

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

TURKCELL İLETİŞİM HİZMETLERİ A.Ş.	)	
AND EAST ASIAN CONSORTIUM B.V. ,	)	
	)	
Plaintiffs,	)	Civil Action No. 12-00479 (RBW)
v.	)	
	)	
MTN GROUP, LTD. AND MTN	)	
INTERNATIONAL (MAURITIUS) LTD.,	)	
	)	
Defendants.	)	

**DECLARATION OF TIMOTHY P. HARKNESS IN SUPPORT OF  
DEFENDANTS' REPLY STATEMENT OF POINTS AND AUTHORITIES IN  
FURTHER SUPPORT OF DEFENDANTS' MOTION TO DISMISS THE  
COMPLAINT OR FOR A STAY**

**TIMOTHY P. HARKNESS** declares under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney admitted *pro hac vice* before this Court and a member of the law firm of Freshfields Bruckhaus Deringer US LLP. I respectfully submit this declaration in further support of Defendants' Reply Statement of Points and Authorities in Further Support of Defendants' Motion to Dismiss the Complaint or for a Stay filed in Civil Action Number 12-00479 (RBW).<sup>1</sup>

**Christian Kilowan's Deposition**

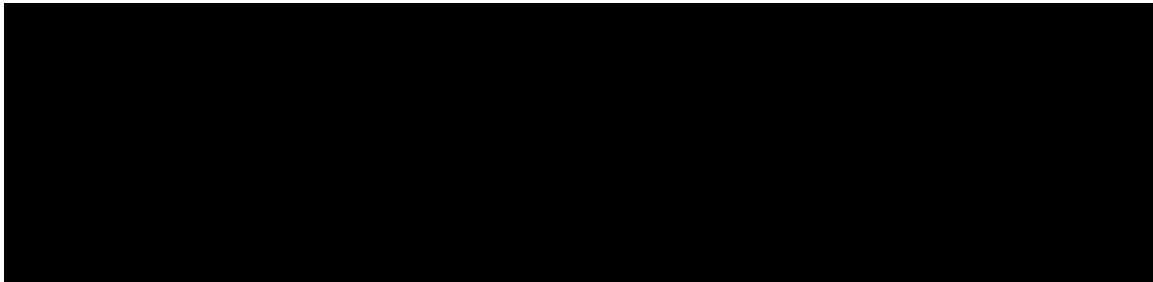
2. Christian Kilowan's deposition was conducted on April 30, May 1, and May 2, 2012. A copy of the relevant portion of Mr. Kilowan's deposition testimony is attached hereto as Exhibit A.

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<sup>1</sup> Defined terms not otherwise defined herein have the definitions ascribed to them in Reply Statement of Points and Authorities in Further Support of Defendants' Motion to Dismiss the Complaint or for a Stay, dated August 15, 2012.

**Plaintiffs' Possession of Evidence**

3. On June 16, 2011, Plaintiffs' counsel, DLA Piper, sent MTN Group's CEO, Sifiso Dabengwa, a letter that claiming that Plaintiffs had, "from information that has recently and reliably come to the knowledge of Turkcell, determined that MTN had "deliberately engineering Turkcell out of its contractual entitlement to participate in the license" by "enlisting South African Government support for the provision of military equipment to, and other defence co-operative arrangements with, Iran." The letter also referred to the "the favourable position taken by the South African delegation towards Iran's nuclear programme at the meeting of the International Atomic Energy Agency in Vienne on 24 November 2005." A true and correct copy of this letter is attached hereto as Exhibit B.



**Top-Up Services**

5. According to the website [mntopup.com](http://mntopup.com), the website is "powered by" Sochitel UK Ltd. Sochitel UK, Ltd, <http://mntopup.com/about.php> (last accessed Aug. 13, 2012). On the website's "About Us" page, the website states that "Sochitel (<http://www.sochitel.com>) is a global remittance and value transfer company focused on the opportunities of the Global Top-Up and remittance industries.... Since November 2007, Sochitel UK Ltd has been an MTN distribution partner selling airtime PINs around

the world.” *Id.* A true and correct screenshot of the website’s “About Us” page is attached hereto Exhibit D.

Dated: New York, NY  
August 15, 2012

By: /s/ Timothy P. Harkness  
Timothy P. Harkness  
601 Lexington Avenue  
New York, NY 10022  
(212) 230-4610  
timothy.harkness@freshfields.com