

FOR THE RECORDS

Speech Made By The Hon Justice Kayode Eso, Con, Lld, Litt.D On The Occasion Of The Submission Of The Report Of The Truth And Reconciliation Commission On Tuesday 10th March, 2009

The Truth and Reconciliation Commission led by able barded Jurist Hon. Justice Kayode Eso, CON, LLD, LITT.D has tidied up its task of finding the immediate and remote causes of the reckless chaos and anarchy that pervaded the horizon in Rivers State prior to the assumption of office by Rt. Hon. Rotimi Chibuike Amaechi and so have made their findings known. Beam Checks begins a serialization of the vital parts of that all-important Report.

It is with the greatest sense of responsibility that I rise to deliver this, unanimous Report of the Truth and Reconciliation Commission which was set up by His Excellency, the Governor and Chief Executive of Rivers State, The Rt. Hon. Sir Rotimi Chibuike Amaechi, on 29th November, 2007.

The Governor, following the establishment of the Commission, gave the members, here assembled, a seven-point Terms of Reference. We feel fulfilled, in that we have endeavoured, to the best of our ability, following the establishment of the Commission, and within the time frame available to us, to go into the details of events in the state, and have therefore been able to make what we consider an in-depth study of the situation in Rivers State, in so far as it affects our Terms of Reference. We have considered it our responsibility to produce a document, which will stand the test of time, especially as from our study, we find this to be the first time ever, in the history of the Niger Delta, where such enquiry has been ordered and executed either by a State Government or the Federal Government itself. As part of our study, we found it necessary to seek the experience of what happened in South Africa being the only known country, in modern history to have embarked upon such a quest apart, of course, from the Federal Government appointed, what in common parlance, is referred to as the Oputa Panel. We believe that that Commission, set up in peace time, is not the same as the one we have been commissioned into.

One of the lessons, which we learnt from South Africa, is that a Commission for Truth and Reconciliation is best set up after the cessation of hostilities. We are fully aware of the reasons as to why that cannot apply in this case. The reasons for the on-going violence, are part of the most important incidents, which we have been asked to probe, and having most important incidents which we have been asked to probe, and having regard to that face therefore, to wait, until the end of hostilities, that is insurgency, which was escalating daily, before this probe was ordered, would amount to waiting for *godot*.

Another lesson which we learnt from, South Africa, is that the most important aspect of the nature of a Commission, of this sort, is to **determine the facts and the truth of events**, for it is only after the truth has been factually ascertained, that the issue of reconciliation could ever arise. We appreciate this and we set out to find out the truth in this matter. We were not prepared for anything to stand in our way, to debar us from doing that. We are, however, conscious of the fact that we must be very careful in that exercise of determining the truth, lest we provide ammunition for those who would be too ready to accuse us of partiality.

OUR METHODOLOGY

It is, in regard to these premises that we called for memoranda from all quarters and all sundry. It is our belief that, in a most careful objective study of these memoranda and taking evidence publicly thereupon, with a carefully sifting of the evidence, the truth of events will come out for the world to assess the right or wrong of our conclusions. That is one of the reasons the public hearings were on the air.

We had in all 215 memoranda filed before us. We went through all of them most carefully. We picked out the representative memoranda therefrom and set to work. As we anticipated, when we chose the representative memoranda, we discovered that we were right in our decision, for even, with the best will in world, we were not able to take evidence on all the memoranda which were submitted. Towards the end of our public sitting, there was an avalanche of memoranda poured upon us, signifying to us the confidence which the citizenry of the State have come to repose in us. That propelled us to devote more hours daily to our work sitting sometimes till 8pm. We were determined not to disappoint the confidence so reposed in us.

We are fully satisfied however, that there is nothing substantial in the other memoranda in respect of which we were not able, due to time constraints, to take evidence. And so, not taking evidence on those remaining memoranda, has not, in the least, detracted from the potency of our findings, conclusions and recommendations.

We noticed from all the memoranda submitted to us that the problems of Rivers State rest principally on **governance, politics, cultism, chieftaincy and insurgency**. These happen to be the pervading ills of the state. It is to be noted however that all these five are interwoven. They could hardly be separated. How all these operated will be found in the Report/Book.

QUESTIONING THE SINCERITY OF THE COMMISSION AND OUR INTEGRITY:

The sincerity of the existence of the Commission was questioned by a former Governor of this State, Sir Peter Odili went as far as putting the integrity of the members in doubt. Sir Peter Odili said, and he maintained this throughout and indeed up to the end of our exercise, that the current Governor of State, Sir Chibuike Rotimi Amaechi had set up the Commission, with us, members, as accessories, to rubbish his governance. He expressed regret that we accepted the commission, meaning, without mincing words, that we are part of a conspiracy to

rubbish his tenure.

BODY RESPONSIBLE FOR SETTING UP THE COMMISSION

In so far as the accusation against the Governor, the truth of how the Commission came into existence came out in a most dramatic manner. Magnus Abbe, the current Secretary to the State Government (SSG), whom we subpoenaed to tender a file which one of the witnesses Dr Sekibo a former Secretary to the State Government, referred to in his evidence to vindicate his performance on the Okuru Ama destruction episode, sought our permission to give a preliminary statement before tendering the document. We permitted this, in the manner of the privilege we had extended to some other witnesses, Dr Odili and Dr. Sekibo, in particular, who had given evidence before he did. It was then that Magnus Abbe told the Commission that the decision to set up this Truth and Reconciliation Commission was not that of the Governor but of the Stakeholders in the State. In so far as the Governor, Sir Chibuike Rotimi Amaechi, was concerned, Magnus Abbe said, he would have preferred a Judicial Enquiry. But then, the views of the Stakeholders



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prevailed and the Truth and Reconciliation Commission with our humble selves, as Commissioners, came into being.

Another witness, a former Governor, was Chief Rufus Ada George. He was actually one of the stakeholders referred to by Magnus Abbe. Unsolicited, Rufus Ada George corroborated the evidence of Magnus Abbe. The important thing is, neither Magnus Abbe nor Chief Rufus Ada George was cross-examined by any of the counsel, including the Senior Advocate representing Sir Odili, **on this point**, and so, the evidence of those two on the subject of the emergence of the Truth and Reconciliation Commission, went in un-challenged.

OUR INTEGRITY

With reference to our integrity, it is sad that our integrity has been so glibly attacked, or put in doubt, by Sir Odili, without producing or attempting to produce an iota of evidence in regard to his ominous accusations. He did this to the hearing of the world *qua* NTA, which aired our proceedings, and we are obliged to answer this accusation here now at our only opportunity, lest silence be taken as consent. If the former Governor, Dr. Odili, had convinced himself that our integrity was in doubt without evidence. The rules anywhere in the democratic world, practicing the rule of law, do not permit a slaughter of people's integrity, without at least, trying to justify the accusation by the production of some evidence however infinitesimal. These gentlemen and lady, whom I have the honour to lead, have the highest reputation and their integrity is untarnished. On integrity, they have won their spurs ever before being asked to come into this commission. As for our humble selves, it is with the greatest humility and praise to God, that we are able to declare that, on record, throughout our public life, which has spanned over half a century, nobody, friend or foe, domestically, nationally or internationally, has ever cast doubt on our hard earned integrity. With us, it has always been the Shakespearian melody of

Set honour in one eye and death in the other and I will look at both

indifferently.

That is how much premium we put on honour and it is that *credo* that advised us to have accepted this assignment, notwithstanding its being set within the din of battle, insurgency and threats of death.

However, having regard to the delicacy and sensitivity of the work in hand, it is our decision **not** to be ruffled by this ridiculous accusation, nor influenced to bend out of our objectivity and impartiality. No one among us could be moved to do the wrong thing by blackmail.

Now back to the Report. It is not for me at this session, to disclose all, or even much of what we have found as facts, nor of recommendations, which we have made. This exercise of the submission of our Report, this morning does not anticipate that. For one good reason, there will be no time to go through this Report which we have turned into a book of 571 pages. I will limit my speech to very few highlights.

We have traced the history of Rivers State in ascertaining the main causes of the problem, to both pre and, immediately post colonial days. We also dealt with the immediate causes.

REMOTE CAUSES

As for the remote causes, citizens of the Niger Delta started by no recognizing themselves as Nigerians. During the colonial period, Britain had signed many treaties of protection with the chiefs of many of the coastal communities. The hope was that with Nigerian Independence in 1960, the treaties of protection which they had earlier signed with Britain, would not only lapse but that they, as a result thereof, would become an independent state, that is, not only shed the Colonial yoke, but also be independent of Nigeria.

This background was not taken into consideration and the authorities were rather insensitive to these feelings, when the authorities dealt with the rebellion, first led by Isaac Boro, nor did the intellectual approach by Ken Saro Wiwa ever register with the not too bright Military Government of Abacha that killed him, against all international intervention.

IMMEDIATE CAUSES

The immediate causes included **politics**, which was unfortunately turned into business and which the politicians believed must be protected at all cost. There were also the issues of **economy** that the citizens regarded as unfair distribution of wealth, when they compare the Niger Delta with other places. Rightly or wrongly, they saw a virgin land in Abuja transformed into wealth, which they believed came from the Delta, whereas people in the Delta, lived in squalor and mostly as Wole Soyinka's swamp dwellers.

There was pollution of the land and sea, by oil spillage, militating against fishermen and making anachronistic farming. There was also **crime** committed in ensuring the elimination of the opposition and this was never investigated; and where investigated by commissions of enquiry set up by the Government, white papers were never issued. Even where white papers were issued, the recommendations were never implemented. The politicians became mortal enemies *inter se* there was the scheme of *Carry go* which was invented whereby the agreed formula of sharing power was not followed to the chagrin of the opposition. There were **communal clashes** and **insurgents** were employed to devastate areas. A place like Okuru Ama was completely raised to the ground with the government of the day looking the other way.

ASSESSMENT OF EVIDENCE: METHOD EMPLOYED

This was a sensitive exercise. In regard to the politicians and members of the government, we made certain that we did not set the evidence of one side against the evidence of the other side, in ascertaining the truth. Facts, we believe, are sacred and Truth, as we have learnt over the years, raised to the ground will rise again. And so, it was easy for us, from our experience, to devise means of ascertaining the truth without being accused of believing one party as against the other. We did not employ the usual catechism of "I believe" and "I do not believe".

To illustrate our methodology, let me give the example of the destruction of Okuru Ama. This is a community which was destroyed almost completely, from evidence, by the might of Ateke Tom, an undisputed generalissimo of insurgents, who, in the process of the application by counsel before this Commission, referred to himself as a freedom fighter. It took Ateke Tom, again from the evidence, two days to sack Okuru Ama and scatter the community. Those who sought refuge in Amadi Ama, next door, were hunted to the place of refuse and those who harboured the refugees were on the receiving end of the same violence. Abuloma, a neighbouring community, the evidence went further, was also alleged to have had hands in this destruction of Okuru Ama, though the allegation was that they had the support of the Government's Swift Operation Force.

To continue with the illustration, Okuru Ama is quite close to the seat of power in Port Harcourt and we were credibly informed by the SSS that the sound of the type of arms used that night of destruction, is bound to be heard around the Government seat in Port Harcourt. All of us, in this Hall know Okuru Ama. The reigning Governor, Sir Peter Odili, could not, in giving evidence, remember if he ever visited this calamity, not even within six months of the devastating obliteration of that community under his watch! Odili was seriously questioned as to the part he played in this dastardly incident. To ascertain the truth of this incidence, what we did was to test the evidence given by the Governor himself as against the independent evidence of the police and the state Security Service (SSS). We did not rely on the evidence of anyone else, as that person might be termed partial and his evidence labeled as