I believe that you became a  
12 leader of the youth wing of MOSOP, correct?

13 MR WHINSTON: Objection to form.

14 A. Youth wing of MOSOP National Union for Ogoni  
15 Students.

16 MR MILLSON: When did you become a leader of  
17 the youth wing of MOSOP?

18 A. That was the year 94.

19 Q. 1994. When in 1994?

20 A. That was about November, December.

21 Q. So at the end of 1994?

22 A. Yes.

23 Q. And you had been a member of the youth wing  
24 of MOSOP before that, correct?

25 A. Yes.

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1 Q. I think you said you became a member of the  
2 youth wing of MOSOP when the Ogoni Bill of Rights came  
3 out; is that correct?

4 A. I didn't say so.

5 Q. Did you become a member of MOSOP when the  
6 Ogoni Bill of Rights came out?

7 A. MOSOP is a cultural organisation with every  
8 Ogoni son a member.

9 MR MILLSON: So every Ogoni is a member of  
10 MOSOP?

11 A. Who believe in the idea.

12 Q. The idea is the creation of a separate Ogoni  
13 state; is that correct?

14 MR DI CAPRIO: Objection.

15 A. Not at all.

16 MR MILLSON: What is the idea that every  
17 everyone who shares in Ogoni is part -- you told me  
18 that everyone who shared a particular idea was part of  
19 MOSOP in Ogoni, correct?

20 MR WHINSTON: Objection to form.

21 MR MILLSON: Correct?

22 A. I said every Ogoni son is a member of MOSOP.

23 Q. But you also said every Ogoni son who shares  
24 a certain idea?

25 A. Who believes that same belief.

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1 Q. There was a youth wing of MOSOP --  
2 withdrawn. In early 1994 Ken Saro Wiwa was trying to  
3 become a leader of MOSOP, correct?

4 MR WHINSTON: Objection.

5 A. He was not trying to become, he was the  
6 leader.

7 MR MILLSON: The two Kobanis Orage and Badey  
8 were having a political contest with Ken Saro Wiwa?

9 A. Not at all, to the best of my knowledge not  
10 at all.

11 Q. Did you watch any of the testimony of the  
12 Oputa Panel?

13 A. Oputa Panel, I wasn't interested.

14 Q. You weren't interested in that?

15 A. I wasn't interested.

16 Q. Are you aware that people came to the Oputa  
17 Panel and testified as to who had killed the Kobanis,  
18 Badey and Orage?

19 A. I am not aware.

20 MR MILLSON: Objection.

21 MR WHINSTON: But you weren't interested  
22 enough in the Oputa Panel to watch any of it?

23 A. I wasn't interested at all because I know the  
24 end result is zero, they won't do anything good with  
25 it.

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1 Q. And it wasn't important for you to know who  
2 killed the Kobanis, Badey and Orage?

3 MR DI CAPRIO: Objection to form.

4 MR WHINSTON: Objection to form.

5 A. I have told you and I will tell you again it  
6 was just purely a strategy of Shell and Government to  
7 kill the struggle of the Ogoni people.

8 MR MILLSON: Now, in fact, you made up a  
9 T-shirt that said "only the Nigerian Government need  
10 Shell, you don't", correct?

11 MR WHINSTON: Objection to form.

12 A. It is not only me, that was the campaign.

13 MR MILLSON: That was the campaign?

14 A. That was that campaign.

15 Q. When was the campaign?

16 A. The campaign was on since 90s.

17 Q. Since the 90s?

18 A. 90s.

19 Q. You were part of that campaign since the 90s?

20 A. I was part of it.

21 Q. And you are still part of that campaign,  
22 correct?

23 A. Yes.

24 Q. You are still part of the campaign against  
25 Shell and the Nigerian Government, correct?

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1 A. Shell.

2 Q. So your campaign is just against Shell?

3 A. Shell, with all the atrocities they have done  
4 and the ills they have done on my people.

5 Q. So your campaign is only against Shell and  
6 not the Nigerian government, correct?

7 A. Yes.

8 Q. You have been engaged in this campaign for  
9 about 15 years now, correct?

10 A. I am still on it.

11 Q. You started in the early 90s and you are  
12 still on it in 2004?

13 A. I am still on it.

14 Q. That is about 15 years you have been part of  
15 a campaign against Shell, correct?

16 A. Something like that.

17 Q. In your campaign against Shell for the last  
18 15 years what have you done?

19 MR WHINSTON: Objection to form.

20 A. It is a peaceful campaign and I want the  
21 truth to prevail.

22 MR MILLSON: So what have you done in the  
23 last 15 years in your peaceful campaign against Shell  
24 to make the truth come out?

25 A. To bring the good news, the good message that

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1 Shell neglected the Ogoni people.

2 Q. So that is what your campaign has been, to  
3 spread the message that Shell neglected the Ogoni  
4 people?

5 A. And they pollute our environment.

6 Q. And you have been spreading that campaign for  
7 nearly 15 years now, correct?

8 A. Something like that.

9 Q. What else have you been doing other than  
10 spreading the good news that Shell was neglecting the  
11 Ogoni environment?

12 MR WHINSTON: Objection to form.

13 A. To educate the students and the youth.

14 MR MILLSON: You wanted to educate the  
15 student and the youths --

16 A. Not to be violent, to be peaceful.

17 MR WHINSTON: Wait until he finishes the  
18 question before you finish your answer.

19 MR MILLSON: Is that your whole answer?  
20 Have you been doing anything else for the last 15 years  
21 other than your complaints against Shell?

22 A. My schooling.

23 Q. Schooling, and what else?

24 MR WHINSTON: Objection to form, you don't  
25 want him to repeat everything he has already

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1 testified?

2 MR MILLSON: No, I don't think of his being  
3 tortured by the military as being part of his.

4 MR WHINSTON: You asked him what else he was  
5 doing.

6 MR MILLSON: Let me ask you this, when you  
7 were educating the students as the peaceful campaign  
8 were you doing that when you were on guard in Kpean?

9 A. That was not part of the education.

10 Q. If you could take -- would you mark,  
11 Mr Whinston gave me a photograph with the numbers G4  
12 and G5, if you could mark that as Gbarale 5.  
13 (Marked for identification Gbarale Exhibit 5)

14 What is Exhibit 5?

15 MR WHINSTON: Do you want to see the  
16 original picture?

17 A. I have.

18 MR MILLSON: No, I have the original in my  
19 hand.

20 MR WHINSTON: Do you want to show it to the  
21 witness.

22 MR MILLSON: Do you need to see the  
23 original?

24 A. I need to see it. That is my picture.

25 Q. Who else is in the picture?

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1 MR MILLSON: You lived there for how many  
2 years?

3 A. That is my home town.

4 Q. Have you lived there since 1971?

5 A. Yes.

6 Q. For about 30 years?

7 A. Yes.

8 Q. Did you ever see a trawler on the river?

9 A. I am not a fisherman.

10 Q. Did you ever see a trawler on the river?

11 A. I am not a fisherman.

12 Q. How many times did you go down to the river  
13 in your 30 years living there, lots of time, right?  
14 Did you go down to the river?

15 A. Not often.

16 Q. Not often?

17 A. Not often.

18 Q. Did you ever when you went down to the river  
19 see a fishing trawler on the river?

20 A. No.

21 Q. Do you have any idea how deep the river is?

22 MR WHINSTON: Object to the form of the  
23 question.

24 A. Pardon?

25 MR MILLSON: Do you have any idea how deep

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1 the Andoni Flats is?

2 MR WHINSTON: Object to the form of the  
3 question.

4 A. No.

5 MR MILLSON: Could a man walk across?

6 A. You cannot walk across.

7 Q. You cannot walk across?

8 A. You cannot.

9 Q. You say you saw on September 21st five speed  
10 boats?

11 A. Yes.

12 Q. What do you mean by speed boats?

13 A. A speed boat, a speed boat, it is an open  
14 boat with the engine at the bottom.

15 Q. I don't know, do you know what water skiing  
16 is?

17 A. I don't know, I am not good at.

18 Q. How big are each of these boats?

19 A. It is of good size.

20 Q. As big as this table?

21 A. The one I saw, the length is like that of  
22 this table from there this way.

23 Q. About seven or eight yards long?

24 MR WHINSTON: Object to the form of the  
25 question.

1 A. I can't really tell.

2 MR MILLSON: Sorry?

3 A. I didn't measure it.

4 Q. That is the one you saw?

5 A. The five speed boats, yes.

6 Q. So they were all the length of this table?

7 A. Yes.

8 Q. How many men were in these speed boats?

9 A. Even when they were off loading already men  
10 were in group out of it already, they were carrying  
11 some things out of it.

12 Q. But you didn't stay and watch very long  
13 because you were scared, you ran back to the village?

14 A. Yes.

15 Q. So what time of the day was this occurring?

16 A. This was about seven or thereabouts.

17 Q. Seven or eight?

18 A. Seven, 8 o'clock.

19 Q. At night?

20 A. In the morning.

21 Q. What time were you shot?

22 A. That was in the evening that same day.

23 Q. What time were you shot in the evening?

24 A. I can't tell the chain of events, I can't  
25 tell.

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1 A. Yes, yes.

2 MR MILLSON: What was the group of people  
3 who lived in Afam called?

4 MR WHINSTON: Object to the form of the  
5 question.

6 A. I don't know what they were called.

7 MR MILLSON: Afam is not part of Ogoni,  
8 right?

9 A. Afam?

10 Q. Yes.

11 A. The Ibo are from Afam, all those lands are  
12 our lands.

13 Q. Afam is really part of Ogoni in your view?

14 A. Yes, we have, we shared boundary with the  
15 Ibo, Ndoki and them, we share boundary with the Ibo to  
16 Okwali.

17 Q. Would you spell those words?

18 A. N-D-O-K-I Ndoki.

19 Q. The other group that you mentioned  
20 O-K-W-A-L-I, Ibo I-B-O?

21 MR MILLSON: And some of the Ibo who lived  
22 in Afam didn't want the Ogoni people back in Afam,  
23 correct?

24 MR WHINSTON: Object to the form of the  
25 question.

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1 A. I wouldn't know.

2 MR MILLSON: That was the Okoloma.

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

5 MR MILLSON: Do you remember that?

6 A. I don't have the knowledge about all those.

7 Q. Do you remember that on Easter Sunday 1994  
8 there was a clash between the Ogoni and the Okoloma,  
9 right?

10 MR WHINSTON: Object to the form of the  
11 question.

12 A. I can't remember.

13 MR MILLSON: When did you first speak to  
14 someone about the Ogoni Class Action lawsuit?

15 A. I remember when the students abroad in the  
16 United States, National Union for Ogoni studio, USA  
17 chapter, when they first make the move I was informed.

18 Q. When they first made what move?

19 A. To bring up this Class Action to come up with  
20 this.

21 Q. Who in the National Union of Ogoni Students  
22 did that?

23 MR WHINSTON: Object to the form of the  
24 question.

25 A. Mr John Miller.

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1 MR MILLSON: Mr John Miller?

2 A. Yes.

3 Q. Did you know Mr John Miller before?

4 A. Yes, he was a student leader, a strong  
5 student leader.

6 Q. When did you first meet Mr John Miller?

7 A. Long ago.

8 Q. So you knew Mr John Miller as part of the  
9 leadership together of the National Union of Ogoni  
10 Students?

11 A. He is the leader.

12 Q. Now when did he first raise with you the idea  
13 of becoming involved in the National Union of Ogoni  
14 Students involvement in the Class Action lawsuit?

15 MR WHINSTON: Object to form.

16 A. That was middle of last year, I can't tell  
17 exactly.

18 MR MILLSON: Where were you working at the  
19 time.

20 MR WHINSTON: Object to the form of the  
21 question.

22 A. As of last year?

23 MR MILLSON: The middle of last year?

24 A. The middle of a year I was in Bori.

25 Q. What were you working on?

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1 A. I was not working.

2 MR MILLSON: Have you ever had a job?

3 A. No.

4 Q. Never? So tell me about your conversation  
5 with -- withdrawn. Was Mr John Miller in Nigeria when  
6 you spoke to him?

7 MR WHINSTON: Object to the form of the  
8 question.

9 A. Not in Nigeria, he was not in Nigeria.

10 MR MILLSON: Where was he?

11 A. He was in the States.

12 Q. Did he call you?

13 A. Yes.

14 Q. Where were you living at the time?

15 A. I was living in Bori.

16 Q. You were a student at the time?

17 A. Pardon?

18 Q. Were you a student at the time?

19 A. No.

20 Q. You were just unemployed doing nothing?

21 A. I was doing something, I was not employed.

22 Q. What were you doing?

23 A. I was doing little things for my daily bread.

24 Q. What little things were you doing for your  
25 daily bread?

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1 A. Within that period that I was released.

2 Q. What?

3 A. The period I was released, within the period  
4 I was released.

5 Q. When did you stop hiding?

6 A. I think after my studies.

7 Q. After your studies?

8 A. After my studies.

9 Q. When did your studies end?

10 A. 98.

11 Q. Did you start any activities relating to the  
12 National Union of Ogoni Students after your studies  
13 ended?

14 A. After my studies ended?

15 Q. Yes.

16 A. Till the time I left Nigeria I was the  
17 chairman of the Elders Counsel, National Union of Ogoni  
18 Students.

19 Q. Why did you feel that you could come out of  
20 hiding when your studies ended?

21 A. It was then I feel I can protect myself  
22 because I was out of school.

23 Q. So you felt after you got out of school you  
24 could protect yourself?

25 A. Yes.

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1 Q. Were you doing activities actively against  
2 Shell after you got out of school?

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

5 A. I don't understand the question.

6 MR MILLSON: Were you campaigning against  
7 Shell when you got out of school in 1998?

8 MR WHINSTON: Object to form. You can  
9 answer.

10 A. I was not going out doing that.

11 MR MILLSON: You were not doing that? You  
12 mentioned that you got a call from John Miller in the  
13 middle of 2003, correct?

14 A. Yes.

15 Q. What did he say to you?

16 A. That he wanted to take up the case.

17 Q. That he wanted you to take up the case?

18 A. That the Union wants to take the case, the  
19 Ogoni Class Action.

20 Q. So he told you that the National Union of  
21 Ogoni Students wanted to take up the Ogoni Class  
22 Action?

23 A. Action.

24 Q. What did he ask you to do?

25 A. Nothing, I buy the idea.

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1 Q. You bought on to the idea that you should  
2 take up the case?

3 A. Yes.

4 Q. Do you have any idea, what did you tell him  
5 about your involvement in the Ogoni crisis?

6 MR WHINSTON: Objection to form.

7 A. I didn't tell him anything about my  
8 involvement at that time.

9 MR MILLSON: You didn't tell him the story  
10 about the Shell contractor?

11 A. Shell contract?

12 Q. Did you tell him the story that some man came  
13 into your prison in Afam and said I work for Shell?

14 MR WHINSTON: Object to form.

15 A. He was not at home, he wasn't at home again.

16 MR MILLSON: Who was not at home?

17 A. Anslem was not in Nigeria.

18 Q. You spoke to him on the phone?

19 A. I sent him an e-mail.

20 Q. What did the e-mail say?

21 A. The e-mail I sent?

22 Q. Yes.

23 A. Was only about my story.

24 Q. When did you send him the e-mail?

25 A. The e-mail was sent to, that was within

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1 October.

2 Q. He first calls you in the middle of the year  
3 and said the National Union of Ogoni Students wants to  
4 take up the Class Action complaint, correct?

5 A. Yes.

6 Q. He is speaking to you on the telephone?

7 A. It was an e-mail sent to the National  
8 Secretariat to the Union. So I have a copy as the  
9 chairman of the Council.

10 Q. Do you still have a copy?

11 A. No.

12 Q. It is not at home in Nigeria?

13 A. I think it should be in the National  
14 Secretariat.

15 Q. The first contact you get is from John Miller  
16 and it is an e-mail address to the National Union of  
17 Ogoni Students, correct?

18 A. Yes.

19 Q. He doesn't call you?

20 A. No.

21 Q. So your response is to send back an e-mail to  
22 him?

23 A. To appreciate the idea.

24 Q. You say; I appreciate this idea that I should  
25 take up the Class Action complaint?

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1 A. Yes.

2 Q. When is that?

3 A. That was the same time I got the message.

4 Q. You respond immediately to his e-mail  
5 message?

6 A. Yes.

7 Q. You are using a computer in the National  
8 Union of Ogoni students building?

9 A. No.

10 Q. Do you have your own computer at home?

11 A. No.

12 Q. So where was your computer?

13 A. Business centre.

14 Q. Business centre where?

15 A. In Port Harcourt.

16 Q. You used to go there to pick up your e-mail?

17 A. Sure.

18 Q. You respond immediately saying it seems like  
19 a good idea?

20 A. Yes.

21 Q. Then you send an e-mail describing what  
22 happened to you?

23 MR WHINSTON: Objection to form.

24 A. I did.

25 MR MILLSON: When was that?

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1 A. I didn't record it.

2 Q. But it was September October 2003?

3 A. Within that period that I received the  
4 message.

5 Q. When was the first time you talked to any one  
6 of the American lawyers?

7 A. I first met him, Stephen in October.

8 Q. In October. Is that the first time you  
9 communicated?

10 A. That was the first time and I think my seeing  
11 him again is now.

12 Q. The first time you met with one of the  
13 American lawyers is you met with Mr Whinston in October  
14 2003?

15 A. Yes.

16 Q. Had you communicated with him before?

17 A. No.

18 Q. Where did you have the meeting with  
19 Mr Whinston?

20 A. I met him in Lagos.

21 Q. Who else was present?

22 A. Mr D'Avino.

23 Q. So just the three of you?

24 A. Just, yes.

25 Q. Where was this meeting in Lagos?

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1 A. Echo Hotel.

2 Q. What did you discuss with them?

3 MR WHINSTON: You can describe generally  
4 what you discussed, the general subject matters but not  
5 any of the substance, not any of the actual things we  
6 discussed with each other. That is an objection as to  
7 privilege.

8 A. We interacted.

9 MR MILLSON: Is either Mr Whinston or  
10 Mr D'Avino your lawyer?

11 A. I am made to understand he is.

12 Q. Who made you to understand that?

13 A. That was the Ogoni Class Action.

14 Q. What is the Ogoni Class Action?

15 A. The National Union of Ogoni Students US  
16 chapter.

17 Q. They had passed a resolution supporting this?

18 A. Supporting?

19 Q. The Ogoni Class Action?

20 MR WHINSTON: Objection to form.

21 A. Yes.

22 Q. Yes? And John Miller is a leader of that  
23 organisation?

24 A. He is the President.

25 Q. I don't want you to tell me what Mr Whinston

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1 told you, I want you to tell me what you told

2 Mr Whinston in this meeting in October 2003?

3 MR WHINSTON: You can describe generally the  
4 subject matters you and I, that you discussed with me  
5 but not the content?

6 A. After the introduction to know ourselves  
7 I think, I told him about my personal experience and  
8 what I witnessed.

9 Q. Did you tell him the same story about the  
10 graffiti?

11 MR WHINSTON: Object to the form of the  
12 question and I instruct the witness not to answer.  
13 Privilege.

14 MR MILLSON: Attorney client.

15 MR WHINSTON: Attorney client and work  
16 product.

17 MR MILLSON: Did you tell Mr Whinston that  
18 you were incarcerated at the Afam power station?

19 MR WHINSTON: The witness said he told him  
20 his experiences.

21 MR MILLSON: Did you tell Mr Whinston --

22 MR WHINSTON: I object and I instruct the  
23 witness not to answer.

24 A. I said it all.

25 Q. Had you spoken to John Miller between the

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1 time you sent him an e-mail and the time that you met  
2 with Mr Whinston and Mr D'Avino at the Echo Hotel in  
3 Lagos?

4 A. I have not spoken with them.

5 Q. Did you have any communication with anyone  
6 about the Ogoni Class Action between the time you sent  
7 an e-mail back to Mr John Miller and the time you met  
8 with Mr Whinston in the Lagos Echo Hotel?

9 MR WHINSTON: His question means anyone in  
10 the entire world, just so that you understand the  
11 question.

12 A. I think every information was directed from  
13 the body National Union of Ogoni Students US chapter,  
14 down to the parent body at home.

15 Q. So were there a lot of communications between  
16 the National Union of Ogoni Students US chapter and the  
17 body back home?

18 MR WHINSTON: Objection to form.

19 A. Just updates.

20 MR MILLSON: Just optics, what do you mean  
21 by that?

22 A. What is going on.

23 MR WHINSTON: Updates.

24 MR MILLSON: Where is the National Union of  
25 Ogoni Students of Ogonis Students US chapter?

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1 A. I think the office is in Chicago.

2 Q. Do you know where in Chicago?

3 A. I have not been to the States.

4 Q. After you talked to Mr D'Avino and

5 Mr Whinston in Lagos in October 2003 with whom did you

6 next communicate with about the Ogoni Class Action?

7 MR WHINSTON: Objection to form.

8 A. Nobody.

9 MR MILLSON: You never talked to anyone else

10 about the Ogoni Class Action?

11 A. Nobody.

12 Q. When did you last see Prince Osaror?

13 A. Prince who?

14 Q. Osaror?

15 MR WHINSTON: Prince Osaror?

16 A. I think the fair guy, fair Prince, the  
17 pronunciation, the second name is not clear, Osaror.

18 Okay, here in Benin.

19 Q. You, in fact, live close to Prince, don't  
20 you?

21 A. I think since I met him we are living close.

22 Q. Did you help recruit Prince to come and work  
23 on the Ogoni Class Action?

24 MR WHINSTON: Objection to form.

25 A. I know him for the first time here in Benin.

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1 MR MILLSON: Tell me what your discussions  
2 with Prince have been about the Ogoni Class Action.

3 MR WHINSTON: Objection to form.

4 A. That is personal to him why I have my  
5 personal case.

6 MR MILLSON: Tell me what you and he have  
7 talked about on the Ogoni Class Action?

8 A. With who, Mr Prince?

9 Q. Yes.

10 A. We have not been having this indoor  
11 discussion.

12 Q. Have you been having these outdoor  
13 discussions?

14 A. We meet every day, every day.

15 Q. You have never talked to him about the Ogoni  
16 Class Action, correct?

17 A. When we sit down and chat, normally we share  
18 feelings what I passed through.

19 Q. So you all tell each other stories of what  
20 you passed through?

21 A. Normally on a good day we will chat, I think.

22 Q. So you all talk to each other about your  
23 experience?

24 A. Yes, we are staying together.

25 Q. So you talked to Prince Osaror about what

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1 happened with you in Ogoni and what happened with him,  
2 correct?

3 A. What happened with him?

4 Q. Right.

5 A. He was not, he was not involved, what  
6 happened to me.

7 Q. But he told you what happened with him in  
8 Nigeria in the 1990s, correct?

9 A. He didn't tell me.

10 Q. He didn't tell you anything?

11 A. He didn't tell me.

12 Q. You told him what happened to you and he  
13 didn't tell you what happened to him?

14 A. I told.

15 Q. Now, tell me when you first met Vincent  
16 Nwido?

17 A. I met Vincent Nwido here in Benin.

18 Q. When was that?

19 A. That was in December.

20 Q. Is that the first time you had met him?

21 A. That was the first time I met, I stayed with  
22 him.

23 Q. You stayed with him?

24 A. Yes, lived together.

25 Q. You share a little part of the house

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1 together?

2 MR WHINSTON: Object to the form of the  
3 question.

4 A. The same building.

5 Q. In the same building. You all live in the  
6 same kentonment, correct?

7 MR WHINSTON: Object to form.

8 A. Yes.

9 MR MILLSON: Now you discussed with Vincent  
10 Nwidoh his experience in Nigeria, correct?

11 A. My most discussion with Vincent is purely on  
12 family, family matter.

13 Q. You have only talked to Vincent about family  
14 matters, correct?

15 A. Yes.

16 Q. Did you ever tell him your experiences in  
17 Nigeria?

18 A. He is an Ogoni son, I think he know most of  
19 these things.

20 Q. Did you ever tell him what happened with you?

21 A. I can't remember any day we have sat.

22 Q. So you don't recall ever talking to Vincent  
23 Nwidoh about events in Ogoni; is that correct?

24 MR WHINSTON: Objection to form.

25 MR MILLSON: So you never talked to Vincent

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1 Nwidoh about the events in Ogoni?

2 MR WHINSTON: Objection to form.

3 A. He is an Ogoni man.

4 MR WHINSTON: He said he never talked.

5 A. I never talked about things.

6 MR WHINSTON: He said he never discussed his  
7 personal situation, he didn't say he never discussed  
8 the situation in Ogoni.

9 MR MILLSON: Now you know Boniface Ejiogu,  
10 correct?

11 A. Yes, I met Boniface in Benin.

12 Q. That is your first time?

13 A. That is the first time in my life.

14 Q. You see him every day too, right?

15 A. Yes.

16 Q. Tell me what you discuss with Boniface about  
17 Ogoni?

18 MR WHINSTON: Object to form. You can  
19 answer.

20 A. Most that time is on our life and security.

21 MR MILLSON: On security?

22 A. Our life and security.

23 Q. Did you ever discuss Ogoni with Boniface?

24 A. Boniface?

25 Q. Right.

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1 A. I think Mr Boniface, the man he worked with  
2 what they did on my people, sometimes when I see him  
3 I get up upset.

4 Q. You get very upset with Boniface?

5 A. Yes, because his boss was deadly.

6 Q. Did you ever tell him his boss was deadly?

7 A. He was.

8 Q. Did you ever ask Boniface how he could work  
9 for such an awful man?

10 A. Pardon?

11 Q. Did you ever ask Boniface how come he worked  
12 for such an awful man?

13 A. Most time when I call him I said; oh, you  
14 have to kill my people, you do.

15 Q. Now you see Blessing Israel every day too,  
16 right?

17 A. We stay together.

18 Q. Blessing also lives in the same bungalow as  
19 you and Vincent?

20 A. We all.

21 MR WHINSTON: Object to form.

22 A. We all live together.

23 MR WHINSTON: He said that several times,  
24 you can stop asking that with regard to each separate  
25 witness.

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1 MR MILLSON: Tell me what your discussions  
2 have been with Blessing about Ogoni?

3 A. That was an older man who suffered in  
4 prison. So each time we look at ourselves we say  
5 prison man, prison man, and we say the same, why, thank  
6 you God you're alive.

7 Q. What other discussions have you had with  
8 Blessing about Ogoni?

9 A. Blessing is an Ogoni man of course. So we  
10 don't need discussing anything.

11 Q. What discussions have you had with Raphael  
12 about Ogoni?

13 A. Raphael is an Ogoni man.

14 Q. So you don't need to talk to him?

15 A. No.

16 Q. What discussions did you have with Eebu  
17 Jackson about Ogoni?

18 A. Eebu Jackson, he is an Ogoni man.

19 Q. How many of the seven of you are Ogoni men?

20 A. I think five.

21 Q. So everyone other than Prince and Boniface?

22 A. Prince and Boniface is just people that are  
23 not from Ogoni.

24 Q. The other five of you are all from Ogoni?

25 A. From Ogoni.

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1 Q. Now when did you first start getting money in  
2 connection with your situation in the Ogoni Class  
3 Action?

4 MR WHINSTON: Objection to form.

5 A. I think between February.

6 MR MILLSON: How much how much money did you  
7 get in February?

8 MR WHINSTON: Object to the form of the  
9 question.

10 A. I can't recall, but I know we were sent  
11 money.

12 MR MILLSON: Who gave you the money?

13 A. Brothers.

14 Q. Brothers?

15 A. Yes, the Ogoni Class Action.

16 Q. So the people from the National Union of  
17 Ogoni Students?

18 A. Students.

19 Q. US chapter in Chicago?

20 A. Yes.

21 MR WHINSTON: Did you answer that question?

22 A. Yes.

23 MR MILLSON: How many times since February  
24 have they given you money?

25 A. I think that is our private matter.

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1 Q. How many times since February?

2 MR WHINSTON: You can tell him.

3 A. February I received money.

4 MR MILLSON: How much?

5 A. I can't remember.

6 Q. Did you have to sign a piece of paper?

7 A. I know people, I know the paper was signed  
8 once.

9 Q. Did you get money more than once?

10 A. Yes.

11 Q. How many times did you get money?

12 A. Thrice.

13 Q. Twice?

14 A. Thrice, three times.

15 Q. Let me mark this as my next exhibit.

16 (Marked for identification Gbarale Exhibit 6).

17 Do you recognise that document?

18 A. Yes, that is the only money I said I signed.

19 Q. You signed there for 260,000 Ceefa?

20 MR WHINSTON: 263,000.

21 MR MILLSON: You say you got money three  
22 times?

23 A. I do not say in this money three times,  
24 I said the only money I signed for, but I have received  
25 money on some other occasion twice.

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1 Q. You received money on two other occasions?

2 A. But the only money I signed those for.

3 Q. Did you get everyone else to endorse for this  
4 money?

5 A. This very money?

6 Q. Yes.

7 A. I think I did.

8 Q. So you were the one who went round getting  
9 the signatures from the other six?

10 A. Yes.

11 Q. And that is because you are a member of the  
12 National Union of Ogoni Students?

13 A. Yes.

14 Q. Were you the person who handed out the money  
15 on the other two occasions?

16 A. The other two occasions.

17 Q. Yes?

18 A. I handle it.

19 Q. Tell me when the first such occasion was?

20 A. That is when I was telling you, February.

21 Q. You gave money to all six of the other  
22 witnesses?

23 A. I think, not the whole six. I think five.

24 Q. Which one didn't get money?

25 A. Then I was not disposed to Prince and

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1 Boniface.

2 MR WHINSTON: Did you say you were not that  
3 close?

4 A. I was not disposed to them so I didn't give  
5 them the money.

6 MR MILLSON: So you gave the five Ogoni  
7 money in February?

8 A. In February.

9 Q. That is the money that you got from the  
10 National Union of Ogoni Students US branch?

11 A. That was from a brother.

12 Q. What brother?

13 A. From Pius.

14 Q. You understand Pius is one of the Plaintiffs  
15 in this case?

16 A. I think he is a member of the Union too.

17 Q. So how much money was that?

18 A. I can't remember.

19 Q. Was it more than the amount reflected on that  
20 exhibit?

21 A. Pardon?

22 Q. Was it more than the amount reflected on that  
23 exhibit?

24 MR WHINSTON: He wants to know was it more  
25 than 263,000 Ceefa?

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1 A. No.

2 MR MILLSON: Was it less than that?

3 A. Less.

4 Q. You don't know how much it was?

5 A. I don't know how much it was.

6 Q. The money that was sent to you that you  
7 handed out in February to the Ogonis, did that come by  
8 check from Pius?

9 A. It was from the Western Union.

10 Q. The Western Union, they wired you money?

11 A. Yes.

12 MR WHINSTON: Try to answer verbally all the  
13 questions that he asks.

14 MR MILLSON: What was the third occasion in  
15 which you handed out money to the other witnesses?

16 A. It is for assistance.

17 Q. The third time was for assistance?

18 A. It was for assistance.

19 Q. When did you hand out money for assistance?

20 A. When I handled the money, that was in  
21 February.

22 Q. What was the third time you gave out the  
23 money?

24 A. The third time, it was between March April.

25 Q. Where did you get that money from?

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1 A. I think that was strictly handled by a friend  
2 Keith.

3 Q. Maybrey, Keith Maybrey is a friend of yours?

4 A. I think he was handling the issue.

5 Q. Which issue?

6 A. The money issue.

7 Q. How was he handling the money issue?

8 A. The thing was directed to Maybrey, Keith  
9 Maybrey.

10 Q. Who sent money to Keith Maybrey?

11 A. It was the Ogoni Class Action.

12 Q. So this was the National Union of Ogoni  
13 Students US branch?

14 A. Yes.

15 Q. And they sent money to Maybrey?

16 A. Yes.

17 Q. Is that the money that you disbursed in  
18 connection with that exhibit that you have in front of  
19 you?

20 A. That was the money.

21 Q. So you handed out money to the five Ogoni  
22 that you got from Pius from Western Union. You got  
23 the signatures from Maybrey?

24 A. No. The one from Pius in February?

25 Q. Right.

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1 A. No.

2 Q. I am not asking you about signatures. That is  
3 one time?

4 A. Yes.

5 Q. Another time is Maybrey?

6 A. Maybrey.

7 Q. What is the third time?

8 A. There is the third time.

9 Q. Did Maybrey hand out the money?

10 A. There is the third time.

11 Q. What did, what was the money Maybrey handed  
12 out the second time?

13 MR WHINSTON: Object to the form of the  
14 question.

15 A. For our assistance.

16 MR MILLSON: How much was it?

17 A. It is already seen on the paper.

18 Q. You say you got money three times?

19 A. Three times.

20 Q. Money on the paper is once?

21 A. Yes, second one is not recorded. I said  
22 about them.

23 Q. Where did you get the second one from? That  
24 was in March and April?

25 A. I think about that time.

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1 Q. Where did the money come from?

2 A. From the Ogoni Class Action.

3 Q. And Maybrey handed the money out?

4 A. He gave me the money.

5 Q. Did Maybrey give the others the money?

6 A. Yes.

7 Q. How much was it?

8 A. Mine was different.

9 Q. Yours was different?

10 A. Every person's was different, so it was not  
11 the same because I know of the case of Blessing, the  
12 wife.

13 Q. Blessing's kids are not with him, right?

14 A. Blessing?

15 Q. Yes.

16 A. I said the money was not the same thing with  
17 what I received.

18 Q. But Blessing is not there with his kids, is  
19 he?

20 A. Just the wife.

21 Q. Why did you mention Blessing's children?

22 A. I said Blessing's kids because the wife is  
23 expectant mother.

24 Q. So there is more money because she is  
25 expecting?

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1 A. To take her to hospital for treatment.

2 Q. When is the next time that you are going to  
3 get money?

4 A. I don't know.

5 Q. Have you been promised more money?

6 A. No.

7 Q. So the only way you will get money is when  
8 Mr Maybrey shows up?

9 A. Any time our brothers shows up not Mr Maybrey  
10 per se.

11 Q. Any time your brothers show up?

12 A. Yes.

13 Q. Is Mr Whinston one of your brothers?

14 A. No, has nothing to do with our.

15 MR WHINSTON: Note the laughter of  
16 Mr Whinston for the record?

17 A. Nothing to do with it.

18 MR MILLSON: Has Mr Whinston ever given you  
19 money?

20 A. No.

21 MR WHINSTON: Has Mr Millson ever given you  
22 money, the gentleman over there in the baseball cap?

23 A. No.

24 MR WHINSTON: I just wanted to make sure.

25 MR MILLSON: Have you been promised anything

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1 else for your testimony here today?

2 MR WHINSTON: Objection to form, he wasn't  
3 promised anything for his testimony here today. That  
4 is a misleading question. . .

5 A. That is my own problem, Ogonis problem. Why  
6 would somebody promise me?

7 MR MILLSON: Your testimony is that nobody  
8 has promised you anything beyond the food money that  
9 you have been given?

10 MR WHINSTON: Object to the form of the  
11 question.

12 A. All I am testifying is the truth and what  
13 happened to me and my people. So why would somebody  
14 pay me over what happened to me, my own problem?

15 MR MILLSON: Have you been promised any  
16 further payments for your support?

17 A. Somebody can support me, it is my own  
18 problem. Our own private case.

19 Q. Has anyone else promised you any further  
20 support?

21 A. For my own problem?

22 Q. Right.

23 A. Somebody promised me, no.

24 Q. So as far as you know there is not going to  
25 be any more assistance from Mr Maybrey?

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1 MR DI CAPRIO: Objection to form.

2 MR WHINSTON: Object to the form of the  
3 question.

4 MR MILLSON: So as far as you know Maybrey  
5 is not going to give you any more money?

6 MR DI CAPRIO: Object to form.

7 MR WHINSTON: Object to form?

8 A. That Maybrey is not give me any more money?

9 Q. Right.

10 A. He doesn't give us money he is just an  
11 intermediary that received something.

12 Q. As far as you know the National Union of  
13 Ogoni Students is not going to give you any more money?

14 MR DI CAPRIO: Object to the form of the  
15 question.

16 A. I don't know.

17 MR MILLSON: I have no further questions.

18 Re-examination by MR WHINSTON

19 Q. When you were a member of this vigilante  
20 group that you talked about in Kpean were there any  
21 Nigerian Police Force stationed in Kpean?

22 A. No.

23 Q. Was there any criminal activities that was  
24 stopped by the vigilante group?

25 A. No.

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1 Q. Did the vigilante group in Kpean ever arrest  
2 anybody?

3 A. Nobody.

4 MR WHINSTON: No further questions.

5 MR MILLSON: His answer to the middle  
6 question was what?

7 (The question was read back by the Court Reporter).

8 MR MILLSON: I have no further questions.

9 MR WHINSTON: Thank you very much  
10 Mr Gbarale.

11 THE VIDEOGRAPHER: Off-the-record at 14.31.

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