

Exhibit B

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NO. 1:12-CV-00479

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TURKCELL ILETISIM HIZMETLERI, A.S.
Turkcell Plaza Mesrutiyet Caddesi No. 7134430
Tepibasi, Istanbul, Turkey

EAST ASIAN CONSORTIUM, B.V.
Rokin 55, 1012 KK, Amsterdam, the Netherlands,

Plaintiffs,

v.

MTN, LTD.,
Private Bag 9955, Cresta 2118
South Africa,

MTN, INTERNATIONAL (MAURITIUS) LTD.,

Defendants.

_____x

Continued Deposition of
Christian Kilowan
Wednesday, May 2, 2012
9:06 a.m.

VOLUME III

Reported by: Randi J. Garcia

Ref: 7273

<p style="text-align: right;">Page 845</p> <p>1 whistleblower. You know, I need to make sure 2 that" -- because some of my friends in South 3 Africa who are close to the ANC structures and 4 they are close to Irene and Phuthuma, said to me 5 "look, you are in danger." 6 Q Who said that? 7 A Some of my friends. 8 Q Could you give me their names? 9 A No. 10 Q Could you give me one name? 11 A No. 12 Q How many people told you you are 13 physically in danger? 14 A Two. 15 Q Two people. Has anyone from MTN 16 actually threatened you physically? 17 A No. 18 Q Have you had security here at the 19 deposition outside? 20 A Yes. Yes. 21 Q Has anyone, while you have been in -- 22 strike that.</p>	<p style="text-align: right;">Page 847</p> <p>1 non sequitur to me. 2 A Well, I think if it is on record, and 3 anything happens to me after today, it's on 4 record. 5 Q And that is why you wanted to have it 6 earlier? 7 A Yeah. 8 Q And so you came to the United States for 9 the purposes of this deposition? 10 A Not specifically just for this one. I 11 have also, because I had my colleagues 12 contacting me, so I said "I am coming to the 13 U.S. to discuss these things." 14 Q Which colleagues were contacting you? 15 A In HyperOffice. 16 Q Have you met with the HyperOffice people 17 since you have been here? 18 A No, because I have been busy here. 19 Q All right. How frequently do you come 20 to the United States? 21 A Very infrequently. The last time was in 22 2000/2001.</p>
<p style="text-align: right;">Page 846</p> <p>1 Who in the ANC means to do your harm? 2 Could you identify one person? 3 A No, I can't. As I told you, I was told. 4 Q Did you tell the person -- getting back 5 to how we got the deposition here today -- did 6 you tell the person at Turkcell that you were in 7 physical danger? 8 A I was warned that I am in physical 9 danger, yes. 10 Q And did you tell that to the person at 11 Turkcell? 12 A Yes. 13 Q And the evidence of the physical danger 14 was the telephone calls you got from two people 15 whose names you won't give us, correct? 16 A That is correct. 17 Q And what did the Turkcell person say to 18 you? 19 A He will communicate that and he will 20 come back to me. 21 Q How is doing a deposition earlier going 22 to protect you? Explain that to me. It seems</p>	<p style="text-align: right;">Page 848</p> <p>1 Q Do you have any plans to come back 2 again? 3 A Yeah. 4 Q When? 5 A Whenever the HyperOffice guy says we 6 need to meet again. 7 Q Would you make yourself available for 8 trial here in this case? 9 A Yes. 10 Q Would you make yourself available for a 11 continued deposition in a month or two? 12 A If I am alive, yes. 13 Q Is there any time limit as to when you 14 can have a deposition? 15 A Subject to my own assessment of the 16 safety to myself and my family, and my trying to 17 run a business, it will be subject to those -- 18 to those issues. 19 Q Okay. And when was -- when was the 20 notice of deposition for this deposition served, 21 do you know? 22 MR. FARBER: Objection.</p>

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<p>1 MR. HARKNESS: I am asking if he knows. 2 Does he know -- It's a foundational question. 3 MR. FARBER: Ask the foundational 4 question. 5 BY MR. HARKNESS: 6 Q Do you know when the -- do you know when 7 the deposition notice for this deposition was 8 served? 9 A No. 10 MR. HARKNESS: All right. Let's mark 11 this. 12 (Thereupon, Exhibit Number 69 was marked 13 for identification purposes.) 14 BY MR. HARKNESS: 15 Q Have you ever seen this document before? 16 A No. 17 Q This is a Notice of Deposition of 18 Unavailable Witness dated April 6, 2012. 19 A Uh-huh. 20 Q Other than the business partner that you 21 told me about, whose name you won't tell me, who 22 got asked whether they did business with you,</p>	<p>1 the record. 2 Thank you. 3 BY MR. HARKNESS: 4 Q So let's look at the certification at 5 the back of Exhibit 69. 6 It says -- Mr. Kilowan, do you see the 7 certification? Have you ever seen it before? 8 A No. 9 Q Did anyone actually call you to ask you 10 whether it is accurate? 11 A No. 12 Q Did anyone call you and say "Mr. 13 Kilowan, we are about to file in Federal Court, 14 a document? We are going to sign our name to 15 it. Can we make sure that this certification is 16 accurate?" Anyone ever do that? 17 A No. I just had a discussion with a 18 gentleman in Turkcell about when I would be 19 available. 20 Q So a lawyer from the United States 21 didn't call you to show you or read the 22 certification to you?</p>
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<p>1 other than that, can you name a single person in 2 your life who was contacted by MTN or people 3 working on MTN's behalf before April 6, 2012? 4 A No. But I was warned by my friends that 5 I am in danger before this date. 6 Q Yeah. The friends whose names you won't 7 give me. 8 A Of course not. 9 A All right. 10 Q The mystery friends? 11 MR. FARBER: Objection. Move to strike. 12 Let's not get argumentative with the witness. 13 MR. HARKNESS: Well, he's casting 14 ridiculous allegations against us, and I find 15 it offensive. 16 MR. FARBER: It's the testimony -- whether 17 you find it offensive, it is a fact; the 18 witness has put it on the record under oath. I 19 am sorry you find it offensive. Perhaps take 20 it up with your clients. But it's not 21 appropriate during the deposition or his 22 testimony to make those kinds of statements on</p>	<p>1 A No. 2 Q It says "Mr. Kilowan is expected to 3 leave the United States at that time." And if 4 you read before it is through May 2nd, today. 5 "He will be, thereafter, outside the 6 subpoena power of the court, and unavailable for 7 examination in this country." 8 A Yeah. 9 Q Is it your testimony that you would be 10 unavailable for examination in this country 11 after May 2nd 2012? 12 A Yes. 13 Q Will you voluntarily come to the United 14 States at any point in the future to testify at 15 a trial? 16 A Subject to -- 17 MR. FARBER: Objection. 18 A Subject to business, my availability for 19 business and me being convinced of my safety, my 20 personal safety, yes. 21 Q So if you're convinced of your personal 22 safety, and your business allows it, you would</p>

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<p>1 come back for a trial, is that right?</p> <p>2 MR. FARBER: Objection.</p> <p>3 BY MR. HARKNESS:</p> <p>4 Q Is that right?</p> <p>5 A Yes.</p> <p>6 Q Let's get back to Exhibit 68. Let me</p> <p>7 ask you, first of all, you told me four or five</p> <p>8 people, three of whom work at MTN, told you</p> <p>9 ridiculous stories.</p> <p>10 MR. FARBER: Objection.</p> <p>11 THE WITNESS: No.</p> <p>12 BY MR. HARKNESS:</p> <p>13 Q You did. The ridiculous stories. We</p> <p>14 are going back to --</p> <p>15 MR. FARBER: You're back on the memo?</p> <p>16 MR. HARKNESS: Yeah. That is what the</p> <p>17 testimony is.</p> <p>18 MR. FARBER: Objection withdrawn.</p> <p>19 BY MR. HARKNESS:</p> <p>20 Q All right. Are you with me, Mr.</p> <p>21 Kilowan?</p> <p>22 A The story that they told me was not</p>	<p>1 Q Different people?</p> <p>2 A Different people.</p> <p>3 Q So you're getting stories from six to</p> <p>4 seven people about things, and you won't give me</p> <p>5 any of their names?</p> <p>6 A I have many friends, Mr. Harkness.</p> <p>7 Q All right. The next paragraph here</p> <p>8 refers to -- it says "intelligent and</p> <p>9 experienced businessman -- as an intelligent</p> <p>10 experienced businessman you would have realized</p> <p>11 that it is simply not logical for someone like</p> <p>12 me to leave a huge chunk of my Newshelf shares,</p> <p>13 32 percent on the table, and sacrifice more than</p> <p>14 10,000 MTN shares at an allocation price of nine</p> <p>15 rand."</p> <p>16 Is R for rand?</p> <p>17 A Rand, yes. That is right.</p> <p>18 Q "Just to pursue a consulting role</p> <p>19 relative to two very tenuous projects i.e. TCI</p> <p>20 privatization of the third mobile license."</p> <p>21 What were you trying to convey in that</p> <p>22 paragraph?</p>
Page 854	Page 856
<p>1 ridiculous. I said I have heard so many</p> <p>2 ridiculous stories.</p> <p>3 Q Oh, fair enough. That's what it says?</p> <p>4 A Yes, about how I am afraid.</p> <p>5 Q I am not saying their stories are</p> <p>6 ridiculous. I am just saying that is what you</p> <p>7 wrote about.</p> <p>8 A Because that is what you said the first</p> <p>9 time around.</p> <p>10 Q Okay. So you were hearing there are so</p> <p>11 many ridiculous stories, and you heard those</p> <p>12 stories that you referred to in your memo as</p> <p>13 ridiculous from four or five people who were</p> <p>14 then MTN employees, right?</p> <p>15 A That is correct.</p> <p>16 Q And three of those people are still</p> <p>17 there, correct?</p> <p>18 A Yes.</p> <p>19 Q Are any of those four or five people the</p> <p>20 same as the two people who told you about the</p> <p>21 physical threats from the ANC?</p> <p>22 A No.</p>	<p>1 A That you should have considered the fact</p> <p>2 that I was not leaving just for those reasons.</p> <p>3 Q Because Newshelf shares are stock,</p> <p>4 correct, shares of stock?</p> <p>5 A Not -- no. You want me to explain you</p> <p>6 the structure of the thing or do you --</p> <p>7 Q No. I am just trying to -- very simply</p> <p>8 for the jury --</p> <p>9 A Newshelf is a -- was a scheme that was</p> <p>10 put together in which shares were kept in MTN.</p> <p>11 But Newshelf itself was not a share.</p> <p>12 Q I see. And then the 10,000 MTN shares</p> <p>13 are just shares in MTN?</p> <p>14 A That is correct. Yeah.</p> <p>15 Q And did, by leaving when you did, did</p> <p>16 you sacrifice more than 10,000 MTN shares?</p> <p>17 A That is right.</p> <p>18 Q Those MTN shares --</p> <p>19 A Because those vested later.</p> <p>20 Q Let me finish. Those MTN shares, the</p> <p>21 10,000 MTN shares that you sacrificed were --</p> <p>22 did they have a price of nine rand or is this</p>

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<p>1 individuals who worked to assist MTN on Project</p> <p>2 Snooker made during and in furtherance of that</p> <p>3 conspiracy?</p> <p>4 MR. HARKNESS: Objection to form.</p> <p>5 THE WITNESS: That is correct. Yes.</p> <p>6 MR. FARBER: No further questions.</p> <p>7 CROSS-EXAMINATION</p> <p>8 BY MR. HARKNESS:</p> <p>9 Q Two things: Can I ask you to turn to</p> <p>10 Exhibit 83? Can I ask you to please turn to MTN</p> <p>11 169?</p> <p>12 Are you on MTN 169?</p> <p>13 A That is correct.</p> <p>14 Q Are your initials on this page?</p> <p>15 A That is correct.</p> <p>16 Q On the lower right hand corner?</p> <p>17 A That is correct.</p> <p>18 Q Could you please read into the record</p> <p>19 paragraph 6.1.</p> <p>20 A "The seconded employee's duties and</p> <p>21 obligations contained in the seconded employee's</p> <p>22 contract were of the employment with the company</p>	<p>1 Q And the 2009 information was told to you</p> <p>2 by others or was it from your personal</p> <p>3 knowledge?</p> <p>4 A Told to me by others.</p> <p>5 (Interruption by the court reporter.)</p> <p>6 THE WITNESS: Told to me by others.</p> <p>7 MR. FARBER: Thank you. We will close the</p> <p>8 deposition at this time subject to all parties'</p> <p>9 reservations about the exchange of documents</p> <p>10 and the possibility of continuing the</p> <p>11 testimony.</p> <p>12 MR. HARKNESS: Thank you.</p> <p>13 THE VIDEOGRAPHER: This is the end of Tape</p> <p>14 4 of the videotaped deposition of Christian</p> <p>15 Kilowan. The deposition concludes at 6:12.</p> <p>16</p> <p>17 (Whereupon, at 6:12 p.m., the deposition was</p> <p>18 adjourned.)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
Page 1002	Page 1004
<p>1 shall apply mutatis mutandis to this agreement."</p> <p>2 Q Thank you. You indicated a few minutes</p> <p>3 ago that your information about monitoring and</p> <p>4 whatnot came from friends of yours.</p> <p>5 A That is correct. Yeah.</p> <p>6 Q Can you please give us the names of</p> <p>7 those friends?</p> <p>8 A No.</p> <p>9 Q Can you name one?</p> <p>10 A No.</p> <p>11 Q Could you give any one -- can you give</p> <p>12 us the name of any of the people you say gave</p> <p>13 you information about the monitoring testimony</p> <p>14 that you have given here today?</p> <p>15 A No.</p> <p>16 FURTHER REDIRECT EXAMINATION</p> <p>17 BY MR. FARBER:</p> <p>18 Q One last follow up to that.</p> <p>19 The information about monitoring you</p> <p>20 testified about in 2007, was that from your</p> <p>21 personal knowledge?</p> <p>22 A Yes.</p>	<p>1 CERTIFICATE</p> <p>2 DISTRICT OF COLUMBIA</p> <p>3</p> <p>4 I, the undersigned authority,</p> <p>5 hereby certify that the foregoing transcript,</p> <p>6 page 621 through 1004 is a true and correct</p> <p>7 transcription of the deposition of Christian</p> <p>8 Kilowan taken before me at the time and place</p> <p>9 set forth on the title page hereof.</p> <p>10 I further certify that said</p> <p>11 witness was duly sworn by me according to law.</p> <p>12 I further certify that I am not of</p> <p>13 counsel to any of the parties to said cause or</p> <p>14 otherwise interested in the event thereof.</p> <p>15 IN WITNESS WHEREOF I hereunto set</p> <p>16 my hand and affix official seal this 7th day of</p> <p>17 May, 2012.</p> <p>18</p> <p>19</p> <p>20</p> <p>21 RANDI GARCIA, COURT REPORTER, RPR</p> <p>22 NOTARY PUBLIC</p>