

Exhibit A

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<p>1 yesterday?</p> <p>2 A No.</p> <p>3 Q Do you know whether he is related in any</p> <p>4 way to the other Mr. Riahi?</p> <p>5 A I have no idea.</p> <p>6 Q On the following page you will see at</p> <p>7 the bottom the reply. I'm sorry. Let me make</p> <p>8 sure if it's a reply. Let me withdraw that.</p> <p>9 CK00321 --</p> <p>10 A Uh-huh.</p> <p>11 Q -- is signed with a signature of Eng. R.</p> <p>12 Riahi. And it says above that name "D.M.D. for</p> <p>13 Comm Aff." Do you know what that means?</p> <p>14 A Deputy minister of defense for</p> <p>15 commercial affairs.</p> <p>16 Q Do you know who that person is?</p> <p>17 A No.</p> <p>18 Q On the next page CK00322, on the page</p> <p>19 numbered CK00323, the earliest e-mail is dated</p> <p>20 May 3rd 2004.</p> <p>21 Do you have any knowledge of the</p> <p>22 circumstances of that e-mail being sent or the</p>	<p>1 A When?</p> <p>2 Q At any time.</p> <p>3 A No, I don't.</p> <p>4 Q You testified --</p> <p>5 A You mean MTN employees or MTN Irancell</p> <p>6 employees?</p> <p>7 Q MTN employees.</p> <p>8 A No, I don't.</p> <p>9 Q You testified about a report to the</p> <p>10 board regarding the MMS filtering system.</p> <p>11 A Yes.</p> <p>12 Q That was a report to the Irancell board,</p> <p>13 correct?</p> <p>14 A That is correct. MTN Irancell board.</p> <p>15 Q It was not a report to the MTN Group</p> <p>16 board, correct?</p> <p>17 A MTN had three directors on the MTN</p> <p>18 Irancell board.</p> <p>19 Q You testified about a meeting in South</p> <p>20 Africa between Mr. Rowhani and President Mbeki.</p> <p>21 Were you present for that meeting?</p> <p>22 A The meeting between President Mbeki and</p>
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<p>1 reply at the top of the page?</p> <p>2 A None whatsoever.</p> <p>3 Q And by the way, were you acquainted with</p> <p>4 Mr. Victor Moche of Denel?</p> <p>5 A No.</p> <p>6 Q Switching gears, again, Mr. Kilowan.</p> <p>7 You were asked some questions yesterday about</p> <p>8 eavesdropping.</p> <p>9 A Yep.</p> <p>10 Q You testified about the requirements for</p> <p>11 lawful intercept to the Irancell license, right?</p> <p>12 A That is correct. Yes.</p> <p>13 Q Turkcell would have been subject to the</p> <p>14 same licensing requirements as MTN Irancell was</p> <p>15 for lawful intercepts, correct?</p> <p>16 A Yes.</p> <p>17 MR. FARBER: Objection.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MR. COLEMAN:</p> <p>20 Q You don't have any knowledge of MTN</p> <p>21 employees in Iran being involved in targeting</p> <p>22 political dissidents in Iran, do you?</p>	<p>1 Mr. Rowhani?</p> <p>2 Q Yes.</p> <p>3 A No.</p> <p>4 Q Do you know if they in fact met?</p> <p>5 A Yes, they did, in fact, meet.</p> <p>6 Q What is your basis for that knowledge?</p> <p>7 A The report that was given to me by</p> <p>8 Ambassador Saloojee, who was present at that</p> <p>9 meeting.</p> <p>10 Q What did Mr. Saloojee -- Ambassador</p> <p>11 Saloojee tell you?</p> <p>12 A He told just me they met; they discussed</p> <p>13 the nuclear program. President Mbeki indicated,</p> <p>14 "Look, we will, at all times, do what is in the</p> <p>15 interest of South Africa. We do support Iran in</p> <p>16 its peaceful nuclear program, and we will talk</p> <p>17 to the other members of the Non-Aligned</p> <p>18 Movement." That was the essence of what he</p> <p>19 reported to me.</p> <p>20 Q Did Ambassador Saloojee tell you whether</p> <p>21 anyone else participated in that discussion?</p> <p>22 A No, he didn't.</p>

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<p>1 Q And you don't know one way or the other</p> <p>2 if they did?</p> <p>3 A No, I don't know.</p> <p>4 Q Did he tell you how long the meeting</p> <p>5 lasted?</p> <p>6 A No. We didn't discuss time.</p> <p>7 Q Do you know whether there are any</p> <p>8 minutes of that meeting?</p> <p>9 A I would guess so, but I don't know. I</p> <p>10 don't have any personal knowledge of those</p> <p>11 minutes.</p> <p>12 Q Have you ever seen any written record of</p> <p>13 that meeting?</p> <p>14 A No.</p> <p>15 Q You also testified about a meeting</p> <p>16 between -- withdrawn. We already covered that.</p> <p>17 You talked about a meeting between</p> <p>18 President Mbeki in Iran with Iranian officials.</p> <p>19 A No. President Mbeki never came to Iran.</p> <p>20 Q So was it your testimony that there was</p> <p>21 a discussion of such a trip and it never</p> <p>22 happened?</p>	<p>1 You testified that Dr. Fardis and</p> <p>2 Mr. Dezfoulie were speaking with each other in</p> <p>3 Farsi, correct?</p> <p>4 A Yes.</p> <p>5 Q You could not understand what they were</p> <p>6 saying, correct?</p> <p>7 A No.</p> <p>8 Q You said that Dr. Fardis showed you a</p> <p>9 letter?</p> <p>10 A I then asked him -- I then asked him</p> <p>11 what is happening. Because I could see from</p> <p>12 Mr. Dezfoulie's reaction and his body language</p> <p>13 that there was something wrong. So I asked him</p> <p>14 "what is happening?"</p> <p>15 Q Let me ask you about the letter. Did</p> <p>16 you -- did he hand it to you?</p> <p>17 A Yes. He gave it to me.</p> <p>18 Q Did you look at it?</p> <p>19 A I looked at it, yeah.</p> <p>20 Q Could you describe it?</p> <p>21 A It was in Farsi. It had a -- some sort</p> <p>22 of logo on it, but it was in Farsi.</p>
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<p>1 A Yes.</p> <p>2 Q Well, let's go to November 20, 2005,</p> <p>3 when you went to see Dr. Fardis.</p> <p>4 A Yes.</p> <p>5 Q You said that Mr. Dezfoulie was there as</p> <p>6 well?</p> <p>7 A That is correct. Yes.</p> <p>8 Q Was there anyone else there?</p> <p>9 A No. No.</p> <p>10 Q Where did this meeting happen?</p> <p>11 A At Fardis' office in the Ministry of</p> <p>12 Information and Communication, MICT ministry.</p> <p>13 Q What time of day was that?</p> <p>14 A I can't recall. But I think it was</p> <p>15 after -- after 12:00, after lunch. It was in</p> <p>16 the afternoon. It wasn't in the morning.</p> <p>17 Q When you arrived at Dr. Fardis' office,</p> <p>18 was Mr. Dezfoulie already there?</p> <p>19 A No. We went together in the car, in his</p> <p>20 car.</p> <p>21 Q And you testified that when -- that he</p> <p>22 and Mr. -- excuse me. Let me try that again.</p>	<p>1 Q How many pages was it?</p> <p>2 A One page.</p> <p>3 Q What did Dr. Fardis tell you about what</p> <p>4 the document said?</p> <p>5 A He said it was a letter from the Foreign</p> <p>6 Ministry. The Foreign Ministry has told him</p> <p>7 that he should not -- the letter says that he</p> <p>8 should not issue the license until after the</p> <p>9 vote in the International Atomic Agency that is</p> <p>10 going to be held later in that month. That was</p> <p>11 -- that is what he told me.</p> <p>12 Q Did Dr. -- did -- excuse me. Withdrawn.</p> <p>13 Did Mr. Dezfoulie read the document?</p> <p>14 A Yes, he did.</p> <p>15 Q Did he tell you what it said?</p> <p>16 A He confirmed what it said.</p> <p>17 Q You testified that you, later that day</p> <p>18 or that week, went to Ambassador Saloojee's</p> <p>19 house. You said he was talking to Abdul in</p> <p>20 Geneva and Vienna. He was talking to the</p> <p>21 president's office. Abdul is Ambassador Minty?</p> <p>22 A That is correct.</p>

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<p>1 Q Did you participate in any of those</p> <p>2 conversations?</p> <p>3 A No.</p> <p>4 Q Were you present when he was having</p> <p>5 those conversations?</p> <p>6 A No.</p> <p>7 Q So you didn't hear either his side of</p> <p>8 the conversation or any part of the</p> <p>9 conversation?</p> <p>10 A No.</p> <p>11 Q You testified that Ms. Charnley was</p> <p>12 calling you constantly asking you what was</p> <p>13 happening and then she mentioned she had been in</p> <p>14 touch with government officials in South Africa.</p> <p>15 A That is correct. Yes.</p> <p>16 Q And you didn't participate in any of</p> <p>17 those communications, did you?</p> <p>18 A No.</p> <p>19 Q You testified that South Africa</p> <p>20 abstained in an IAEA vote.</p> <p>21 A Yes.</p> <p>22 Q What is your basis for saying that?</p>	<p>1 no?</p> <p>2 MR. FARBER: Objection.</p> <p>3 Q The answer is no?</p> <p>4 A Yes. The answer is no.</p> <p>5 MR. FARBER: Objection to that question</p> <p>6 too.</p> <p>7 BY MR. COLEMAN:</p> <p>8 Q MTN did not promise to change the South</p> <p>9 African government's policy, correct?</p> <p>10 MR. FARBER: Objection.</p> <p>11 THE WITNESS: It did. It did indeed do</p> <p>12 that.</p> <p>13 MR. FARBER: Objection withdrawn.</p> <p>14 BY MR. COLEMAN:</p> <p>15 Q MTN never had the ability to change the</p> <p>16 South African government's policy, did it?</p> <p>17 A It did.</p> <p>18 Q MTN didn't promise to cause South Africa</p> <p>19 to violate any law or international agreement on</p> <p>20 nuclear nonproliferation, did it?</p> <p>21 A No.</p> <p>22 Q Not to your knowledge?</p>
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<p>1 A It was reported in the newspapers.</p> <p>2 Q Did you read the minutes of the meeting?</p> <p>3 A Which minutes?</p> <p>4 Q Of the IAEA meeting.</p> <p>5 A No, I didn't.</p> <p>6 Q Now, in your view, Mr. Kilowan, did</p> <p>7 anything MTN did -- did anything MTN did cause</p> <p>8 the South African government to change its</p> <p>9 policy on supplying military equipment to Iran?</p> <p>10 A First of all, I don't know what the</p> <p>11 South African government's policy was in detail</p> <p>12 before Irene started talking to Minister Lekota.</p> <p>13 I don't know why -- how it was changed. So I</p> <p>14 can't answer you that.</p> <p>15 Q And as far as you know, did anything MTN</p> <p>16 did cause the South African government to change</p> <p>17 its policy on the development of nuclear energy</p> <p>18 by Iran?</p> <p>19 A The South African government has always</p> <p>20 supported that program. And I don't think that</p> <p>21 they have changed.</p> <p>22 Q So the answer to the question would be</p>	<p>1 A Not to my knowledge.</p> <p>2 Q MTN did not cause or promise to cause</p> <p>3 President Mbeki, Ambassador Minty or any other</p> <p>4 South African government official to violate</p> <p>5 their official duties, did it?</p> <p>6 MR. FARBER: Objection. Compound.</p> <p>7 THE WITNESS: They did promise that to the</p> <p>8 Iranians.</p> <p>9 MR. FARBER: Objection withdrawn.</p> <p>10 BY MR. COLEMAN:</p> <p>11 Q What was the official duty in your</p> <p>12 testimony that MTN caused to be violated?</p> <p>13 A Your question was did MTN promise?</p> <p>14 Q Uh-huh.</p> <p>15 A And I said, yes, MTN did promise.</p> <p>16 Q What was the official duty that MTN</p> <p>17 promised to cause to be violated?</p> <p>18 A To act in the best interest of South</p> <p>19 Africa at all times, and not to act in the</p> <p>20 interest of commercial entities. MTN promised</p> <p>21 that to the Iranians, that they would do that.</p> <p>22 Q MTN never gave President Mbeki any money</p>

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<p>1 Q Was it your understanding that you would 2 stay on until November 1st? 3 A Until November 1st of -- 4 Q 2007. 5 A No. I had -- I think I had a -- my 6 contract expired, I think, in May or June 2007. 7 And then I was negotiating a new contract to go 8 to Dubai. 9 Q Now, just a little further down in this 10 paragraph it says "during 2006 I wrote two 11 memoranda to Irene in which I clearly and 12 objectively set out my reasons for this 13 conclusion." And the conclusion being that 14 Jyoti was the wrong COO, is that correct? 15 A That is correct. Yes. 16 Q If you look at your recommendations on 17 the last page, you recommended that -- it says 18 "recommendations A)" it says that you're 19 recommending that Jyoti be deployed elsewhere in 20 the group, is that right? 21 A That is correct. Yes. 22 Q Was Jyoti deployed elsewhere in the</p>	<p>1 let me ask you a couple questions about your 2 computers. 3 How many computers did you have prior to 4 November 1st 2007 on which you did MTN related 5 work? 6 A Two. Two computers. 7 Q Were they desk tops or lap tops? 8 A One desk top and one lap top. 9 Q When you left MTN, did you retain 10 possession of both computers? 11 A No. 12 Q Did you retain possession of the lap 13 top? 14 A Yes. 15 Q What happened to the desk top, do you 16 know? 17 A I don't know. 18 Q Do you still retain the same lap top 19 today? 20 A No. 21 Q Did there come a point where you 22 switched lap tops? Do you still have a lap</p>
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<p>1 group in 2007? 2 A No. 3 Q Did you get a response to this 4 memorandum? 5 A From Phuthuma? 6 Q Yes. 7 A No. 8 MR. HARKNESS: Can we mark this, please. 9 (Thereupon, Exhibit Number 66 was marked 10 for identification purposes.) 11 Q This is -- I'm showing you what has been 12 marked as Exhibit 66, which bears the Bates 13 number CK6104 through 6105. 14 Is this a document that you created? 15 A Yes. 16 Q If you look on the front page it says 17 "date created 6/06/2007." 18 A Yes. 19 Q Is this a document that was created on 20 or around June 6, 2007? 21 A Yes. Yes. 22 Q While we are just talking about this,</p>	<p>1 top -- strike that. 2 Do you have a lap top now? 3 A Yes. I have three lap tops now, yes. 4 Q So what did you do with the data on the 5 lap top on which you had MTN related 6 information? 7 A I took it all off and on to a memory 8 stick. 9 Q Did you use a particular program to do 10 that or you just used Windows to transfer -- 11 A I just transferred it. 12 Q And where did you do that transfer? 13 A I think sometime in 2009, if I'm not 14 mistaken. That is when -- yeah, 2009. 15 Q Where did you store the memory stick 16 from 2009 through December 2010? 17 A Where did I store it? I keep it in my 18 lap top in my backpack. 19 Q And there came a point where you 20 provided documents to Turkcell or its lawyers, 21 correct? 22 A Current lawyers, or the lawyers in the</p>

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<p>1 arbitration?</p> <p>2 Q At this point I am going to be -- I</p> <p>3 don't really -- well, let me ask the question a</p> <p>4 different way.</p> <p>5 Did there come a time where you gave the</p> <p>6 documents to lawyers working on behalf of</p> <p>7 Turkcell?</p> <p>8 A Yes.</p> <p>9 Q When was that?</p> <p>10 A That was in the beginning of 2011. It</p> <p>11 might have been February, March 2011.</p> <p>12 Q Did you -- how did you transfer the</p> <p>13 files?</p> <p>14 A I gave them the memory stick and they</p> <p>15 transferred it on to their computers.</p> <p>16 Q Did they give you the memory stick back?</p> <p>17 A Yes.</p> <p>18 Q Do you still have the original of the</p> <p>19 memory stick?</p> <p>20 A Yes.</p> <p>21 Q After that original -- after February or</p> <p>22 March 2011 did you ever give the memory stick</p>	<p>1 you created to anyone other than lawyers for</p> <p>2 Turkcell?</p> <p>3 A No.</p> <p>4 Q And have you provided any of the</p> <p>5 documents on that memory stick to anyone other</p> <p>6 than lawyers for Turkcell?</p> <p>7 A When?</p> <p>8 Q At any point, since December 2010.</p> <p>9 A No, not that I can recall.</p> <p>10 Q Turning to Exhibit --</p> <p>11 A Except -- hang on. I think in 2010, end</p> <p>12 of 2010 or beginning of 2011 I sent the</p> <p>13 authorization that Phuthuma had given to Irene,</p> <p>14 as well as a copy of the Ghorbanoghli agreement,</p> <p>15 I sent that to Shauket Fakie. I think it was</p> <p>16 December 2010 or beginning 2011.</p> <p>17 Q Other than that instance, providing</p> <p>18 documents to Turkcell's lawyers in March and</p> <p>19 then later in the year in 2011, have you</p> <p>20 provided any documents on that memory stick to</p> <p>21 anyone?</p> <p>22 A Well, there are other documents on that</p>
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<p>1 back to lawyers working for Turkcell to copy the</p> <p>2 documents again?</p> <p>3 A Yes. I gave -- at a later stage I gave</p> <p>4 it to some other lawyers.</p> <p>5 Q Which other lawyers?</p> <p>6 A The lawyers Patton Boggs.</p> <p>7 Q When did you do that?</p> <p>8 A I think -- I can't remember. Must have</p> <p>9 been -- could have been around July or</p> <p>10 August 2011. I'm not sure.</p> <p>11 Q And did they give you back the original</p> <p>12 of the memory stick?</p> <p>13 A Yes.</p> <p>14 Q Other than those two instances, has</p> <p>15 anyone copied the memory stick since</p> <p>16 December 2010?</p> <p>17 A Well, I made copies of that memory</p> <p>18 stick, yeah.</p> <p>19 Q Why did you do that?</p> <p>20 A To preserve more than one memory stick</p> <p>21 with the information.</p> <p>22 Q Have you provided the memory sticks that</p>	<p>1 memory stick, not only these documents. It is a</p> <p>2 32 gigabyte -- so I am using it also for other</p> <p>3 things. So but the Turkcell document -- the MTN</p> <p>4 documents, I can't recall that I have given</p> <p>5 anything to anyone else.</p> <p>6 Q Are there any MTN related documents on</p> <p>7 your memory stick that you did not provide to</p> <p>8 Patton Boggs or other lawyers working for</p> <p>9 Turkcell?</p> <p>10 A No. It is a just complete dump of all</p> <p>11 that information.</p> <p>12 Q You gave Turkcell complete access to</p> <p>13 that data stick? You just handed it to them and</p> <p>14 let them copy --</p> <p>15 A No. They were doing it in front of me.</p> <p>16 Yeah.</p> <p>17 Q So you could see the files they were</p> <p>18 selecting?</p> <p>19 A No. I didn't see the files, but they</p> <p>20 put the memory stick and they sent a copy over</p> <p>21 to the lap top -- on to the folder on the desk</p> <p>22 top.</p>

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1 Q And on the fourth paragraph here it says
2 "when it became clear that you have no intention
3 of proceeding with the project, he was hugely
4 embarrassed and under a lot of pressure."

5 Is that a fair and accurate
6 characterization of the situation?

7 A That is correct. Yeah.

8 Q Were you hugely embarrassed as well?

9 A No.

10 Q You had no embarrassment over this?

11 A No, I wasn't embarrassed. I was
12 concerned.

13 Q But there had been embarrassment with
14 regard to the MTN Foundation not going forward,
15 correct?

16 A Yes.

17 (Interruption by the court reporter.)

18 Q But there had been embarrassment with
19 regard to the MTN Foundation not going forward.

20 Okay. Turning to the third page. It
21 says "pressure from our other friend for more,
22 and putting me in the middle of that."

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1 Do you see where I am reading?

2 A Yes.

3 Q It says one, two, three, four, five
4 paragraphs down, "in the instances where I have"
5 -- strike that.

6 Third one down, it says "I've also kept
7 him onboard giving him a directorship in my SA
8 company."

9 I think we have gone over this an hour
10 or so ago. This is the directorship that Mr.
11 Ghorbanoghli got?

12 A That is correct.

13 Q Then the next two paragraphs down it
14 says "in the instances where I have been asked
15 to share even historical information about MTN
16 Irancell, I have always maintained the position
17 that I left all my files in the MTN Iran office
18 and cannot recall any of the information."

19 In what instances had you been asked to
20 share even historical information about MTN
21 Irancell prior to 30 July 2008?

22 A By the consultants preparing the tender

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1 for the third mobile license.

2 Q And had you -- who were those
3 consultants?

4 A Teyf. Teyf Consulting.

5 Q Had you told Teyf Consulting that you
6 had left all your files in the MTN Iran office?

7 A Yes.

8 Q And that wasn't true, was it?

9 A Yes, it was true.

10 Q You kept them in this hard drive that
11 you told us about, right?

12 A Yes.

13 Q And that was in the MTN office or was
14 that in your home?

15 A Those files that dealt with the -- if
16 you look at those files dealing with the then
17 current information subscriber numbers in
18 2007/2008, I had left in my office.

19 Q Well, it says here "I have always
20 maintained the position that I left all my files
21 in the MTN Iran office and cannot recall any of
22 the information."

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1 A I told them that. Whether it is a lie
2 or not -- or truth, I told him.

3 MR. FARBER: Objection.
4 BY MR. HARKNESS:

5 Q And what -- I'm just saying, that was a
6 lie, wasn't it?

7 MR. FARBER: Objection.

8 A I didn't want to disclose the
9 information.

10 Q And so you lied, correct?

11 A No, I didn't lie. I didn't disclose the
12 information.

13 MR. FARBER: Objection.

14 Q Did you tell the Teyf people that you
15 had left all of your files -- all of your files
16 in the MTN Iran office? Did you tell them that,
17 "yes" or "no"?

18 A Yes.

19 Q And you had in fact taken files on your
20 hard drive out of the MTN Iran office at the
21 time, "yes" or "no"?

22 A Not all of my files.

62 (Pages 861 to 864)

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<p>1 Q I didn't say all. But you had taken MTN</p> <p>2 files out of MTN when you left, correct?</p> <p>3 A That is right. Yes.</p> <p>4 Q So if you told Teyf that you had left</p> <p>5 all your files at the MTN Iran office, that</p> <p>6 wasn't true?</p> <p>7 A Oh, oh, yes --</p> <p>8 MR. FARBER: Objection.</p> <p>9 THE WITNESS: -- it wasn't, no.</p> <p>10 Q And you also told him that you could not</p> <p>11 recall any of the information, right?</p> <p>12 A Yes.</p> <p>13 Q That wasn't true either?</p> <p>14 A No, I could not recall it.</p> <p>15 Q Can you recall it now?</p> <p>16 A No.</p> <p>17 Q Can you recall any information about</p> <p>18 your time at MTN now?</p> <p>19 A Yes.</p> <p>20 Q You just spent three days testifying</p> <p>21 about it.</p> <p>22 A All -- all based on documents that were</p>	<p>1 A No.</p> <p>2 Q You don't know where that person is?</p> <p>3 A No. I know where the person is. I know</p> <p>4 his name, but I don't know how to get ahold of</p> <p>5 him.</p> <p>6 Q And you are not going to tell me?</p> <p>7 A No.</p> <p>8 Q Did that person tell you that you should</p> <p>9 be excommunicated from MTN Irancell?</p> <p>10 A Not excommunicated. I used the word</p> <p>11 excommunicated.</p> <p>12 Q What word did that other person use?</p> <p>13 A He said we should not give you business.</p> <p>14 Q Were you asking for business from MTN at</p> <p>15 the time?</p> <p>16 A In 2008 we were looking at introducing a</p> <p>17 push e-mail project into MTN Irancell, yes.</p> <p>18 Q And because a couple paragraphs down in</p> <p>19 bold you say "in respect of Iran, I, therefore,</p> <p>20 once again, offer my assistance." So you wanted</p> <p>21 --</p> <p>22 A Yes.</p>
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<p>1 given to me.</p> <p>2 Q Let's move on on this document. The</p> <p>3 next page, the top says "the fact of the matter</p> <p>4 is that I gave you my word that I would help you</p> <p>5 solve some of the outstanding issues, and you</p> <p>6 will agree that up til March of this year I have</p> <p>7 certainly kept you informed of any developments.</p> <p>8 This was until I was advised that you had</p> <p>9 decided to cut me off and give instructions that</p> <p>10 I should be excommunicated from MTN Irancell."</p> <p>11 A Yes.</p> <p>12 Q Were you advised that Phuthuma had</p> <p>13 decided to cut you off?</p> <p>14 A Yes.</p> <p>15 Q Who advised you of that?</p> <p>16 A One of my friends in MTN Irancell.</p> <p>17 Q And what is that person's name?</p> <p>18 A I can't tell you. I won't tell you.</p> <p>19 Q Do you remember the person's name?</p> <p>20 A Yes, I do.</p> <p>21 Q Do you know how to reach out to that</p> <p>22 person today?</p>	<p>1 Q You wanted to do business with MTN,</p> <p>2 right?</p> <p>3 A No. I was going to assist Phuthuma on</p> <p>4 the issues that were outstanding, revenue share</p> <p>5 and the capital restructuring.</p> <p>6 Q Were you going to do that for free?</p> <p>7 A No. I was going to get paid by</p> <p>8 Phuthuma.</p> <p>9 Q So you wanted to do work to get paid by</p> <p>10 MTN, correct?</p> <p>11 MR. FARBER: Objection to form.</p> <p>12 THE WITNESS: It's a normal business</p> <p>13 occasion, Mr. Harkness.</p> <p>14 Q I am not saying it's not. I am just</p> <p>15 saying, that is what you wanted.</p> <p>16 MR. FARBER: Objection to form.</p> <p>17 Q Going back to this deposition.</p> <p>18 How were the dates set for the</p> <p>19 deposition?</p> <p>20 A I don't know.</p> <p>21 Q Well, did you talk to Turkcell and say</p> <p>22 "these are the dates I want?"</p>

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<p>1 hours.</p> <p>2 Q Was it a single day?</p> <p>3 A Yeah.</p> <p>4 Q Then you flew back to Dubai after that?</p> <p>5 A Yes.</p> <p>6 Q And during the course of that meeting</p> <p>7 what did you talk about?</p> <p>8 A We talked about the BIT arbitration. I</p> <p>9 gave them my memory stick. They transferred it.</p> <p>10 They printed it. We started looking through</p> <p>11 that.</p> <p>12 Q Did you -- did you consult your</p> <p>13 employment agreement with MTN prior to having</p> <p>14 the meeting?</p> <p>15 MR. FARBER: Objection.</p> <p>16 THE WITNESS: No. I don't think so.</p> <p>17 BY MR. HARKNESS:</p> <p>18 Q Did you do anything to see if you had</p> <p>19 any confidentiality obligations with regard to</p> <p>20 the document you had taken from MTN when your</p> <p>21 employment ended?</p> <p>22 A No, I didn't.</p>	<p>1 anywhere, you will have to take care of the</p> <p>2 tickets," and so forth.</p> <p>3 Q And what did they say about paying you?</p> <p>4 A They say, "yeah." They will pay me for</p> <p>5 time spent on any documents, perusing documents,</p> <p>6 and so forth.</p> <p>7 Q So did they pay you to -- for your time</p> <p>8 in making documents in the BIT arbitration?</p> <p>9 A No. Not -- not on that day.</p> <p>10 Q Have they ever paid -- has Turkcell ever</p> <p>11 paid you any money for the time you spent</p> <p>12 supporting them in any arbitration or litigation</p> <p>13 at all?</p> <p>14 A BIT, I charged them for every hour I</p> <p>15 spent on reviewing documents as they send me the</p> <p>16 draft of the witness statement, and if they</p> <p>17 asked me to look at this, give us your comment,</p> <p>18 I will charge them an hourly fee for that.</p> <p>19 Q What was your hourly fee?</p> <p>20 A My hourly fee on a daily basis was</p> <p>21 10,000 Dirhams. So if I spend -- I just pro</p> <p>22 rata it. I start with 10,000. If I spend eight</p>
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<p>1 Q Did the lawyers you meet with ask you</p> <p>2 whether or not you had any confidentiality</p> <p>3 obligations with regard to the documents you</p> <p>4 were providing to them?</p> <p>5 A They may not or they may have. I don't</p> <p>6 know. I can't remember. But I gave them the</p> <p>7 documents.</p> <p>8 Q Did you have any discussions with them</p> <p>9 about the conditions of your cooperation with</p> <p>10 Turkcell?</p> <p>11 A Not with them, no, no.</p> <p>12 Q Okay. Did you ever have any</p> <p>13 conversations with any representatives of</p> <p>14 Turkcell, either employees of Turkcell or their</p> <p>15 lawyers, about the conditions for your</p> <p>16 cooperation in this -- in this litigation or the</p> <p>17 two arbitrations?</p> <p>18 A No. They only asked me about helping</p> <p>19 them with the BIT arbitration. I just said,</p> <p>20 "Look, guys, I have a business that I am</p> <p>21 running. If I am doing work on this, you're</p> <p>22 going to have to pay me. If you want me to fly</p>	<p>1 hours, I charge them 10,000 Dirhams. If I spend</p> <p>2 four hours, I will charge them pro rata of</p> <p>3 10,000.</p> <p>4 Q And how much have you charged Turkcell</p> <p>5 for your time on any MTN related arbitration or</p> <p>6 litigation since December 2010?</p> <p>7 A I haven't been paid for the MTN</p> <p>8 litigation. I have been paid for the BIT</p> <p>9 arbitration work that I did on perusing</p> <p>10 documents and making comments.</p> <p>11 I would say -- I will have to look at my</p> <p>12 records, but it is -- it is certainly more than</p> <p>13 about 60, 80,000 -- could be -- yeah -- Dirhams</p> <p>14 over the period since 2011, beginning of 2011.</p> <p>15 Q Do you have -- have you issued invoices</p> <p>16 for the time?</p> <p>17 A Yes.</p> <p>18 Q You issued those to whom?</p> <p>19 A To the gentleman whom I refuse to name.</p> <p>20 Q So you are directly billing Turkcell,</p> <p>21 not going through the lawyers?</p> <p>22 A No. I am not billing the lawyers.</p>

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<p>1 Q So you're directly billing Turkcell?</p> <p>2 A Yes.</p> <p>3 Q Is this an arrangement to reimburse you</p> <p>4 for your time that the lawyers were aware of?</p> <p>5 Were you in the room when you discussed it?</p> <p>6 Were they in the room when you discussed it?</p> <p>7 A No.</p> <p>8 Q So this is an arrangement you made</p> <p>9 directly with Turkcell?</p> <p>10 A Yes.</p> <p>11 Q And as far as you know, the lawyers</p> <p>12 weren't aware of it?</p> <p>13 A I didn't tell them.</p> <p>14 Q And do you have any similar arrangement</p> <p>15 with regard to the ICC arbitration?</p> <p>16 A No, I didn't -- but the ICC arbitration,</p> <p>17 by the time that I got involved, I think the ICC</p> <p>18 arbitration has been done, evidence has been</p> <p>19 done and everything.</p> <p>20 Q And have you seen any of the evidence in</p> <p>21 the ICC arbitration?</p> <p>22 A Yeah. I think they showed me a extract</p>	<p>1 Q Have you communicated your expectation</p> <p>2 that someone has to pay you for your loss of</p> <p>3 business to Turkcell prior to giving your</p> <p>4 deposition here today?</p> <p>5 A No. No.</p> <p>6 Q Have you communicated a desire to be</p> <p>7 paid for your time to anyone at Turkcell prior</p> <p>8 to your deposition?</p> <p>9 A No.</p> <p>10 Q We have a Turkcell representative in the</p> <p>11 room. Is he the person you have been dealing</p> <p>12 with whose name you will not give me?</p> <p>13 A No.</p> <p>14 Q Did you consult with anyone between</p> <p>15 December 10th --</p> <p>16 A December 10th?</p> <p>17 Q -- 2010, when you were first contacted</p> <p>18 by Turkcell, and January 18th, 19th or 20th</p> <p>19 2011, when you called them back, to say you will</p> <p>20 be interested? Did you consult with anyone</p> <p>21 about your decision to cooperate with Turkcell?</p> <p>22 A No, no. I did not consult. I had a</p>
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<p>1 from Dr. Farzad's evidence at the, you know,</p> <p>2 when I met with the lawyers for the BIT.</p> <p>3 Q So going back -- and do you have any</p> <p>4 arrangement for payment for your time in the</p> <p>5 U.S. MTN litigation?</p> <p>6 A No. I haven't made any such</p> <p>7 arrangement.</p> <p>8 MR. FARBER: Are you volunteering?</p> <p>9 MR. HARKNESS: No.</p> <p>10 BY MR. HARKNESS:</p> <p>11 Q Have you -- do you have any arrangement</p> <p>12 with the person at Turkcell with whom you have</p> <p>13 been dealing to have a discussion about</p> <p>14 compensation for your time in the American</p> <p>15 litigation at some future date?</p> <p>16 A We will discuss that after my deposition</p> <p>17 today, I am sure. Someone has to pay me for my</p> <p>18 loss of business.</p> <p>19 Q And you expect Turkcell to do that,</p> <p>20 correct?</p> <p>21 A No, not necessarily. Maybe you guys</p> <p>22 will share it.</p>	<p>1 discussion with Paul Jenkins, and we were</p> <p>2 talking generally. I said to him "if Turkcell</p> <p>3 approaches me, I am going to go, because</p> <p>4 Phuthuma has now not paid me my money."</p> <p>5 Q And if Phuthuma had paid you your money,</p> <p>6 you would have reacted different to Turkcell?</p> <p>7 A Yeah, of course. I would not have been</p> <p>8 angry with MTN.</p> <p>9 Q So going back to London. How did you</p> <p>10 leave it at the end of your time in the London</p> <p>11 meeting with the three lawyers, the person from</p> <p>12 Turkcell and you?</p> <p>13 A They said -- I mean, they obviously took</p> <p>14 a statement. They said they will let me have</p> <p>15 the draft statement, that -- in a few days time.</p> <p>16 There was some discussion about how will it be</p> <p>17 communicated to me, how will I get it, and so</p> <p>18 on. Then they said we will have a follow up</p> <p>19 meeting.</p> <p>20 Q Okay. And what did you decide about how</p> <p>21 you would communicate?</p> <p>22 A I think the main form of communication</p>