

CHAPTER FIVE

SUITABILITY OF THE GTC FIELD FOR LARGE PUBLIC GATHERINGS

(TERMS OF REFERENCE 8 AND 9)

The tragic event at the GTC Adoration Ground on the 7th day of March 2002, does raise certain questions relative to liabilities of occupiers of premises.

In one of his last written utterances Dean Thayer, spoke of the "*powerful weapon*" which the modern law of negligence places in the hands of injured persons and how little its full scope has been realized. A person who comes upon the premises in the control of another may be injured by reason of the condition of the premises upon which he comes or by the negligent management of the premises. These are factors which the Commission reflected upon as it examines the suitability of the GTC Field for large public gatherings or for large religious crusades or activities.

Evidently the Adoration ground or more appropriately described as the Adoration field is the property and under the management and control of the Government Technical College, Enugu. A State Government owned and funded Technical College. The primary purpose of the field is for the exclusive use of staff and students of the college for football and other sporting activities. It may be used by any other school, group or individuals with the consent and permission of the GTC authorities for sporting and other social and religious activities. Unless our notions of property are to break down utterly, the extension of liberty to Rev. Fr. Mbaka for the user of the Adoration Ground on Wednesday of every week, does not diminish the fact that the Adoration Ground, if we may use the popular language, belongs to Government Technical College, Enugu.

INSPECTION AND TOUR OF THE ADORATION GROUND

On 17th April, 2002, the Commission undertook an extensive inspection tour of the GTC Adoration Ground, the scene of the tragedy. The object was to examine the physical facilities on ground and the suitability of the place for the accommodation of a large gathering of people.

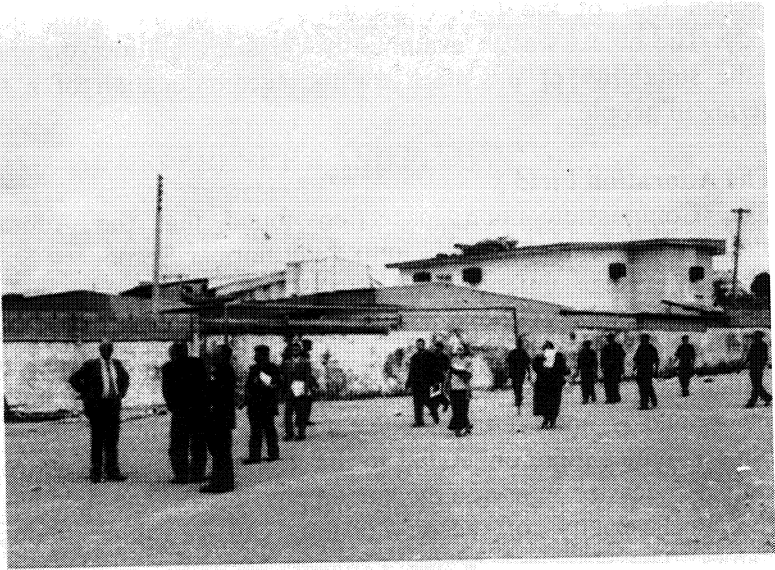
1. The Adoration Field

The Commission upon inspection found that the Adoration Field/Ground is walled. This is unlike the normal Secondary School field which is open, unfenced and usually with several entry and exit points. The Adoration Ground has no space for expansion. It is stony, rough, hard and bare. There are no grasses on the field. Some part of it had fallen dwarf concrete walls leading into the bush. The rough nature of the ground is not even conducive for playing football and other sporting activities there on. A fall to the ground because of its rough terrain may occasion injury on the human physiology. The field has the appropriate capacity of accommodating up to three thousand spectators. The Principal of the College, Mr. Elu, alluded to the incapacity of the college field to comfortably accommodate the Adoration Ground worshippers, when he stated thus:

“Initially the adoration activities started with a very small number, but as time went on the entire school compound was in use, except the boarding areas. By the year 2002, we started feeling the pinch so much because of the number of the worshippers that has continued to increase. We had to invite Rev. Fr. Mbaka to tell him the problems the College has been encountering as a result of the adoration activities”.

So from the point of view of space, convenience and suitability, the Principal of GTC Enugu, attests that the Adoration Ground is grossly unsuitable. The Commission confirms and upholds this articulation after its inspection of the field. As pictures do not lie, it is therefore desired to annex the pictures showing the Adoration Ground.

Pictures showing the Adoration Ground



Pictures showing the Adoration Ground



It is common knowledge that crusade ground is usually a place where the sick, the lame, the blind and people with all sorts of infirmities go to seek divine healings. The GTC Adoration Ground has no facilities to cater for these disadvantaged ones. As we shall show

later there is only one gate through which the strong and the infirm go in and exit from. In a strong speech rendered at the inaugural sitting of the Commission on the 13th day of May 2002, Barrister Tagbo Ike made the following position:

“The Adoration Ground is a public building by definition and ought to have a building plan which would take into consideration the number of people at gather there running into thousands. Where there is a stampede, how would people escape from the ground. Are two gates sufficient for the crowd of the magnitude that gather there without endangering the lives of the inmates. Certainly they are not sufficient. In public arena, overseas, care is taken for those who come in and come out. Attention is paid to those who are able and to those who are disabled. No such provisions exist at the GTC Enugu Adoration Ground. These are the begging issues which this Commission must attend to, so that those who invite people to public gatherings, do not invite them to their untimely death”.

The rude state of the Adoration field is not in doubt. And it may have contributed to the injuries sustained by the worshippers on 7/3/2002. This is obviously the holding of the Commission.

THE ADORATION GATE

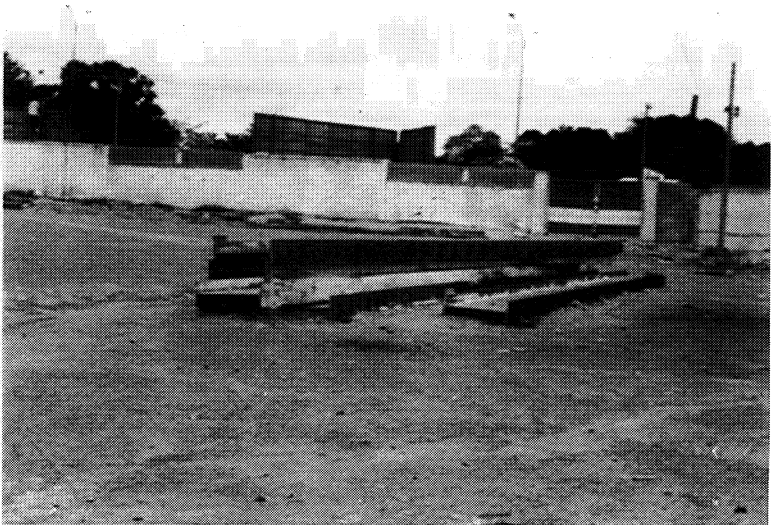
There is only one gate measuring 4.1 metres which serves as the entrance points into and the exit point from the ground. There are sharp edged stones trenches and iron objects on the ground contiguous to the gate. This could be clearly shown in the pictures that would be here after annexed. It is inconceivable that it is through this small gate that about ten thousand worshippers and traffic of cars pass through on every adoration day. There is however the college main gate which is not open for use by the worshippers.

As the principal of the GTC testified before the Commission:

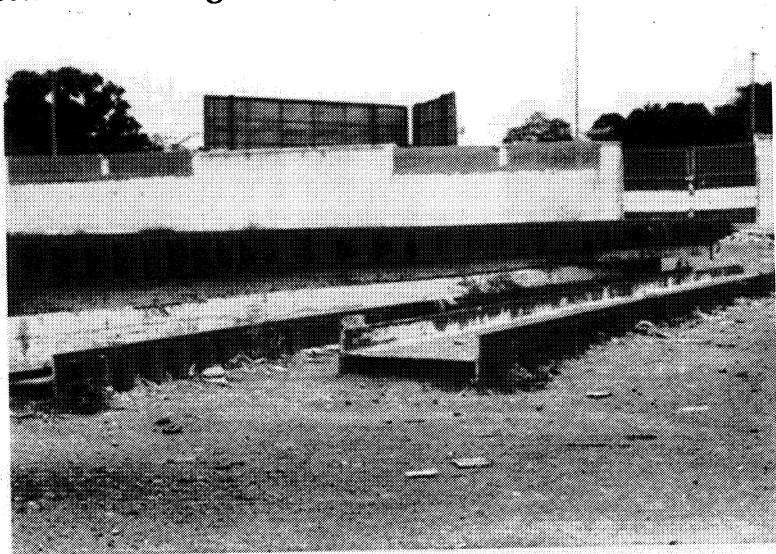
“We resolved that the adoration and church activities should be limited to the GTC Football field only. And when that was done, we now handed over to Rev. Fr. Mbaka the keys to the only gate to that field. That is only one gate. It is with a view of ensuring that we shall take charge of our own main gate. And eventually people for the adoration stopped passing through the main-gate”.

It is the opinion of the Commission that the gate is inappropriate and, or, unsuitable as an entry and exit point for about ten thousand worshippers who come to adoration ground every Wednesday.

Pictures showing the only gate of the Adoration Ground



Pictures showing the only gate of the Adoration Ground



There are a few other things of significances. There is no fixed arena chairs. Worshippers bring their own chairs, stools, benches, mats and any thing they could either sit or lay on during the worship. Given the size of the football field and the large number of worshippers and coupled with the fact that the field is fenced, it is therefore surprising how a large crowd of about ten thousand worshippers manage themselves till the following morning on every adoration Wednesday.

RECOMMENDATION

In the light of the above and reinforced by the fact of the ever large number of worshippers, the GTC Adoration ground is not suitable and appropriate for the Wednesday Rev. Fr. Mbaka Adoration activities, and indeed any other social or religious activity attracting a crowd of about five thousand people.

Upon application by Rev. Fr. Mbaka, the Governor shall consider approving his use of government open spaces that are auspicious, airy and unrestricted in point of entry and exit.

The Commission also notes that the locking of the only gate of entry and exit in early hours of 7th March 2002, is a surprising sign of paranoia in a house of God. And that act alone led to the stampede with the resultant deaths.

The Masters, Organizers of and the gateman at the adoration activities of 7/3/2002 must be held responsible for the resultant deaths. They may also be liable to the estates of the deceased in tort of negligence. The rule is well settled that a master is liable to third parties for all torts committed by his servant (the gateman in this case) while acting within the scope of his employment. The fact that the servant in doing the act may have exceeded his authority, or even disobeyed his instructions does not alter the rule.

The State should therefore direct the Chief Law Officer of the State, the Attorney General to consider appropriate actions.