

CHAPTER FOUR

GENERAL REPRESENTATION/ MISREPRESENTATION OF FACTS

(TERMS OF REFERENCE 6 AND 7)

INTRODUCTION

By the unfortunate slant given to a clearly sad and tragic event at the GTC adoration ground, Enugu we have been once again reminded that democracy could mean denial of self-discipline and lack of restraint. This is a hard saying. But there is strong necessity to state that indiscipline and baseless unrestrained speeches could be hateful or damaging to democracy.

In a constitutional democracy, free speeches are allowed. But they are strictly controlled by law which creates obligations for them and delimits their latitude.

People holding positions of trust or aspiring to positions of trust must most times feel certain strong instinct of abnegation. If high and free men do not acutely feel and righteously hate baseless recriminations and whining calumnies, the political disease that has always truncated democracies in Nigeria may well never be eradicated.

As the Commission has noted in the preceding passages, a lot of allegations and insinuations trailed the adoration ground tragedy of 7/3/2002. Some notable citizens of Enugu State addressed various press conferences and announced or constructed their pet theories relative to cause of death of the worshippers. We shall take them one after the other.

1. Very Rev. Msgnor. Obiora Ike

The above named appeared to have fired the first salvo. By a press-release 7th March 2002, he stated as follows:

“In the early hours of Thursday 7th March 2002, unknown persons presumed to be hired killers invaded the premises of the Adoration Grounds at *the* GTC Enugu where Rev. Fr. Ejike Mbaka ministers, causing pandemonium, using tear gas on worshippers which resulted in the confirmed deaths as at

not of fourteen persons (children, women and men). Many persons are critically ill in hospitals and some are declared missing. The public address system used for Holy Mass was burnt. This is to inform the general public that the Catholic Church and all people of good will condemn totally this dimension of terror, brutality, intolerance, lack of security and discretion in a place of religious worship and the peaceful association of people for worship of God. We plead with Government and all Law Enforcement Agencies to perform their constitutional duties of guaranteeing security, freedom and atmosphere of peace for the people of Enugu State to go about their lawful business. The Adoration Ministry shall continue as usual and no amount of intimidation shall stop the work of God in our Diocese. We ask all the perpetrators of this heinous and sacrilegious act to repent and change their hearts. We commend their souls to the mercy and justice of God.

Signed: Very Rev. Msgnor Obiora Ike
Director CIDJAP, Vicar General
Catholic Diocese Enugu
7th March 2002”.

The above press-release was received as *Exhibit 3* in the proceedings of the Commission. It was circulated by its author to the police and the media. It was issued on the same day of the tragedy. The impression one gets after reading the above press-release is that the author is an eye witness, or was giving an eye witness account. But the evidence before the Commission which is unchallenged was that he was not at the Adoration ground on the tragic day.

Furthermore the public announcement was issued even before any report was made to the police station which is within a few poles to the Adoration Ground. Mr. Dauda Gambo, the DPO incharge of Abakaliki Road Police State stated as follows:

“The report of the incident came to me by 6 pm on that day”.

By his statement to the Police received as Exhibit 4 in the Commission’s proceedings, Rev. Ike made the same articulation as in the public announcement. It is important to note that he did not heed the invitation and the summonses to attend the Commissions proceedings to prove his case.

2. Rev. Fr. Ejike Mbaka

The REPUBLICAN Weekly Newspaper of Sunday March 30th, 2002 was received at the Commission's proceedings as *Exhibit 52*. The screaming headline thereof is entitled,

"ADORATION TRAGEDY – IT WAS GOVERNMENT PLAN; NNAMANI CANNOT KILL ME. Fr. Mbaka".

On page 14 of Exhibit 52, Rev. Fr. Mbaka was quoted as saying:

"The episode did not just start on Wednesday. We got the information, Monday night, when some people ran out and said that they must inform me about what was going on, that authentic information (for the sake of security and preservation of lives of some people I will not disclose their identities now); let us know that hired assassins were sponsored and empowered to go on the final onslaught to bring to an end not only my life but the programme of adoration by the Governor of Enugu State, Dr. Chimaroke Nnamani. When I heard that, I made other interrogations that confirmed the report. And the informants made me know that I should vacate the city as soon as possible. The information came on Monday night, by Tuesday morning another report came confirming the earlier one that I should be very careful even with the issue of following anybody on the strength that the police was inviting me, that it was risky. That the caliber of assassins employed had sworn that they must execute their duty before they go back. I do not know who they are or where they came from. But by Tuesday night people started shooting behind my house and I told my inmates to be quiet. Early morning of Wednesday I was to write to a priest to celebrate the morning mass for me but eventually I said if I didn't go to make the information public and if anything happens, people may blame me. So I came to the mass and we spent the whole time exposing the information. Everybody who came to that mass went out of the church weeping and crying. I told them, that my life is at stake--- we shared prayers. No sooner had I entered the compound, I picked the microphone to announce to the congregation that information reaching us on Monday disclosed that hired assassins may visit the arena, that everybody should be at alert. So I just finished alerting every body and asked some people to go and plead with the gateman at GTC to see if he would please open the other gate for us because since we started the adoration we have always used only one gate even during major crusade because this was an ordinary Wednesday adoration. On crusade moments, when we have ten times the number of people we had that day, we have always used only one gate, both the cars and pedestrians use only one gate and not even a fowl had been stampede on the ground before".

Later on in the interview under Exhibit 52 he stated:

"I raised the blessed sacrament and was praying for them and suddenly the light went off. Before we knew what was happening the mixer started burning, there was smoke all over the dubbing machine, the amplifier and other systems were on fire and the entire crusade arena was calm.

According to Rev. Fr. Mbaka this incident took place around 5 am. But he did not under Exhibit 52 state when he left the adoration ground and through which gate he left. He also stated that at the Mother of Christ Hospital where he had gone to see a sick child, he saw a Hiace Bus where in four corpses had lain. He was told that they were picked at the gate of the adoration ground. He was told by one of the eye witnesses that:

"The people at the gate poured something like tear gas on their eyes, the other person said that it was not only tear gas but that some others were putting their hands on their necks, the other said she was almost strangled to death, the other said that once she inhaled that thing, she slumped".

These are very grave allegations. And it is inexplicable why the priest did not advise any of these adherents to report to the police. Like Monsignor Ike, Rev. Mbaka also refused to honour the invitation and summons of the Commission to testify and assist it to find the truth. Is it what a reasonable and prudent leader who had lost worshippers in his adoration crusade would do in the circumstances?

The Commission deprecates any attempts on Rev. Mbaka's life by any hired assassin. But it is guided solely by its terms of reference and facts therein presented.

The articulations of Rev. Obiora Ike and Rev. Ejike Mbaka relative to the cause of death at the adoration ground collapsed like a bag of "scary-musli" in the face of the cold facts and expositions on them presented under Chapter Two of this Report. We do not intend to be circular as to repeat them here again. But suffice it to state categorically, that these clergymen lied to the world. And they knew that they lied to the world. And they also knew that the world knew that they have lied.

The minimum standard of conduct expected of a clergyman is that he should be God-fearing; law abiding, truthful in tongue, cautious, forbearing and blameless. In spreading the message of Jesus Christ, he should be strong without being rough; polite without being weak.

They have shown that behind their cassock lies the usual common weaknesses.

As the REPORT shows in Chapter Two, the evidence of the police officers on duty; the eye witness worshippers; the police general investigation and the evidence of the pathologist hired by the Catholic Church, all dismantle all the articulations of Rev. Obiora Ike and Ejike Mbaka relative to the cause of death at the adoration ground.

3. Nwabueze Ugwu

The NEWSWATCH MAGAZINE of April 29th 2002 was received at the Commission's proceedings as *Exhibit 40*. Under it, at pages 38 and 39 Barrister Nwabueze Ugwu was reported as saying:

"The Governor knows very well that he killed those 14 people at the Adoration Ground. Every body in Enugu knows and agrees, acknowledges and insists that it was the Governor that killed those people. The two people at the gate at the material time who inhaled the poisonous substance died some others were strangled to death by the thugs of the Governor. There were most of them were hit on the head with rod because they were witnesses to the incident, more so the things tried as much to minimize the number of deaths".

Later in the interview, he also stated that:

"Some of the people who are in the hospital said a substance was pumped into the crowd. It was not tear gas. So it was poisonous gas. It is clear as crystal. If you were opportuned to talk to any of the injured who were in the hospital, they made it very clear and unequivocal that it was poisonous gas".

The Commission sees this as one of the most inflammatory speeches of them all. And despite the grave nature of the above allegations, Barrister Ugwu stayed clearly away from the proceedings of the Commission, dodging under the baseless plea of bias.

The Commission notes with concern that while Rev. Obiora Ike speaks of tear gas, Rev. Ejike Mbaka of tear gas and strangulation, Barrister Nwabueze Ugwu anchors his position on poisonous gas.

Nwabueze Ugwu ought to realize that once there is no consistency and sleekness in the testimonies of witnesses the case which they represent or present must crumble and or regarded as unbelievable and unreliable. That is the holding of the tribunal in this regard.

4. His Excellency, Dr. Okwesilieze Nwodo

At page 43 of Exhibit 40, it was reported as follows:

“Okwesilieze Nwodo, immediate past national secretary of PDP alleged that poison was the primary cause of death at the Adoration ground. At press conference he aid his supporters addressed in Enugu a few days after the mayhem, he claimed the 14 people died of poison”.

He was not pointed. The allegation was not directed against any person or authority. He was not as brazen and reckless as Mr. Ugwu. But if indeed Dr. Nwodo made those statements, the Commission considers them hasty and unsupported by facts, authority, eyewitness account and relevant medical evidence.

5. Chief Anthony Ogugua

He is a lawyer and a retired commodore in the Nigerian Navy. The REPUBLICAN Weekly Newspaper of March 30th 2002 was received in the Commission’s proceedings as *Exhibit 52*. In it Chief Ogugua alleged that his many years of military experience made him to have an idea of what was on the ground. The bodies were already “swelling up, the rate of decomposition is rapid, the experience of eye witness must be revealing”. He, it was, that raised the issue of bazooka.

The Commission, no doubt, found none of the above allegations established at all. In inquiries of this nature proofs must closely follow allegations. In the matter afoot, the Commission had allegations without an iota of proof. The rule “*Secundum allegata et probata*” is fundamental in the administration of any justice. Any departure from this rule is sure to produce confusion and injustice. When allegations of this grave nature are made without any attempt at proof, the impression is given that calumnies and cheap political blackmail are sought to be achieved.

Nigeria ought to have come to a state where her citizens must trust and rely on the deliberate views of her leaders past or present. As we pointed earlier, baseless unrestrained speeches could be hateful to democracy. The ground of dissent in a democracy must not be unsound and deliberately mischievous. We must have leaders from whom we can draw upon their stores of facts and knowledge to serve the immediate and future needs of society.

6. Enugu State Coalition for Good Governance

A statement entitled, “*REIGN OF TERROR IN ENUGU STATE*” appeared in the SUNDAY CHAMPION of June 2nd 2002. The authorship consist of 41 persons of Enugu State origin. In the publication, it was stated as follows:

“The coalition completely rejects Umezulike panel on the adoration ground massacre since the panel is made up of people publicly known to be political office holders appointed and paid by Chimaoko Nnamani government”.

The above is certainly an argument of despair. Desperation, they say, knows no logic. And it may be added that politicking in Nigeria knows no logic as well. Nothing is further from the truth than the ascertain that the Commission is “made up of people publicly known to be political office holders appointed and paid by Chimaroke Nnamani government. We are therefore compelled in this Report to set the facts down”.

1. The Chairman of the Commission is Justice I.A. Umezulike (OFR), a Judge of the High Court of Enugu State who was appointed a Judge in 1993 during the regime of His Excellency, Dr. Okwesilieze Nwodo (who surprisingly is a signatory to the above statement.
2. Professor C.O. Okonkwo is a Senior Advocate of Nigeria and a retired Professor of Criminal Law of Faculty of Law, UNN. He is from Anambra State and does not hold any political office in Enugu State. He is a member of the Commission.
3. Very Rev. Chike Nwizu is a clergyman of international standing. A man of great probity and divine uprightness. He is a legal practitioner; from Anambra State and does not hold any political office in Enugu State.
4. Dr. (Mrs.) Eleanor Nwadinobi is a private medical practitioner. The Medical Director of Tabitha Infirmary, Independence Layout Enugu. She is politically and professionally untainted.
5. Chief Orjiekwe is a senior citizen and a highly respected journalist. He is politically and professionally untainted.
6. Mrs. F.I. Agu is a seasoned principal of a Secondary School in Nsukka. She holds no political office in Enugu State. She is a member.

7. Mr. S.C. Chukwu is a superintendent of Police and a police officer of outstanding abilities and integrity. He is a member.
8. The Secretary to the Commission is Barrister G.B. Ogbo. He is a political appointee of the government of Enugu State quite alright. But he has no vote in the deliberations of the Commission. He is merely incharge of the Commission's logistics and bureaucracy.

The composition of the Commission was clearly designed to secure its independence. And since its inauguration, it has not experienced any form of interference, directly or inferentially from the State Government or through its officers, agents or delegates.

The Commission must note that a Monsignor of the Catholic Church, Rev. Monsignor Patrick Ugwu was appointed a member. But he never attended any of its proceedings.

GROUP/INDIVIDUAL ROLES SINCE THE TRAGIC EVENT

The apparently hasty press – releases and public announcements made by some of these individuals listed above elicited demonstrations and protests in the city of Enugu.

The Vanguard of Friday March 15th 2002 captured the climate. It reported under the caption: **“Protests Paralyse Enugu Over Church Killing”**, as follows:

“Public Protests in Enugu Over last week's death of 14 worshippers at the Adoration Prayer session continued for the third day running yesterday after Catholics from other parts of the country arrived, Enugu to find that the usual venue for their weekly mass (adoration) had been taken over by the police. Members of the church are pointing an accusing finger at government functionaries for the death of the 14 victims, a claim vehemently denied by the government. At various parts of Enugu, protests carried placards against the Governor. Some of the placards read, “Adoration must continue, leave Mbaka alone”. “No adoration, No Chimaroke”.

There is no doubt, that the protests, and or demonstrations against the state government in which Catholics from other states participated were as a result of the untoward slant and misinformation relative to the cause of death by some of the personalities names above.

As the Commissioner for Information Enugu State stated in his testimony before the Commission;

“The Government of Enugu State had no hand in the adoration tragedy. In a Benin crusade about 91 persons died and in Abakaliki about 35 people died in a crusade stampede”.

The Commission takes notice of the fact that lives have been lost in stampede situations during crusades and during big sporting events in stadia in many parts of the world. In none has any bearing been constructed between it any the State Government where the tragic event occurred.

CONCLUSION/RECOMMENDATION

In the matter afoot, the Commission is absolutely satisfied that most of these written and oral utterances set forth above are utterly false, baseless, tendentious, inflammatory, diversionary, malicious and have the tendency to inflame and incite religious demonstration; prey upon the gullibility and desperation of religious fanatics.

The Commission is satisfied upon the evidence before it, that most of the above utterances are *mis-representations*. In law a representation must only be one upon which the maker relied, it must also be based on existing facts rather than opinion. In law, representation must not be opinionated. In the instant case, the Commission finds opinionated representations that were far from the cold facts afoot.

The Commission therefore recommends that the state should direct the Ministry of Justice, Enugu State, to examine the nature and effect of these utterances and undertake appropriate action.