

Chuck Nduka-Eze

Asaba Memorial Project

Interviewers: Fraser Ottanelli (FO), Elizabeth Bird (EB)

Interview date: October 9th, 2011; Interview location: Asaba, Nigeria

EB: Okay, I'll make the formal announcement. This is Elizabeth Bird. I am in Asaba, Nigeria. The date is the 9th of October, 2011. I'm here also with Fraser Ottanelli. I'm here conducting an interview. And if you could state your name please.

CE: My name - My full name is Chukwuemeka Nduka - Eze. I'm more popularly known as Chuck. So it is Chuck Nduka - Eze.

EB: Okay, thank you. So we're here today as we said, predominately about the Oputa panel and the history of what happened there. So if you could just start by telling us what the Oputa panel was, what its, how it was founded, the whole origins of the event.

CE: Right, I think the Oputa panel was conceived by General Obasanjo. There had been lots of crises in the country just before the inception of the civilian administration in 1999. So there was a feeling that perhaps if people were allowed to discuss their problems and were allowed to vent their frustrations, that some sort of healing might be accomplished. So I think the same thing was tried in South Africa. Gen Obasanjo sort of felt at the time that if a Panel were put together and if they had credible people with a very distinguished judge that it will work,. I think that they had Father [Matthew] Kukah who is a priest and Mrs. [Elizabeth] Pam, who incidentally I think her husband had also been a victim of the 1966 coup. But she had tremendous experience of looking into matters of this kind. So this panel was put together to essentially visit different regions in the country and take evidence from people who had complaints. Obasanjo himself whose idea it was also had a petition before the commission. Of course, as people probably know or do not know, he himself had been imprisoned by a previous administration. He had a complaint and was a star witness in one of the petitions. I think the first hearings began in 1999 and moved from region to region and carried on for the best part of one year. And it was something Nigerians took to. And there were some interesting and dramatic revelations as they went along. The important thing was that it was embraced by everyone, and the process, and people were enthusiastic as to how it would impact positively on the country. essentially that was the background of the Oputa panel.

EB: The formal name of the Oputa panel was...

CE: I think it was the Truth and Reconciliation Commission – The Human Rights Violations Investigation Commission of Nigeria - Justice Oputa being a very distinguished person I think the short form became eventually known as the Oputa panel.

EB: And you think it was somewhat modeled on what happened in South Africa?

CE: Yes, I think we took a lot from the South African experience.

EB: What do you think Obasanjo was hoping to achieve by this panel at the beginning?

CE: I think just before 1999 there were several problems around the country. We just came from what was considered a fairly draconian leadership, the Abacha years. There were several issues of miscarriages of justice and terror all over the place. Illegal incarcerations and denials of justice. So our feeling was that Obasanjo had brought this to bear to try and address these issues around the country. There was tension in the country and the polity was highly sort of heavily heated. So the feeling was that these people could be allowed to speak to these problems, address these issues, that it might point a reasonable way forward for the country. And as I said to you before it was something that was fully embraced.

EB: The period of time that the Oputa panel covered was, could you say, as far as the violations that were recorded—it covered a period of time.

CE: Yes, essentially I think they chose 1966 to perhaps just before the inception of the panel so it was about 1966-1998.

EB: So this covered the period of the civil war?

CE: It did cover the period of the civil war. Which, perhaps, for the issues we are going to deal with at some stage in this interview, was one of the most significant aspects.

EB: The process by which you explained that the Oputa panel went around different regions and then petitions were brought forward so individuals didn't so much but somebody brought it on behalf of a group. Is that right?

CE: Yes, I think even individuals were welcomed to come forward. But most of the petitions were more community-based and there were even regional issues. We had a Niger Delta sort of issue. I was aware of people in the northern part of the country who had complaints about being treated this way or that way. The ones we were involved with certainly I recall that apart from the Asaba issue, which we will be touching on at some stage, there was an Ohanaeze group led petitions. Ohanaeze is actually a social and cultural projection that seeks to create trust within people in the south east. And there was to be some hearings for people in the southeast. And Ohanaeze invited petitions to be brought under the umbrella of the organization. This was interesting because Asaba, not being in the north and the southeast, had some difficulty as to where to fit in her petition and there had been some petitions for the south south. But if you think in terms of the political implications, Asaba did not see herself as conveniently a south south but sort of saw herself more in terms of the southeast and not the south south. An effort was made to earlier to place her within the south south and that did not work. And then an effort was made to place her within the southeast, and that worked. So, even though geographically Asaba wasn't part of the southeast it was brought under the umbrella of Ohanaeze. But it was a distinct petition because Ohanaeze was essentially dealing with the Biafran issue in the South East. So the Asaba massacre, which I'll be talking about in due course, was presented in Enugu, where the Ohanaeze and the southeast petitions were being heard. And where the Oputa panel had adjourned to for that purpose.

EB: Okay, so could you talk now about how you became involved in this and how that happened?

CE: Well, I haven't said this before but I am actually a lawyer, and I like to think of myself as an activist as well. There was a book about the Asaba issue written by a gentleman called Emma Okocha, who had done much, you know, to bring to the attention of the world the events that occurred just before the war started at the outset of the war, essentially the event was around October 1967. The federal troops had come in to the Midwest region, and when they made their way to the southeast they came into Asaba. And when they were going into the southeast there was really no crisis going on in Asaba. Though there was a war and there were tensions, the war was between the Biafrans and the Nigerians. And when we say the Biafrans they were actually Nigerians. But following the crisis in the country where Ibos felt unsafe, quite a number of Ibos had returned to the southeast to seek safety. And whilst there Biafra was declared. The intention to go their way was then pursued. This was resisted by the Federal government. This caused tensions. Following this, the Biafran war started. So the Federal troops got into Asaba and their reception was quite normal, there was no attempt at resisting their presence. But for some reason it appeared that there was a predetermined decision to cause some carnage in Asaba and also other related towns around Asaba seemed to have gone through a similar experience. But dealing with the Asaba matter, they came into Asaba and apart from the other skirmishes in terms of all the killing that happened as they came in, there was a particular one that has drawn a lot of attention. And this was in a part of Asaba called Ogbesowe. I was very young at the time and I have to say I was only four years old. But we had actually crossed over the Niger as we sought refuge in the southeast. And when they came into Asaba they rounded up a lot of the male population from the people that had come out to receive and welcome them. They rounded them up, separated the men from the women, and essentially executed the men, there were a lot of young people involved as well ie Young males. There have been questions as to why this occurred. But so far we haven't received any satisfactory explanation. Now, sorry I seem to have gone off a little on the question you asked

EB: That's alright.

CE: You said how did I become involved. First of all I suppose my attraction to the chap who spoke to me firstly was because I am a lawyer, second because I am from Asaba, and thirdly for me I had a particular interest in this kind of issue, because my father had also been a lawyer, a politician of the same heel. So I was approached to take on the matter by way of a petition, to take it to Oputa panel.

EB: Who—just one second—who was it, who initially approached you?

CE: Essentially I was approached by Emma Okocha. Emma Okocha had a lot of the materials, and had written a book on the subject. I looked at the issues and I was perfectly happy to get involved. At the time the atmosphere didn't encourage any discussion of this sort of problem. Because earlier attempts had been met with some hostility and resistance by the government. So quite a number of lawyers did not want this as part and parcel of their track record, as it were. But I wouldn't say I was courageous but I was interested in the subject matter. And I felt the least I could do was to take it up. I tried to work with a more senior lawyer, who was quite helpful initially. But eventually he decided that he couldn't carry on with it. But we prepared the case. We had a lot of assistance from lots of impressive eyewitnesses. Perhaps I should say something about the people that we used as witnesses. We had Bishop Chukuma, who is the Archbishop of the Enugu Diocese. Enugu is a town used to be the capitol of the southeast and this chap was the bishop there. He was one of our

witnesses. The main witness really who had so much to say of great significance was Dr. Ify Uria. He was actually a survivor of the massacre in that his father and two of his brothers were with him and they were killed, and he was fortunate to escape. We heard from Mrs. Getty Ogunkeye, who is also an Asaba lady whose father or Uncle was also a victim, and that Uncle was the father of Maryam Bagabangida, who was once Nigeria's first lady. She was married to Gen Ibrahim Babangida who was once Nigeria's President. We had these three people —these were the three main witnesses but time did not allow us to tender all the evidence we had on the matter. The sort of evidence we had that was tendered was so impressive and was so persuasive that the Federal government felt unable to put up a defense. In fact their response was more of an attempt at an apology. So they did not defend the matter. It was accepted. It was alarming because the judge felt so incensed that he invited the minister of defense at that time to come and tender an explanation.

EB: Now, also included in the petition were some affidavits that had been made, they were listed as made in the 1960s I think in Enugu in 1967 or 1968. How were those acquired and how were they incorporated into the petition?

CE: Right I think the way that the Oputa panel was organized they relied a lot on live witnesses. So, the aspect I dealt with was more of the live witnesses that were tendered, but we did put up in the petition some sort of documentary evidence. I believe that some materials had been put together even before I was retained to do the matter and the formal petition itself had a lot of documents. Some of them were taken many years before I got involved. But affidavit evidence was also tendered. And I was aware of that.

EB: The actual process that was used—you said eyewitnesses spoke. Was there any sort of cross-examination or questions?

CE: Yes, it was then stated that there would be. In fact the testimonies that were taken before ours elicited a lot of hostile cross-examination from lawyers acting for the panel and lawyers acting for whoever was on the other side. As in our own case acting for the federal government. When our witnesses were tendered like I indicated earlier, their testimony was so powerful—in fact the panel had more difficulty controlling the expressions of emotions on the whole. People were crying. I recall that when Dr. Uria gave evidence, that at some point during the evidence Justice Oputa felt so moved that sensing how the evidence had been received he asked me—should we go on? And said "I think we've heard all that can be heard on this matter." And at that point we felt that perhaps the points had been powerfully made and we should move on.

The federal government lawyers said that they would prefer not to go on, that they would consider coming back at some stage. But they did some attempt at some sort of subtle apology for what had occurred. They didn't come back to us again. And as I recall, the recommendations were made as to how to deal with the matter. And perhaps I could tell you in due course what happened to the recommendations and the report from Oputa.

EB: Yeah, um, just before we go to that um, there was a press report at the time that quoted Major Ibrahim Haruna who was not in Asaba at the time but he was associated with the second division later. And he was sort of quoted as saying that he had no regrets. What was the context of that remark?

CE: I think as I recall it there were some dramatic press reports from the revelations at the hearing. The revelations I've been talking about I think made the front page of one of the national papers. I think from the reactions that were elicited there was an attempt, it wasn't only General Haruna, there were one or two other people that felt that they needed to say something about it. And I do recall reading something from General Haruna. And there was even some other statement that appeared to suggest that whatever they got they deserved. Yeah, and I think that General Haruna had made his own comment. Well, those things were received in the way you ought to receive them. To every victim there is an aggressor. And sometimes there are different points of view on a particular issue. Of course it was an insensitive remark in the context of what was a very grave and breach of people's rights. But, obviously General Haruna is entitled to his view.

EB: So, you were going to talk just now about the recommendations that the panel was going to make or, could you talk about what happened there?

CE: Yes, I think following the Enugu sitting, they carried on to other parts of the country, and when they finished and concluded their investigations and prepared their report which, as I understand it, had some recommendations in relation to all the petitions that had been received and dealt with. The report was submitted to the Federal government with the recommendations. I think the general expectation of the public was that some things would follow. Either that the recommendations would be implemented and certainly be made public so that everybody would know what happened and share in the experience. But unfortunately this did not happen. The report was presented, accepted by the government, and for a very long time nothing was heard. I recall that there were lots of agitation. People asking what has become of the Oputa panel? What has become of the report? And for many many years nothing was heard. But at some stage I think in relation to the Dele Giwa issue; Dele Giwa was a famous and renowned journalist who was killed by some sort of a letter bomb. And the allegation, you know, allegations were made against a particular powerful Nigerian that he may have been involved in this. And at some stage that individual had approached the Courts and secured an injunction. As you know, or perhaps you don't know because it is a legal instrument, injunctions are normally temporary in nature - you apply for an injunction to preserve the status quo until the court has an opportunity to hear both sides.

But the remarkable nature of this injunction was that it was applied for and obtained several years ago, and for some reason continues to have effect. And so it is now what you call a permanent injunction, which in law is largely an aberration.

EB: And this applied to the entire panel not just this particular incident that the injunction was for?

CE: Yes, that is what is remarkable about this particular injunction, because injunctions are usually quite specific and referable to a particular issue that the person is complaining about. But this injunction apparently now creates a bar to any publication of the entire recommendation of Oputa panel report. So it is largely a remarkable situation.

EB: So even though this happened, what do you think was the impact or the outcome of the Oputa panel, in terms of particularly the Asaba incident. What was the result of this having happened?

CE: Well, it was for us the first opportunity that the victims, the Asaba people were going to have to even air the matter. So it had that limited objective. But the aim was really to begin some sort of the healing process because if you wrong somebody, especially the type of wrong we are talking about. If you wrong somebody and the person has an opportunity to talk about it and give you the wrongdoer the opportunity to express a view about it and assuming that you show some contrition, you apologize or go some way to allaying their pain or something, then the healing process can begin. Unfortunately not just because of the frustration of the report but I think the federal government has been extremely difficult on this issue. In fact in the early 70s, when attempts were made to immortalize the deaths of these people with an annual remembrance or memorial service, the federal government actually stopped it. So you had a situation where somebody who has suffered a loss is not even allowed to grieve. I can't imagine anything more disturbing than that. Fortunately we're now in a democratic setting. They had then one or two remembrances in the more recent past, last year and this year. And so the journey to recognizing this event, pushing it where it should be, and getting Nigerians to embrace it as a historical incident has begun. So, we're happy with that development. But, having said that, the federal government has still not acknowledged their role in the matter. What we expected, at the very least, would have been to have a public inquiry which will look into the circumstances, the reasons, and perhaps the failure of government that made it happen. Why is that important? The importance is if you don't look into matters of this nature then they are bound to be repeated. As indeed they have been repeated over the years in this country. So that is the position that we have until today.

EB: Okay, well, anything more about what you would like to say about what you think should happen from now on? I mean you started to say—

CE: Yes, and speaking on behalf of the Asaba community who are indeed the victims. Their aim is very simple. That is for the federal government and the Nigerian public to appreciate the sacrifice that these people made. We're talking of hundreds and hundreds of people. And some of them very distinguished professionals. They want their contribution to the country to be acknowledged because they died in the context of "One Nigeria." In fact, their last song was actually a One Nigeria song they were singing. So these are Nigerians. So we want them to be accepted as such. And we want the federal government to articulate a position. And there are different options that are open to them. They may decide to come up with a compensatory gesture and not necessarily money. They could set up something in honor of these people in their memory. That is an option. Something we can look at to remind us of them. To the extent that there could be any sort of financial compensatory gesture, that also could be put to some sort of substantial symbolic use. But one thing I can tell you is that the victims have been very dignified. They've not really shown an intention to seek revenge. They are actually seeking to use their pain in a constructive way. So I think that these are the type of Nigerians that other Nigerians should embrace.

EB: Thank you very much.

End of interview.