



## Myths and Facts about *Bowoto v. Chevron*

On October 27, 2008, the landmark human rights case *Bowoto v. Chevron* goes to trial in federal court in San Francisco. The case concerns an incident on May 28, 1998, in which Nigerian villagers from the Ilaje fishing community were protesting the environmental and economic disruption that Chevron's oil production activities had brought to the Niger Delta. The peaceful protesters were led by Larry Bowoto to Chevron's Parabe oil platform, where they were attacked by Nigerian soldiers flown in by Chevron and supervised by Chevron's security personnel.

### **1. MYTH: The protestors were armed and took hostages.**

**FACT: Chevron's own memos demonstrate that the protest was peaceful and the situation was calm.** The protestors arrived at the Parabe platform and adjoining barge on May 25, 1998. On May 26, 1998, an internal Chevron memo stated that "*the youths are looking for employment and have thus far been peaceful.*" At 6pm on May 27, 1998, Chevron sent a memo to the U.S. Embassy stating: "*The villagers were unarmed and the situation has remained calm since their arrival.*" That same evening, Chevron decided to send in the military to forcibly remove the protestors.

### **2. MYTH: The protestors who were shot were attacking the soldiers.**

**FACT: Autopsies and undisputed evidence show that the protestors posed no threat.** The autopsies show that one of the victims was shot four times in the back and the other was shot three times in the side. Neither was shot in the front of the chest, which discredits Chevron's claims that the soldiers were defending themselves from protestors who were advancing on them. As for Larry Bowoto, who was shot and critically injured but not killed, the federal judge in this case has already ruled that it is "*undisputed that he was unarmed when the soldiers shot him.*"

### **3. MYTH: The protestors threatened "violence" and "sea piracy."**

**FACT: The protestors' intentions before, during and after the Parabe incident were always peaceful.** In March of 1998, men from another ethnic group, the Itsekiri, had conducted a protest at the Parabe platform. Chevron reported that they had guns. In response, Chevron gave the Itsekiris more money and more jobs, and did not send in military forces to "rescue" their workers, allowing the Itsekiris to leave unmolested. The Ilajes, who had taken a peaceful approach to negotiating with Chevron, were aggravated that the Itsekiris' reportedly armed action had paid off. After Chevron failed to respond to multiple letters and requests for dialogue, the Ilajes sent a letter asking: "Which language do you now understand? Is it violence or sea piracy, war or peace? . . . you may remember how you settled your scores with the Itsekiri youths sometimes in March this year." Despite their consternation with the failure of peaceful tactics, the Ilajes remained unarmed when they went to the Parabe platform a week later.

### **4. MYTH: Chevron called the Nigerian navy after three days of talks, and the navy decided to intervene.**

**FACT: The Nigerian navy was present during the whole protest, and Chevron made the decision to send in additional army, mobile police, and navy forces.** Armed Nigerian navy officers and mobile police were present on the Parabe oil platform throughout the entire protest, and were well aware of the protest from the beginning. The protestors did not disarm the officers, and the officers had taken no action against the protestors. In fact, as Chevron's own witnesses admit, during the protest, a military patrol boat, the Dolphin Flyer, came by the barge, but a Navy officer on the barge waved the boat away. But then, on May 27, 1998, Chevron made the decision to send in a joint force of Nigerian army, navy, and mobile police, known as the "kill and go" police. They were flown to the Parabe platform on May 28 in Chevron helicopters and accompanied by a Chevron security officer, who later wrote that the soldiers were "*closely supervised by [Chevron Nigeria] security.*"

**5. MYTH: The protestors' complaint was with the way tribal leaders allocated jobs that Chevron provided for the community**

**FACT: The protestors' complaints were concerning the environmental degradation that Chevron was responsible for, which affected all Ilaje communities, and threatened their livelihoods.** Far from being dissatisfied with their own leaders, Larry Bowoto and other protestors were representing the 42 Ilaje communities that have experienced the catastrophic effects of oil production activities in the Niger Delta. Chevron's own Environmental Impact Study states that *"These effects include lowering the pH of the environment (mostly soil and water) which may in turn cause fish kill or migration . . . in either case this is likely to have an economic backlash on the surrounding communities, who are mostly obligate fisherman."* Before the protest, the group sent Chevron a 13-page document with their concerns and demands, leading with "Ecological Problems" including the disruption of traditional fishing livelihoods by oil company dredging activities. This is why they asked Chevron for additional jobs.

**6. MYTH: The protestors blocked helipads and prevented workers from leaving the platform.**

**FACT: Chevron has produced no evidence that anyone attempted to stop workers from leaving** Chevron admits that on May 26, the second day of the protest, they landed a helicopter at the platform and took away several workers who were scheduled for a shift change, including Simeon Ogagayere, David Olueh, and Edward Ayoade. There is no evidence that protestors tried to interfere with them doing so.

**7. MYTH: Protestors threatened violence against the workers and the barge, and poured diesel on the deck.**

**FACT: No workers on the barge were injured and no one on the barge saw an Ilaje pouring diesel on the deck.** There are many conflicting accounts of what happened during the protest. There is absolutely no dispute, however, that none of the workers were injured during the protest. Johnson Boyo, who was working on the barge, testified that *"the Ilajes, they came to the barge on a peaceful protest."* The one witness who claims to have heard the Ilajes threatening to burn the barge is a convicted murderer, currently in prison, and Chevron is not relying on his testimony.

**8. MYTH: Chevron's response was justified because violence against oil workers was common in 1998.**

**FACT: Nigeria was not a particularly dangerous place to operate in 1998.** The U.S. State Department's report on global terrorism in 1998 identified only one incident of kidnapping oil workers, involving Shell workers in November 1998, in which no one was harmed. The State Department did not classify any events in Nigeria in 1998, including the Parabe incident itself, as terrorism.

**9. MYTH: Larry Bowoto's group forced workers to go to villages onshore after the military attack.**

**FACT: None of the people bringing this lawsuit were involved in these events.** Chevron tries to point to events that happened *after* the attack on the protestors as a justification for the attack itself. There are conflicting accounts of what happened with the workers who went onshore, but there is no evidence that any of these events were part of the plan of the protestors, and it is undisputed that none of the people bringing the lawsuit were involved in these events. Larry Bowoto himself was critically wounded and lying on the deck of the barge, surrounded by Nigerian military personnel.

**10. MYTH: Attorneys fabricated allegations against Chevron, and there is little evidence against Chevron.**

**FACT: A federal judge has found all of the allegations in this case are supported by evidence.** Chevron has claimed that "the record shows" that various allegations were "fabricated by attorneys," but this is simply false. There is no record of fabrication by anyone and the current allegations have all been found to be supported by evidence. The judge specifically found that there was evidence that could show that Chevron Nigeria *"personnel were directly involved in the attacks,"* that they transported the soldiers, paid them, and knew that they *"were prone to use excessive force."*

For more information and evidence from the case, please visit [www.earthrights.org/legal/chevron](http://www.earthrights.org/legal/chevron).