

CHAPTER SIX

GENERAL COMMENTS AND SUGGESTION

The tragic circumstances compelling the inauguration of this Judicial Commission of Inquiry make it equally imperative that like, GAUL, its functions/duty be divided into three parts:

1. Its duty to the facts and the truth
2. Its duty to the souls of those who died at the Adoration ground.
3. Its duty to posterity and God Almighty.

The main object of the Commission is simply to find the cause or causes of the tragic deaths of fourteen Nigerians at the Rev. Fr. Mbaka Adoration Crusade on 7/3/2002. The State was sufficiently concerned to bestir itself to look out for the cause or causes of a loss of this magnitude.

As we have noted, a lot of insinuations, allegations and articulations relative to the cause of death on 7/3/2002 had trailed the event and even the inauguration of this Commission. The Commission however remained divorced from the heat and prejudices generated by these. It was not hoodwinked or overcome by the whining nature of these articulations.

As the Commission does not and cannot work in the air or in the *cloud-cukoo* town of Aristophane: it set out to probe deep into all the surrounding circumstances by keeping its doors completely open to all relevant evidence or facts, including the rational, the irrational and even the random. On the whole, it tried to distill or shift the truth from the utter falsehood; the indefeasible facts from confused and absurd articulations. Its findings and conclusions were therefore shaped on the solid anvil of existing cold facts presented to and discovered and believed by it.

The Commission entertains the hope that people who read this Report should be able to reach sound decisions as to where the truth lies.

A reader of this Report who is anxious to find out the cause of death at the GTC Adoration ground on 7/3/2002, can go straight to

Chapter Two of this Report and there begin. At the end of that chapter, he would absolutely find nothing articulate in all the major premises under which the allegations of gas poisoning, tear gas, gun shots, strangulations and foreign invasion were mounted relative to cause of death at the GTC Adoration ground. The detailed and illustrative autopsy reports by two pathologists, the eyewitness accounts; the police investigations and report cannot here be repeated.

But suffice it to state that the Commission was confronted with overwhelming proof of what led to the death of these fourteen worshippers at the GTC Adoration ground from:

1. Eye witnesses
2. Police Investigations and final Report
3. Autopsy reports from two medical pathologists appointed by the Catholic Church and the Police.

The Commission is satisfied that these overwhelming evidence from these independent and unrelated sources have completely dismantled, laid to rest or questioned the ghost constantly kept afloat by periodic allegations and reports that the deaths resulted from external attack by the use of guns, poisonous gas, gun shots, tear gas and bazooka. The allegations were fraught with confusions, absurdities, inconsistencies and adroitly calculated to serve as a weapon of cheap political advantage (see the evidence of witness No. 15).

FREE SPEECHES IN A DEMOCRACY

The findings of fact which the Commission had made, had raised in a rather novel way the question of freedom of speech in a democracy. It is becoming increasingly important to determine the true limits of freedom of expressions, so that speakers and writers may know how much they can properly say and write.

We say so in the light of Exhibit 50, which is the tape entitled "**THIS WICKED GENERATION**", containing the message of Rev. Fr. Mbaka to the congregation of worshippers in the early hours of 7th March 2002. The Commission has held under chapter Two that the message (Exhibit 50) was inauspicious, incendiary and incongruous as

well as capable of putting some of the worshippers into frenzy, fear and passion. From principles to precedents, the Commission finds no justification for that.

It is true that people who enter into public office should be prepared for all kinds of attack and meet them with kindness.

It is also true that in a democracy you cannot limit free speech to polite criticism only. This is because the greater the grievance the more likely men are excited about it and the more urgent the need of hearing what they have to say.

But there has to be a basis for the grievance and the excitement. In any case, the free speech permitted by law is not the type that might undermine the social interest of the state and imperil public safety. The Constitution, in the view of the Commission, does not prevent punishment for criminal utterances. It only safeguarded lawful speeches. And those ones are not crimes.

Even in tort, the law is that your right to swing your arms ends, just where the other man's nose begins. A man arrested for swinging his arms and hitting the other in the nose cannot ask the society or the judge whether he did not have a right to swing his arms in a free democratic country. Obviously no one can call upon the law to secure him in a willful aggression upon another.

It is therefore, the view and holding of this Commission that Exhibit 50, the Message, "This Wicked Generation" preached by Rev. Fr. Mbaka in the early hours of 7/3/2002 was an open solicitation or incitement to disaffection, passion and panic. And the speaker cannot escape being held responsible for the predisposing factors that lead to the fourteen deaths as an accessory to that resulted so soon after. This incidentally brings us to the role or duty of the clergy in society.

DUTY OF THE CLERGY

In point of fact, there are innumerable general ethics, some sort of moral code and certain moral conduct binding upon the clergy. Under Christianity, the clergy have our LORD AND SAVIOUR JESUS CHRIST to look up to in terms of:

1. Abstemiousness
2. God fearing

3. Temperance and forbearance
4. Calmness and blameless
5. Truthful in tongue and wisdom
6. Complete detachment from the politics of the day.

We have an eternal role modeled in Jesus Christ.

The Commission makes this observation in the light of Exhibit 50 and the public announcement and press interviews granted to the public by Rev. Fr. Mbaka and Rev. Monsignor Obiora Ike which stimulated passions and demonstrations in Enugu.

A Clergy man is God's representative on earth. He is the father of all, the poor and the rich. As father of all, he must show complete detachment in the politics of his day. He must rise above common heads. The Bible enjoins him to pray for the President, the Governors and those in authority to govern with the fear of the Lord. This according to 1 Timothy chapter 2 verses 1 to 4, pleases God.

A Clergy is not supposed to curse people in authority and rain and raise fire and brimstone against them. It is against Christian ethics.

The Bible also in Romans chapter 13 verse 1 admonishes us to:

“Obey the Government, for God is the one who has put it there. There is no government anywhere that God has not placed in power”.

(Living Bible).

In 1 Peter chapter 2 verse 17, the Bible also cautions Christians to:

“Show respect to everyone, love Christians everywhere, Fear God and honour the government”.

(Living Bible)

In Exhibits 3 and 4 received during the proceedings of the Commission, Rev. Mgr. Obiora Ike made the following public utterance:

“At the early hours of Thursday 7th March, 2002, unknown persons presumed to be hired killers invaded the premises of the Adoration ground 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 now of fourteen persons (children, women and men)”.

Upon the evidence before the Commission, the above utterance was found to be hasty, dangerous and as things turned out, untrue. It helped in accelerating the tension in the state capital at the time.

Furthermore under Exhibits 50 to 52, Rev. Fr. Mbaka made similar startling and unfounded allegation

This tendency may destroy the inspiration, guidance, challenge, motivation and faith which the clergy command upon the laity and entire Christendom. Partisan political issues must never be the threshold and central features of a message from the sacred desk. Homilies must edify Our Lord and Saviour Jesus Christ and lift up our eyes, as the psalmist would say, to the hills "from whence cometh our help". They should not inflame and excite passions and threaten the security of the state.

RECOMMENDATIONS

In this concluding chapter, we adopt all the recommendations contained in each of the preceding chapters as if they are here in made. The following recommendations are also added".

1. The state shall direct the Attorney General of the State to evaluate the extent to which all the public utterances and press publication deprecated above have affected and threatened the security and social cohesion in the state and undertake appropriate action.
2. In an obvious effort to meet the exigencies of increasing religious activities and crusade in Enugu State, a legislation is urgently needed to protect the lives of worshippers. The legislation must stipulate that any field or ground in use must have several entry and or exit points; the number and quality of ambulances and medical support services that must be put in place by the organizers; and the nature of police security that must be in attendance; and sanctions that must sound upon non-compliance.

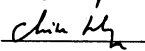
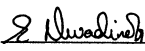
CONCLUDING REMARKS

Despite the recommendations made above for reference of these false allegations to the Attorney-General of State for appropriate

actions, the Commission in the alternative recommends to the Governor to consider forgiving those who have erred by dropping any further action against them. It makes this recommendation satisfied as it does that those in public office should be prepared for all kinds of verbal attacks and meet them with some kindness. One of the few things that have been accomplished by the Commission is that the truth has finally emerged over deliberate falsehood and baseless rumours. In civilized countries, as with civilized minds, once the truth prevails over false and baseless articulations, apology is demanded and quickly conceded. And mea-culpa is pleaded with some measure of contrition.

Finally the Commission entertains the hope, that when its Report is published and made public, all the rancorous and patently false insinuations and false allegations that had persisted, would have no further excuse for longer life.

SIGNED:

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| 1. Justice I.A. Umezulike (OFR) | Chairman |  |
| 2. Godwin Ogbo Esq. | Secretary |  |
| 3. Professor C.O. Okonkwo S.A.N. | Member |  |
| 4. Very. Rev. Chike Nwizu | Member |  |
| 5. Dr. (Mrs.) Eleano Nwadinobi | Member |  |
| 6. Chief Peter Orjiekwe | Member |  |
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