

## **EXHIBIT D**

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 : 7618

7 JOHN-MILLER, DORNUBARI ANSLEM  
8 JOHN-MILLER, CHARLES BARIDORN WIWA,  
9 ISRAEL PYAKENE NWIDOR,  
10 KENDRICKS DORLE NWIKPO, ANTHONY B,  
11 KOTE-WITAH, VICTOR B WIFA, DUMLE J.  
12 KUNENU, BENSON MAGNUS IKARI,

13 LEGBARA TONY IDIGMA, PIUS NWINEE,  
14 SIMEON DEDDOA, KPOBARI TUSIMA individually  
15 and on behalf of his late father  
16 CLEMENT TUSIMA, and individually on behalf  
17 Of all others similarly situated:  
18 Plaintiffs

19 Vs.  
20 ROYAL DUTCH PETROLEUM COMPANY;  
21 SHELL TRANSPORT AND TRADING  
22 COMPANY, p.l.c.  
23 Defendants

24 KEN WIWA, individually and as : 96 Civ.  
25 Executor of the Estate of his : 8386 (KMW)  
26 deceased father KEN SARO-WIWA, and  
27 OWENS WIWA, and BLESSING KPUINEN  
28 Individually and as the Administratix  
29 Of the Estate of her husband,  
30 JOHN KPUINEN, and JANE DOE  
31 Plaintiffs

32 vs.  
33 ROYAL DUTCH PETROLEUM COMPANY and  
34 SHELL TRANSPORT AND TRADING COMPANY  
35 P.l.c.

36 Defendants  
37 KEN WIWA, individually and as Executor : 01 Civ.  
38 Of the Estate of his deceased father : 1909 (KMW)  
39 KEN SARO-WIWA, AND OWENS WIWA  
40 And BLESSING KPUINEN, individually  
41 And as the Administratix of the  
42 Estate of her husband, JOHN KPUINEN,  
43 and JANE DOE,

44 vs.  
45 BRIAN ANDERSON,  
46 Defendant

47

COPY

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DEPOSITION OF VINCENT TORNEBAMRI NWIDOH

Tuesday, 25th May May 2004

AT: 11.58 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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35

1 (Marked for identification Exhibit Nwidoh 7)

2 Can you tell me what Nwidoh number 7 is?

3 A. It is a review of total package for Shell SPY  
4 police by Shell management.

5 Q. Is this a document that you had?

6 A. Yes.

7 Q. How did you get a copy of it?

8 A. I got a copy of it from a friend during this  
9 process.

10 Q. After you left, after you resigned from the  
11 SPY police did you have any other employment in  
12 Nigeria?

13 A. Yes, I do.

14 Q. What did you do?

15 A. I work with Adamak Group of company.

16 Q. Doing what?

17 A. I was also working in the security  
18 department.

19 Q. How long did you work there?

20 A. I worked there for about two years.

21 Q. When did you leave that job?

22 A. I leave that job in December.

23 Q. What year?

24 A. Last year.

25 Q. 2003?

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1 A. 2003.

2 Q. What did you do in December 2003?

3 A. In December 2003 I left for Benin.

4 Q. Why did you do that?

5 A. Having been aware that I am going to testify  
6 in this Ogoni Class Action.

7 Q. Why did that result in you leaving Nigeria?

8 A. I leave Nigeria because of my safety.

9 Q. What about your safety?

10 A. My safety, if I should stay in Nigeria and  
11 testify I think I will not be safe because of the other  
12 previous happening concerning Shell and the Nigerian  
13 Government.

14 MR MILLSON: Can you read that answer back  
15 for me, please?

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

17 MR WHINSTON: Do you know Major Paul  
18 Okuntimo?

19 A. Yes, I do.

20 Q. How did you, how do you know him?

21 A. I have seen him once in IA police building.

22 Q. How do you know that the person that you saw  
23 was Major Paul Okuntimo?

24 A. I know that because he came to the charge  
25 room, police charge room and when I arrived other

37

1 policemen that was around confirmed that that was the  
2 internal, head of Internal Security Task Force.

3 Q. Did you see where Major Okuntimo went?

4 A. Yes, he was moving upstairs to George  
5 Upkpong.

6 Q. What was upstairs?

7 A. The office of the head of security is  
8 upstairs and when he was asked where he was going to he  
9 said he wanted to see the head of security.

10 Q. Do you know whether the fact that Major  
11 Okuntimo came into the building was noted on any record  
12 on any document?

13 MR MILLSON: Objection to the form of the  
14 question.

15 A. I don't know.

16 MR WHINSTON: Pardon?

17 A. I don't.

18 MR WHINSTON: I have no further questions,  
19 thank you. Why don't we take a break for lunch.

20 MR MILLSON: How long have you got?

21 MR DI CAPRIO: I would rather wait until  
22 after the break.

23 THE VIDEOGRAPHER: Off-the-record at 12.54  
24 (Luncheon adjournment)

25 THE VIDEOGRAPHER: Going back on the record

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114

1 have been marked and one other, do you have any other  
2 Shell documents?

3 MR WHINSTON: You mean, one I gave to you  
4 that hasn't been marked? . .

5 MR MILLSON: No, that is all the Shell  
6 documents that you have got?

7 A. I have just answered the question.

8 MR MILLSON: Now, can you mark this as my  
9 next exhibit, please.

10 (Marked for identification Nwidoh Exhibit 12)

11 I marked the document that I got from  
12 Mr Whinston, can you tell me what it is. What is that  
13 document?

14 A. It is a document concerning food allowances.

15 Q. And that was money that you were paid?

16 A. I was not, I am not being paid.

17 Q. You didn't get 248,000 CFA?

18 A. For food.

19 Q. Can you read the whole document from where it  
20 says I?

21 A. "Vincent T Nwidoh have received the sum of  
22 248,000 CFA for March April food allowance."

23 Q. Who did you receive that from?

24 A. I can't remember this, who I received this  
25 from.

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1 Q. Have you received any other money in  
2 connection with your testimony?

3 MR WHINSTON: Objection to form.

4 A. No.

5 MR MILLSON: So the only time you have  
6 received money is this 248,000 CFA?

7 A. I remember I have received money from the  
8 Ogonis.

9 Q. Which Ogonis?

10 A. In the United States from one Mr Pius, a  
11 brother.

12 Q. Mr Pius?

13 A. A brother in the United States.

14 Q. And how much money did Mr Pius give you?

15 A. I can't remember the amount.

16 Q. How many times did Mr Pius give you money?

17 A. I can't remember, but I know he sent money to  
18 me.

19 Q. How many times?

20 A. I can't remember the time.

21 Q. Was it after December 2003?

22 A. Yes, after December.

23 Q. After you came to Benin?

24 A. Yes, when I came to Benin.

25 Q. What day in December 2003 did you come to



1 Benin?

2 A. I have just answered that question, that was  
3 on the 22nd.

4 Q. 22nd December?

5 A. Yes.

6 Q. When did you quit your job at Adamak?

7 A. In December.

8 Q. When in December?

9 A. I can't recall the date.

10 Q. How long before you came to Benin?

11 A. I don't know.

12 Q. Do you have a family?

13 A. I do.

14 Q. Did you bring your family with you?

15 A. I didn't.

16 Q. You didn't?

17 A. Yes.

18 Q. Your family is still living in Nigeria?

19 A. I think that question is not relevant here  
20 now.

21 Q. So you left your family in Ogoni?

22 A. My family is not with me in Benin.

23 Q. Aren't you scared for your family?

24 A. I care for them.

25 Q. Are you scared for your family?

117

1 A. No, I am not scared for my family.

2 Q. So from July 1998 to December 2003 you worked  
3 at Adamak, correct?

4 MR WHINSTON: Objection to form.

5 A. 1998.

6 MR MILLSON: Right.

7 A. I can't remember.

8 Q. You left the military, you left the NPF in  
9 1998, correct?

10 A. I left the Shell police in 1998.

11 Q. Right. When did you get another job?

12 A. I can't remember the month and the year but I  
13 know I got another job.

14 Q. You worked in that job, you said, for about  
15 two years, correct?

16 A. I can't remember.

17 Q. You cannot remember what you said earlier  
18 today?

19 A. I cannot remember specifically the year  
20 I worked with Adamak.

21 Q. You worked in the Adamak Security Department,  
22 correct?

23 A. Yes.

24 Q. And what did you do?

25 A. Security job.

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1 Q. You did guard duty again?

2 A. Security job.

3 Q. What did that involve?

4 A. It involved securing other property.

5 Q. What sort of company is Adamak?

6 MR WHINSTON: Were you finished with your  
7 answer?

8 A. About the security job?

9 MR MILLSON: What is the business of Adamak?

10 A. I can't really tell all what the company is  
11 about.

12 Q. But your task was to guard the property of  
13 Adamak?

14 A. As a security man.

15 Q. Did Adamak have SPY police?

16 A. No.

17 Q. Did Adamak use any members of the Nigerian  
18 Police Force to do guard duty for it?

19 A. I cannot remember.

20 Q. Did Adamak use any members of the MOPOL to do  
21 guard duty for it?

22 A. I cannot remember.

23 Q. Is someone paying for your housing here in  
24 Benin?

25 A. Whether someone is paying for my housing?

119

1 Q. Yes?

2 A. Yes.

3 Q. Who is paying for your housing?

4 A. I don't know who is paying but I know my  
5 brothers in the United States knows that I am here in  
6 Benin because of this Class Action.

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

8 Q. And that is the Ogoni in the United States?

9 A. Yes.

10 Q. And have the lawyers paid you anything?

11 A. No.

12 MR MILLSON: Why don't we take a short break  
13 and I will see if I have any questions.

14 MR WHINSTON: Sounds like a marvellous idea.

15 THE VIDEOGRAPHER: Off the record at 16.16

16

17 (Short Adjournment).

18 THE VIDEOGRAPHER: Back on the record at  
19 16.25.

20 MR MILLSON: Thank you very much, I have no  
21 further questions.

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25 Redirect Examination by MR WHINSTON.

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120

1 Q. Mr Nwidoh, I have just a few follow-up  
2 questions to get clarification on two different  
3 points. On the incidents where you were brought up on  
4 charges, Exhibit 10 and 11, where did you go when you  
5 left your post?

6 A. I went to a close place called Artillery  
7 Junction that is close to my beat.

8 Q. Artillery Junction?

9 A. Yes.

10 Q. What was at Artillery junction that you  
11 wanted to go there?

12 A. I went there to get some drugs for myself, I  
13 was feeling cold and I explained to the person, the  
14 officer that was on duty with me. He said, okay, I  
15 should go. I went, get the paracetamol and returned  
16 back to my base.

17 Q. Where at Artillery junction did you get that?

18 A. From the pharmacy.

19 Q. What happened when you came back and you  
20 spoke to Mr Okolo, what did he tell you?

21 A. He told me that I should not worry that he  
22 will discuss with the person that he has reported me  
23 to.

24 Q. Who is Mr Okolo?

25 A. He is the Shell staff, civilian who works in

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