

In the matter of an arbitration
under the Rules of Arbitration of
the International Centre for
Settlement of Investment Disputes

Case No. ARB/18/21

Video conference
via Zoom

Thursday, 24th June 2021

Hearing on Jurisdiction and the Merits

Before:

RT HON LORD PHILLIPS KG PC
MR J TRUMAN BIDWELL JR
MS BARBARA DOHMANN QC

BAY VIEW GROUP LLC
and
THE SPALENA COMPANY LLC

Claimants

-v-

GOVERNMENT OF RWANDA

Respondent

Secretary to the Tribunal: ALEX B KAPLAN

Transcript produced by Anne-Marie Stallard
and Georgina Vaughn on behalf of Trevor McGowan

APPEARANCES

FOR CLAIMANTS

STEVEN COWLEY, Duane Morris LLP

BRYAN HARRISON, Duane Morris LLP

RODERICK MARSHALL, Bay View Group LLC

FOR RESPONDENT

RICHARD HILL QC, 4 Stone Buildings

ALASTAIR TOMSON, 4 Stone Buildings

MICHELLE DUNCAN, Joseph Hage Aaronson LLP

DANIEL McCARTHY, Joseph Hage Aaronson LLP

DANIELLE DUFFIELD, Joseph Hage Aaronson LLP

LUCY NEEDLE, Joseph Hage Aaronson LLP

NARCISSE DUSHIMIMANA, Rwanda Mining Board

SPECIOZA KABIBI, MINIJUST, Government of Rwanda

THIRD PARTY OBSERVERS

LISA GROSH, United States Office of International Claims and Investment Disputes

JOHN DALEY, United States Office of International Claims and Investment Dispute

NICOLE THORNTON, United States Office of International Claims and Investment Dispute

CATHERINE GIBSON, Office of the United States Trade Representative

MICHAEL COFFEE, United States Department of Justice

DONNA CHAPIN, United States Department of Justice

INTERPRETERS

SARAH ROSSI, French-English interpreter

ELIZA BURNHAM, French-English interpreter

ROBERT WOLFENSTEIN, French-English interpreter

JEAN CLAUDE MUGENZI, Kinyarwandan-English interpreter

ROSE-MARIE MUKARUTABANA, Kinyarwandan-English interpreter

SUPPORT STAFF

JAMES WATKINS, FTI Consulting

DAVID BRODSKY, FTI Consulting

ANNA LOUTFI, assistant to the Tribunal

COLLEEN FERGUSON, ICSID paralegal

IZABELA CHABINSKA, ICSID intern

INDEX

	PAGE
Discussion re prodecural matters	1
MR RODERICK MARSHALL (continued)	6
Cross-examination by MR HILL (continued)	6
Re-direct examination by MR COWLEY	40
Tribunal questions	68
Tribunal questions	73
Tribunal questions	76
MR KEVIN BUYSKES (called)	128
Direct examination by MR HARRISON	129
Cross-examination by MR HILL	131
Tribunal questions	132
Re-direct examination by MR HARRISON	141
Questions from THE TRIBUNAL	142
MS ZUZANA MRUSKOVICOVA (called)	145
Direct examination by MR COWLEY	145
Cross-examination by MR HILL	148
Questions from THE TRIBUNAL	177
MR JAROSLAV FIALA (called)	179
Direct examination by MR HARRISON	180
Cross-examination by MR HILL	181
Re-direct examination by MR HARRISON	193

12:01 1 Thursday, 24th June 2021
 2 (Transcript times are British Summer Time)
 3 (12.01 pm)
 4 THE PRESIDENT: I gather there is a bit of housekeeping?
 5 MR COWLEY: There is. Well, actually, Mr Hill, did you have
 6 something that you announced as needing housekeeping
 7 discussion?
 8 MR HILL: No, I don't think we've had confirmation that we
 9 can upload those documents, but other than that, I don't
 10 have anything.
 11 MR COWLEY: Okay. So I'm going to ask Mr Harrison to go on
 12 video. He can explain the details better, and certainly
 13 if we're going to start talking about potential next
 14 steps to address the situation, Mr Harrison is going to
 15 be the person manning the phones to try to make that
 16 happen. So I would like him to join in the discussion.
 17 I could say I understand through Mr Harrison that we
 18 have an issue with the next witness, Mr Buyskes. The
 19 computers that were to be -- computers and camera
 20 equipment that were en route that we talked about
 21 yesterday, have not -- at least they have not arrived,
 22 I don't know if they're in process beyond customs, and
 23 I'm not sure anybody here knows that.
 24 So they may arrive shortly, but they're not there
 25 now. So as we go into this morning, we wanted to report

Page 1

12:02 1 a new concern in addition to waiting for that equipment
 2 to arrive, and Mr Buyskes, as a reminder, as we pointed
 3 out yesterday, he is the next witness.
 4 Because we're also dealing with reporting to the
 5 witnesses, including Mr Buyskes, that while the schedule
 6 looks like it's moving back a little bit, he raised
 7 a concern that there is a 7.00 pm hard curfew. You
 8 can't be out, it is subject to arrest, very concerned
 9 about having to leave the office where he was planning
 10 to do this, you know, at 6.00 to be home in time, you
 11 know, and know that he's in before the curfew and can't
 12 be out. So he asked us, you know, how can he wait at
 13 that office and know that he could leave?
 14 To address these two things, Bryan started talking
 15 to Mr Buyskes about the fact that he has computer
 16 equipment in his home, not the same, obviously.
 17 THE PRESIDENT: If you are relaying what Mr Harrison is
 18 going to tell us, let's have Mr Harrison tell us.
 19 MR COWLEY: I'm sorry, he just left, I think to take a phone
 20 call. He just ran out of the room so I assume he's
 21 getting a phone call from somebody.
 22 Mr Buyskes has a laptop at his house. This is
 23 a detail: he has a phone or a laptop with camera
 24 capability also at this house. He would like to plan
 25 not to go to the office where he was expecting to do

Page 2

12:04 1 this, not to wait for computer equipment from FTI, but
 2 instead to plan to be at his house so he knows he is
 3 safely inside, however late this gets. Mr Harrison is
 4 back. If he could come back on. And that would require
 5 a workaround instead of what people are familiar with
 6 and used to for the standard 360 camera and stream. It
 7 would be a more limited projection from some angle, from
 8 some corner in the room where he is testifying to
 9 capture as much of the room around him.
 10 THE PRESIDENT: Yes.
 11 MR COWLEY: But that's all he can offer as an alternative.
 12 THE PRESIDENT: One possibility might be that the
 13 Respondents would be able to arrange for an official to
 14 be present with him while he is giving his evidence.
 15 MR COWLEY: Well, we haven't raised that and whether that
 16 would be of any concern to him, so I don't want to speak
 17 for him and just say (overspeaking).
 18 THE PRESIDENT: No, no.
 19 MR COWLEY: Again, you know, until FTI gets a picture from
 20 whatever the second device is that he'll use as a camera
 21 to stream, I can't report how much of the room is
 22 covered.
 23 THE PRESIDENT: Okay. If we could be updated when we have
 24 our first break, in an hour and three-quarters or so, of
 25 the position, and if it's possible to do some

Page 3

12:06 1 experimentation to see how the thing works in the
 2 meanwhile, that would be a help but anyway --
 3 MR COWLEY: That's fine, I'm not -- I'm sorry to speak over
 4 you.
 5 So what you're saying is, don't tell Mr Buyskes that
 6 it's agreed he can go home at some point today, stay
 7 home and wait for his turn to be called; to wait still
 8 further where -- outside his home, and he was planning
 9 all along to go to another office where the computer was
 10 being delivered for all this to happen. So the message
 11 to him right now that Bryan should deliver is hold to
 12 the plan until we tell you otherwise?
 13 MR HILL: Can I just interject. If it helps at all, I know
 14 I have run on a bit with Mr Marshall, and I will be,
 15 I think up to an hour this morning, I hope a bit less,
 16 but then I intend to be quite quick with Mr Buyskes, so
 17 I don't think he should feel worried that there's going
 18 to be a sort of two-hour cross-examination or anything
 19 like that, and I would have thought, given the timeframe
 20 of the curfew, there isn't any difficulty anyway, unless
 21 Mr Cowley intends to be much longer in re-direct than is
 22 on the timetable.
 23 THE PRESIDENT: Right. Well, the answer is that Mr Buyskes
 24 should try to make arrangements for the best way of
 25 giving his evidence in the absence of receiving the

Page 4

12:07 1 equipment, which is in limbo at the moment, and whether
 2 it's at his home or whether it's at an office, I don't
 3 think matters too much: he'll have time to get home
 4 after his evidence, providing it's not going to take him
 5 more than an hour.
 6 MR COWLEY: Right. The office where this was expected where
 7 the equipment is being delivered, Mr Buyskes reports as
 8 being an hour commute from his house. That is what
 9 caused him to raise a concern with Mr Harrison.
 10 That's -- we're passing it on. I can't speak for him
 11 and tell him that Mr Hill assures that it won't be
 12 a problem and say that then he's okay with that, because
 13 he's telling us, I'm just reporting it.
 14 THE PRESIDENT: Yes, well, we are flexible. We want the
 15 best arrangement possible for giving his evidence. If
 16 that's better done at the office, then we could give him
 17 a guarantee that if he's not finished, we'll stop at
 18 6 o'clock so he can get home, but the alternative is to
 19 do it from his home. I understand Mr Hill has got no
 20 objection to that in principle. So let's leave it to
 21 him to try and sort this thing out at his end over the
 22 next hour or so.
 23 MR COWLEY: Mr Harrison will work with him as best as
 24 possible with that instruction, Mr President.
 25 THE PRESIDENT: Very well, let's move on then. Let's have

Page 5

12:11 1 It's recorded there that, based, presumably, on what was
 2 being said to him by you at the time:
 3 "Daniel agreed that this was unfair to NRD."
 4 And then we also have a statement a little lower
 5 down that:
 6 "Daniel said that the RDB agreed that the BVG
 7 investors would be compensated because their concession
 8 had been illegally expropriated and the State had a debt
 9 to them."
 10 That is not an accurate record, is it, or anything
 11 actually agreed by anyone on behalf of the RDB?
 12 A. He gave us a long explanation about how it had been
 13 illegally taken from us and they had not followed any of
 14 the administrative procedures in doing so, and it was
 15 primarily at the instruction of Dr Michael.
 16 Q. And you knew, didn't you, that Mr Nkubito wouldn't have
 17 been authorised to make statements of this kind on
 18 behalf of the RDB?
 19 A. I absolutely knew that he was instructed to make those
 20 statements to us by the RDB.
 21 Q. And the RDB have never accepted, and it's not the case,
 22 that the BVG investors had had their concession
 23 illegally expropriated; that's correct, isn't it?
 24 A. Of course not.
 25 Q. And if that had been the case, you would have pursued

Page 7

12:09 1 Mr Marshall back.
 2 MR WATKINS: Okay, we are bringing the witness in now.
 3 MR RODERICK MARSHALL (continued)
 4 Cross-examination by MR HILL (continued)
 5 MR HILL: Mr Marshall, I'm going to go to a new document
 6 now, which is C-101, if that could be pulled up. Now,
 7 on its face, this document is a minute of a meeting at
 8 the RDB, and it purports to be a minute of a meeting
 9 with a junior person at the RDB, Mr Nkubito. Now, this
 10 is not a RDB minute, is it?
 11 A. It doesn't look like it.
 12 Q. No, it's prepared by someone on your side, isn't it?
 13 A. I believe it was.
 14 Q. Now, there are some statements on the second page of the
 15 minute. I just want to have a look at those. And
 16 I just want to look, in the penultimate paragraph, the
 17 last sentence --
 18 A. I would like to correct you that Mr Nkubito was the
 19 spokesman for the RDB at that time, not a junior
 20 officer.
 21 Q. Well, that's not accepted, but we've heard that
 22 evidence. Can we look at --
 23 A. That's what his business card said and that's what he
 24 told us.
 25 Q. Can we look at the last -- the penultimate paragraph.

Page 6

12:12 1 a claim for the BVG investment, and you never have, have
 2 you?
 3 A. We had reached a gentlemen's agreement on how this was
 4 to be handled at that time. Mr Nkubito was bringing it
 5 up again because he thought it was so manifestly unfair,
 6 and he and others in the RDB were putting together
 7 a proposal about how to compensate us for that illegal
 8 expropriation.
 9 Q. And that is -- the evidence you've just given is simply
 10 untrue, isn't it?
 11 A. No, of course not.
 12 Q. Now, can we go to bundle C-100. This is a notification
 13 to Mr Gatere under the bilateral investment treaty, and
 14 you request informal consultation and negotiation, and
 15 you considered at that point, didn't you, you had
 16 a claim based on the failure to award long-term
 17 licences; yes?
 18 A. No, we were trying to get some form of communication,
 19 and we were trying every tool that we had to try to get
 20 Mr Gatere's attention. As I said, there's only five,
 21 maybe six mining companies in the industry; we couldn't
 22 understand why he was refusing to meet or even
 23 communicate with us.
 24 Q. Well, you're articulating, aren't you, a right to
 25 consultation on the basis you have a claim under the

Page 8

12:14 1 bilateral investment treaty?
 2 A. We were trying to provoke him into some communication
 3 with us. We were unable to get a meeting with him, so
 4 we were trying to use any tool we could, as I had been
 5 doing for three years, trying to provoke any sort of
 6 attention to the problem.
 7 Q. Could you go to C-107. This is a letter from you, or
 8 an email from you, to Mr Niyonsaba, who is going to be
 9 one of our witnesses who we will see later, and
 10 Mr Niyonsaba is a senior representative of the iTSCi
 11 Pact programme, isn't he; yes?
 12 A. No, he's an employee of Pact, and he has some also
 13 responsibility to the ITA, but I don't know what that
 14 is. He is the head of the purported iTSCi tagging
 15 programme.
 16 Q. Exactly.
 17 Now let's look at the second paragraph. You say:
 18 "Minister Evode continues with his recent argument
 19 that 'because NRD does not have a long term mining
 20 licence' he refuses to provide NRD with a 'tag
 21 manager'.
 22 And you pick up the point again in the next
 23 paragraph:
 24 "Obviously the argument that he refuses us a 'tag
 25 manager' because we do not have a 'long term licence' is

Page 9

12:15 1 disingenuous."
 2 Now, that's a complete distortion, isn't it?
 3 Mr Imena's point was not that you did not have a
 4 long-term licence; it was that you did not have any
 5 licence, despite being asked to apply for one.
 6 A. We were in the same position as all of the large-scale
 7 mining concession holders. He had singled us out and
 8 refused to provide a tag manager. A tag manager is the
 9 person --
 10 Q. No, that's not at all an answer to my question. Let's
 11 just focus on my question. What you say in this letter,
 12 this email, is inaccurate, because Mr Imena was not
 13 refusing you tagging on the basis you didn't have
 14 a long-term licence; he was refusing you tags on the
 15 basis you didn't have any licence; correct?
 16 A. That's not true, because all the concession holders are
 17 being treated the same except we were singled out and
 18 not able to get tags (overspeaking).
 19 Q. Now, you know this is not an answer to my question.
 20 What you're digressing onto now is your --
 21 A. No, you're asking --
 22 Q. -- what you say is your right to a licence.
 23 MR COWLEY: Sorry, respectfully, Claimants object to that
 24 argument and statement. We believe it is responsive and
 25 we believe you shouldn't be cutting it off and let him

Page 10

12:16 1 finish and make whatever arguments you want later.
 2 THE PRESIDENT: I understood it to be an answer to your
 3 question, Mr Hill --
 4 MR HILL: Well, in that case I'll --
 5 THE PRESIDENT: -- which was as to what was the reason, and
 6 he was saying, as I understood it, that others were in
 7 the same boat, but they weren't being denied the right
 8 to tag.
 9 A. Yes.
 10 MR HILL: Well, can I, in that case, rephrase my question.
 11 What I meant to say, and I'm sorry if I got the
 12 question wrong, what I am trying to suggest to
 13 Mr Marshall is that what's said in the letter is
 14 inaccurate because he's representing to Mr Niyonsaba
 15 that he is being refused tags because he doesn't have
 16 a long-term licence, but Mr Imena was in fact refusing
 17 you tags because you didn't have any licence, not just
 18 a long-term licence, any licence. And I'm suggesting
 19 the letter was inaccurate. And that's the question
 20 I'm asking you to answer.
 21 A. I disagree with that characterisation.
 22 Q. Now, you then go on to say, in the next paragraph:
 23 "We have begun legal procedures to claim against the
 24 Rwandan Government for expropriation damages under the
 25 Rwanda-US bilateral investment treaty."

Page 11

12:18 1 So although you said a moment ago in answer to my
 2 question about the consultation, you just said that was
 3 trying to provoke a reaction, you were in fact telling
 4 Mr Niyonsaba you have begun legal procedures to claim
 5 against the Rwandan Government for expropriation, aren't
 6 you? Yes?
 7 A. No, this is the same approach that we were trying with
 8 the Minister. The reason -- there's no instance in all
 9 of the activities with the iTSCi programme where someone
 10 has been denied a tag for -- without being in breach of
 11 the programme. We were never in breach of the
 12 programme. So what I was trying to do was provoke
 13 a response from Ildephonse on the same basis that he
 14 addressed the problem. He had no right to allow the
 15 Minister to withhold the tags.
 16 Q. I suggest what this shows you is you did consider you
 17 had a claim for expropriation because you are telling
 18 Ildephonse, who is not a member of the government, that
 19 you have that claim; yes?
 20 A. No. Ildephonse is breaking his own internal rules, and
 21 I'm trying to alert him to the fact that he, as the head
 22 of Pact, is breaching iTSCi rules by allowing us to be
 23 denied tags. It was an absurd situation, we were the
 24 only people that were treated this way. We certainly
 25 expected them to resume issuing us tags.

Page 12

12:19 1 Q. Now, can we go over the page and look at the penultimate
 2 paragraph. You deal there with security personnel and
 3 protecting the assets and you say:
 4 "For what comfort it may give you, we have not had
 5 any reports that any minerals have come into the NRD
 6 concessions from the DRC. As you know, there would be
 7 no economic incentive for such minerals to come from the
 8 DRC into our concessions."
 9 So you were explaining to Mr Niyonsaba that from
 10 your perspective, there weren't minerals coming into
 11 your concession from the DRC; correct?
 12 A. Yes, but I have to give you the context of that. He and
 13 I had been talking about whether our concessions were
 14 being used as part of this large-scale movement of DRC
 15 minerals coming into Rwanda. I wanted to assure him
 16 that in a quasi custodial role we had not seen any of
 17 that happen. It was still coming through other
 18 mechanisms, through other concessions, but still not
 19 through ours, even though we did not have tags. Our
 20 custodial function was working.
 21 Q. Could you just go to your third witness statement at
 22 paragraph 13. You are dealing there with the
 23 consequence of refusing tags, and you say in the second
 24 half of the paragraph dealing with:
 25 "Claimants could not confirm who was tagging at the

Page 13

12:23 1 had to look elsewhere. It may well have been coming
 2 through our concessions, but not that we knew about. We
 3 weren't seeing signs of it.
 4 Q. Now please go to C-038. This is Mr Imena's notification
 5 on 19th May 2015 of the decision that the information
 6 you provided of your application meant that your
 7 application did not meet the requirements, and what he
 8 says is:
 9 "Reference is made to our letter ... requesting you
 10 specifically to submit, among other things, detailed
 11 proposals with clear timeframe for work plans and
 12 business plans for the period of the licences your
 13 company applied for as well as proofs and documents
 14 supporting your applications."
 15 And he says:
 16 "Upon review of the documents you submitted, it was
 17 determined that the information did not meet the
 18 requirements ..."
 19 And he says:
 20 "Considering the fact that, it is for the third time
 21 that your company has been requested to submit complete
 22 application files, but failed to do so, despite
 23 forbearance shown by the Ministry. I, unfortunately,
 24 regret to notify you that, due to the reasons stated
 25 above, the Ministry is not able to grant mineral

Page 15

12:21 1 Nemba Concession and other concessions."
 2 Do you see that? And then you go on to say:
 3 "Based on these communications, it is my
 4 understanding that minerals were being tagged as
 5 originating at NRD's Concessions even though tags were
 6 denied to NRD and NRD was not conducting mining
 7 operations. In order for this to happen, Respondent had
 8 to be issuing tags to someone for minerals coming from
 9 somewhere. It was not NRD's minerals being tagged, and
 10 very likely the tagged minerals were smuggled from the
 11 DRC and Respondent tagged them as if they originated
 12 from NRD's concessions."
 13 Now, that is the opposite point to the one we see in
 14 your email to Mr Niyonsaba at the time; correct?
 15 A. No, they're apples and oranges. We were not seeing any
 16 minerals being tagged in our concessions at all. There
 17 are miners who live in villages in the concession and in
 18 their backyard they are literally mining. Where the
 19 tags were coming from that were used to tag those
 20 minerals, or -- and this was in response to a request
 21 because they believed there were large-scale minerals
 22 coming into the concession and being tagged from
 23 somewhere, so the general question we were being asked
 24 is by what -- how were minerals from our concessions
 25 being tagged, and as far as we knew none were, and so he

Page 14

12:24 1 licences to your company [NRD] ..."
 2 Then over the page he asks you to hand over the
 3 mining perimeters.
 4 It's right to say, isn't it, as he says in the
 5 letter that you had been asked three times to provide
 6 complete information; correct?
 7 A. No, we had not. We had been asked to submit additional
 8 information on several occasions. We could not get any
 9 verbal, normal kind of communications through a meeting,
 10 so all we could do was interpret whatever questions were
 11 being asked. We thought that was very unfair. We had
 12 fully performed. We had an application which had been
 13 reviewed, we had had an agreement which had been
 14 negotiated, the language of the agreement we had
 15 negotiated and the reason this was particularly
 16 upsetting was not just that: we're not willing to grant
 17 a licence, we're not even willing to sit down with you
 18 and talk about either the requests for information or
 19 what the language of a long-term concession licence
 20 could be. So we never even got to talk about what
 21 covenants or representations or warranties or anything
 22 that would be in a long-term licence agreement. So we
 23 were being cut off based on a wholly new application
 24 process that nobody else was being subjected to. It was
 25 puzzling.

Page 16

12:26 1 Q. And it's right to say, as he says in the first
 2 paragraph, you had not provided, as requested:
 3 "... detailed proposals with clear timeframe for
 4 work plans and business plans for the period of the
 5 licence, as well as proof and documents supporting your
 6 application."
 7 We went through that yesterday; correct?
 8 A. I take issue with it. I disagree that we had not
 9 provided that information.
 10 Q. Now can we go to C-112.
 11 A. But this is particularly upsetting in the context that
 12 the bailiff was continuing to -- without
 13 documentation -- plunder our assets, and we had no way
 14 of being able to stop it, so we were very upset.
 15 Q. So if you go to C-112, and go to just -- if we go to the
 16 third page of the exhibit, that's your response on
 17 25th May. Now, picking up the bottom paragraph on
 18 page 1, you say:
 19 "This Notification ... appears to make little sense
 20 given that more than one year ago the Minister
 21 expropriated the same mining concessions."
 22 So you took the position, didn't you, that the
 23 concessions had in fact been expropriated more than
 24 a year previously?
 25 A. No, as you can see, it's highly rhetorical. I'm trying

Page 17

12:29 1 an expropriation and that that has already prompted
 2 a request for settlement under the bilateral investment
 3 treaty; yes?
 4 A. Well, we were still trying to provoke him. We had no
 5 other basis on which to say, other than "Please help
 6 us", this was our only possible argument. So I had been
 7 using it for three years and I continued using it until
 8 2016.
 9 Q. And if you go on to the next page, you say:
 10 "the investors in NRD do not understand the purpose
 11 of Minister's Notification Letter or how it relates to
 12 the ongoing Article 23 'consultation and negotiation'
 13 discussions:
 14 "1. The Notification Letter appears to be written
 15 as if the Minister is not aware that settlement
 16 discussions are ongoing between the investors in each of
 17 NRD and Bay View Group ... and the RDB ... under
 18 Article 23 of the Bilateral Investment Treaty regarding
 19 the expropriation of the business of NRD and Bay View
 20 Group."
 21 Then you go on to say at paragraph 3:
 22 "The Notification Letter appears to misrepresent the
 23 circumstances..."
 24 You say:
 25 "The fifth paragraph of the Notification Letter

Page 19

12:27 1 to provoke a response from a minister, Gatere, who
 2 completely refused to meet with us, although he kept
 3 telling the US Embassy that he would meet at any time.
 4 I waited outside his office, Zuzana waited outside.
 5 We were trying to get any basis for a conversation,
 6 because unlike all other processes in Rwanda, we had
 7 simply been cut off, roughly about the time beginning
 8 with not being able to get tags but then with the
 9 seizure of our business.
 10 Q. Well, you're saying in this paragraph, if you look at
 11 the next part of it:
 12 "It was due to this expropriation and the Minister's
 13 unwillingness to discuss this matter that, two months
 14 ago, we requested settlement negotiations..."
 15 So your position quite clearly is that there has
 16 been an expropriation and you have already requested
 17 settlement negotiations under the BIT; yes?
 18 A. I'm sorry, it disappeared on me. Where are you reading
 19 from?
 20 Q. Just still at the bottom of paragraph 1 -- sorry, at the
 21 bottom half of the page:
 22 "It was due to this expropriation and the Minister's
 23 unwillingness to discuss this matter that, two months
 24 ago, we requested settlement negotiations..."
 25 So you are taking the position that there has been

Page 18

12:30 1 states that NRD must ... 'proceed with the closure of
 2 your operations... within a period of 60 days ...' As
 3 you are aware, the NRD mining concessions were
 4 effectively closed by the Minister's actions more than
 5 18 months ago and formally expropriated by action of the
 6 Minister more than a year ago when the mines and NRD's
 7 offices were seized."
 8 So you are making it clear that you regard the final
 9 decision by Mr Imena as irrelevant because, as you say,
 10 the concessions have been expropriated more than one
 11 year previously; yes?
 12 A. No. Again, you know, it's the only tool that I have to
 13 be able to provoke change. For example, in June of
 14 2014, the mines and offices were given to Ben Benzinge.
 15 We point out that, you know, we could have this reviewed
 16 internationally, and then the government changed its
 17 mind and gave them the concessions back to us.
 18 So this is the only tool we have. We can't threaten
 19 something else. So all I can do is continue to threaten
 20 that this procedure could begin, and hopefully that it
 21 would provoke the government into being fair and
 22 treating us like all the other long-term concession
 23 holders and give us the concessions.
 24 As you know, you know, it was -- there was not only
 25 no handover, there was no negotiation, nobody would talk

Page 20

12:31 1 to us. We knew that they were frozen. We knew that
 2 they were undecided about what to do and only
 3 in September did we get our offices
 4 back, September 2015.
 5 So we knew that there was every chance that the
 6 government was going to turn around and do the right
 7 thing, but without being able to threaten some legal
 8 proceeding, they were -- all I could do was either this
 9 or say: please, give us our concession back.
 10 Q. Can we look at item 5. You say:
 11 "The Notification Letter falsely summarises the
 12 discussions to date between NRD and the Ministry for the
 13 'long term mining licence'. The third paragraph of the
 14 Letter says that NRD has been requested to submit
 15 complete application files but failed to do so ...' For
 16 many months NRD has requested meetings (or, indeed, any
 17 communication) to discuss the so-called 'application
 18 files' and the Ministry's --"
 19 A. That's what I'm talking about. Exactly that.
 20 Q. "-- proposed change to our existing agreement. Please
 21 review the correspondence between NRD and the Minister
 22 to see why the Minister's statement is false, or at
 23 least grossly misleading. In particular NRD continues
 24 to ask why the 2006 agreement has been unilaterally
 25 terminated by the Ministry (as representative of the

Page 21

12:33 1 Rwanda Government) and what compensation will be paid to
 2 NRD's investors in respect thereof."
 3 Now, we have in fact, in the last day or so, we have
 4 reviewed the correspondence between you and the
 5 Ministry, and it's fair to say that in this letter you
 6 are not engaging with what you've been told, which is
 7 that you failed to take your opportunities to provide
 8 a compliant application; correct?
 9 A. No, this is a wholly new application process, as far as
 10 we can tell, created just for the purpose of not
 11 communicating with us, as if a decision had been made to
 12 have us lose all of our licences and assets.
 13 Parallel to this so-called re-application process
 14 that nobody else was subject to, the bailiff is going
 15 around and stealing our trucks -- and I say stealing,
 16 not just seizing without documentation, because we never
 17 got them back, we don't know where they went, we have no
 18 basis on which to know what they did with any of the
 19 equipment that they were stealing on an ongoing basis.
 20 All we could see was we came, we made an investment,
 21 and here on the one hand the bailiff is seizing
 22 everything without documentation, there's no police
 23 protection, and on the other hand, there's
 24 an application process which nobody else in our category
 25 is being subjected to, and there's nobody to talk to.

Page 22

12:34 1 We get a letter, you say: here's what you have to do,
 2 here's the information we want. We provided the
 3 information as we understood it was meant, or if it
 4 wasn't available to us, we'd noted that it was in our
 5 offices. And then without any negotiation or any
 6 discussion, which is completely contrary to any practice
 7 in Rwanda, you say: you failed. And you've repeated the
 8 word "failed" over and over again, which is simply not
 9 true.
 10 Q. Mr Marshall, that characterisation of how you responded
 11 to the application and the repeated requests for
 12 information is entirely unrealistic. We've seen what
 13 information you provided and what you declined to
 14 provide. We've seen that you didn't even apply on
 15 a concession-by-concession basis and we've seen that you
 16 simply ignored the request to show financial substance
 17 of the people behind NRD. So it's not as if you made
 18 a realistic attempt to meet the application process, is
 19 it? Being fair?
 20 A. In my seven and a half years living full-time in Rwanda,
 21 I was never aware of any licensing or process where
 22 information was being requested by a Minister or
 23 Ministry, which was not accompanied by direct oral
 24 conversation about what was it that was wanted and what
 25 format it should come.

Page 23

12:36 1 Q. Can you go -- sorry -- can you go to your supplemental
 2 witness statement. I mean your second supplemental, so
 3 it's your third witness statement, at paragraph 16.
 4 Now, you deal there with various dealings that you
 5 say you have had with the military, and you say:
 6 "Although the long term licences should have been
 7 granted without my helping the Rwandan military,
 8 I believed that providing these services only increased
 9 my chances that NRD, in which I was an investor, would
 10 get the Licences in a more timely fashion. The fact
 11 that I was providing these services in 2015, while the
 12 're-application' was under review by Rwanda, led me to
 13 believe that Rwanda would soon grant NRD the licences.
 14 I did not think that the Rwanda military would continue
 15 to solicit my help if Rwanda did not intend to grant the
 16 long term licences, as they were required to do.
 17 Through my dealings with the military, I believed that
 18 Rwanda valued me as a good partner."
 19 Now, I'm not going to spend much time on this
 20 evidence because I don't accept it's material at all,
 21 but just to be clear, all you are saying on this
 22 evidence is that you thought that the work you say you
 23 did with the military increased your chances. That's
 24 what you say; yes?
 25 A. I was invited to Rwanda to give advice, both legal and

Page 24

12:37 1 business advice on any number of topics. By the time
 2 2010 came around, I was asked specifically to focus on
 3 procurement issues and issues which were of topical
 4 interest, either to the DMI or to General Kabarebe about
 5 procurement.
 6 Did I think that made me a suitable long-term
 7 partner for Rwanda? Absolutely. I thought that --
 8 I was being complimented all the time, they would call
 9 us up for even administrative corrections on letters
 10 that they were sending out where they wanted to have me
 11 or Zuzana check it. It was something that we were doing
 12 in addition to our charitable work to make us good
 13 corporate citizens in Rwanda.
 14 Q. And you don't identify in this witness statement any
 15 assurances or promises from the military that they were
 16 going to somehow help you with your licence, do you?
 17 A. No. We were with them virtually every day and they were
 18 certainly every day assuring us that we would be getting
 19 the long-term licences.
 20 Q. If you had had assurances you would have said so in one
 21 of your witness statements, wouldn't you, and you
 22 haven't?
 23 A. I believe I have. But I've been saying it over and over
 24 again.
 25 Q. Well, you've been saying it over and over again in your

Page 25

12:38 1 oral testimony, but the way you deal with it in your
 2 witness statement is here and all you say is you
 3 believed these services increased your chances?
 4 A. We followed instructions from the US Embassy and from
 5 military personnel. From the military personnels'
 6 position, the people in the Mining Ministry were really
 7 both youngsters and/or corrupt, and so they were
 8 repeatedly asking me to be patient, not to do anything
 9 precipitous because that's not the way Rwanda works.
 10 Q. And you're not suggesting to the Tribunal, are you, that
 11 you thought you were entitled to some special treatment
 12 that other investors didn't get because you had some
 13 relationship with the military?
 14 A. Special treatment? How do you mean special treatment?
 15 Q. Well, as I understand some of the arguments you are
 16 saying today, it seems to me that you thought you were
 17 especially entitled to a licence irrespective of your
 18 objective entitlement to it as seen by the Ministry?
 19 A. We were entitled to fair treatment, and I don't think
 20 anybody disputes that, you know. What we were doing was
 21 trying to be good partners for Rwanda. We expected to
 22 be there for the long term. We would not have done what
 23 we did. Every step of the way we would ask the US
 24 Embassy whether we should or not, that was the reason
 25 the US Embassy gave us as much support as they did.

Page 26

12:40 1 Evode was 28 years old with virtually no geology or
 2 mining experience. He was fulfilling somebody's order.
 3 But what that was, we don't know.
 4 Q. After these letters you didn't have -- you had a number
 5 of further meetings with Mr Imena, didn't you?
 6 A. Never.
 7 Q. His position you did meet with him, you and
 8 Ms Mruskovicova, and his position remained that you had
 9 no licences and your operation should be closed;
 10 correct?
 11 A. After the letter of May 19th he refused to meet with us
 12 and his staff refused to meet with us. Never met him
 13 again.
 14 Q. Can you go to R-025. This was a letter sent to you by
 15 Mr Imena in June 2015 asking you to cooperate with the
 16 technical evaluation team, checking for compliance with
 17 mining and environmental compliance in connection with
 18 your exit. You didn't in fact cooperate with that
 19 process, did you?
 20 A. I've never seen this letter before these proceedings.
 21 It certainly was not delivered to us at the time. There
 22 was a procedure where they would call us up if there was
 23 an important letter. They did with regard to
 24 the May 19th letter. They never called us again. We
 25 never got another communication from them, period.

Page 27

12:41 1 Q. This letter was sent in the same way as other letters
 2 that you plainly did receive because you have exhibited
 3 them and you did receive this letter and you were aware
 4 of it; correct?
 5 A. Absolutely untrue. On what basis do you say we received
 6 it? There's no stamp. Did you look at the logs?
 7 I don't believe you have even looked at the logs. You
 8 didn't indicate you knew what I was talking about
 9 before.
 10 Q. Now, in July 2015, you instructed Norton Rose Fulbright
 11 to pursue claims against Rwanda under the bilateral
 12 investment treaty, didn't you? Yes?
 13 A. I'm sorry?
 14 Q. In July 2015, you instructed Norton Rose Fulbright to
 15 pursue claims against Rwanda under the bilateral
 16 investment treaty?
 17 A. No, I -- at the instruction or suggestion of the
 18 US Embassy, they gave me the name of Norton Rose. I met
 19 with them on a number of occasions to determine what our
 20 options might be if things didn't turn around.
 21 Q. You also made a complaint to the US Embassy
 22 in February 2016, complaining about your allegedly lost
 23 investment; correct?
 24 A. I'm sorry?
 25 Q. You also made a complaint to the US Embassy

Page 28

12:42 1 in February 2016 complaining that you had lost your
 2 investment; yes?
 3 A. I made many complaints to it. I don't recall one
 4 on February 16th.
 5 Q. Because you have alleged in this arbitration, and you
 6 have said it again today, that you expected until the
 7 tender process in February 2016 that you would remain in
 8 control of the concessions and not lose them, but that
 9 is not true, is it?
 10 A. Listen -- yes, I'm sorry, you're going to have to repeat
 11 the question because I missed it.
 12 Q. Yes. You have alleged in this arbitration that you
 13 expected until the tender process in February 2016 that
 14 you would remain in control of the concessions and not
 15 lose them, but that is not true, is it?
 16 A. No. There is a process by which, if the May 19th letter
 17 had been a serious letter and not just a further attempt
 18 to negotiate, there is a process by which both sides sit
 19 down, evaluations are made for what contributions had
 20 been made to infrastructure or road building, piping
 21 systems, pumps, this kind of thing which are part of the
 22 permanent infrastructure in the local communities.
 23 That's the kind of thing that, with regard to other
 24 long-term concession holders, had been negotiated.
 25 There was a South African company which withdrew, and

Page 29

12:44 1 they went through a whole series of these negotiations.
 2 I was party to some of them, including tax issues,
 3 severance issues, labour issues. We could not get
 4 anybody in the Ministry to talk to us, period. So we
 5 knew that they were undecided about what was going to
 6 happen.
 7 The military, all through this period we were
 8 continuing to provide consulting assistance to them.
 9 On September 22, 2015 when the Rwanda military was in
 10 the Czech Republic, that was the same day that they gave
 11 our offices back to us, so we believed that there was
 12 some progress being made but we didn't know what it was
 13 because we still had no communications with the Ministry
 14 of Natural Resources.
 15 It wasn't until, I think it's 22nd January, that
 16 Zuzana got a call. I was out of the country at that
 17 moment. Zuzana got a call from a deputy commander of
 18 the police, who instructed her, made various threats
 19 that she would be in prison, and instructed her to
 20 inform me that I had made very dangerous people in
 21 Rwanda very angry, and that I would be killed if I came
 22 back.
 23 Q. Now, that evidence -- just whilst you're on that --
 24 A. That was our first indication that things were very
 25 serious and it was a very different situation.

Page 30

12:46 1 The next week, the government announced in a local
 2 newspaper, I believe, perhaps it was in February, of
 3 a tender to come. Then I called up my connections in
 4 the military and they said: Rod, you can't come back.
 5 Q. No. That evidence you've given about threats and
 6 similar is simply untrue, isn't it?
 7 A. You know, it's a terrible question, and I find it
 8 insulting. Absolutely we filed reports with the police,
 9 with the Embassy, I was repeatedly given death threats
 10 and its outrageous for you to say that somehow
 11 I'm making this stuff up. Very inappropriate.
 12 Q. If you filed reports with the police, why haven't you
 13 referred to that before in these pleadings?
 14 A. They're with the police. They're with the Embassy.
 15 Q. The reality is what actually happened is that Mr Imena
 16 did meet with you and Ms Mruskovicova. All you were
 17 interested in was trying to get them to -- get him to
 18 change his mind, and he wasn't prepared to do so, and
 19 you -- it was you who didn't engage in vacating the
 20 concessions; correct?
 21 A. No. We very much wanted the meeting with Mr Imena. We
 22 never were able to get a meeting. If we had been able
 23 to get a meeting, we certainly would have been trying to
 24 persuade him to change his mind. That was our
 25 objective.

Page 31

12:47 1 The worst possible scenario is for me to have to go
 2 to ICSID to try to get compensation.
 3 Q. No --
 4 A. Any possibility of reaching some negotiated settlement
 5 was far preferable to what I'm going through now.
 6 Q. No, you have made an allegation, and you have repeated
 7 it a lot in your testimony, that all hard copy documents
 8 were removed from the Kigali office and the computer
 9 disks erased, but what's actually happened is you have
 10 been able to produce very extensive disclosure in this
 11 arbitration, including hundreds, if not thousands, of
 12 documents, unsigned letters and spreadsheets, and most
 13 from the period 2005 to 2014, and you have had very
 14 extensive access to NRD's documents, haven't you?
 15 A. That's very kind of you to suggest that that's possible.
 16 In fact, nearly all of our documents were in the office.
 17 To the extent, as I've explained, we have a laptop which
 18 is capable of holding documents, many documents, many
 19 hundreds of documents, that's all we had. We didn't
 20 have any files at home, they were all in the office and,
 21 yes, they were all taken.
 22 Q. And it includes emails to --
 23 A. May I ask you why, if you are complimenting us on our
 24 documents, have you not been willing to provide
 25 documents?

Page 32

12:49 1 Q. Your access includes emails from the period to which you
 2 have access; correct?
 3 A. Yes, I don't recall how well -- how comprehensive those
 4 are.
 5 Q. And isn't the reality that you have invented the idea
 6 that there's a parallel universe of documents that might
 7 have assisted your case, given that the documents on the
 8 record are inconsistent with your case?
 9 A. No, that's a -- I -- you're really grasping at straws to
 10 say that. We had -- at one point we had 3,000
 11 subcontractors, 300 permanent employees. This was
 12 a large, very expensive, very successful, in its time,
 13 business. All that disappeared. The mere handful of
 14 documents we have, because they are on my laptop, is
 15 nothing compared to what we had in the office. And
 16 I wish you would talk to the people who were there
 17 rather than making an announcement.
 18 Q. Can we move to paragraph 40 of your witness statement.
 19 You seek there to draw a comparison in this case between
 20 NRD and a company like Rutongo, to whom long-term
 21 licences were awarded. Can you go to R-107 and go to
 22 page 5. I just want to pick you up on a point at the
 23 bottom of the page. You say there:
 24 "In fact, I checked informally with the two largest
 25 mining companies in Rwanda, Rutongo Mines and

Page 33

12:50 1 Gatumba Mining ..."
 2 A. I'm sorry, what document is this?
 3 Q. You are welcome to look at the beginning. This is
 4 a letter from you to the Rwanda Revenue Authority
 5 in July 2013, requesting a meeting.
 6 A. Can I see the second page? (Pause).
 7 Q. Just to be clear, Mr Marshall, I'm not interested in the
 8 content of the letter at the moment on the tax point.
 9 I just want to pick you up on a particular point you
 10 make in this letter about Rutongo, so you may not need
 11 to take time. You can obviously, if you want, but you
 12 don't need to take time reading the letter to answer my
 13 question.
 14 A. Can you go to the next page, please. (Pause).
 15 Q. So have you familiarised yourself with what this letter
 16 is, Mr Marshall?
 17 A. Yes, that's what I'm trying to do. This is back in 2013
 18 and I don't recollect very much from this interchange.
 19 Q. Well, why don't I ask my question and then you tell me
 20 if you feel you can't answer it without looking at the
 21 context of the letter?
 22 A. Okay.
 23 Q. So my question relates to the bottom of page 5, in
 24 paragraph 7, where you talk about, you say in the first
 25 paragraph of paragraph 7:

Page 34

12:53 1 "I believe that because of the high investment costs
 2 for the mining industry, it is very likely that no
 3 mining company in Rwanda had any taxable income during
 4 this start-up period."
 5 You then say:
 6 "In fact, I checked informally with the two largest
 7 mining companies in Rwanda, Rutongo Mines and Gatumba
 8 Mining, and found that their tax obligations (after the
 9 start-up period) have always been less than RWF 200
 10 million per year. And, please note, these are companies
 11 that have nearly twenty times our level of production
 12 and turnover."
 13 That was just the point I wanted to pick up with
 14 you. Your understanding was that a company like Rutongo
 15 had nearly 20 times NRD's level of production and
 16 turnover; correct?
 17 A. Yes, I don't know what the period was that I was
 18 referring to when I made that observation, but it's
 19 easily checked by Rutongo's production versus our
 20 production.
 21 Q. Now, can we go to paragraph 74 now of your witness
 22 statement.
 23 A. Don't forget ours is a greenfield. Rutongo is a fully
 24 operational mine; ours is a greenfield site with
 25 nothing. In the west, completely nothing. In the east

Page 35

12:54 1 we had two brick warehouses, and that's all.
 2 Q. Well, you were saying the other day that Nemba was not
 3 a greenfield site, weren't you?
 4 A. No, as I say, it had two brick warehouses and it had
 5 some tunnels, but it's not a -- you can't compare it to
 6 Rutongo in terms of its operations.
 7 Q. No.
 8 A. You walked in and you were fully operational, as they
 9 will tell you.
 10 Q. No. Paragraph 74. You deal there with the allegation
 11 you make about smuggling and you say:
 12 "A constant topic of conversation was the amount of
 13 minerals which were ... brought into Rwanda from the DRC
 14 and sold as Rwandan minerals. This is commonly known in
 15 the general mining community to be a very big business,
 16 and sometimes Concession Holders estimated it to be more
 17 than three-quarters of all minerals exported from
 18 Rwanda."
 19 Can we look at what Mr Niyonsaba says at
 20 paragraph 74 of his witness statement?
 21 Sorry, I don't mean 74, that's a wrong reference.
 22 Paragraph 16 of Mr Niyonsaba, sorry, paragraph 16, and
 23 it's his -- 16 of his first witness statement. He says:
 24 "I disagree with the assertion by Mr Marshall in his
 25 witness statement that a constant topic of conversation

Page 36

12:56 1 at the Mining Investors Forum was the amount of minerals
 2 brought into Rwanda from the Democratic Republic of the
 3 Congo ... Throughout my time at Pact, we have worked
 4 hard to monitor and control smuggling and we have been
 5 successful in doing so. This is clear, for example,
 6 from the reduction in the number of Chinese buyers
 7 operating in the mining sector in Rwanda. Prior to
 8 2011, when the iTSCi programme started in Rwanda, there
 9 were a number of Chinese buyers operating in the mining
 10 sector, most, if not all, of whom did not care whether
 11 they were buying minerals from the DRC or Rwanda.
 12 Following the introduction of the iTSCi system, and
 13 after we started closely monitoring production and the
 14 sale of minerals, most of the Chinese buyers left.
 15 Today there is only one Chinese buyer operating in
 16 Rwanda."
 17 The reality, Mr Marshall, is that you have made
 18 a number of exaggerated allegations about smuggling from
 19 the DRC and a fairer position is to be found in
 20 Mr Niyonsaba's account; correct?
 21 A. This is a wholly fallacious statement. First of all, he
 22 is not a member of the Mining Investors Forum, he has
 23 never been to a meeting, I'm not even sure that he knows
 24 what the Mining Investors Forum is, to be clear. He
 25 cannot know what our conversations are.

Page 37

12:57 1 Right now, to give you just -- and bear with me --
 2 a very small thumbnail of how absurd his accusation is
 3 that all minerals sold in Rwanda were mined in Rwanda.
 4 There are maybe two companies with investment of larger
 5 than \$1 million -- two mining companies with investment
 6 of larger than \$1 million currently existing in Rwanda.
 7 All the rest are groups of artisans who were required by
 8 the government to form themselves into a corporate
 9 entity. There are not hundreds of real mining companies
 10 in Rwanda. Two companies with something more than
 11 a million dollars in investment cannot produce
 12 \$800 million in turnover, which is what the turnover in
 13 Rwanda was last year. I would say 95%. Some of my
 14 colleagues say it's 90%.
 15 Q. Well, Mr Niyonsaba is in charge of the iTSCi programme
 16 and on the ground, and his explanation of the production
 17 figures and how they relate to export figures is likely
 18 to be more reliable than yours, isn't it, Mr Marshall?
 19 A. No.
 20 Q. Now let's move on to some points you make about
 21 Mr Mugisha, which is just the final area I want to cover
 22 with you.
 23 In paragraphs 28 and 29 of your second supplemental
 24 statement you allege that at NRD's formation, it
 25 retained Mr Mugisha's firm Trust Law Chambers as

Page 38

12:59 1 corporate counsel and that NRD negotiated a settlement
 2 with Mr Ben Benzinge in 2008.
 3 Now, you weren't around with NRD in 2008, were you,
 4 so you're not actually in a position to give evidence
 5 about those alleged negotiations; correct?
 6 A. That's what our records show had happened and that's
 7 what we were informed by subsequent legal counsel.
 8 Q. Mr Mugisha explains the position in his witness
 9 statement in response to the Claimants' removal
 10 application that this is not correct and that, in fact,
 11 Trust Law was acting in 2008 for the Zarnacks; that's
 12 fair? Or would you not know?
 13 A. Not that I'm aware of. I understood that they were
 14 acting for the company.
 15 Q. You then allege at paragraphs 30-33 --
 16 A. (Overspeaking) not the Zarnacks, by the way.
 17 Q. You then allege at paragraphs 30-33 that after you
 18 acquired NRD in December 2010 you continued to rely on
 19 Mr Mugisha and Trust Law Chambers and did so until at
 20 least June 2014, and the meeting in June 2014, you say,
 21 was to discuss the taking of NRD's offices in Kigali by
 22 Mr Benzinge.
 23 Now, you haven't produced a single note or diary
 24 entry or SMS message or telephone record or anything to
 25 support your allegation about Mr Mugisha's engagement by

Page 39

13:00 1 NRD in this period, have you?
 2 A. I don't recall.
 3 Q. Well, you haven't produced anything, and the reason for
 4 that cannot be anything to do with not having documents
 5 in the office because you refer to a meeting
 6 in June 2014 which was after the bailiff seized the
 7 Kigali office, wasn't it?
 8 A. I'm surprised that he's denying that the meeting
 9 happened.
 10 Q. And if Mr Mugisha really had been acting as counsel to
 11 NRD, then Norton Rose would have been unlikely to have
 12 approached him to be an independent legal expert in the
 13 proceedings, wouldn't they?
 14 A. That's not a conflict that I would appreciate the
 15 significance of.
 16 MR HILL: Thank you, Mr Marshall.
 17 THE PRESIDENT: Over to you, Mr Cowley.
 18 Re-direct examination by MR COWLEY
 19 MR COWLEY: Thank you.
 20 Mr Marshall -- well, FTI, I'm going to ask you to
 21 call up R-100. Mr Marshall, do you recall Mr Hill's
 22 questions to you on Monday about this document and his
 23 suggestion to you that your witness statement concerning
 24 Rwanda's solicitation of an investment from you was
 25 inaccurate?

Page 40

13:02 1 A. I recall that he was asking questions about that;
 2 I don't recall the questions themselves.
 3 Q. Do you recall giving a witness statement -- in your
 4 witness statement, do you recall talking about how your
 5 initial investment in Rwanda came to be, who initiated
 6 discussions, et cetera?
 7 A. Yes.
 8 Q. And do you recall Mr Hill questioning you and suggesting
 9 to you that, regardless of what you said, in fact, you
 10 were the first person to propose any investment in
 11 Rwanda, not the other way around; do you recall that?
 12 A. I recall him asking that, and -- I don't know what the
 13 record shows my answer is, but certainly it was not me
 14 that initiated that process.
 15 Q. Well, my question to you is: what discussions, if any,
 16 did you have regarding the potential investment in
 17 Rwanda preceding the email that's been marked as R-100?
 18 A. What discussions do I recall?
 19 Q. I'm sorry if I'm not speaking clearly. What discussions
 20 do you recall having, if any --
 21 A. Yes.
 22 Q. -- about potential investment in Rwanda --
 23 A. Yes.
 24 Q. -- that were prior to the August 24th, 2005 email that's
 25 been marked as R-100?

Page 41

13:03 1 A. Yes. I was being called every week, sometimes twice
 2 a week, by Lambert and others at the RIEPA which then
 3 became the RDB, because they were very anxious both to
 4 get technical support, they had been told by USAID and
 5 the State Department that I could help them on
 6 a cost-effective basis, that they had been tasked with
 7 finding US investment for Rwanda because Rwanda was by
 8 far the largest per capita recipient of the US foreign
 9 assistance, including military assistance.
 10 Q. The first communication about the possibility that you
 11 might assist with, or yourself be a US investor in
 12 Rwanda, who was that communication with?
 13 A. That would have been with Williams Nkurunziza who
 14 I believe is the current Rwandan Ambassador to England.
 15 I met him with USAID people in Boston at a series of
 16 presentations that they were doing to try to attract US
 17 investment to Rwanda.
 18 Q. Who raised the request that you consider investing or
 19 helping raise investment in Rwanda?
 20 A. Well, USAID asked me to go to that meeting in Boston to
 21 meet with these Rwandan officials and see if I could be
 22 helpful, particularly -- their particular focus was on
 23 sovereign debt financing where Rwanda had been pushing
 24 them for assistance, and they introduced me to them.
 25 At that meeting, Williams pushed me to find US

Page 42

13:05 1 investors for investments in Rwanda.
 2 Q. And when was the first discussion that you might be or
 3 lead investors in Rwanda?
 4 A. It would have been at that meeting. Williams was
 5 pushing me very hard to pull together US investors to
 6 come to Rwanda as a part of my assistance to Rwanda.
 7 Q. I'm going to ask FTI to go to document C-139.
 8 A. That was -- I think it was April 2003, but I can't be
 9 sure.
 10 Q. Do you recall being asked questions about this document
 11 by Mr Hill earlier in the week?
 12 A. Yes, but I don't remember what the question was.
 13 Q. That's fine, but this email that's dated December 12th,
 14 2006. I'm sorry, that's the only email. This email
 15 that we're looking at, December 12th, 2006, says in the
 16 from line, "Lmucy". L-M-U-C-Y, that's the best I can
 17 read it; do you recognise that?
 18 A. Yes, that's Lambert Mucyo. His father was then the
 19 Minister of Justice, as I recall. He was working for
 20 RIEPA, the RDB, and he was the one tasked, as
 21 I understood it, with pushing us to come and invest in
 22 Rwanda.
 23 Q. Now, I'm not certain, and if I'm being redundant,
 24 I apologise, but I'm not certain it was ever explained
 25 what those acronyms were, so just quickly for the panel.

Page 43

13:08 1 What are you referring to as RIEPA?
 2 A. RIEPA is now the RDB, it's the Rwanda Investment and
 3 Export Promotion Agency.
 4 Q. And what does RDB stand for?
 5 A. Rwanda Development Board.
 6 Q. When did you first begin communicating with
 7 Lambert Mucyo?
 8 A. After Williams had -- who had led the delegation to
 9 Boston went back, Lambert contacted me by telephone and
 10 said: Williams has asked me to encourage you to come and
 11 invest. His focus was on the investment.
 12 Q. At about the time of this email -- this
 13 is December 12th, 2006. Compared to this email, how
 14 long before did discussions with Lambert Mucyo begin?
 15 A. In 2003.
 16 Q. And as of the time of this email, in December 2006, what
 17 was your understanding of Mr Mucyo's position with
 18 RIEPA?
 19 A. I would guess that he was in charge of investment
 20 promotion, so he would have been -- he had a staff of
 21 people, and he and they, together, were contacting
 22 foreign investors to come for investment. He knew about
 23 the work I was doing on giving legal and business
 24 advice, although he was not the recipient of that work,
 25 that was for other people. His job was for investment,

Page 44

13:09 1 and that's why he kept calling us up.
 2 Q. I'm just asking you to focus again on the from line.
 3 You'll see in addition to what I believe I read at the
 4 beginning in terms of his initials for his name, it says
 5 it's a Yahoo.com account; do you see that?
 6 A. Yes. I don't think any government agencies had
 7 government accounts at this time; everybody used private
 8 accounts.
 9 Q. At any time did anyone ever express to you a concern
 10 about you writing to or receiving from government
 11 employees emails using their personal address?
 12 A. No, it was expected. This was very much a state of
 13 flux. The war with Congo had ended in 2003, and now
 14 they were focusing on economic development.
 15 Q. Over the last couple of days, Mr Hill made a number of
 16 statements to you concerning what he says you must have
 17 expected, based on reading various documents that he was
 18 looking at and asking you to look at at the time. Do
 19 you recall those statements and Mr Hill's questions?
 20 A. I recall being irritated that I was -- had not added
 21 additional language, but I'm sorry, I would have to be
 22 asked one by one.
 23 Q. A little bit different. I'm sorry I asked
 24 a poorly-worded question.
 25 Do you recall from time to time in Mr Hill's

Page 45

13:11 1 questioning to you he made statements about what he
 2 thought was reasonable for you to believe or expect,
 3 based on a written document?
 4 A. Yes, in virtually every question.
 5 Q. Now, I'm going to ask you to look at the content of
 6 C-139. Did a message like this from -- what, if any,
 7 effect did a message like this from Lambert Mucyo have
 8 on your expectations of the importance of the written
 9 documents and policies and letters compared to
 10 conversations?
 11 A. Well, I knew both from this letter, but I knew it
 12 before, that Rwanda was trying to find its legs and had,
 13 you know, an official procedure, but then they had
 14 an entirely separate procedure on how things actually
 15 got done. Not in every case, but in many cases. That's
 16 why here, for example, he's saying: look, you don't have
 17 to go through the RIEPA; just write to the Minister of
 18 State in charge of water and mines. That was not
 19 an unusual example for how they were running the
 20 government at that time.
 21 Q. And did it raise any concerns for you to follow
 22 Mr Lambert's advice on how to pursue a potential
 23 investment in a concession compared to whatever written
 24 policies there may have been with regard to
 25 privatisation or RIEPA generally?

Page 46

13:13 1 A. No. In fact, it was reassuring to me because it meant
 2 that it was not going to get stuck in some oblique
 3 administrative process that people really were making
 4 sure that the things that needed to get done got done.
 5 Q. What was your understanding about the concession
 6 process, how an investor or potential investor, what
 7 process -- I should say an investor or potential
 8 investor -- would follow in order to acquire
 9 a concession in the mining industry; what was your
 10 understanding?
 11 A. Well, it was sort of what I was referring to, maybe
 12 inartfully, with Mr Hill. The political decision in
 13 Rwanda was that they needed investment as quickly as
 14 possible because, as a practical matter, the economy was
 15 on its knees, the war with Congo had just ended.
 16 Although, you know, Congo resources had been able to pay
 17 for much of the war, the Rwandan economy was in
 18 a shambles. Very few companies operating, very few jobs
 19 available -- it has improved somewhat, but not a great
 20 deal -- so they had to do very practical things, and
 21 that was the basis on which they went to the investors
 22 and said: look, we need investment, we need it now, we
 23 don't want to wait for a long-term mining licence act
 24 pursuant to which we can negotiate some details, we need
 25 you guys to start hiring people, to start functioning,

Page 47

13:15 1 to start operating immediately, and please accommodate
 2 us, please help us. Absolutely you will be getting the
 3 long-term concession licence, and it was on that basis
 4 that we and all the other investors at that time made
 5 the investments they did because it was at the specific
 6 request of the Rwanda Government.
 7 Q. And in terms of pursuing -- well, this suggests that
 8 what you might -- what step you might take in order to
 9 pursue an investment in a Bisesero concession, and we
 10 know from your testimony there was a period of time when
 11 BVG did have the Bisesero concession. What steps did
 12 you take, high level, generally, and briefly, what was
 13 done by you to pursue and obtain the Bisesero
 14 concession; what procedures did you follow?
 15 A. They came to us and they said: look, here's a list.
 16 They were -- at that time REDEMI was the State agency
 17 which held all of the large-scale mining concession
 18 licences, so it was like a -- it was a State company,
 19 all the properties were in the name of the State and
 20 they were identifying suitable partners for each one.
 21 And I don't know what the political calculations
 22 were, it was not explained to me, but in the end, the
 23 ones that I had been looking at, as you can see in this
 24 list, Rutsiro, Gatumba, Nemba and Mara, those were
 25 entities that the State agency had said: look, these are

Page 48

13:17 1 particularly attractive, won't you apply for these? We
 2 will help you, you don't need the mining experience, we
 3 have hundreds of years of mining experience here on the
 4 ground, but we need somebody to bring assets, to bring
 5 liquidity in order so that we can do what we know how to
 6 do well. Those licences were chosen for other people
 7 and I never knew what those calculations were and they
 8 weren't explained to me.
 9 What they did is they said: look, we would like you
 10 to take Bisesero, it's large, it has some good deposits,
 11 very spread out, very poor, it would enable you --
 12 you've asked to be able to do some charitable works,
 13 that would be a suitable location for that activity as
 14 well, so we would like to offer this to you and please
 15 start bringing economic activity as soon as you can, and
 16 we promise you, you will have the long-term concession,
 17 from day one you will be treated as long term concession
 18 holder which is a defined term by statute, but the
 19 agreement will have to come later because we're not
 20 authorised to be able to give it to you now, and I and
 21 the other entities who also became concession holders
 22 accepted that indulgence.
 23 Q. Okay. Now, did you take steps to raise investment?
 24 A. Yes, I went back and worked out with family and friends
 25 and people that I knew, and we -- well, sorry, once we

Page 49

13:20 1 experience in obtaining the Bisesero concession, that
 2 process to have consisted of, that you called
 3 collaborative or discussive, what was it actually?
 4 A. The -- I'm embarrassed to say that I can't remember the
 5 last name of the man who was the head of REDEMI at that
 6 time, but it will come back to me.
 7 He gave -- I went numerous trips to Rwanda to talk
 8 about this and to give other ad hoc advice on issues
 9 that were problematic for them at the time, which we'd
 10 had some experience in. The meetings that I'd had at
 11 REDEMI, which is the state agency which owned all the
 12 concessions, it was being run by a very senior
 13 geologist, a very charming guy, very reassuring, walked
 14 me through the process, explained that not only did we
 15 not have mining experience, but at that time, none of
 16 the companies who were coming to invest had mining
 17 experience.
 18 Rutongo people, they were a defence manufacturer.
 19 HC Starck is a refinery, it doesn't do mining anywhere
 20 in the world. We were all coming into it, even the
 21 biggest entities, were all coming into it with the
 22 understanding that we were accommodating a country in
 23 need and we thought both that we were doing the right
 24 thing and that they were providing the technical
 25 expertise to be able to assure us we were going in the

Page 51

13:18 1 had been awarded the concession by act of cabinet, then
 2 I began collecting funds, my own funds, and funds from
 3 other people that I know personally, all of them, and
 4 explained the story and why I thought that this was not
 5 just a good investment but a good thing to do, and
 6 I came back here to Boston and we started, myself and
 7 others associated with our group, started collecting
 8 mining and mining support equipment for shipment over
 9 there.
 10 Q. And was the entity that you used to do that, is that
 11 BVG?
 12 A. Yes.
 13 Q. Now, in terms of the process --
 14 A. Sorry, we created BVG just for this purpose.
 15 Q. Thank you.
 16 In terms of the process you described, and I asked
 17 for it as a high level because the Bisesero actual
 18 negotiations and details of them, I'm not trying to get
 19 into because it's not ultimately an issue in this case,
 20 but do you recall that in your answers to questions from
 21 Mr Hill, you talked about what was being discussed in
 22 certain letters was not the -- sometimes you used the
 23 word "collaborative" or sometimes you used the word
 24 "discussions" that were typical as a process. I would
 25 like you to explain what you considered as your

Page 50

13:22 1 right direction but, of course, we would bring in
 2 geologists and other mining experts as the process went
 3 along.
 4 So, no, there were no mining companies among us.
 5 They were all investors, as I say, a defence
 6 manufacturer, a minerals processor in HC Starck. The
 7 Zarnacks were a plumbing company from Germany. So they
 8 were looking for what they saw as good and vital
 9 partners who would have the interests of the country
 10 first. And we --
 11 Q. Just to reorient you slightly, and I appreciate your
 12 description of who was involved in their own processes,
 13 but focusing on the answers to Mr Hill's questions,
 14 where you suggested that in some of the written
 15 documents what was being asked or described to you is
 16 what you needed to do, you said was not the process as
 17 you knew it typically, the collaborative process of
 18 discussion, and I'm just asking you to describe not the
 19 details of what was said and what terms you negotiated
 20 about Bisesero, but how the process worked that you
 21 characterise as contrary to what you saw in letters
 22 about your NRD process. What was your experience with
 23 the typical process? Please describe it. What did it
 24 include?
 25 A. Whenever -- this is a very small community, so what was

Page 52

13:31 1 everything I knew about them they never were trying to
 2 do a tax dodge, this was a legitimate dispute between
 3 the tax office and NRD. By the time we got there,
 4 they -- Anthony Ehlers when I met him, and I say I met
 5 him I think in maybe July or August we started
 6 cooperating together in this cooperation, in
 7 late August, early September, he always explained this
 8 as something which was not a serious dispute and that
 9 there really was no obligation to the tax office.
 10 So for reasons I don't know, he signed
 11 an acknowledgment that there was a tax due of -- and
 12 I forget what the number was -- but we went to the tax
 13 office -- immediately before Anthony Ehlers left for
 14 Christmas he signed this letter without permission from
 15 the company. We asked the tax office. They said: oh,
 16 of course, no, that's not binding, we'll come in and do
 17 a proper audit to determine whether there's a tax
 18 liability or not. Fine, please do.
 19 For reasons which I don't know, the tax office was
 20 repeatedly delayed in bringing that audit. They did
 21 some perfunctory work, but it was not a proper audit.
 22 Again, we're still talking about the period 2008 to
 23 2010, not before and not after, and that's why these
 24 numbers seemed so absurd to us, because it's hundreds of
 25 thousands of dollars.

Page 57

13:32 1 So when we got there they asked us to make a tax --
 2 so this is January 2011, we've arrived after Christmas.
 3 They said: please pay a deposit of 120,000, 140,000,
 4 something like that, which we did, and the same
 5 principle with the social security office, roughly the
 6 same amount of money. With the expectation that they're
 7 going to come in and make a determination of whether any
 8 amounts are truly due.
 9 As far as we know -- certainly they never did
 10 an audit to be able to make that determination. Two
 11 years had gone by, they had sent staff over
 12 periodically. They did not complain that our staff were
 13 not cooperating. There was just -- I don't know if it
 14 was a lack of capacity or the wrong people who didn't
 15 have the skills, something was going wrong. After two
 16 years we sat down with them and they said: look, you
 17 know, we are willing to agree that you hold on to our
 18 deposit but you've got to do a real audit, you've got to
 19 understand what these amounts are and whether there
 20 really is a tax due, and they agreed and they said fine,
 21 but that was 2014.
 22 So with Ben Benzinge's claims of owning the company,
 23 everything froze. We never had any further negotiation.
 24 They said to us, and I think -- you'll have to ask
 25 Zuzana, I think we have it in writing -- please come

Page 58

13:34 1 back to us when the issue of whether you own the company
 2 and you own your licences is real or not and then we'll
 3 resolve the issue, we'll come and do a proper audit when
 4 you have your offices back. They were auditing the
 5 books that were in the offices; we didn't have them.
 6 Q. So I want to pick that apart just a little bit so that
 7 we actually have the timeframe of what you just covered
 8 just a little bit clearer, so if you bear with me,
 9 I just have some very specific questions.
 10 You said that you arrived in Rwanda in January 2011;
 11 did I hear that correctly?
 12 A. After the purchase -- we purchased it December 23rd
 13 2010, NRD, and we arrived after Christmas, the second
 14 week of January, for example.
 15 Q. So you meant you arrived at NRD in January 2011 as
 16 manager of the company at that time?
 17 A. Right. This was a NRD -- Bisesero continued, BVG
 18 continued on its own. There was no problems with that.
 19 This was specifically a NRD problem from the Starck
 20 period.
 21 Q. Understood, I'm just saying that the acquisition
 22 happened in 2010, but you came into the company as
 23 manager on the ground?
 24 A. Right.
 25 Q. Is that what you're referring to?

Page 59

13:35 1 A. Two weeks later. Yes.
 2 Q. And you mentioned Mr Ehlers leaving at Christmas.
 3 I just want you to be very clear: Mr Ehlers left NRD for
 4 Christmas in that intervening period, Christmas 2010, or
 5 a different year?
 6 A. No, he left late November. He had some health problems
 7 and had to go to South Africa, as I recall. So he
 8 was --
 9 Q. I'm asking you to put a year on it?
 10 A. In 2010, November, he had to go to South Africa, but he
 11 stopped off in Bratislava to talk to me and other of our
 12 investor group to push us to invest in this company.
 13 Q. Did he ever return to NRD?
 14 A. No, he never returned to the NRD offices because then we
 15 found out about his illegal conduct.
 16 Q. Just trying to put a timeframe on it. All I'm focusing
 17 on right now is the time that these discussions
 18 happened?
 19 A. After November he never returned.
 20 Q. You mentioned two issues, and then you also mentioned --
 21 you went further and mentioned discussions about
 22 resolution of them and where they stood. I'm just
 23 trying to slow down to bring clarity to this because we
 24 talked about it at different times. I want to make sure
 25 everybody is clear how they all fit together in what you

Page 60

13:37 1 described --
 2 A. Yes.
 3 Q. -- so please bear with me. You mentioned having
 4 discussions with the tax office about the casual workers
 5 issue and making a deposit. What time period did that
 6 discussion occur?
 7 A. I believe it would have been in January 2011.
 8 Q. Okay, and was the deposit made at that time?
 9 A. Yes.
 10 Q. Whose money?
 11 A. My money. Our money.
 12 Q. "Our" being who?
 13 A. Sorry, the NRD investors group.
 14 Q. And through what entities? So, in other words, your
 15 investor group, the same group that was BVG?
 16 A. Yes.
 17 Q. And did you put that money in using the same Spalena
 18 stock ownership that you talked about with Mr Hill on
 19 the first day when you covered the topic of this
 20 purchase?
 21 A. As investors we were making periodic contributions out
 22 of our pocket to the company, and we kept it straight
 23 among our group.
 24 Q. At this time when you had the discussion, in
 25 January 2011, is that also the time, approximately, when

Page 61

13:40 1 you had certain information, or an ability to say
 2 certain things. We've covered that.
 3 But the question I would like to ask, and please
 4 answer focusing on this: did you ever go back, have the
 5 discussions with the tax office at any point in time,
 6 and resolve either of these issues?
 7 A. We went back many times. They're not good at audits.
 8 They don't have capable staff who do them in a way that
 9 would be acceptable to a European or an American
 10 company. They know the shortcomings, they know that
 11 things had to be improved and they are upgrading their
 12 skills. So that was really the reason that it took so
 13 long. They held onto our money, our deposit, during
 14 this whole period, but no, that audit -- those audits
 15 did not take place in a professional manner. Little
 16 pieces of them did, where certain information was
 17 established, but not to resolve either of those issues.
 18 Q. Mr Marshall, I'm going to apologise. I asked
 19 a poorly-worded question because I was trying to accept
 20 that the discussions continued through 2014 where you
 21 brought us in the answer to a prior question in which
 22 the tax department from -- in Rwanda said: you can only
 23 come back and talk to us when it's clear that you own
 24 the concession.
 25 A. Right. Right.

Page 63

13:38 1 the deposit was made?
 2 A. Yes.
 3 Q. Now, you said there was the social security issue that
 4 expats -- and that you said there was also a deposit of
 5 a similar amount made to the social security office --
 6 A. Yes.
 7 Q. -- to hold for final resolution; correct?
 8 A. Yes, correct.
 9 Q. What time period?
 10 A. It was also January, it may have been February. We were
 11 trying to understand the financial condition of the
 12 company and there were some of these big ticket bills
 13 that had to be paid right away.
 14 Q. And was the deposit made at the social security office
 15 and you talked about?
 16 A. Yes, the deposit is made in the name of the NRD at the
 17 social security office.
 18 Q. Approximately what time, what time period?
 19 A. In January/February 2011.
 20 Q. Okay, and what money was used, whose money?
 21 A. It would have come from -- the money came from myself
 22 and the other investors.
 23 Q. You talk about having discussions that continued on
 24 these tax issues through 2014, and you talked about how
 25 the tax office left it with you about coming back when

Page 62

13:41 1 Q. So after that did you ever have any further discussions
 2 about resolving these tax issues?
 3 A. No. No.
 4 Q. What happened to your money in both escrows, in both
 5 accounts?
 6 A. They're still there. They're still there. Well, unless
 7 they've absorbed them, they still have our deposits.
 8 MR COWLEY: Mr President, I wonder if this would be -- well,
 9 I can tell you from what I plan to ask I'm going to be
 10 moving on to a different question than those two
 11 accounts. So this might be an appropriate time to
 12 break.
 13 THE PRESIDENT: Very well. A good time to break. We'll
 14 break for half an hour.
 15 MR COWLEY: Thank you.
 16 (1.42 pm)
 17 (A short break)
 18 (2.13 pm)
 19 THE PRESIDENT: Is there any more housekeeping to be done in
 20 relation to what's happening in Rwanda at the moment?
 21 MR COWLEY: I'm going to ask Mr Harrison, who has had the
 22 discussions, communications with Mr Buyskes, to report
 23 on that, because he can be specific, I can't.
 24 THE PRESIDENT: Right. Thank you.
 25 MR HARRISON: Thank you. Mr Buyskes has been in touch with

Page 64

14:13 1 FTI to set this up so that he can do this from his
 2 office, where I understand -- and I'm waiting for
 3 confirmation that the curfew issue is not a problem,
 4 I am waiting for confirmation. FTI was testing the
 5 equipment so that there would be a two-camera set-up,
 6 one on him, like we are all seeing now, and then
 7 a second one in the corner of the room to serve
 8 a similar purpose to the 360 camera. I understand that
 9 those tests are underway, or have taken place, and that
 10 he will be ready to go when the time comes for his
 11 testimony.
 12 MR COWLEY: And the timing concern? You said before that's
 13 resolved?
 14 MR HARRISON: I believe so. I'm waiting for confirmation
 15 from Mr Buyskes that the timing concern is completely
 16 resolved. I believe that's the case; I just need
 17 confirmation from him.
 18 THE PRESIDENT: Well, that sounds satisfactory. Let us
 19 proceed with Mr Marshall.
 20 MR WATKINS: Right, we are bringing the witness back in.
 21 THE PRESIDENT: Thank you.
 22 MR COWLEY: I shall proceed, sir.
 23 Mr Marshall --
 24 FTI, if I could ask you to bring up Mr Marshall's
 25 supplemental witness statement.

Page 65

14:17 1 Q. [REDACTED]
 2 [REDACTED] --
 3 A. Right.
 4 Q. [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 A. Yes.
 11 Q. I have that right. So the minerals, please explain what
 12 these minerals were, where they were, and over what
 13 period of time they were collected and put there?
 14 A. [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 We began mining in -- we had a -- we began doing
 21 artisan assist mining immediately after we got the BVG
 22 licence at Bisesero, so that would have been -- you
 23 know, it would take some period of time to do the
 24 transition over from the State running those activities
 25 to, we had local staff taking that responsibility, and

Page 67

14:15 1 A. Can I add that on reflection, there were many things
 2 happening when we first got back to the company
 3 compound. It may well have been the payments. Deposits
 4 were made to the tax office and the social security
 5 office in February, not in January.
 6 Q. The same year though, 2011?
 7 A. Yes.
 8 Q. Thank you for the clarification.
 9 Now, if I could ask, please scroll to paragraph 5.
 10 Mr Marshall, I'm just going to give you a chance to
 11 reorient yourself. Mr Hill asked you some questions
 12 about the representations in this paragraph of this
 13 witness statement; do you recall being asked questions
 14 about the write-off of liability by BVG?
 15 A. Yes.
 16 Q. And Mr Hill suggested to you that you made it up and you
 17 denied it, and I'm going to ask you, therefore, what
 18 some of the particulars are that you were referring to.
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 A. I'm sorry, tell me again?

Page 66

14:19 1 that's early 2007.
 2 So between 2007 and 2010, we were collecting
 3 minerals. We did not sell any minerals. Now I chalk it
 4 up to inexperience, but we kept them and I believed that
 5 things were safe when they were locked up in Rwanda, and
 6 I didn't know how -- I didn't understand that things can
 7 get stolen or lost, or whatever can happen in a poor
 8 environment. So we hadn't sold any minerals as BVG.
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 Q. Specifically you said NRD management at that time. What
 20 individuals, if you know?
 21 A. Well, it would have been Anthony Ehlers and his CFO,
 22 a guy named Julius Kabera who we also fired.
 23 MR COWLEY: Understood, now --
 24 THE PRESIDENT: I haven't understood, I am afraid. What is
 25 the nature of liabilities on NRD in relation to minerals

Page 68

14:39 1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

14:42 1 been the sole director at this time. Hold on. It lists
 2 me as the sole director, I guess that's your answer. We
 3 had different directors at different times, but at this
 4 time I was the sole director.
 5 Q. What was your position with Spalena?
 6 A. The same.
 7 Q. Do you recall Mr Hill insisting in his questions that if
 8 these documents were actually signed at the time, you
 9 would also have to have had contemporaneous purchase and
 10 sale documents relating to the transfer; do you recall
 11 those questions?
 12 A. I recall the question.
 13 Q. When you did prepare these documents as resolutions by
 14 yourself as sole director for the two companies, were
 15 you looking to document any terms of representations,
 16 liabilities, limitations on liabilities, or any other
 17 terms and obligations between your company, BVG on the
 18 one hand, and your other company, Spalena, on the other
 19 hand that you thought might go into a purchase and sale
 20 document?
 21 A. I felt it was unnecessary because we owned both.
 22 I'm sure we prepared one. I'm sure one exists. If it
 23 hasn't been produced, I don't know where it is, it may
 24 have been in the office. But it would have been for
 25 internal purposes only, not as a matter of a negotiated

14:41 1 Q. Thank you. If I could ask that C-123 and C-124 be
 2 brought up. Just quickly looking at them to see if you
 3 recall testifying about them already. Mr Hill asked you
 4 some questions about these documents. I just want to
 5 reorient your memory, your focus --
 6 A. Yes.
 7 Q. -- on the topic that's discussed here.
 8 A. Yes.
 9 Q. Do you recall that what's being talked about here is the
 10 transfer of Bay View Group hard assets, that was part of
 11 the investment in NRD that's been identified in our
 12 papers, in our position; do you recall that?
 13 A. I recall these documents from our earlier discussion,
 14 yes.
 15 Q. Okay. Now, at the time -- these are the mirror images,
 16 these are documents that are signed as resolutions, one
 17 on behalf of BVG, one on behalf of Spalena; correct?
 18 A. Correct.
 19 Q. And they're referring to the same event, just the two
 20 different corporate sides of it; correct?
 21 A. Correct.
 22 Q. Okay. So what was your position with BVG in March 2012?
 23 A. I was the President.
 24 Q. Who was the -- who were the directors?
 25 A. Other shareholders. I don't know if I was -- I may have

14:44 1 agreement. I would be negotiating with myself.
 2 Are you asking what the contents would have been?
 3 Q. I'm -- just hold on. Do you recall in the line of
 4 questions about this acquisition time period where
 5 Spalena acquired the holding company, you came to NRD
 6 and took over as head of the company, that he drew your
 7 attention to Mr Sindayigaya's witness statement in which
 8 Mr Sindayigaya was critical of your decision at the time
 9 to fire Mr Ehlers, who was described as having
 10 experience in mining, and then critical of who you did
 11 hire and their experience; do you recall that question?
 12 A. Yes.
 13 Q. First of all, at the time you made that decision, what
 14 mining experience, as far as you understood, was
 15 Mr Ehlers bringing to the table, to the company?
 16 A. None. He was bringing management -- so-called
 17 management experience. He had no experience in artisan
 18 mining.
 19 Q. With what type of mining did he have management
 20 experience, as far as you understood?
 21 A. As he expressed it to me, he'd been working at
 22 large-scale gold mining of very complicated, very
 23 small-grade gold mining concessions in South Africa. So
 24 he would be an employee among many hundreds of
 25 employees.

14:46 1 Q. Why did you fire Mr Ehlers at that time?
 2 A. Because money was missing from the company. He didn't
 3 have any explanation for it. It wasn't so quick. We
 4 did a -- we had somebody, Bill Quam, who had some
 5 criminal investigatory experience. We found some of the
 6 staff had been beaten by him, had been forced into
 7 prostitution by him at a house -- we had two rented
 8 houses at Deutsche Welle and they were credible
 9 allegations supported by affidavits. So we formed
 10 a committee and the committee decided that, on reviewing
 11 the criminal allegations, that he be fired.
 12 Q. To be clear and to be specific, was this a decision in
 13 the belief that these allegations had a credible basis
 14 that you were concerned about, was that solely based on
 15 your own analysis, thoughts, enquiries, or were others
 16 involved in looking into it?
 17 A. No, I think it's one of the exhibits. There are
 18 a number of statements from people who had been victims
 19 of physical harassment, including the drivers for this
 20 prostitution service. Deutsche Welle didn't deny it.
 21 We were very surprised by it all, and I had no part in
 22 it except to listen to the decision of the committee and
 23 accept it.
 24 Q. And the committee you're referring to, who consisted of
 25 it?

Page 85

14:48 1 A. Bill Quam, Tom Grey, and there was a third person who
 2 I can't remember. So two Americans and a Rwandan
 3 citizen, but I can't remember which one of our staff was
 4 in that position.
 5 Q. And do you recall that Mr Hill, at the time that he was
 6 asking you questions about the transfer of assets aspect
 7 of BVG's investment, in the acquisition of NRD's holding
 8 company, that he also then went on to talk about
 9 Mr Ehlers saying what he said in his witness statement,
 10 that those things didn't happen, that equipment wasn't
 11 there; do you recall those questions and the statement
 12 he directed you to?
 13 A. I do.
 14 Q. Can I ask that FTI bring up C-125.
 15 A. Mr Ehlers kind of fancied himself --
 16 Q. Mr Marshall, please --
 17 A. Okay.
 18 Q. -- just look at C-125 when you get a chance, when it
 19 comes up. Mr Hill didn't question you about this
 20 document; I just want to ask you what it is and how it
 21 relates to this line of questioning, if at all.
 22 A. This is some of the equipment that we came over, that we
 23 brought over into container for specific purposes. It's
 24 a list of equipment that was in the container.
 25 Q. Okay, now just, first of all, who is the "We"?

Page 86

14:50 1 A. I'm sorry, Bay View Group.
 2 Q. It's what type of equipment?
 3 A. We had needs of very specific pieces as we were starting
 4 to build out. We had equipment there on the grounds,
 5 many things you can buy locally. We needed these
 6 specific pieces of equipment out of our inventory to
 7 take the next steps in building out the artisan support
 8 practices for Bay View Group.
 9 Q. So when you say that they were brought over in
 10 a container; brought over from where?
 11 A. This container came from Slovakia. We had equipment in
 12 Europe and in the United States all ready to come, and
 13 this was a part of that.
 14 Q. And it was the reason it was in those locations,
 15 although purchased by BVG, is what?
 16 A. Well, because it's a matter of convenience. I have
 17 a house in Bratislava and I have a house in the
 18 United States, and where I was and found convenient
 19 assets, I or others in our group, the storage tended to
 20 be either there or in the United States. We had more
 21 than one entity in the United States.
 22 Q. And where was it purchased originally?
 23 A. This would have been either in the United States or in
 24 Europe.
 25 Q. And at some point it was brought to -- this equipment

Page 87

14:51 1 was all brought to the place where it was shipped from;
 2 correct?
 3 A. It was all brought to the place -- to the shipping
 4 point, yes.
 5 Q. So it was brought together. So whose invoice is this?
 6 A. This is the shipping company. You hire a shipping
 7 company, and I think in this case it was our container,
 8 we delivered the shipping -- or the shipping company
 9 comes and picks it up from our compound, and then we --
 10 it appears at customs some months later, I don't know
 11 all the shipping steps that go or are involved in
 12 getting it by boat and then transport to Kigali, but we
 13 next see it in the customs compound in Kigali.
 14 Q. And I know it's probably something that's assumed but
 15 I just want to be sure it is clear and on the record.
 16 So it's an invoice from the shipping company, and
 17 who is the invoice to. Who is expected to pay it?
 18 A. Who would have paid it? I'm sorry, I don't even see the
 19 shipping company name here, so I'm not sure. We used
 20 a local -- it's a freight forwarding company. We
 21 used -- this one is in Slovakia, in Bratislava, so we
 22 would have paid them for the shipping, if that's what
 23 you mean.
 24 Q. I'm going to ask you -- I'm all set with C-125 -- to
 25 focus on the discussions that came up briefly, although

Page 88

14:53 1 numerous times in brief fashion. It was mentioned that
 2 you, after the NRD transaction, which it was established
 3 and acknowledged that at the time of the NRD transaction
 4 an application had already been submitted --
 5 A. Right.
 6 Q. -- by the previous owner and the management of NRD, so
 7 before your time, an application to extend NRD's
 8 licences had already been submitted. Then, following
 9 your acquisition, it was mentioned a number of times,
 10 you had discussions with Mr Bidega. Who is Mr Bidega?
 11 A. We were frequently in meetings with NRD throughout the
 12 period, so we knew about the application, we knew about
 13 Mr Schoenherr's work on it. We helped to the extent we
 14 could on a number of issues, so we were familiar with it
 15 in detail, and I would say by, perhaps, March,
 16 Mr Bidega, who was well known in the community as the
 17 head of the Licensing and Supervision Department,
 18 contacted us to begin the negotiations for the long-term
 19 licences.
 20 Q. Okay. Who is Mr Bidega?
 21 A. Mr Bidega is the head of the Licensing and Supervision
 22 Department at the Rwanda Government's Office of Mines.
 23 Q. The entire time?
 24 A. Yes.
 25 Q. Okay, and --

Page 89

14:56 1 you interact with Mr Bidega being his replacement,
 2 temporary replacement in that position?
 3 A. Dr Michael was sometimes sick, I wouldn't say sick every
 4 week, but often sick, so Mr Bidega was often in the
 5 position. I had already -- Anthony Ehlers told me that
 6 he and Dr Michael had worked out an arrangement where
 7 they were going to be able to buy a portion of NRD, and
 8 so I was on bad terms with him.
 9 Q. Just sticking with your experience in terms of Mr Bidega
 10 and the shifting role from an assistant by being only
 11 a head of the committee as opposed to head of the entire
 12 OGMR, and when he was acting as that. In your
 13 experience, how often was Mr Bidega in the acting
 14 director role of OGMR?
 15 A. Frequently.
 16 Q. If I could ask that C-207 be brought up? Do you
 17 remember questions from Mr Hill about a couple of the
 18 emails in this long document, this chain of emails, and
 19 the discussions in those specific emails; do you recall
 20 that testimony?
 21 A. I recall the discussion, yes.
 22 Q. Do you recall this document, let me ask you that way?
 23 A. I only have the heading here, but I do recall that there
 24 was a document between Mr Kibelinka and Dominique
 25 Bidega. Yes.

Page 91

14:55 1 A. He's the -- he's the head of the committee which reviews
 2 licences for extension.
 3 Q. Okay. And does that committee -- and correct me if I am
 4 wrong, the acronym I associate, I think in my head, is
 5 OGMR; is that familiar, is that right, or do I have it
 6 wrong?
 7 A. That's the overall department. The committee is within
 8 that department.
 9 Q. Okay, so you said he's the head of OGMR; is that what
 10 you said?
 11 A. Dr Michael is the head of it, he is the acting head of
 12 it. So if Dr Michael was sick, Mr Bidega would be the
 13 head of it, yes. Geology --
 14 Q. And if Dr Michael wasn't sick, what was your
 15 understanding of Mr Bidega's position in those
 16 circumstances?
 17 A. Then he was the director of the Office of Mining
 18 Regulation, Licensing and Supervision. Simultaneously
 19 the head of that committee which made reviews of licence
 20 applications.
 21 Q. And just generally, not trying to ask for a lot of
 22 specifics, but just generally, in your experience
 23 dealing with this office and OGMR generally, after
 24 acquiring NRD, how often was Dr Michael available and
 25 fulfilling the role of the director and how often did

Page 90

14:58 1 Q. It's a long document, I'm just going to do this to try
 2 to make sure you're oriented and you're comfortable.
 3 You know what you're talking about as being on the
 4 table. So if I could ask FTI, just scroll down a few
 5 pages, and Mr Marshall, please indicate when you have
 6 a sense you know what document this is, and this is
 7 a Claimants' document, it's come from our production, so
 8 I'm hoping you can say you feel comfortable that you
 9 recognise this whole document after a few pages or so.
 10 A. Yes, it's obviously out of order. The third page should
 11 have been the first page.
 12 Q. And if I could ask FTI to keep scrolling because it is
 13 more than one document and I want to make sure you are
 14 just aware of what we are talking about. Do you recall
 15 producing a entire string of connected emails in a chain
 16 and their attachments?
 17 A. Yes.
 18 Q. Do you recall doing that?
 19 A. Yes.
 20 Q. And do you recognise this as a printout of an entire
 21 string of emails with attachments?
 22 A. Yes. Yes.
 23 Q. And the principal communications in this email chain,
 24 who are they between? You and who?
 25 A. Myself and Mr Bidega, and whoever else he had on his

Page 92

15:00 1 staff that was participating in this.
 2 Q. Okay. These are specific emails with their attachments
 3 in this whole production. Did you have any other
 4 communications with Mr Bidega on the same topic, which
 5 is a licence agreement, a contract? Did you have any
 6 documents that are outside this email chain that are in
 7 addition to it?
 8 A. We had frequent discussions that led to this document.
 9 Q. So if I could ask FTI to go to page 90 of the PDF, and
 10 if I have done that right -- I'm sorry, let me catch up
 11 because I have to see it ...
 12 Mr Marshall, so one of the emails in the chain as
 13 they exist is this December 13th, 2011 email from
 14 Mr Kibelinka to Dominique Bidega and to you; do you see
 15 that?
 16 A. Yes.
 17 The one that's on the screen is (overspeaking).
 18 Q. It's entirely possible that I wrote down the wrong page
 19 number. I'm trying to speed this up, not slow it down,
 20 so rather than fumble around let me make sure I get
 21 the ...
 22 My apologies, just a general mistake on my part.
 23 I asked FTI to turn to one page and I didn't turn to it
 24 myself.
 25 So on page 90 it should be an email that starts from

Page 93

15:04 1 Q. And both to the personal email accounts?
 2 A. Yes. I don't think they had an entity email account
 3 system at that time.
 4 Q. Before I go on with the specific questions about pieces
 5 of this, I just wanted to tie up a couple of points
 6 where they were left off last time, but this is a big
 7 picture, and if need to talk about details just tell me
 8 and I will try to direct it to those details that are
 9 important, but you've mentioned recalling this long set
 10 of strung together emails and attachments, you've said
 11 that in addition to it you had other discussions.
 12 Now, just talking about all of the communications
 13 with Mr Bidega and others in his office on the topic of
 14 licences, contracts or licences, excuse me, in this time
 15 period, can you describe the process, as you understood
 16 it, that was -- that the two of you were following in
 17 these discussions in relationship to -- I started by
 18 asking earlier today about the typical process that you
 19 described, the process that you said you went through in
 20 Bisesero. How does this compare? The big picture, the
 21 process you were following?
 22 A. We understood that this was the only process, and in
 23 fact, I'm certain that at this time it was the only
 24 process, where you sat down with Mr Bidega and perhaps
 25 other members of that committee, and you worked through

Page 95

15:02 1 Mr Bidega to you, and copies someone else; do you see
 2 that?
 3 A. Yes. That's his assistant that is copying.
 4 Q. That's what I wanted to -- I wanted to walk through it
 5 slowly.
 6 A. Sorry.
 7 Q. Because the first thing I want to ask you is, do you
 8 recall that when Mr Hill asked you questions about
 9 a specific email in the chain, he made the comment about
 10 your communication being with Mr Bidega's personal Yahoo
 11 email account; do you see that? Do you recall that,
 12 excuse me?
 13 A. Yes. Yes, regularly.
 14 Q. And who is the -- and I will do a terrible job, so
 15 I will ask you and hopefully you'll do better. Who is
 16 the CC?
 17 A. Clement is his first name.
 18 Q. Clement?
 19 A. Clement. Clement.
 20 Q. And who did you understand Clement to be at the time of
 21 this communication?
 22 A. That's his assistant. He also works at the Ministry.
 23 Q. So Mr Bidega's email was to not only you but someone
 24 else in his own department?
 25 A. Yes.

Page 94

15:06 1 what the Ministry's expectations were. The Ministry has
 2 good information about their deposits. There are no
 3 unexplored areas of Rwanda that I'm aware of. They know
 4 what their internal -- they establish internally what
 5 they would like to see in terms of production and
 6 investment, and they say: look, if you want this
 7 contract, these are the terms that you will have to
 8 accept, and by and large, I was told by our engineers
 9 they were reasonable.
 10 Q. Now, starting on page 91 is an attachment to the email.
 11 So this is another document that was communicated by the
 12 email, but this document itself starts on 91, I just
 13 want to orient you to what it was, it was the draft that
 14 was referred to in the email; do you see that?
 15 A. Yes.
 16 Q. Okay, so if I could ask FTI to go down to 93. So we're
 17 now at section 3(B) of this draft, and do you see the
 18 language under paragraph 4 with regard to the entire
 19 section or subsection being the Ministry's obligations.
 20 There is this unnumbered paragraph under paragraph 4, if
 21 you could just look at that?
 22 A. Yes.
 23 Q. Do you recall being asked some questions about that by
 24 Mr Hill?
 25 A. I don't recall this discussion with Mr Hill, no.

Page 96

15:08 1 Q. You don't recall talking about the time period?
 2 A. No.
 3 Q. So Mr Hill asked you to, in some email, to talk about
 4 a time period that was referenced, and there was
 5 a reference to five years --
 6 A. No.
 7 Q. -- and then you mentioned that there were other drafts
 8 with other periods.
 9 A. Right.
 10 Q. So following those questions out, so now we see
 11 a reference to something other than just saying five
 12 years, we see this language: that what happens, you
 13 know, at the end.
 14 A. Yes. Yes, I do remember the language.
 15 Q. And it goes on in the third line of that unnumbered
 16 paragraph to talk about:
 17 "... NRD shall then be granted long-term thirty year
 18 concession..."
 19 A. Yes.
 20 Q. In the discussions, when did that language and that
 21 concept get added?
 22 A. It was in the course of -- you mean which draft?
 23 I don't know which draft when it was added.
 24 Q. I'm not asking you to be that specific. Just in the
 25 course, in describing the process, where in the

Page 97

15:10 1 A. No, no, not in the least.
 2 Q. Okay, if we could scroll back up to -- well, starting at
 3 90 again, doing it twice. Your email on December 13th
 4 before you sign off:
 5 "Please let me know what is your view on these."
 6 Do you see that?
 7 A. Absolutely.
 8 Q. That's how you leave off that email?
 9 A. "Thanks, Rod."
 10 Q. Above it. Before you sign off, you ask him what his
 11 views are; right?
 12 A. Right.
 13 Q. And his immediate response was: I'm missing the
 14 attachment.
 15 If you scroll up, FTI, to page 89.
 16 A. No, he agreed.
 17 Q. Mr Marshall, just please --
 18 A. Okay.
 19 Q. -- I'll take you there quickly. It would be helpful if
 20 we focus now --
 21 A. Answer the question, yes.
 22 Q. -- on this email. So I'm not asking for any and all
 23 things he said, but after his immediate response saying
 24 "I'm missing the attachment", we have another response
 25 in the chain from Mr Bidega that says:

Page 99

15:09 1 process --
 2 A. This was --
 3 Q. I'm sorry, I spoke over you. Go ahead?
 4 A. No, sorry, this was specifically discussed with
 5 Dominique. This was (overspeaking).
 6 Q. Now that's what I want to focus on. What was discussed
 7 about adding this language and, you know, what to do
 8 with it in the drafts that went back and forth?
 9 A. They -- there was no -- unlike the questions from
 10 Mr Hill, there was no reservation and no hesitancy about
 11 granting a 30-year licence under the terms of this
 12 agreement, and this was to spell out how that 30-year
 13 licence -- the terms of that 30-year licence. To say
 14 that this was a five-year licence was not true. That
 15 was not the expectation of either party.
 16 Q. And after, you know, it made its way into the draft, did
 17 you talk about that with Mr Bidega, what his view was
 18 about the language?
 19 A. It was consistent with the statute. He thought -- we
 20 had satisfied all the conditions, so this was not
 21 unusual.
 22 Q. Based on anything Mr Bidega said to you in the course of
 23 these discussions once this language was in, did you
 24 consider this language to be contentious or tentative in
 25 any way?

Page 98

15:12 1 "For me it is fine, but I add some clarifications
 2 and corrections ..."
 3 Do you see that?
 4 A. I alert you, this is from 10.00 in the morning, and my
 5 response was at 1.20, is that what -- so mine is after
 6 that.
 7 Q. Correct, and I don't know the timing, what timezone
 8 applies to which. I'm just saying, do you see that
 9 there's two copies of the same email, but different
 10 responses, because there were different replies? The
 11 first reply said:
 12 "I'm missing the attachment."
 13 The second one says:
 14 "For me it is fine ..."
 15 Do you see that?
 16 A. Yes.
 17 Q. So I'm just drawing your attention to that. I'm just
 18 simply asking, just a different question, not the timing
 19 of it and anything else. As a result of this response,
 20 were you comfortable that Mr Bidega actually saw that
 21 draft?
 22 A. There's no question.
 23 Q. And from any further discussions after that date, did
 24 you believe that that language was somehow in dispute or
 25 in contention between you --

Page 100

15:13 1 A. No.
 2 Q. -- and anybody else in Mr Bidega's department or OGMR
 3 generally?
 4 A. Certainly not. This was not a new concept.
 5 Q. Okay. I also want to stick a point, and I apologise for
 6 sticking one point a couple of times but if we could do
 7 this very quickly, if we could go to R-201.
 8 Do you remember questions from Mr Hill on this
 9 document?
 10 A. Yes.
 11 Q. And I'm not going to get into the substance of the --
 12 you talked about it, Mr Hill said the accusations you
 13 made were very serious, and you had a whole back and
 14 forth on the substance. I just want to make sure you
 15 know what email you're talking about but not go back
 16 into the substance.
 17 A. Yes.
 18 Q. Okay. Drawing your attention -- so who is this email
 19 exchange with? Again, reorient the Tribunal.
 20 A. Well, I don't recognise the name at the top. I think
 21 that's an unusual version. Busingye Johnston is the
 22 Minister of Justice. So this was an email exchange with
 23 the Minister of Justice.
 24 Q. And you got back from the email that you had to the
 25 Minister of Justice, you got back someone from his side,

Page 101

15:15 1 his department, or that was working with him, this
 2 response; correct?
 3 A. Correct.
 4 Q. And that person, working with the Minister of Justice,
 5 used a personal email account at Yahoo; correct?
 6 A. Correct.
 7 Q. After receiving this, did you ever receive any
 8 communication that led you to believe that this was
 9 somehow improper for this person to be sending you
 10 a communication on this issue of official business using
 11 a Yahoo account?
 12 A. No. It was common practice at all times.
 13 Q. Referring back to, if I could reorient your memory, the
 14 questions on the last document, the email exchange, the
 15 emails with Mr Bidega, Mr Hill was questioning you more
 16 broadly about the representations that you had made that
 17 your understanding, the licence, the draft licence was
 18 ultimately agreed on and actually submitted to cabinet,
 19 and he challenged you on that and you said at one point
 20 that you knew you could not get Dr Mike's approval,
 21 which would be necessary for that to happen, and in your
 22 answer you said that Dr Mike was a wild card because he
 23 was angry at you; do you recall that?
 24 A. Yes.
 25 Q. Please explain, why, as far as you understood, was

Page 102

15:17 1 Dr Michael mad at you such that you considered him
 2 a wild card in any response?
 3 A. It was what I was alluding to earlier, Anthony Ehlers
 4 claimed to me that he had a private business arrangement
 5 with Dr Mike and that they together would be sharing
 6 ownership in NRD through some machination, I was not
 7 aware of how this was -- he thought that this was going
 8 to come about. When I returned to Rwanda after our
 9 group acquiring NRD, we had a meeting with the tagging
 10 authorities, the ITA and others. Several hundred people
 11 were there and it's, I think, the only time in my memory
 12 in Rwanda Dr Michael was in a shouting match claiming
 13 that I was not the owner of NRD, that Anthony Ehlers was
 14 the owner of NRD.
 15 I couldn't understand it and the Minister who was
 16 quite shocked, because it's very unusual to have any
 17 shouting in Rwanda at all, took us to --
 18 Q. Please state specifically, the minister who?
 19 A. The then Minister of Mines, his name was Bazivamo,
 20 before Kamanzi came into the office. Mr Bazivamo took
 21 Dr Michael and myself to a separate room away from this
 22 group of 300 people so that he could understand what
 23 Dr Michael was talking about. Dr Michael was talking
 24 erratically, and it was not understandable how
 25 Anthony Ehlers was expected to be the owner of NRD,

Page 103

15:19 1 although Anthony Ehlers later submitted his own
 2 application for our mines.
 3 Q. When did that, would you call it, shouting match, occur?
 4 When was that event?
 5 A. March 2011. The first ITA meeting.
 6 Q. When in time did Mr Ehlers tell you what he and
 7 Dr Mike's expectations were for themselves regarding the
 8 NRD concessions?
 9 A. When we were threatening -- when he was under
 10 investigation for being fired. He's a very aggressive
 11 fellow and he wanted to intimidate me.
 12 Q. And the time period, that was when?
 13 A. That would have been March 2011. The first week
 14 of March. I think we fired him on 8th March, and he
 15 submitted an application for our concessions also on
 16 8th March 2011, using our documentation.
 17 Q. If I could ask FTI to bring up C-035. Do you recall
 18 questioning from Mr Hill about this application, which
 19 is dated -- if we could scroll down, I'm not sure it's
 20 on the cover or where.
 21 A. November 2010.
 22 Q. Okay. So this is the November 2010 application made by
 23 NRD for continuation of its concessions; correct?
 24 A. For the long-term licence agreement itself.
 25 Q. I understand there was a lot of back and forth about

Page 104

15:21 1 that specific topic. I am just trying to touch on
 2 certain topics from your testimony --
 3 A. Yes.
 4 Q. -- and clear up any loose ends, so I don't mean to
 5 suggest we're going to cover everything again. So just,
 6 please, focus for a moment. If we could go to FTI, to
 7 pages 9 and 10 and let Mr Marshall see those pages.
 8 Do you recall Mr Hill asking you questions about
 9 what the content of both the progress on the business
 10 plan and progress on things like environmental efforts
 11 and production, industrialisation, do you recall him
 12 asking you questions about the specific aspects of the
 13 application and the conclusion that he asked you to
 14 agree with that they were inadequate to meet the actual
 15 obligations of NRD at that time period; do you recall
 16 those questions?
 17 A. I recall the question generally, yes.
 18 Q. And some of those questions referred specifically to
 19 NRD's obligation, as it was asked in the question, to
 20 invest \$39 million that were projected or promised, and
 21 didn't meet that promise, as at that time period; do you
 22 recall those questions?
 23 A. Yes.
 24 Q. If I could ask FTI to go back to page 8, and under the
 25 "Achievements in Research" section on page 8, if I could

Page 105

15:25 1 ultimately the Ministry is the original time period that
 2 the commitment of \$39.5 million covered went into 2011.
 3 What does that leave you to conclude about NRD's
 4 original owner's expectation of making that size
 5 commitment compared to obtaining a long-term concession?
 6 A. I think I've said many times that these were an effort
 7 to be able to show what they would be able to do over
 8 the period if they had the long-term concession.
 9 Q. In other words, if they only had the original
 10 concession, and then nothing further, would they even be
 11 investing anything in 2011 under their projections?
 12 A. I'm sorry, I missed it.
 13 MR HILL: Well, Mr Cowley, you have had two attempts at
 14 leading this. I wonder if that might be enough.
 15 THE PRESIDENT: I'm inclined to agree. This is not this
 16 witness's document in the first place. He is simply
 17 being asked his opinion as to what it's saying, and
 18 ultimately that must be a matter for the Tribunal.
 19 MR COWLEY: Fair points, and I started by trying to remind
 20 people that that's exactly what Mr Hill asked him to do,
 21 is to draw opinions from representations that they did
 22 make in this document, that there was essentially
 23 an acknowledgment that they failed to meet the
 24 requirements of the contract, and failed to meet the
 25 Zarnacks' original representation.

Page 107

15:23 1 ask you to highlight that so Mr Marshall can see that
 2 more clearly, I'm just asking about that section for
 3 right now.
 4 So here in the NRD November 2010 proposal it does
 5 refer back to the volume of investment in working
 6 capital that was proposed originally by Starck's
 7 predecessor. Do you recall the reference to the
 8 \$39.5 million as being the original proposed investment
 9 amount?
 10 A. Mm.
 11 Q. And it says here that at the time of the November 2010
 12 application that the original application that the
 13 obligations that are supposed to precede this, that
 14 39.5 million actually covered five years, 2007 to 2011.
 15 Do you see that representation?
 16 A. Yes.
 17 Q. Do you recall what the original short-term concession
 18 time period was, how many years it was that NRD's
 19 original licence covered?
 20 A. For four years.
 21 Q. Starting when?
 22 A. I think for them it was 2006, so it would have finished
 23 the end of 2010.
 24 Q. If we refer back to at that time Starck-owned
 25 NRD's November 2010 application, what it's saying to

Page 106

15:27 1 Since he was asked to opine on that, I'm trying to
 2 round out his opinion and ask what else he understood.
 3 If the Tribunal does not agree, I'll move on, but I did
 4 think that Mr Hill asked these very questions. He just
 5 wanted to focus on one topic, not the other.
 6 THE PRESIDENT: Well, I think the re-examination should
 7 focus on the questions asked by Mr Hill.
 8 MR COWLEY: I'm sorry, it's probably because I'm very tired,
 9 are you suggesting I'm wrong, so that I'm not --
 10 I thought I was, I thought I was trying to do this
 11 fairly, but if you think I'm not, please tell me.
 12 THE PRESIDENT: No, I suggest we move on.
 13 A. The only point I was trying to make about it --
 14 MR COWLEY: Mr Marshall, the Tribunal did say that
 15 I shouldn't ask the question so I don't think they want
 16 more of your answer and I just would request you wait
 17 for me.
 18 A. Okay. (Pause).
 19 Q. Respectfully, I'm quite certain this question was asked
 20 and was referred to --
 21 THE PRESIDENT: Alright.
 22 MR COWLEY: -- so I'm just going to ask this next question.
 23 THE PRESIDENT: Ask it. Ask it.
 24 MR COWLEY: Mr Marshall, sticking with that paragraph, if
 25 I could ask, the next sentence:

Page 108

15:28 1 "The original business plan included investment in
 2 the applied-for mines of Nyakabingo and Gifurwe..."
 3 Do you see that?
 4 A. Yes.
 5 Q. Please tell the Tribunal what those two references are.
 6 What are those?
 7 A. Those are two of the largest long-term -- sorry,
 8 large-scale mining concessions in very different parts
 9 of the country. Gifurwe and Nyakabingo are both
 10 tungsten mines. One is being run by Rutongo Tinco, the
 11 other is being run by Chris Huber who is a big trader,
 12 and they are very large operations.
 13 Q. As to your understanding of what NRD had by way of
 14 concessions over its entire history, are you aware of
 15 NRD ever being awarded the concessions and the rights to
 16 Nyakabingo or Gifurwe?
 17 A. No, of course not.
 18 Q. Did you have any ability in answering Mr Hill's
 19 questions to apportion how much of the \$39.5 million
 20 projected by the Zarnacks in 2006 would have been spent
 21 on those two mines that were included in that
 22 projection, compared to the concessions that NRD did
 23 obtain?
 24 A. I never had a chance to address the issue. It is
 25 an issue that was recognised by the Ministry. It came

Page 109

15:30 1 up from time to time, and they knew that the \$39 million
 2 was an attempt to include Nyakabingo and Gifurwe build
 3 out, but that's why it never came up as an issue of
 4 contention until this arbitration.
 5 Q. Fair enough, but just a little bit different question.
 6 Did you, in answering any of Mr Hill's questions, did
 7 you have the ability to direct him to what portion of
 8 that \$39.5 million applied to the actual concessions
 9 that NRD was moving forward with?
 10 A. No.
 11 Q. There's a reference a little further up to "ore
 12 processing highlights". FTI, if I could ask you to go
 13 up one section to "Ore Processing Highlights". There is
 14 a reference to a 20-tonne processing plant at Kabera in
 15 the Rutsiro concession; do you see that?
 16 A. Right. Yes.
 17 Q. Is there any other processing plant that you're aware of
 18 in the NRD concessions at any time, other than the one
 19 you've testified to about how it worked, when it was
 20 working in answer to Mr Hill's question?
 21 A. We had two plants, one, the one we've been talking about
 22 at Rutsiro. We had an upgrade plant that we constructed
 23 later in Nemba.
 24 Q. Okay, as to this processing plant, do you see the
 25 reference to the Rutsiro concession?

Page 110

15:32 1 A. Yes.
 2 Q. Do you recall questions from Mr Hill about that
 3 processing plant?
 4 A. Yes.
 5 Q. What it was capable of working on, how often it worked?
 6 A. Yes.
 7 Q. And that you answered questions about that?
 8 A. Yes.
 9 Q. Okay. This, in this application, references the
 10 intention to exploit primarily wolframite deposits with
 11 that processing plant at that concession. Ultimately
 12 you, when you -- after taking over management of NRD,
 13 did you become familiar with what that processing plant
 14 was capable of doing?
 15 A. Yes.
 16 Q. To operate that processing plant for other minerals,
 17 what would be required?
 18 A. It's art more than it is science. All processing plants
 19 will work on the same principle. There is no such thing
 20 as a wolframite plant as opposed to a tantalum plant as
 21 opposed to a cassiterite plant. It's all about crushing
 22 rock to separate the mineral from the host material.
 23 Q. So what would be necessary for NRD to operate that
 24 processing plant for other minerals than wolframite?
 25 A. It may be no adjustment is necessary. It all depends on

Page 111

15:33 1 the type of host material. So if it's quartz, it may
 2 take more crushing. If it is pegmatite, it may take
 3 less crushing. It depends on the host material around
 4 the ore. Often it is described as extracting chocolate
 5 chips from petrified chocolate chip ice cream, and the
 6 principles are the same on all minerals.
 7 Q. In your answer when you are saying it may take more or
 8 less crushing, is that something that can be controlled
 9 by NRD's operations team?
 10 A. Yes.
 11 Q. Can they change it?
 12 A. Of course.
 13 Q. In answer to a number of the questions about this
 14 processing plant, you explained to Mr Hill that the
 15 processing plant works not only from top to bottom, but
 16 in pieces; can you explain particularly what does that
 17 mean, that sections of it can be operated and other
 18 sections don't have to be operated at the same time?
 19 A. A processing plant is really nothing more than what
 20 miners do by hand. You find mineralised ore, you crush
 21 it virtually to dust, and then you pan it, like
 22 gold-panning, and the processing plant is nothing more
 23 than an automated, in a sense, gravitationally-fed
 24 series of steps, but all of the equipment is used
 25 separately or it can be used in a plant as part of

Page 112

15:35 1 an orchestrated, organised series of steps.
 2 So, for example, in the Rutsiro plant, our local
 3 artisan teams would use portions of the plant, although
 4 less frequently to use the whole plant. For example,
 5 there are shaking tables where you lay out the crushed
 6 ore in order to be able to get as many of the fines as
 7 you possibly can, and that process is actually better
 8 than trying to pick it out by your fingers.
 9 Same thing with the crushing end of it. You can
 10 crush material and then process it by hand in another
 11 location, depending on what you needed it for. This is
 12 not magic.
 13 Q. FTI, if I could ask you to bring up C-062.
 14 Mr Marshall, please just take a look at this.
 15 I'm going to ask you if you remember being asked
 16 questions about this document by Mr Hill.
 17 A. Yes, I do remember.
 18 Q. And in your answers, as I have it, by no means complete,
 19 but the way you ended your answers, you said you weren't
 20 sure what certain things meant in the letter, and you
 21 asked Mr Hill whether you could explain what you would
 22 do to find out what they meant, and the answer was no,
 23 and he moved on to another series.
 24 I will ask you now, what would you have done to find
 25 out what this letter really meant?

Page 113

15:37 1 A. Well, again, I'm sorry if I sound repetitious, but
 2 nothing is done in the abstract where a letter is sent
 3 and then the issue is resolved. It's a constant matter
 4 of conversation. We're talking really in the industry
 5 there are six or seven, perhaps, large mining companies.
 6 Everybody is talking constantly to the Ministry and
 7 that's why I was so unhappy when we got cut off from
 8 those communications.
 9 So with regard to this letter in 2011, the first
 10 thing we would have done is gone over to the Ministry
 11 and sat down with them and asked what is meant.
 12 Q. If I could ask FTI to bring up C-041. This is
 13 a six-page letter, if I could ask you to put up a couple
 14 of pages at a time. So Mr Marshall, the first question
 15 again, is just can you reorient -- do you recall, in
 16 looking at this letter, that you were asked questions by
 17 Mr Hill about particular aspects of this letter?
 18 A. I do remember the letter and I remember the conference,
 19 the meeting that was held which led me to write this
 20 letter.
 21 Q. And you recall that this letter also responded in some
 22 way, or was presented as being the next communication
 23 after a letter to you about certain things and needing
 24 environmental -- action on environmental issues being
 25 one of them?

Page 114

15:39 1 A. Yes.
 2 Q. And you recall that Mr Hill, after taking you through
 3 this letter, said despite receiving that request, you
 4 made no commitment whatsoever to take any action to
 5 address these environmental concerns; do you recall that
 6 question?
 7 A. I recall the question.
 8 Q. If I could ask for you to look at the last -- if I could
 9 ask FTI to turn to the last paragraph of the letter.
 10 Above the word "Sincerely" there is a one-sentence
 11 paragraph that says:
 12 "I would ask you to consider the points in this
 13 letter and to collaborate with us to resolve these
 14 issues."
 15 What did you mean when you wrote that sentence?
 16 A. At this meeting and in his subsequent letter to us, he
 17 was insisting that we had -- and off the top of my head,
 18 without going into the language of the letter, we had
 19 been given an unreasonable time, like: please solve all
 20 these environmental problems within X period, like one
 21 month, or whatever it was, or your licences are all
 22 terminated, and it was unlike anything that we had seen.
 23 This was 75 years of Belgian firehose sluice mining,
 24 ground sluice mining. We were happy and had already
 25 contributed lagoons and dams and constructions to be

Page 115

15:40 1 able to alleviate the silt that was coming down at the
 2 very beginning of the Sebeya River stream. So we wanted
 3 to help, but we could not do everything within 30 days
 4 or we lose our licences. It was, to me, a very
 5 outrageous insistence that somehow -- and we were being
 6 blamed for what the Belgians had done. So it was just
 7 all terribly unfair to me at the time.
 8 Q. I'm going to get back to the meeting and I'm going to
 9 ask you a specific question about what happened. I know
 10 you have explained in your prior answers what your
 11 concerns were, and I don't want to suggest that you now
 12 need to say everything about the entire topic again; you
 13 don't.
 14 A. Okay.
 15 Q. There were certain loose ends after talking about things
 16 and I would love to just focus on those.
 17 So that concern which was expressed in writing came
 18 out in a meeting, which we'll get back to, and now
 19 there's a letter following the meeting that addresses
 20 the environmental concerns you just addressed, and other
 21 issues. But the letter ends:
 22 "I would like to ask you to consider the points in
 23 this letter and to collaborate with us to resolve these
 24 issues."
 25 What were you intending to say in that sentence?

Page 116

15:42 1 What were you offering to do?
 2 A. Well, they knew, based on what had happened in that
 3 meeting, that we had already contacted, actually,
 4 a world-leading environmental professional to come over
 5 and look at it from Olomouc University. Within less
 6 than, I think, a month after this letter they arrived to
 7 analyse what had been done on the ground, what needed to
 8 be done, how to do remedial work.
 9 So we were willing to contribute, we wanted to
 10 contribute, but we didn't want to be accused of having
 11 committed the environmental sins that the Belgians had
 12 done and that we had a very short time to fix it.
 13 Q. And did you get a response to the offer to
 14 collaborate --
 15 A. No.
 16 Q. -- on these issues?
 17 A. No.
 18 Q. The meeting that intervened, you've discussed how you
 19 felt, you discussed the fear, and again, you've
 20 discussed the reasons for it, but having already said
 21 those things, can you help explain the context. What
 22 was it that was going on, what was the circumstance and
 23 the environment in which the things you've already
 24 testified about being said, and your feelings as
 25 a result, you've already testified about that, but put

Page 117

15:43 1 it in context: where was it, and when did it happen?
 2 A. You mean what was the relationship with Mr Kamanzi?
 3 Q. No, I don't. You've testified about the big picture
 4 issues and the fear, but you've said this particular
 5 meeting caused you great distress, and you've described
 6 that distress.
 7 A. Yes.
 8 Q. Who was the meeting -- who was there? What was there?
 9 What was happening?
 10 A. Mr Kamanzi was new to the Ministry. He didn't know many
 11 things about mining or who was in charge or responsible
 12 for what processes, what was possible. This was
 13 a meeting of the miners in this remote district. He
 14 used it as a tool to give a political speech that he was
 15 going to protect his miners, and it became an all-out
 16 assault on us for what I could see was political
 17 reasons.
 18 I asked to be able to speak, and he said okay, and
 19 I stood up and he said: but keep it short. And I said:
 20 okay, I want you to know I'm Rod Marshall, we represent
 21 NRD, and we look forward to working with you, thank you,
 22 and sat down. And that was really all that we were
 23 allowed to tell the community, but we were being blamed
 24 by him for all of the environmental damage in that
 25 region, and it was a very difficult environment to be

Page 118

15:45 1 in, because I felt threatened by people who were very
 2 excited that we were, according to the government,
 3 according to the Minister, were being accused of having
 4 caused environmental damage.
 5 Q. Thank you. And I'm just trying to get a little bit
 6 finer, just context. You said it was a meeting of the
 7 miners. You said what happened, I'm not asking you to
 8 repeat what happened or what was said. Why were you
 9 there? If it's a meeting of the miners and Mr Kamanzi
 10 is there, why are you there? What was your
 11 understanding of what was supposed to be happening, and
 12 you've already described what did happen?
 13 A. Mr Kamanzi invited us to be there to look at the site
 14 with him and to have a discussion about it. We were
 15 blindsided. We didn't know that this was coming.
 16 MR COWLEY: Mr President, I believe I'm at the break time.
 17 THE PRESIDENT: You are at the break time. We will break
 18 for 30 minutes.
 19 (3.46 pm)
 20 (Adjourned until 4.15 pm)
 21 (4.17 pm)
 22 THE PRESIDENT: Yes, Mr Cowley, if you want to have
 23 Mr Marshall back?
 24 MR COWLEY: Yes, please.
 25 MR WATKINS: Okay, bringing back the witness.

Page 119

16:17 1 MR COWLEY: I apologise, we will absolutely figure this out.
 2 Rod, you're on mute.
 3 THE PRESIDENT: Sorry?
 4 MR COWLEY: I'm telling the witness he is on mute.
 5 THE PRESIDENT: Oh, I see, right.
 6 MR COWLEY: Rod, you are on mute.
 7 A. I don't have control. It's not within my control.
 8 Q. I know, sometimes I just think yelling makes
 9 a difference, I'm sorry.
 10 A. Can I just make one comment just so the record --
 11 Q. Please answer my questions. I'm going to ask -- I can
 12 do an awful lot for you separately, and we'll address it
 13 separately, but this is re-direct and it's pointed.
 14 I hope that's fair.
 15 FTI, if I could ask you to bring up R-231.
 16 Mr Marshall, do you recall being asked questions by
 17 Mr Hill about this August 3rd, 2012 letter to the RDB
 18 relating to the 2012 Benzinge incident where he wound up
 19 being given control of the offices for a period of time,
 20 given control of concessions; do you recall being
 21 questioned and giving answers on this letter?
 22 A. Yes.
 23 Q. You also testified in answer to those questions about
 24 being told by the registrar that the reason she made the
 25 change at Mr Benzinge's request was because of threats

Page 120

16:19 1 she received from him; do you recall those answers?
 2 A. Yes.
 3 Q. Was this letter sent before or after the conversation
 4 with the registrar in which she told you about the
 5 threats?
 6 A. The threats I learned at the very end, so it would have
 7 been a week or 10 days later.
 8 Q. So just to be specific, the letter, in terms of when in
 9 time it was compared to being told about the threats,
 10 was the letter sent before or was the letter sent after
 11 you were told that information?
 12 A. The letter was sent before.
 13 Q. If I could ask FTI to bring up --
 14 A. Off the top of my head, if I may read the letter, I may
 15 be able to give more precise --
 16 Q. Please do. I'm not trying to go so fast that it feels
 17 like you are disoriented. I am trying to help orient
 18 you and you need to please tell me if I don't do a good
 19 job of it.
 20 THE PRESIDENT: I think the witness told us this in-chief.
 21 MR COWLEY: I agree. Mr Marshall, I don't have any further
 22 questions about the letter, so if you are comfortable,
 23 I'd like to move on to the next document. C-048,
 24 please. I'm sorry, I have to bring up the right
 25 document myself.

Page 121

16:21 1 So, Mr Marshall, do you recall that Mr Hill asked
 2 you questions and you gave some answers about
 3 this August 10th, 2012 letter, again on the same topic
 4 that the prior letter covered?
 5 A. Could you scroll down?
 6 Q. Yes. And please, FTI, if you could scroll and let him
 7 see.
 8 A. Yes. Please scroll down further. Yes.
 9 Q. Do you recall the questions and answers?
 10 A. No, I don't. I remember the circumstances. I'm sorry,
 11 what was the question at the time?
 12 Q. No, I'm saying, do you remember already testifying about
 13 this letter?
 14 A. I remember talking about it but I don't remember looking
 15 at this language, no.
 16 Q. Okay, I'm going to direct your attention to the end in
 17 any event, I've got one specific question about one
 18 entry in the letter.
 19 A. Okay.
 20 Q. The very last page, please, if you could bring that up,
 21 there's only a short carryover paragraph there, sorry,
 22 new paragraph there.
 23 A. Yes.
 24 Q. The first sentence of the very last substantive
 25 paragraph says:

Page 122

16:23 1 "It is clear to me and our investors that the RDB
 2 staff was completely misled by the threats and illegal
 3 actions of this man, Ben Benzinge."
 4 What did you intend to refer to when you wrote about
 5 threats?
 6 A. That Ben Benzinge had threatened the staff at the RDB so
 7 that they would change the commercial registry.
 8 Q. If I could ask now that C-054 --
 9 A. Sorry, just for clarification, we learned different
 10 aspects of the threats as the process went along. You
 11 will have to speak to Ms Kanyonga who was the registrar
 12 who can give you details about what he threatened and
 13 when.
 14 Q. I just want to make sure you're comfortable you
 15 understand all I'm asking here right now. Have you
 16 already testified in response to Mr Hill's questions
 17 about all of the threats you learned about; have you
 18 provided that information in your answers to Mr Hill?
 19 A. I believe I have. I don't know that -- he was
 20 questioning how it's possible that -- as I recall the
 21 question he was asking, how would I know that
 22 Mrs Kanyonga was threatened, and there was a lot of
 23 discussion back and forth about why it had taken place.
 24 I was trying to put the onus on Mr Benzinge here, and
 25 not try to blame the staff of the RDB for what had

Page 123

16:25 1 happened, but it was -- both parties were at fault
 2 because she didn't handle the threat properly.
 3 Q. If I could ask that C-054 be brought up. This is
 4 a January 30th, 2013 letter, submitting documentation
 5 that's in the Re line "Application for long-term mining
 6 licence". Do you recall being asked questions about
 7 this application, the January 30th, 2013 application?
 8 A. I don't remember what the questions were, no.
 9 Q. But you do recall that questions were asked of you about
 10 it; correct?
 11 A. Yes.
 12 Q. So prior to sending this -- I'm sorry, let me strike off
 13 where I started and re-ask the question so it will come
 14 out sounding more intelligent.
 15 What led to your submitting this January 30th, 2013
 16 application for a long-term licence?
 17 A. They had asked us for it.
 18 Q. "They" is who?
 19 A. The Ministry of Natural Resources had asked us for this
 20 additional document.
 21 Q. Okay. And were there discussions -- when you say they
 22 asked you for it, were there discussions? Did they
 23 telling you what they asking you to do?
 24 A. Sure, yes.
 25 Q. What do you recall being asked to do which led you to

Page 124

16:26 1 submit this.
 2 A. The process has a political dynamic. We didn't
 3 understand everything that was going on and why the
 4 process had changed. We had been through, as you know,
 5 one exercise of negotiating the language of long-term
 6 licence. This was -- we were grateful to have -- not
 7 just be told to go home, but a second chance to
 8 negotiate whatever it was.
 9 We didn't know why we were being asked to begin the
 10 process again.
 11 Q. I'm going to ask, FTI, if you could leave that up and
 12 just also bring up the document C-160. That's
 13 a January 21st, 2013 Ministry of Natural Resources
 14 internal document. Was the substance of that internal
 15 request that negotiations start again, was that
 16 communicated to you at any time before January 30th,
 17 2013?
 18 A. I never knew -- I never saw or knew the information
 19 that's in this January 22nd letter. This was new to me.
 20 Q. Were you first asked for the submission that was made
 21 on January 30th, 2013 on or after January 22nd, 2013?
 22 A. Ordinarily -- we respond within a week. There's no
 23 reason for us to have delayed it, so I don't know what
 24 the connection would have been. All we were being told,
 25 as you can see in my letter here, is: please provide us

Page 125

16:30 1 would have determined that, so I can't be sure, that
 2 depended on how much additional work would have had to
 3 go into it.
 4 MR COWLEY: Thank you. Nothing further.
 5 THE PRESIDENT: Right. So we have now reached the stage
 6 when we should be hearing from Mr Buyskes; is that
 7 right? And are we in a position to do so?
 8 MR COWLEY: The last I was told, he was in the waiting room.
 9 THE PRESIDENT: In the waiting room. Excellent.
 10 Well, let us invite him to join us.
 11 MR WATKINS: Okay.
 12 MR COWLEY: And if the Tribunal permits, and understands,
 13 I'm going to go dark and Mr Harrison will be doing the
 14 questioning.
 15 THE PRESIDENT: Very well.
 16 MR WATKINS: Alright, we're going to go ahead and bring him
 17 in, and just to let everyone know that the use of his
 18 phone in replacement of a 360 camera is up on Microsoft
 19 teams, so we are also viewing his room, so we are
 20 bringing him in right now.
 21 THE PRESIDENT: Thank you.
 22 MR WATKINS: Mr Buyskes, if you could turn your camera on
 23 and unmute yourself, please.
 24 MR HARRISON: Before you bring him in, can we just address
 25 one housekeeping matter?

Page 127

16:28 1 with the draft long-term agreement that you've been
 2 working on, so we included a draft. We were glad to
 3 have the negotiation.
 4 Q. Understood. I apologise, I've asked a confusing
 5 question, and if we could take down C-160, having said
 6 that you don't recall having it communicated to you,
 7 I'm not trying to orient you to the substance,
 8 I'm trying to orient you to date. So you said you had
 9 discussions about what the Ministry asked you to do; was
 10 that request made on or after January 22nd, 2013, that's
 11 all I'm asking?
 12 A. This is in response to some conversations we were
 13 having. We'd been given instruction by the Ministry.
 14 What the period was, we never are more than seven
 15 days -- we respond to all communications within seven
 16 days as a matter of internal corporate policy.
 17 Q. Thank you, Mr Marshall.
 18 A. Is that what you're asking?
 19 Q. I'm sorry, go ahead.
 20 A. I'm not sure I understood the question.
 21 Q. I was just asking for the time period between the
 22 request and the submission. I believe you answered it.
 23 I'm all set. I wasn't asking a follow-up question.
 24 A. Yes, let me add one thing, though. Depending on what it
 25 was, the nature of the conversation with the Ministry

Page 126

16:32 1 THE PRESIDENT: Yes.
 2 MR COWLEY: Is Mr Marshall now permitted to join as
 3 an observer?
 4 THE PRESIDENT: Yes, he is.
 5 MR COWLEY: I'll let him know, thank you. Or if FTI, if we
 6 could just ask, if you could put him in without -- off,
 7 you know, off camera, I will let him know he can go back
 8 to the room and it's already set up.
 9 MR WATKINS: Correct. He is off camera so he should be all
 10 set to just observe.
 11 Okay, Mr Buyskes, can you hear us? You are not
 12 connected to audio. There we go, hold on. It looks
 13 like he's connecting.
 14 Mr Buyskes, can you unmute yourself, please?
 15 THE WITNESS: Unmuted.
 16 MR WATKINS: Excellent. Mr President, I will go ahead and
 17 go off camera.
 18 THE PRESIDENT: Thank you.
 19 MR KEVIN BUYSKES (called)
 20 THE PRESIDENT: Welcome, Mr Buyskes. There is a declaration
 21 we ask each witness to make. I wonder if that can be
 22 put up so you can see it?
 23 THE WITNESS: I can see it.
 24 THE PRESIDENT: You can see it. Would you care to repeat
 25 it, please?

Page 128

16:34 1 THE WITNESS: I will do so.
 2 I solemnly declare upon my honour and conscience
 3 that I shall speak the truth, the whole truth, and
 4 nothing but the truth.
 5 THE PRESIDENT: Thank you.
 6 Direct examination by MR HARRISON
 7 MR HARRISON: Thank you, Mr Buyskes.
 8 Could you tell the Tribunal your name, where you
 9 work and your title?
 10 A. Okay. My name is Kevin Buyskes. I'm the general
 11 manager at Rutongo Mines in Rwanda. I specifically look
 12 after Rutongo Mines, but I also have a consulting input
 13 to our sister mines in Nyakabingo.
 14 Q. Mr Buyskes, do you recall that you submitted two witness
 15 statements in this matter on behalf of the Claimants?
 16 A. Yes, I do.
 17 Q. Have you had a chance to review those witness
 18 statements?
 19 A. I have.
 20 Q. Is the information in those witness statements true and
 21 accurate?
 22 A. To the best of my knowledge, that is correct.
 23 Q. Could you please tell us when Tinco first applied for
 24 a long-term licence for the concessions that it
 25 operates?

Page 129

16:38 1 A. I think it's pretty logical: if you do not own or have
 2 sufficient ownership in a building or a house or
 3 whatever, including a mine, you do not invest in
 4 something that you do not have sufficient ownership of,
 5 and that was our feeling at the time.
 6 MR HARRISON: Thank you, Mr Buyskes. I'm going to turn over
 7 to Mr Hill.
 8 THE PRESIDENT: Yes, Mr Hill.
 9 Cross-examination by MR HILL
 10 MR HILL: Mr Buyskes, you joined Tinco in 2012 and served as
 11 general manager of Rutongo Mines with consulting
 12 responsibilities for Eurotrade; yes?
 13 A. Correct.
 14 Q. Can we go to paragraph 19 of your witness statement.
 15 Now, you refer there to how some of the concessions
 16 previously held by NRD's investors are now held. Were
 17 you aware that those concessions were, in fact, put out
 18 to public tender?
 19 A. I was not aware at the time. You know, at the time,
 20 I was under the impression that it was given to
 21 Ngali Mining. The reason being, at the time
 22 Ngali Mining was established, all mines that were not
 23 held by any company, the idea was that it goes to Ngali.
 24 Q. I see. But you are not commenting, then, on the detail
 25 of the tender process and which companies were

Page 131

16:35 1 A. For the Nyakabingo concession, although licences were
 2 granted at the same time, the Nyakabingo concession, the
 3 application went in, I think it was September 2011,
 4 okay. The Rutongo went in in August 2012, okay. But we
 5 had -- we added some of the Nyakabingo items as well in
 6 2012, with the submission, with the Rutongo submission.
 7 Especially regarding the environmental side of things.
 8 Q. And has Tinco subsequently received long-term licences
 9 for those concessions and, if so, when did it receive
 10 those?
 11 A. Okay. We had knowledge of receipt in around
 12 about September 2014. However, I'm saying we had
 13 knowledge of the licence that had been signed. The
 14 granting order we received on 29th January 2015. So the
 15 official, as far as we were concerned on the mine, we
 16 received that on 29th January 2015.
 17 Q. FTI, if you could pull up Mr Buyskes' first witness
 18 statement at paragraph 11, which is on page 5. If you
 19 could just blow up paragraph 11, thank you. Mr Buyskes,
 20 I just want to direct you to one line. You write:
 21 "In 2012, Tinco had various investors that were very
 22 interested in investing in RML and ETI, however, no
 23 investor would invest unless RML and ETI had large scale
 24 mining licences and security of tenure."
 25 Can you just explain very briefly why that is?

Page 130

16:39 1 successful or not successful in the public tender?
 2 A. No, not at all.
 3 THE PRESIDENT: And do I understand from the previous
 4 comment you made that that understanding in paragraph 19
 5 is no longer your understanding?
 6 A. Well, to be quite honest, I do not know who holds the
 7 licence of that area. I do understand that at one stage
 8 the mine was actually split up into smaller portions.
 9 Who owns what, I have no idea at the moment.
 10 THE PRESIDENT: Thank you.
 11 A. Sorry, if I could just add, I do not believe there's
 12 a large investor on that site at present, otherwise
 13 I would have known that.
 14 MR HILL: Can we look at paragraph 2 of your witness
 15 statement. You say there you have:
 16 "... detailed knowledge of the mining industry in
 17 Rwanda, specifically, and of Natural Resources
 18 Development Rwanda ... and NRD's United States owners,
 19 led by Roderick Marshall."
 20 Then you say:
 21 "I have met with, worked with and shared resources
 22 with, the owners and managers of NRD on many
 23 occasions ..."
 24 Now, who are you actually talking about when you
 25 talk about who you have been meeting with and working

Page 132

16:41 1 with; is it just Mr Marshall?
 2 A. Mr Marshall and Zuzana Mruskovicova as well.
 3 Q. So those were the people you understand to be the
 4 United States owners and the managers of NRD?
 5 A. Absolutely.
 6 Q. Now, given that you joined in 2012 --
 7 A. Yes.
 8 Q. -- you have no direct knowledge, do you, of the
 9 negotiations and discussions that led to the earlier
 10 contracts by RML, for instance? You weren't involved in
 11 those negotiations?
 12 A. With whom, with Rutongo?
 13 Q. Yes, take Rutongo and Rwanda; they had a contract that
 14 was entered into well before your time, so you don't
 15 know what was discussed when that happened.
 16 A. Yes -- well, I was not personally involved, but I do
 17 know subsequently when I joined I had seen the contracts
 18 and I had many discussions with my CEO, who was actually
 19 part of the negotiations at the time.
 20 Q. And in the case of the Rutongo contract, that was
 21 originally made with a previous entity, wasn't it,
 22 Umhlaba?
 23 A. With Umhlaba yes, that is correct.
 24 Q. So again, you wouldn't be aware of those discussions?
 25 A. I was not part of the discussions, no. As I said, I had

Page 133

16:44 1 would like to make a statement here, which we can expand
 2 on. The idea behind a short-term licence, a four-year
 3 licence, is for the investor, the mining company, and it
 4 is included in there, to do the best of his ability to
 5 explore and to make sure that he has enough information
 6 to gain the level of confidence to ultimately make the
 7 long-term investment. That is the reason behind
 8 a four-year exploration licence. The onus is on the
 9 company to be able to garner enough information about
 10 the deposit in order to make the long-term commitment on
 11 a long-term investment.
 12 So the fact, yes, there were certain obligations,
 13 however -- and we can expand on that -- it depends from
 14 deposit to deposit how you actually apply your money to
 15 be able to get the right information in order for you as
 16 a company to make the long-term investment. I don't
 17 know if I've made myself clear.
 18 Q. But, as you say, there are obligations, and the company
 19 can't expect the government to provide a long-term
 20 contract if the company, for instance, is in breach of
 21 its obligations and hasn't complied with its
 22 obligations; correct?
 23 A. Again, again, I would come back to fairness in what
 24 these obligations are. As long as you've got a proper
 25 feasibility study, based on the information that you

Page 135

16:42 1 obviously seen the contract after the discussions
 2 because, you know, that was part of my job here, and it
 3 was negotiated through my CEO at the time.
 4 Q. You say you looked at the contracts. Each of RML,
 5 Rutongo and ETI, Eurotrade, had their own rights under
 6 each of their contracts, didn't they?
 7 A. Eurotrade had -- the company started Eurotrade a year
 8 before Rutongo. Rutongo started in 2008, Eurotrade
 9 2007, so there was a year difference between the two
 10 mines, yes.
 11 Q. But each company, each of those companies had their own
 12 rights under each contract; yes?
 13 A. Absolutely, yes.
 14 Q. And what those rights were depended on the terms of the
 15 contract?
 16 A. Exactly.
 17 Q. Yes. And the general understanding in the mining
 18 community would be that any entity, party to a contract,
 19 has the rights that are in that contract?
 20 A. Well, that's a general understanding, sure.
 21 Q. And each of these contracts would have had obligations,
 22 and you may recall that they're under Article 2 of the
 23 contracts, that required each of Umhlaba and ETI to do
 24 things?
 25 A. Well, that is true. That is true. However, I just

Page 134

16:46 1 have gathered to enable you as an investor, nobody can
 2 actually dictate to you what you actually need to be
 3 able to get a feasibility study for your own use,
 4 because you're the investor, not the government. So
 5 I understand government wants certain commitments,
 6 however, at the end of the day, it's the investor that
 7 has to ensure that for his being, not for the
 8 government's, for him, the information that he's
 9 gathered is sufficient for him to make a long-term
 10 investment. If he cannot get enough information and the
 11 ore body does not make sense for a long-term investment,
 12 he pulls out.
 13 So getting back, generally, any company all over the
 14 world would do the minimum amount of work to get the
 15 best amount of information during the exploration phase,
 16 and it cannot be dictated to by any entity, and I know
 17 in these contracts there is: you have to do it this way.
 18 The question is, is that right and is that fair?
 19 Q. You say is that right and is that fair, but you've
 20 already accepted, and it is right, isn't it, that all
 21 mining companies accept they are subject to the mining
 22 obligations in the contract; correct?
 23 A. They are subject to the obligations, yes.
 24 Q. And there are three things going on, aren't there?
 25 Firstly, there's a set of obligations in the contract

Page 136

16:48 1 that are the obligations and if they're not satisfied
 2 then you can't expect to get a long-term licence.
 3 That's the first point. Do you agree with that?
 4 A. Actually, I do not. If they're not satisfied to
 5 whose -- if they're not satisfied -- let's put it this
 6 way. If the investor cannot have the confidence
 7 sufficient to make a commitment for a long term, and he
 8 doesn't satisfy himself, then I understand it.
 9 However, if the investor finds that he has got
 10 enough information, he is the man with the money, or he
 11 is the investor that is going to put money into this
 12 business, not the government. If he, as the investor,
 13 has sufficient confidence with the information that he's
 14 garnered, to make that long-term commitment, surely the
 15 onus is on the investor. That's how it works in all
 16 mining companies.
 17 Q. If you just think of a hypothetical example, Mr Buyskes.
 18 A. Yes.
 19 Q. The government is not going to say to anyone: you just
 20 make your own decision without any parameters at all,
 21 without any policing of that, and as long as you're
 22 happy, then we are going to give you a 35-year licence.
 23 There's always going to be parameters and targets you
 24 would need to hit, or the government would have to make
 25 the decision; correct?

Page 137

16:49 1 A. Certainly when it comes to environmental, it comes to
 2 certain standards, but the actual mining commitment, you
 3 know, again, I could expand. There are different types
 4 of deposits and the different types of deposits warrant
 5 different types of exposure, of exploration. So it is
 6 difficult for the government to say: you at Rutongo,
 7 because you are a brownfields vein deposit, you must
 8 spend X amount of money in opening that up.
 9 Whereas you, in some other greenfields deposit, you
 10 must spend so much. It makes life very tricky to do
 11 that.
 12 Q. That's not the way it works, is it --
 13 A. That's how it should be working.
 14 Q. -- because under the contract -- take Rutongo, for
 15 example --
 16 A. Yes.
 17 Q. -- under the contract --
 18 A. Yes.
 19 Q. -- Rutongo explained, it came up with its own plan --
 20 A. Yes.
 21 Q. -- including its own investment plan, and so it wasn't
 22 a question of the government telling it what to do; when
 23 it entered into the contract it had its own plan but
 24 what it had to do was meet the plan; correct?
 25 A. How do you understand -- the ore body, when you start

Page 138

16:51 1 from scratch, in the four-year period we put together --
 2 and that's why I came to Rwanda, to put the long-term
 3 plan together, in 2012 based on the information that we
 4 have gathered in the four-year period, we took that
 5 information and then put our long-term plan together and
 6 said that is what we are committing ourselves too.
 7 It's very difficult, and it's actually impossible,
 8 for anybody to walk onto a premise and say: I'm going to
 9 spend \$14 million bucks on this, on my exploration.
 10 That's crazy, nobody does that.
 11 Q. But if you take Rutongo, for example, there was an
 12 obligation under Article 2 of the Rutongo contract to
 13 spend money in the four-year period, wasn't there?
 14 A. There was an obligation, that's true.
 15 Q. And so, as I said earlier.
 16 A. I'm questioning the fairness of it, that's all.
 17 Q. Yes, I see your point.
 18 A. Could I just make a very simple analogy: you want to go
 19 and rent premises, a building premises. The person is
 20 prepared to rent that building to you, however, he says:
 21 before I sign off, I want you to build a new office
 22 here, I want you to build a new -- a warehouse or
 23 whatever, I want you to do all of this. Only then will
 24 I sign the agreement that you can rent it for long term.
 25 Nobody in his right mind would do that. That is the

Page 139

16:52 1 simple analogy: by expecting a company to spend a lot of
 2 money in the first four years, because you have no
 3 guarantee that you are going to have long-term
 4 ownership. That's the point I'm trying to get across.
 5 Q. But in the case of Rutongo and in the case of other
 6 companies, even on your analysis of things, those were
 7 the obligations and that's what companies agreed to do,
 8 isn't it?
 9 A. Well, they are, they are the obligations. Was that done
 10 scientifically? How were these obligations met?
 11 I don't know, I wasn't here at the time.
 12 Q. And in the case of both Rutongo and ETI that had
 13 successful applications, the government was satisfied
 14 with the company's applications, weren't they? I know
 15 you have a complaint that it took a long time but as
 16 I understood your evidence, you knew, I think you said
 17 by late 2014, that the government was satisfied with the
 18 applications.
 19 A. Well, it took us three years, in fact, we could only
 20 start doing something from January 2015. In those three
 21 years, or almost three years, this mine suffered
 22 horribly, because we had known at the time in 2012 when
 23 we put the business plan together, we needed long-term
 24 capital. This mine is not sustainable, and if you would
 25 like, I can explain the reasons behind that.

Page 140

16:54 1 MR HILL: No. Thank you, Mr Buyskes, I have no further
2 questions.
3 Re-direct examination by MR HARRISON
4 MR HARRISON: Mr Buyskes, could you please explain the
5 reasons behind that, as to why the mines suffered
6 greatly -- excuse me, as to why the companies suffered
7 greatly?
8 A. Okay, let me get back to the four-year period. The
9 four-year period gives you as the company the
10 opportunity to determine if the ore body or the mine
11 that you want to invest in is good enough for you to
12 invest in, okay. During the phase, and Rutongo was
13 a brownfields operation -- when I say brownfields, it
14 was a mine that was started in 1955, the Belgians, so
15 the methodology that we had to employ to explore this
16 mine was reopening a mine that had previously been mined
17 by the Belgians. That means we had to clean out, and
18 hence we spent quite a bit of money because we had to
19 buy equipment to get into 80 kilometres of tunnelling
20 underground. That was the extent. So that is why we
21 had to bring in compressors, locomotives, all this
22 equipment to be able to open this mine.
23 When we did that, we found that, wow, we've got so
24 much left that the Belgians left, we've only got
25 a maximum of two years to keep us going, after which we

Page 141

16:58 1 it. What it was, I do not know, but I don't believe it
2 was the shareholder -- sorting out the shareholders'
3 agreement. You know, it's difficult to speculate at
4 this stage, but it just didn't make sense that it was
5 just because of the delays in the shareholders'
6 agreement.
7 THE PRESIDENT: Thank you.
8 MR KAPLAN: Mr President, is the witness released?
9 THE PRESIDENT: Yes.
10 MR KAPLAN: Okay.
11 MR COWLEY: And Ms Mruskovicova. I am so sorry at how
12 I mispronounced that. Is she in the waiting room or do
13 we need to make contact?
14 THE PRESIDENT: Very well.
15 MR WATKINS: Mr Cowley, we're ready to log her in. I sent
16 her an email asking if she was ready and I've not gotten
17 a response. So I just need somebody to be able to reach
18 out to her but I'm ready to go to log her in, she just
19 needs to be in front of the computer.
20 MR COWLEY: Thank you, that's what I was asking.
21 I apologise to the Tribunal, the day when it became
22 uncertain in timing, messages we were trying to go back
23 and forth with the various witnesses. We're obviously
24 not on top of this enough that she's already sitting at
25 the computer, but we're working right now, if now would

Page 143

16:56 1 have to make substantial investment, and hence we put in
2 our long-term plan on that basis. We needed the money,
3 like in the end of 2012. In fact, I was told the
4 licences would be available after, you know, eight
5 months after we put in the application.
6 So three years caused us severe damage, and I know
7 the government says that all our applications were in
8 order and all sorts of things, but that delay caused us
9 material damage to this day.
10 MR HARRISON: Thank you, Mr Buyskes.
11 Questions from THE TRIBUNAL
12 THE PRESIDENT: Could I just ask a question, please. To
13 what do you attribute the delay in getting your
14 concession?
15 A. To what do I attribute? You know, I'd hate to
16 speculate. I know the government says that there were
17 certain issues with ownership because Rutongo at the
18 time was 90% owned by the government, 10% by the Tinco
19 Group, and hence you cannot make an investment if you
20 only own 10% of a company. They say that it was because
21 of the relationship between government and Tinco and
22 sorting out the shareholding agreement. Now, the
23 shareholding agreement has only been finalised
24 in January 2021, incidentally.
25 However, I believe there was something else behind

Page 142

16:59 1 be an appropriate time for, you know, taking a few
2 minutes, we'll --
3 MR HILL: Mr Buyskes (overspeaking).
4 THE WITNESS: Am I done, sorry. I can leave?
5 THE PRESIDENT: Sorry, Mr Hill.
6 MR KAPLAN: FTI, Mr Buyskes is released.
7 THE PRESIDENT: Sorry?
8 MR HILL: I'm sorry, Mr President, it's just that Mr Buyskes
9 hadn't realised he was released so he was still hanging
10 on and I was just trying to (overspeaking).
11 THE PRESIDENT: Mr Buyskes, thank you very much, if you can
12 hear me.
13 MR COWLEY: We are making calls and texts and we will report
14 in a moment exactly where we stand in terms of
15 Ms Mruskovicova being in front of a computer.
16 THE PRESIDENT: Okay, we'll retire, and if we haven't got
17 an answer in 10 minutes, we would like to come back,
18 please.
19 (5.00 pm)
20 (A short break)
21 (5.12 pm)
22 MR WATKINS: Mr President, the witness is in the waiting
23 room, I'll go off camera and I'll wait to hear when to
24 bring her in.
25 THE PRESIDENT: Well, I think we want to have her brought in

Page 144

17:12 1 straightaway, please.
 2 MR WATKINS: Excellent.
 3 MR COWLEY: Yes, please.
 4 MR KAPLAN: Mr President, the witness is seated and the
 5 declaration is up.
 6 MS ZUZANA MRUSKOVICOVA (called)
 7 THE PRESIDENT: Thank you.
 8 Ms Mruskovicova, you have a declaration in front of
 9 you.
 10 THE WITNESS: Yes.
 11 THE PRESIDENT: Would you please repeat it aloud?
 12 THE WITNESS: I solemnly declare upon my honour and
 13 conscience that I shall speak the truth, the whole truth
 14 and nothing but the truth.
 15 THE PRESIDENT: Thank you.
 16 MR COWLEY: May I proceed, your Honour?
 17 THE PRESIDENT: Yes, please.
 18 Direct examination by MR COWLEY
 19 MR COWLEY: Ms Mruskovicova, I am going to apologise, this
 20 won't be the first time, and I hopefully not too often,
 21 for how I pronounce your last name. Please introduce
 22 yourself to the Tribunal and instruct me on how to
 23 pronounce your last name better?
 24 A. My name is Zuzana Mruskovicova.
 25 THE PRESIDENT: I apologise, I didn't get it right either.

Page 145

17:15 1 Q. And do you have a relationship -- did you have
 2 a relationship at any time with Tinco?
 3 A. I had a relationship with Tinco. I started to work for
 4 Tinco Group in summer 2015.
 5 Q. And at that time period, were you still working in your
 6 capacities with BVG and NRD?
 7 A. Yes, I was. I was. Because we were still hoping that,
 8 or we had the signs that we can get the concessions
 9 back, so it would not be smart to leave Rwanda and go
 10 home, and it was a good decision because it was,
 11 I think, September 2015 that we got the office back. So
 12 there are still these good signs that something will
 13 happen.
 14 Q. What was -- when you started with Tinco, when you worked
 15 with them starting in 2015, what was your position?
 16 A. Actually, Tinco had a finance admin manager who was
 17 defrauding some money, and there were big issues and he
 18 was fired, and they needed a quick replacement. So
 19 because I lived in the same compound with the Tinco
 20 people, or with the CEO of Tinco, then it was a natural
 21 fit somehow, that they asked me if I am willing to be
 22 interviewed by the management which came from London,
 23 this was in summer 2015, they interviewed me, and then
 24 they said that if I'm interested, I can start to work
 25 for them, and then I started to work for them.

Page 147

17:14 1 A. No, no, no, this is this Eastern European name, so it's
 2 okay.
 3 MR COWLEY: I'm going to ask for an indulgence for the
 4 otherwise gross informality, but may I call you
 5 Ms Zuzana?
 6 A. Yes, please.
 7 Q. Ms Zuzana, what relationship did you have, what position
 8 did you have with NRD?
 9 A. I came to NRD in 2011, and I actually went there for
 10 an audit to check what's happening there, and then
 11 I became the finance admin manager/controller of the
 12 company, and then I stayed until -- I stayed in Rwanda
 13 until 2018.
 14 Q. Do you have a relationship with BVG?
 15 A. Yes, I was also involved in BVG. At that time when BVG
 16 licences, or, you know, the BVG contract was in place,
 17 I was not working much with the mining, I was really
 18 involved in the charity programme. So I was -- I set up
 19 the charity organisation and that was -- I did it in my
 20 free time, obviously, but I was involved in Rwanda
 21 through that charity programme.
 22 Q. Do you have a relationship with Spalena?
 23 A. Yes, I have. I have. In Spalena I worked for --
 24 Spalena was the owner of the NRD in Rwanda and I worked
 25 for NRD in Rwanda.

Page 146

17:17 1 Q. To your understanding at that time, were they aware of
 2 your relationship with NRD and BVG?
 3 A. Of course. I would say that everybody knew. There was
 4 no secret about it.
 5 Q. Was any concern ever expressed to you about your working
 6 both with NRD and Tinco?
 7 A. Not at all.
 8 Q. Why not? Let me ask it this way: are you concerned
 9 about holding positions with both companies?
 10 A. No, no, no, not at all. You know, I was waiting that we
 11 will in the end either get the settlement with Rwanda or
 12 we'll get the licences. So in that case I would simply
 13 quit my work for Tinco and I would continue with NRD.
 14 But I mean, at that time, I was just waiting for
 15 some decision to be done, so that's why for me it was
 16 a pleasure to work with them and do something for them.
 17 MR COWLEY: Thank you, Ms Zuzana. No further questions.
 18 A. Thank you.
 19 THE PRESIDENT: Mr Hill.
 20 MR KAPLAN: Mr Hill, you are on mute.
 21 Cross-examination by MR HILL
 22 MR HILL: I'm sorry, especially as I managed to pronounce
 23 the name right. I'll try again.
 24 Ms Mruskovicova, could you go to paragraph 6 of your
 25 witness statement?

Page 148

17:19 1 A. Excuse me?
 2 Q. Could you go to paragraph 6 of your witness statement?
 3 A. Yes, I don't have any documents.
 4 Q. You will be shown it, don't worry. Hopefully you will
 5 have a screen that --
 6 A. Not yet, not yet -- oh, now I have it.
 7 Q. (overspeaking) up on a screen?
 8 A. Yes, yes, yes.
 9 Q. You say there:
 10 "Prior to investing, Rwanda informed Claimants they
 11 would become long-term Concession Holders if they signed
 12 the contract and invested in the Rwandan mining
 13 industry. Tinco was told the same."
 14 A. Yes.
 15 Q. And you've just dealt with the contracts -- in this part
 16 of your witness statement you're dealing with the
 17 contracts of NRD, ETI and RML.
 18 Now, who are the Claimants that you're referring to
 19 in that sentence?
 20 A. Claimants must be in this case the Claimant of this
 21 case, I guess.
 22 Q. Well, it's your witness statement, who did you have in
 23 mind?
 24 A. Yes, Claimant as a defined term for this case.
 25 Q. So you are saying you meant the Claimant of this case;

Page 149

17:20 1 yes?
 2 A. Yes.
 3 Q. Who are they?
 4 A. NRD.
 5 Q. So you think NRD is a Claimant in this case?
 6 A. Yes.
 7 Q. And you're suggesting there that NRD was told that it
 8 would become a long-term concession holder if it signed
 9 the contract; yes?
 10 A. Yes. Yes.
 11 Q. And why do you say that? Because you weren't there,
 12 were you, when that contract was entered into?
 13 A. Yes, but I read the 2008 law.
 14 Q. So you think from reading the 2008 law that that means
 15 that Rwanda informed the Claimants they would become
 16 long-term concession holders, do you?
 17 A. Yes, and it was the understanding of the Tinco Group
 18 too.
 19 Q. Now, let's -- you also weren't around when any relevant
 20 contracts of Tinco were signed, were you, because you
 21 began work with them in 2015; correct?
 22 A. Yes, correct.
 23 Q. Now let's look at paragraphs 7 and 8. Actually, I can
 24 skip that now.
 25 I'm going to move on to a different topic. You

Page 150

17:21 1 weren't told at any point, were you, that there had been
 2 a long-term licence submitted to cabinet?
 3 A. We were told that, yes, we were told that. I was not
 4 part of the negotiations, that was negotiated with
 5 Mr Marshall, Mr Bidega and some other people from GMD,
 6 and yes, that was the -- what I was told, correct.
 7 Q. I would suggest that's something that you have been told
 8 more recently by Mr Marshall; is that right?
 9 A. No, not recently, it was at that time. It was at that
 10 time at the very beginning.
 11 Q. Now, I'm going to change to a different topic.
 12 It's right, isn't it, that Rutongo -- you deal in
 13 your witness statement with Rutongo and whether or not
 14 it inherited all its infrastructure, but Rutongo didn't
 15 inherit all its infrastructure, did it? For example, it
 16 had to build a railway line; correct?
 17 A. Not really. Not really. Rutongo was the blackfield
 18 mine. It started in the thirties and the Belgians built
 19 a lot of infrastructure there. So, for example, the
 20 headquarters they had upgrade plant which was used all
 21 the time and it was used by Rutongo, it was not broken,
 22 but it was a Belgian technology and Belgian machine so
 23 they were quite old.
 24 Q. Just focus on my question. While, of course, Rutongo
 25 did inherit some infrastructure, it also had to do other

Page 151

17:22 1 work, didn't it, for instance, building a railway line;
 2 yes?
 3 A. Yes, but that's the business as usual. Whatever you do
 4 you always have to build something. If you extend your
 5 tunnel then you have to extend your railway line, so
 6 that's ...
 7 Q. Now, you refer at paragraph 16 of your witness statement
 8 to a comparison between Rutongo's application for
 9 a long-term licence and NRD's application for
 10 a long-term licence. Could you be shown Mr Imena's
 11 witness statement at paragraph 58. This is Mr Imena's
 12 witness statement at paragraph 58.
 13 A. You are doing it too quickly. I didn't finish even the
 14 previous one.
 15 Q. Well, it's your witness statement, so you don't need to
 16 spend time on that because I imagine you know it.
 17 Paragraph 58.
 18 A. Yes.
 19 Q. This is Mr Imena's witness statement, you know who
 20 Mr Imena is?
 21 A. Mr Evode?
 22 Q. Imena, I-M-E-N-A?
 23 A. Imena, Evode Imena. Yes, yes, yes, sure, sure, sure.
 24 Q. So this is his witness statement and I'm just going to
 25 show you what he says about Rutongo's application. He

Page 152

17:24 1 says:
 2 "Rutongo's application, for example, was much more
 3 detailed than anything submitted by NRD. It contained
 4 a detailed feasibility study which had been
 5 independently assessed. They were also able to
 6 demonstrate to our satisfaction that in the four-year
 7 initial period when working on the basis of a short term
 8 licence, they had made significant investments of in
 9 excess of USD \$20 million into exploration,
 10 infrastructure, and equipment, making significant
 11 strides towards industrial mining and away from
 12 artisanal mining. Between 2008, when it took over the
 13 concession on a four-year licence, and 2012 it had
 14 increased tin production from an average of 83 tonnes
 15 per year on average between 1995 and 2007 to
 16 1,042 tonnes in 2011. The workforce had grown from 300
 17 artisanal miners in 2006, to more than 3,000 in 2011.
 18 They had carried out high quality exploration, and
 19 provided comprehensive estimates of reserves and a
 20 detailed plan for exploitation. Expenditure on
 21 exploration alone between 2008 and 2012 was in the
 22 region of USD \$4 million. The difference between what
 23 Rutongo submitted and had achieved, and what NRD
 24 submitted was enormous."
 25 Then can I go to the next paragraph. He then says:

Page 153

17:27 1 To say about this production, the production, which
 2 was that high was only in a few months in 2012. Why?
 3 Because when they started to clean up the tunnels, they
 4 found there pillars which the Belgians left behind, like
 5 supporting pillars, and there was mineralisation, so
 6 when they took these pillars out, they were able to do
 7 the tonnage, and when you see the progress of Rutongo
 8 mine right now, from that number it was going gradually
 9 down and the spring they ended up with half a container
 10 a month.
 11 So for Minister Imena to say: this is, oh my God,
 12 great, I truly don't agree. The facts are not showing
 13 that.
 14 Q. Now, you refer to a laboratory. It's right, isn't it,
 15 that there wasn't a laboratory that NRD had; correct?
 16 A. I don't know what is laboratory -- oh, laboratory, yes,
 17 yes, yes. We had a laboratory. Rutongo or Tinco Group
 18 didn't have the laboratory, correct.
 19 Q. NRD didn't have a laboratory either, did it?
 20 A. NRD had a laboratory, very sophisticated. We had
 21 several XRF machines, we had a desktop lab machine which
 22 had like a printer in the end. We had a mill for
 23 preparation of the samples. It was a bit like a large
 24 refrigerator or a washing machine where the minerals
 25 were put in, then they were milled into the powder, and

Page 155

17:25 1 "Further, Rutongo and Eurotrade's production levels
 2 were much higher than those of NRD. For example, as
 3 mentioned above, as at 2011, Rutongo, which had just one
 4 concession area, produced on average 1,042 tonnes of
 5 cassiterite per year and employed over 3,000 people. In
 6 the same year, NRD across the five concession areas, was
 7 producing only 62 tonnes of cassiterite per year, which
 8 is only just over 5% of what Rutongo was producing."

9 And you can't dispute any of those points from
 10 Mr Imena, can you?

11 A. Oh, definitely. Mr Evode, or Mr Imena, is comparing
 12 apples and oranges. Rutongo was the biggest, or is the
 13 biggest deposit in Rwanda. So that was -- it was a very
 14 rich mine, even in the thirties. For example, there was
 15 a -- I don't know, there was a cobblestone road which
 16 was coming up the bottom of the hill up to the Rutongo.
 17 There was a hospital which was better than the hospital
 18 in Kigali. They had a country club, pool, tennis
 19 courts. That was a very rich mine. So to compare our,
 20 let's say, Nema concession, compared to this, it's
 21 a completely different deposit.

22 And remember that the deposits that were in the
 23 west, that was a greenfield operation, they just
 24 started. So that's only to compare these two things.
 25 Completely different animals.

Page 154

17:28 1 that was the basis how the samples were prepared for the
 2 XRF machines. So then we had the results of that, and
 3 we were using it on a daily basis. I mean, that was
 4 also used for the sampling programme.

5 So if -- okay -- for the sampling programme.

6 Q. Give me one moment. (Pause).

7 The true position is there was a portable water pump
 8 and a portable Niton XRF spectrometer and that
 9 constituted your laboratory; yes?

10 A. No, that's not true at all. That's not true at all.

11 Q. Now, you make in your witness statement some very
 12 general allegations about Bosco, Bosco Nsengiyuma. You
 13 remember he was the bailiff, yes?

14 A. Yes, I think I will not forget him until the end of my
 15 life.

16 Q. And he was executing on a number of court judgments that
 17 had being given against NRD, wasn't he?

18 A. This is what he said. We didn't see them, but this is
 19 what he says.

20 Q. Now, you suggested in your evidence that he stole
 21 \$800,000, and that's inaccurate, isn't it?

22 A. I think it's much more.

23 Q. And you have also suggested he did not follow Rwandan
 24 procedure or rules, but the correct position: he was a
 25 professional bailiff who took care to follow the rules;

Page 156

17:30 1 yes?
 2 A. No, I would say he was a very unprofessional bailiff who
 3 just decided to steal NRD's property.
 4 Q. And what he was enforcing was a number of judgment debts
 5 from employees; correct?
 6 A. Probably.
 7 Q. And if you take, for instance, Mr Bosco's witness
 8 statement at paragraph 26. No, sorry, it's
 9 Mr Nsengiyuma's witness statement. If FTI could go to
 10 Mr Nsengiyuma. If we could go to paragraph 26 of that
 11 document.
 12 MR BRODSKY: Thank you, I appreciate the clarification.
 13 MR HILL: Yes, paragraph 26. Thank you. He deals with part
 14 of a story involving you. He says:
 15 "On 23 June 2014, Odette Yankulije, Head of the
 16 Access to Justice Department at MINIJUST called me in
 17 for a meeting the following day. I attended this
 18 meeting on 24 June 2014 at the office of MINIJUST.
 19 Ms Mruskovicova and Mr Benzinge were present as were
 20 representatives from the US Embassy. Mr Marshall
 21 accused me of harassing him and claimed there were no
 22 judgments against NRD. I explained that this was not
 23 true. Following some discussion it was agreed that
 24 I would give NRD copies of the judgments I was trying to
 25 enforce and that I would allow NRD representatives to

Page 157

17:32 1 enter the office for two days on 25 and 26 June so that
 2 they could prepare a payment plan. We also agreed that
 3 NRD would provide me with their payment plan by no later
 4 than 8.00 am on 27 June 2014 and that once the payment
 5 plan was agreed the office would be re-opened so that
 6 NRD could continue working and raise money to make
 7 payment in accordance with the payment plan."
 8 And that represents what happened in that part
 9 of June 2014; correct?
 10 A. No, that's not correct. For example, Mr Benzinge was
 11 not at all there, he never visited. There were
 12 representatives from the US Embassy, that's correct.
 13 Harassing him, there were no judgments, that's not true.
 14 We knew that there were judgments, but what was
 15 Mr Nsengiyuma doing, he was showing only one judgment
 16 all the time. So he didn't show us something else. So
 17 based on this one piece of paper, he just continued
 18 seizing and seizing. You know if, let's say what
 19 we calculated, so we were -- we did owe to employees
 20 about \$30,000, so then there is no explanation why he
 21 was -- he seized the bulldozer, trucks, cars, pick-ups,
 22 all these things. So when you add all that together, he
 23 was actually stripping the company from assets.
 24 Q. Well, he had judgment debts for more than \$30,000,
 25 didn't he?

Page 158

17:33 1 A. He had what?
 2 Q. Judgment debts for more than \$30,000, didn't he?
 3 A. \$30,000, but only the chairman car which he seized was
 4 for \$30,000.
 5 Q. No, no, he had judgment debts for more than \$30,000,
 6 didn't he, that he was executing on?
 7 A. Not aware of that. What we are aware of is \$30,000.
 8 Q. Then let's go to paragraph 27:
 9 "On 25 June 2014 I went to NRD's office as has been
 10 agreed at the meeting on 24 June 2014. Mr Marshall,
 11 Ms Mruskovicova and Mr Benzinge were all present as was
 12 Eugene, a bailiff working for MINIJUST. Mr Marshall and
 13 Ms Mruskovicova said they would not work with
 14 Mr Benzinge. I told them that my only duty was to open
 15 the office as has been agreed and that if they did not
 16 want to work with Mr Benzinge that was a matter for
 17 them. Mr Marshall and [you] then left so I handed the
 18 keys to Mr Benzinge and also left. I also gave
 19 Mr Benzinge the keys for the Nemba site. On
 20 1 August 2014, I prepared a statement about what had
 21 happened which I sent to a number of people including
 22 the Minister of Justice and the police."
 23 And that's accurate too, isn't it?
 24 A. That's not accurate at all, because Mr Benzinge was not
 25 there at all, so Mr Nsengiyuma couldn't give him the

Page 159

17:34 1 keys. He didn't give him the keys to the Nemba site
 2 because they just went to Nemba site and they took over
 3 without even informing us. So they suddenly took the
 4 office, then they took the Nemba, even not telling
 5 anybody anything, so that's definitely not true.
 6 Q. No, it's -- Mr Benzinge then goes on. No, sorry,
 7 Mr Bosco then goes on to deal with the temporary
 8 suspension of execution by the Minister followed by its
 9 restoration after investigation, and he goes on at
 10 paragraph 33. Can we go to that.
 11 He says:
 12 "Still NRD refused to pay what was owed under the
 13 judgments I was enforcing. As a result on 28 October
 14 2014 we had a meeting convened by the regional police
 15 commander at which [you] and the police were present.
 16 At this meeting [you] told regional police commander
 17 that NRD would never pay the judgment debts. The police
 18 told her that if NRD did not pay then I could continue
 19 to enforce. I recorded what had happened at the meeting
 20 in a note."
 21 And that's, again, accurate, isn't it?
 22 A. That's not accurate at all because I was there with our
 23 lawyer who told the police person there or the police
 24 commander that first Bosco should show us all the
 25 judgments which he had, and second thing was he has to

Page 160

17:36 1 tell us for how much he sold the assets and reach
 2 judgments he satisfied. That was the condition. So
 3 then he could enforce, but we never got any information
 4 about anything.
 5 Q. You were making allegations that certain of these debts
 6 were not due or had been paid and were not outstanding
 7 as judgment debts, and he was asking for substantiation
 8 of that and you declined to provide it; correct?
 9 A. We didn't have information, sir.
 10 Q. Let's go to the document at C-149.
 11 Now, the background to this is that you were seeking
 12 to remove a magnetic separator and transport it to the
 13 Congo; yes?
 14 A. Not true at all. We were moving the separator to Kigali
 15 and Bosco was -- he had to have informants or whatever,
 16 he followed us and he actually on the way he took the
 17 magnetic separator, jigs, crushers, whatever was there,
 18 and he took it and he seized it. It was parked, stored,
 19 in Spedag, and we tried to get it out but the Spedag
 20 people said: like, well we have to figure out what to do
 21 with Bosco. Actually he didn't even have the judgments
 22 for all these machines which he seized. The paper was
 23 only for the magnetic separator, so he was illegally
 24 storing there the other equipment.
 25 So then he says, like, oh, madam, let's go 50/50,

Page 161

17:38 1 win/win. I was shocked. I mean I'm going to get
 2 involved with this person who just cleared all the
 3 assets of NRD? I mean how he even dares to talk to me.
 4 Q. Let's look at the second page of this exhibit. It says:
 5 "[For] example you pay 50% for your debt and I give
 6 you a permission to take the separator in Congo."
 7 So he clearly is understanding that you are trying
 8 to take the separator into Congo; correct?
 9 A. I don't know where he got this idea but the fact is that
 10 he seized it, he put it there, and now he had the great
 11 idea that it will go to Congo. If he took it to Congo
 12 in the end I don't know, but the separator never got
 13 back to us and I have no idea what happened with all the
 14 equipment (overspeaking).
 15 Q. You were seeking to remove it to Congo because you were
 16 seeking to take it to avoid execution on it; correct?
 17 A. That's just -- sorry, but that's nonsense. That's not
 18 true.
 19 Q. And what he's proposing is a regular -- an acceptable
 20 deal, isn't it, which is that he will allow this to be
 21 taken out of his execution on the basis that you pay
 22 50% -- do you see the words -- "for your debt". Yes?
 23 A. Look, from this SMS it's even not clear what is the
 24 debt. Is it the debt for the storage in Spedag? What
 25 is the debt? He never calculated the debt. What is the

Page 162

17:39 1 debt? The judgments he fulfilled or he didn't fulfil,
 2 what is the debt?
 3 So you cannot react to that. I don't know what he
 4 was talking about.
 5 Q. Well, you know that he was seeking to execute against
 6 debts and what he's proposing is a deal whereby he gets
 7 half the price of the separator to be set against their
 8 debts. Nothing improper in that, is there?
 9 A. It would not be improper if he didn't seize all these
 10 big machines already before. So when we never got any
 11 information, what he did with the seized machinery and
 12 all these properties which he seized, minerals, and you
 13 know, we can have a long list of things what he seized,
 14 and he didn't prepare for us a clear description:
 15 I seized debt, I got so much money and I paid these
 16 people and these judgments, so then you can have with
 17 somebody a reasonable discussion, but to have this kind
 18 of virtual discussion and nobody knows what they are
 19 talking about, then it doesn't seem very reasonable to
 20 me.
 21 Q. All the negotiations he was conducting with you were via
 22 [Spedag], weren't they? Because you had refused to deal
 23 with Mr Nsengiyuma, hadn't you?
 24 A. Sorry, I didn't understand --
 25 Q. You had refused to deal with Mr Nsengiyuma, hadn't you?

Page 163

17:41 1 A. No, I just don't understand with whom I was dealing
 2 with?
 3 Q. Yes, you had refused to communicate with Mr Bosco,
 4 hadn't you?
 5 A. Well, I will be delighted to talk to him if he came with
 6 some information for us: which judgments, which people,
 7 how much, what happened to that, let's talk, but he was
 8 refusing to do that. His job was to clear the company.
 9 That was his job.
 10 Q. He was seeking to negotiate with you via [Spedag],
 11 wasn't he?
 12 A. Oh, you mean Spedag?
 13 Q. Yes.
 14 A. Okay. No, no, no, Spedag was in that -- and -- Spedag
 15 couldn't do anything. You know, Spedag people were my
 16 friends. They were the Germans who actually made all
 17 the import for NRD, so they knew exactly what is
 18 happening and they also knew what is Bosco doing that he
 19 was just stripping the company from assets. So they
 20 also -- yes.
 21 Q. Can you go now to bundle R-203. This is a note of
 22 a meeting with Mr Imena in September 2014 which you
 23 attended, and can we look at page 2, the second page of
 24 this, and read the first five sentences. So this
 25 is September 2014. You say:

Page 164

17:42 1 "Next discussed point was issue of tags. NRD in its
 2 letter (as attached) asked the Minister to provide tags
 3 for the NRD concessions. Minister said that he will not
 4 approve to provide the tags if NRD doesn't have licence.
 5 NRD pointed out that from 2011 there is no licence and
 6 NRD was allowed to mine and tag. Invitation for the
 7 negotiations for the long term licence was sent from
 8 Minister in April 2014. Then the Minister said that he
 9 received letter last week from Benzinge that Benzinge
 10 doesn't want the Minister to give NRD tags. Benzinge
 11 signed it as 'Managing Director of NRD'. NRD said that
 12 it makes no sense if individual is sending letter and
 13 Minister ignores the letter sent by Minister of Justice
 14 in which the bailiff, awards and judgments were
 15 suspended."
 16 Now, this is a representation coming from you, and
 17 you're referring there to the letter from the Justice
 18 Minister suspending execution; correct?
 19 A. Yes. There was a letter which suspended the seizures.
 20 Q. But you were aware, weren't you, that by September 2014,
 21 and indeed on 26th August 2014, that suspension had been
 22 lifted and there was no suspension in place; correct?
 23 A. I really don't remember that, but I remember that there
 24 was a discussion that because in 2014 the concessions
 25 were returned to the investors in NRD and from Benzinge

Page 165

17:44 1 to investors in NRD, then that was sufficiently clear
 2 that -- the ownership was sorted out, right, otherwise
 3 they would not return it back to the original owners.
 4 Then it should either stay with Benzinge or they should
 5 not give it to anybody, and whatever.
 6 So if they gave it back to NRD investors, it meant
 7 that the issue of ownership was resolved, so then we
 8 should get the tags, that's the logical thing, because
 9 Mr Imena always said: well, you know, I don't know who
 10 is the owner. So that was such a made-up story, but
 11 this was another case when it was clear who is the
 12 owner.
 13 Q. Just focusing on what you said. You said to the
 14 Minister that:
 15 "It makes no sense if individual is sending letter
 16 and Minister ignores the letter sent by Minister of
 17 Justice in which the bailiff, awards and judgment were
 18 suspended."
 19 You were giving the misleading impression to
 20 Minister Imena, weren't you, that there was some current
 21 suspension of the awards and judgment?
 22 A. There was a suspension of the -- yes, yes, the Minister
 23 of Justice did suspend the --
 24 Q. But that suspension had long ago been lifted, and you
 25 knew it?

Page 166

17:45 1 A. Not aware of that.
 2 Q. Well, you were, weren't you?
 3 A. No.
 4 Q. Can we go to bundle R-117. This is a minute of
 5 a meeting that you held with Mr Imena and NRD
 6 representatives in December 2014. And if we look at the
 7 third paragraph of the letter we can see that a Mr Yasin
 8 of RMR Limited presented himself as holding 15% of NRD
 9 shares. Do you recall that meeting?
 10 A. Yes, I do.
 11 Q. And do you recall Mr Yasin presenting himself as holding
 12 15% of shares?
 13 A. Yes, that was the plan to do, yes.
 14 Q. Well, you say it was the plan to do, but representation
 15 was being made that he did hold 15% of shares?
 16 A. It was never said like this.
 17 Q. Well, this is the meeting -- this is the minute of the
 18 meeting. He presented himself, didn't he, as a holder
 19 of 15% of shares; correct?
 20 A. No, no, no, we didn't present it that way. We presented
 21 it that there is a plan that Mr Yasin would be
 22 a shareholder in NRD.
 23 Q. And that meant the government was being presented with
 24 a change in shareholding in the middle of reconsidering
 25 the licence application; correct?

Page 167

17:46 1 A. That was a plan and that's why we discussed it at the
 2 Ministry to see how they would react to this option, to
 3 this possibility.
 4 Q. But that's not what the minute shows, because the minute
 5 shows he's presenting himself as a 15% shareholder, and
 6 then if we scroll down, you see that he's asking the
 7 Ministry various questions from his perspective as
 8 shareholder, and it's clear from the minute it's nothing
 9 to do with you gauging the Ministry's reaction to his
 10 15% shareholding?
 11 A. I don't think that these minutes are reflecting exactly
 12 what was happening. It was a plan to have him as
 13 a shareholder. Because there was no shareholder meeting
 14 yet, it was not hold -- it was not reflected in the RDB
 15 certificate, which is like a commercial register, so
 16 nobody from the Ministry would take that approach. They
 17 knew how companies are being registered.
 18 Q. But you've just made up this idea that you were taking
 19 Mr Yasin to the meeting to see how the Ministry would
 20 react?
 21 A. This is not to make this like how they are going to
 22 react. This was introduced to the Ministry like that's
 23 the plan, because every change of shareholding must be
 24 agreed with the Ministry, so this was one of the cases.
 25 Q. Now, can we go to R-189. This is a document

Page 168

17:48 1 from October 2015 and you say there that the Rutsiro
 2 property is in the hands of the government; do you see
 3 that?
 4 A. Yes.
 5 Q. Now, can you go to paragraph 22 of your witness
 6 statement? You say there that:
 7 "... NRD remained [in] possession and control of the
 8 Concessions until April/May 2016 ..."
 9 Now, those are two inconsistent statements. Which
 10 of those is true?
 11 A. We received that letter, in two months there should be
 12 some kind of handover of the concessions. As you are
 13 very well informed, it never happened. So we had
 14 a property in these concessions, so we had to guard it,
 15 we had to have people there, we had to do everything as,
 16 you know, because if we are going to get the concessions
 17 back we didn't want to have the equipment or everything
 18 that was there broken, right. So this was the limbo
 19 situation, that we were taking care of the concessions,
 20 we had people there, we had security there, we paid
 21 them, and now Jeffrey is asking me if we can sell it to
 22 him, right. So that's a bad situation. Go and ask
 23 Mr Evode if it's possible to sell it.
 24 We are waiting either for the compensation or for
 25 the licences, so now we are in the air.

Page 169

17:50 1 Q. But at that point, as you knew, you had been asked to
 2 vacate the concessions in May 2015, hadn't you?
 3 A. Well, then why would you vacate something if you have
 4 there equipment, if you have there your assets. So
 5 first you have to give the assets to somebody otherwise
 6 what will happen: stolen, looted, whatever, that's why
 7 I was going to Mr Gatere's office all the time
 8 like: please tell me what we should do with these
 9 things. Should we like --
 10 Q. And you had been asked to vacate the concessions, hadn't
 11 you, and you spent your time in meetings with the
 12 Minister at the time refusing to vacate the concessions
 13 and instead trying to hold out for a licence, that's
 14 really what happened, isn't it?
 15 A. We couldn't vacate the assets there. That was valuable
 16 assets, so in the case we got the licences back we would
 17 be using these assets again.
 18 Q. And your suggestion that you sat outside Mr Gatere's
 19 office daily for almost two weeks is a wild
 20 exaggeration, isn't it?
 21 A. I swear to God, I was sitting there every day, and I was
 22 hoping that somebody will come -- somebody, his office,
 23 will come and they will talk to me. The secretaries
 24 knew me, they knew that I am all the time coming and
 25 they were very embarrassed about it that he's hiding and

Page 170

17:51 1 it was not possible to meet him.
 2 Q. Mr Gatere makes it clear that he was not avoiding you.
 3 His time was heavily scheduled, all meetings were
 4 organised before time and put into his calendar. He has
 5 checked his calendar, he didn't meet with you, and,
 6 having checked his records, it appears you didn't even
 7 attempt to set up a meeting through the normal channels
 8 and it's most unlikely you would have sat outside his
 9 office because his staff would have required you to make
 10 an appointment and you never made that appointment and
 11 that's fair, isn't it?
 12 A. That's a lie, because I made appointment every day when
 13 I was there. And the staff told me: please, Zuzana, can
 14 you come tomorrow, he's at a cabinet meeting, he is in
 15 some meeting, maybe he will come in the afternoon:
 16 I said please can you make an appointment for me so we
 17 can talk about these things and they said: yes, we will
 18 do, when we see him, we will do, so if they ask him for
 19 the appointment it seems that he didn't want to meet
 20 with me because we had several requests for the
 21 appointment there.
 22 Q. Let's look at paragraph 26 of your witness statement
 23 now. You say there:
 24 "The NRD Nemba Concession was taken from NRD in
 25 about ... May, 2016 and awarded to a company with close

Page 171

17:52 1 ties to the military. There was no public tender and no
 2 information was available."
 3 That is all untrue, isn't it?
 4 A. That's absolutely true. We heard that in March there
 5 will be the, like, tenders for these concessions, NRD
 6 concessions. So we created a group of people who are
 7 supposed to tender for Nemba and for Rutsiro. These
 8 people, we were not -- like our names were not there.
 9 This group of people were told that: don't touch this,
 10 Nemba is already promised to somebody.
 11 Then I met Professor Nkanika, your witness, who also
 12 told me that he tried to apply for Nemba, but he was
 13 told that: don't do that, it's already promised to
 14 somebody. And as you know, Anthony Ehlers did the same
 15 thing. So there was no public tender. All these
 16 applicants, which tried to tender for Nemba, were told:
 17 take back your applications, and in the end the Nemba
 18 concession was given to a company called Fair
 19 Construction, which was owned by a gentleman called Bob
 20 Mugisha, who was the family friend with the President.
 21 So that's why nobody could run it.
 22 Q. Now, there's a number of points there. You say
 23 Mr Ehlers tendered or tried to buy it. You're referring
 24 there to something that happened, on your case, in 2011;
 25 correct?

Page 172

17:54 1 A. That's a different application.
 2 Q. The reality was there was a public tender, and we've got
 3 lots of documents that establish that, and that's
 4 correct, isn't it?
 5 A. I would not believe these documents at all, because
 6 I spoke with the real people, the real people who were
 7 really tendering, and they were told not to do that.
 8 Q. When you say there was no public tender, there was
 9 a public tender; yes?
 10 A. Our application was not allowed to tender for Nemba.
 11 Q. And that is also untrue, isn't it?
 12 A. That's a very much truth.
 13 Q. All the evidence --
 14 A. I have a document showing, you know, all the paperwork
 15 how we paid the fees for the tender, everything.
 16 Q. All the evidence you've just given about the tender
 17 process is simply untrue, isn't it?
 18 A. It's true, sir. It's very much true.
 19 Q. And can you -- just give me one moment. (Pause).
 20 Just give me one moment, Ms Mruskovicova.
 21 A. Sure. (Pause).
 22 Q. You come on in paragraph 27 to say that in relation to
 23 the western concession, that Ngali Mining is the owner
 24 of the mines. And that's not accurate either, is it?
 25 A. I say that I visited them in 2017 with a company

Page 173

17:56 1 belonging to the Ministry of Defence called
 2 Ngali Mining.
 3 Q. Who is now the owner of --
 4 A. Of the smelter, right, so that's true.
 5 Q. -- many mines.
 6 A. Sorry?
 7 Q. You say the owner of many mines. Are you suggesting --
 8 you're not suggesting it's the owner of any mines in the
 9 concessions?
 10 A. I'm talking here that we visited the Rutsiro plant:
 11 "The largest...(Reading to the words)... mines and
 12 smelter."
 13 That's right:
 14 "Ngali did not know about this processing plant that
 15 NRD built with Claimants' investment and that was why
 16 I came."
 17 Q. Just to be clear: are you or are you not alleging that
 18 Ngali Mining owns mines within the concessions, the
 19 former concessions of NRD?
 20 A. I think that they have some of the concessions but this
 21 particular area which we visited was turned into the
 22 military camp so there was no mining.
 23 Q. So you are alleging that Ngali Mining owned some of the
 24 NRD concessions, are you?
 25 A. I didn't investigate it further. Truly I didn't.

Page 174

17:57 1 Q. Now, you also refer in your witness statement to your
 2 belief about how much by way of minerals are smuggled
 3 out of DRC and into Rwanda, but you would accept,
 4 wouldn't you, that someone like Mr Niyonsaba who works
 5 for the ITRI Pact programme is going to have detailed
 6 information on Rwanda's productions levels, yes?
 7 A. I think that he has propaganda information because
 8 I travelled with my expat colleagues, mining engineer,
 9 geologists, around Rwanda, and we were able to set up
 10 pretty clear baseline what the mines are producing.
 11 I am following it up to this day. The production of
 12 these mines were stable, they don't go up and down,
 13 except in Rutongo, which dropped dramatically. The
 14 other mines keep their same, half a container or one
 15 container or whatever.
 16 So when you add all these companies together, there
 17 is no chance that Rwanda would have, without any
 18 investment, further investment, would have this growth
 19 so the growth must come from somewhere, and the --
 20 Q. Ms Mruskovicova, this is a pre-prepared and invented
 21 story, isn't it, and the person who actually knows the
 22 details on the ground is going to be someone like
 23 Mr Niyonsaba whose job it is to investigate it; correct?
 24 A. I don't think that he does that. I don't think so.
 25 When our tags were taken, I went to him and I said:

Page 175

17:59 1 well, Ildephonse, obviously the miners are mining there,
 2 so tell me, who is tagging that minerals. And he says:
 3 Oh, I don't know, Zuzana, maybe you know. And I said:
 4 no, Ildephonse, it's your job, it's your organisation
 5 who has to find out what's happening in these areas and
 6 he didn't know, he didn't answer.
 7 Q. Now, you refer at paragraph 25 to an alleged threat of
 8 prison made to you by a senior police officer, and it's
 9 untrue, isn't it?
 10 A. Sir, it was a very awful experience I had in Rwanda.
 11 I was called to the police station and, you know, to be
 12 called to police station in Rwanda, that's not a nice
 13 thing. So I called several friends and people I knew to
 14 tell them that I'm going there so in the case that,
 15 let's say -- I told them: in two hours if I'm not
 16 calling you back please try to find out what's happening
 17 with me, and the suspicion was correct because these
 18 guys started to shout at me: I can put you to prison,
 19 you will never find a job, I will destroy your
 20 reputation. It was from a -- like from a movie.
 21 So then he says, like: yes, and Mr Marshall, he made
 22 these dangerous people angry so he shouldn't come back.
 23 It was a terrible experience, what I had, and I will
 24 never forget it and I hope that it will never ever
 25 happen to me or anyone else who is in Rwanda.

Page 176

18:00 1 Q. I suggest to you, you have made this up for the purposes
2 of this arbitration?
3 A. Not at all. Not at all. It's a true story, I was
4 there, and this was what I was told and this is what
5 I experienced, and it was such a bad experience that
6 I will never, ever forget it, never.
7 MR HILL: Thank you, Ms Mruskovicova.
8 A. You're welcome.
9 MR COWLEY: No questions.
10 THE PRESIDENT: Any re-examination?
11 MR COWLEY: No questions.
12 Questions from THE TRIBUNAL
13 THE PRESIDENT: I just have one question. Could you look,
14 please, at paragraph 23 of your witness statement. Just
15 read it to yourself and tell me when you've finished,
16 please. (Pause).
17 A. Yes, sir.
18 THE PRESIDENT: Is it correct that you met all these people?
19 A. It's correct, because it was so unbelievable what was
20 happening, that it seems that there is a short
21 somewhere, in some communication. Something was not
22 right.
23 THE PRESIDENT: What did you say to them?
24 A. Sorry, sir?
25 THE PRESIDENT: What did you say to them?

Page 177

18:03 1 A. Thank you very much.
2 THE PRESIDENT: 15-minute break?
3 MR HILL: Yes.
4 (6.04 pm)
5 (A short break)
6 (6.19 pm)
7 THE PRESIDENT: Yes, could the witness be brought in,
8 please?
9 MR WATKINS: Certainly.
10 MR JAROSLAV FIALA (called)
11 THE PRESIDENT: Mr Fiala, welcome.
12 THE WITNESS: Thank you.
13 THE PRESIDENT: You will see on your screen, I think,
14 a declaration?
15 THE WITNESS: Yes, I've seen everybody, only you all have
16 bigger heads than me. I'm feeling diminished.
17 THE PRESIDENT: Yes, do you see the declaration on your
18 screen?
19 THE WITNESS: Yes, declaration.
20 THE PRESIDENT: Declaration.
21 THE WITNESS: Declaration.
22 THE PRESIDENT: On the screen. Yes, would you be kind
23 enough to read it?
24 THE WITNESS: Yes, I solemnly declare upon my honour and
25 conscience that I shall speak the truth, the whole truth

Page 179

18:02 1 A. I told them what's happening, that the company tried to
2 be the correct investor in the country, very -- had
3 a social programme, tried to do something for the
4 miners. We were not like bad people who wanted to hurt
5 Rwanda. We had even this pro bono work which was done
6 to Rwanda. So there was no reason why Rwanda would try
7 to get rid of an investor like this. That was even the
8 reason why I stayed in Rwanda even later than I really
9 needed after 2016, because --
10 THE PRESIDENT: I'm sorry, could you just confine yourself
11 to my question.
12 A. Yes. So I met all these people and none of them --
13 basically said that they don't understand what's
14 happening to NRD, why this is happening.
15 THE PRESIDENT: What --
16 A. Sorry?
17 THE PRESIDENT: What did you ask them to do, if anything?
18 A. No, no, no, I just told them the story, what happened to
19 NRD, and I asked them if they can have a feedback, if
20 they can tell us what is happening, what is behind the
21 scenes, if somebody knows something, why this company is
22 treated this way, why this investor is treated this way.
23 THE PRESIDENT: Yes, thank you very much.
24 A. Okay.
25 THE PRESIDENT: You are now free to go.

Page 178

18:21 1 and nothing but the truth.
2 THE PRESIDENT: Thank you very much.
3 Direct examination by MR HARRISON
4 MR HARRISON: Mr Fiala, could you tell the Tribunal your
5 name and your occupation?
6 A. Well, my name is Jaroslav Fiala, I'm called Jerry. And
7 what was the second?
8 Q. Your occupation, Mr Fiala.
9 A. Occupation. I am Czech and Australian citizen, and
10 I lived in Rwanda.
11 Q. And what were you doing in Rwanda, Mr Fiala?
12 A. In Rwanda from 2003 I am involved in mining and
13 exploration.
14 Q. And what was your role in the mining and exploration
15 industry?
16 A. I did -- actually, I came to Rwanda as consulting
17 geologist for South African company, Metallurgical
18 Design & Management.
19 Q. And -- Mr Fiala, can you hear me?
20 A. Yes.
21 Q. Thank you. I apologise.
22 I understand, Mr Fiala, at some point you were
23 involved or owned a company called Rwanda Rudniki; is
24 that correct?
25 A. Yes, this company was incorporated in 2006 in Rwanda.

Page 180

18:23 1 Q. And just very briefly, what was your role with the
2 company?
3 A. Not major role, I picked (inaudible) but can be
4 described as my intellectual property.
5 Q. I apologise, I'm not sure I heard what you said so
6 I'm just going to re-ask the question. If you could
7 just state what your role was with Rwanda Rudniki. What
8 were you doing for the company?
9 A. First year, I was searching for concession, and then
10 I became director of company and I was running this
11 company until I did joint venture with these guys from
12 Hong Kong.
13 Q. And in what years were you running the company?
14 A. This company was incorporated in 2006. I got concession
15 in 2007, in early 2007, and in November 17th, 2007,
16 I did joint venture with Niotan and I was running alone
17 this company up to 2009/2010.
18 MR HARRISON: Thank you, Mr Fiala, no other questions.
19 THE PRESIDENT: Yes, Mr Hill.
20 Cross-examination by MR HILL
21 MR HILL: Mr Fiala, you say in your witness statement that
22 you are the holder of a small-scale mining licence on
23 behalf of Rwanda Rudniki. Can you just explain what you
24 mean by that?
25 A. You know, I did one year research in mapping, geological

Page 181

18:26 1 mapping and sampling, and I designed perimeter of
2 concessions and applied for concessions.
3 Q. And who is the concession holder?
4 A. The concession holder was Rwanda Rudniki.
5 Q. So the company holds a concession and you are in fact,
6 although you describe yourself as the holder of
7 a small-scale mining licence on behalf of Rwanda
8 Rudniki, you are in fact a minority 15% shareholder?
9 A. No, but initially I had 51%.
10 Q. But now you are a minority 15% shareholder; yes?
11 A. From 2010, yes.
12 Q. So you're not the holder of the licence on behalf of
13 Rwanda Rudniki, are you?
14 A. I don't know. I don't know what to answer, but I was
15 working on this concession until 2014, when I was
16 dismissed from company.
17 Q. Yes. And could you go to R-185.
18 A. Say it again.
19 Q. No, sorry, you're going to be shown a document on
20 a screen which will be, for FTI it's going to be R-185.
21 This is a notification to the RDB from Rwanda Rudniki --
22 could we just scroll out a bit, please, FTI -- from
23 Rwanda Rudniki, warning the RDB of false representations
24 of ownership being made by you.
25 A. This document I never seen before.

Page 182

18:27 1 Q. Right. It's a document from October 2014, and it's from
2 Rwanda Rudniki to the RDB; that's the Rwanda Development
3 Board.
4 A. Yes, I -- in this date I was not -- I was dismissed from
5 the company and I had no access to premises and offices
6 of company, and this letter never been delivered to me.
7 Q. And what's said in the second paragraph is that:
8 "At present Mr Fiala occupies no offices within the
9 company, Mr Fiala has no authority from the company to
10 act for, or to represent the company in any manner. As
11 can be noted below, and is confirmed by the valid RDB
12 certificate attached, Mr Fiala is a minority shareholder
13 and as such Mr Fiala has no legal path to give himself
14 any authority, without the agreement of the other
15 shareholders."
16 And that was correct, wasn't it, in October 2014?
17 A. Well, they can write what they like but I never seen it
18 before. I actually asked RDB approximately after this
19 date to confirm that my concessions are my intellectual
20 property, because government determined concession
21 detailed survey for about maybe million dollars, and my
22 perimeter was precisely the same like what it was from
23 all this big research, but they didn't answer me.
24 Q. And this letter, going back to this letter, it was
25 written because if you look at the first paragraph, it

Page 183

18:29 1 was being said that you were misrepresenting your
2 ownership interest in Rwanda Rudniki to at least one
3 bank and to the RDB, and is that what was happening?
4 A. Never. You said bank?
5 Q. Yes:
6 "... misrepresented the ownership interest of Rwanda
7 Rudniki to at least one bank and to your offices."
8 A. I think this is -- I never entered company premises,
9 I never talked to any bank. I actually, when I only
10 have, they locked my US\$20,000 in bank and I asked to be
11 released, but I don't know if it is the same case.
12 Q. And you were removed as director of the company because
13 the company considered you were misusing funds and
14 misrepresenting the company's financial information;
15 correct?
16 A. I've never seen it. Sorry, I couldn't accept it.
17 Q. Now could we go to R-186, another document will come up
18 on the screen, which is R-186. This is
19 a Commercial Court judgment which is dealing with the
20 question of whether you were entitled to represent the
21 company, and can you go to page 4 of that document, and
22 you will see the court's decision starts at
23 paragraph 15, and the court confirmed that at
24 paragraph 16 you were not the director of Rwanda Rudniki
25 and that your directorship had come to an end in general

Page 184

18:31 1 meeting; yes?
 2 A. There I was director of company but I myself signed
 3 document because they put a lot of money into company,
 4 that I agreed that I had only 15%, on this basis they
 5 dismissed me as the general director and it was recorded
 6 in the Rwandan board, development board. I did it by
 7 myself, nobody showed me this record. I agreed what was
 8 agreed for the whole time I was director that I -- they
 9 invested money and then I have been diluted to 85%. And
 10 I signed it -- by the way, I signed it when I applied
 11 for a visa, I needed the certificate of company that I
 12 am in company to have visa in Rwanda, and by the way,
 13 this Boni Mbanza which is here, he threatened me that if
 14 I don't sign it, that my visa will be cancelled and
 15 I will be evicted from Rwanda. I was under enormous
 16 pressure.
 17 Q. In your supplemental witness statement you say that you
 18 have reviewed an Excel spreadsheet created by ITRI.
 19 Now, do you know on what basis you say that you have
 20 been looking at an Excel spreadsheet created by ITRI?
 21 A. I don't know if it was Excel spreadsheet, but audit of
 22 Rwanda Rudniki were free available on website and
 23 I found this -- I found this, actually it was called
 24 ITRI audit, I found it on internet. When I showed it to
 25 my friends, shareholders, they immediately asked ITRI to

Page 185

18:35 1 MR BRODSKY: And I originally had up the supplemental
 2 witness statement, my apologies.
 3 MR HILL: Alright, let's all start again. Paragraph 5 of
 4 the witness statement. You say there, it's on the
 5 screen -- or I hope it's on the screen. Do you see in
 6 the third sentence:
 7 "Under its 2007 Contract for Acquiring Mining
 8 Licences, NRD and its investors that right to the
 9 Concessions."
 10 Now, have you reviewed that 2007 contract?
 11 A. Yes, I've seen nearly all documents which NRD have in
 12 office until they from time to time lock their offices
 13 and there's no access, but I am sure that they issued
 14 many mining acts 2007, 2008, 2015, I would not recall
 15 all details of it, but I think they were right to inform
 16 me they were rightful owners because they paid a lot of
 17 money for the concessions.
 18 Q. And what their rights were depended on the terms of the
 19 2007 contract; yes? Sorry, 2006 contract?
 20 A. There is some problem between 2008 and 2007.
 21 Q. Yes, I think you mean 2006 contract, don't you, or do
 22 you think there is some other contract?
 23 A. I think in 2007.
 24 Q. Do you think there is some contract in 2007 that you had
 25 in mind?

Page 187

18:33 1 stop publication of these documents.
 2 Q. Now --
 3 A. It was available onsite -- online.
 4 Q. So you found something online, but you have no basis for
 5 thinking it's an actual ITRI document, do you?
 6 A. No, it was definitely ITRI document. It was called
 7 "ITRI audit", and it was signed by ITRI people.
 8 Q. Well, we have the document attached that's been provided
 9 that you refer to in your witness statement and it
 10 doesn't have any of that information on it, so that's
 11 not correct, is it?
 12 A. So I gave all these documents including other audit from
 13 2013 because Rwanda, how it's called this institution,
 14 the Rwanda -- they issued audit every year, the company
 15 issued audit every year. I have all audits, but this
 16 one I found online freely available to everybody.
 17 Q. And let's go to paragraph 5 of your witness statement.
 18 A. Yes.
 19 Q. Your first witness statement. You say there that under
 20 its 2007 contract for acquiring licences, NRD had the
 21 right to the concessions?
 22 A. Sorry, you now slipped from Rwanda Rudniki to NRD?
 23 Q. Yes, I moved on.
 24 A. Yes, could you repeat it, please?
 25 Q. Yes, go to paragraph 5 of your witness statement.

Page 186

18:37 1 A. Actually this is a long time, I do not recall all
 2 details, sorry.
 3 Q. And you don't recall the terms of the contract either,
 4 do you?
 5 A. Yes, I did application for them, for re-applying for
 6 concessions in detail, but this document I cannot
 7 recall.
 8 Q. Yes, so you're not able to help us now on the terms --
 9 A. I think it was 2007, because there was -- according to
 10 legislation 2007.
 11 Q. But what rights NRD had obviously depended on the terms
 12 of that contract; correct?
 13 A. Yes, yes, they're actually operating this concession, so
 14 for me, actually they had to own it, and if they had
 15 some letters from government to operate, but sometimes
 16 they suspended it for one year. This is systemically
 17 ruining their business.
 18 Q. Now, were you under the impression that NRD had
 19 an existing licence in 2014?
 20 A. Yes, I was absolutely sure because some they cancelled
 21 and they asked me for paper business plan and geology
 22 and the maps to re-apply for this concession.
 23 I remember this time their office were locked and they
 24 couldn't get all documents.
 25 Q. But were you not aware that their licence had actually

Page 188

18:39 1 expired when they were asked to re-apply for the
 2 concession?
 3 A. Well, I was -- my impression was it was cancelled by
 4 government. If they expired that this other matter,
 5 I'm not sure, because large mining concession in Rwanda
 6 is valid 25 years, and they have very large one.
 7 Q. What was your understanding about the status of their
 8 licence when they applied in 2014?
 9 A. Some way it's cancelled and they must re-apply.
 10 Q. Do you recall this in any detail, Mr Fiala?
 11 A. Say it again?
 12 Q. Do you remember this in any detail?
 13 A. When the Minister said that they must re-apply, then
 14 they -- NRD came to me because I work on concession many
 15 years, actually 2013 I was on concessions, living and
 16 working several months, so I have more material, they
 17 asked me to prepare business plan for re-application.
 18 So my impression was that concession was cancelled by
 19 government.
 20 Q. And were you aware that the government had requested
 21 that the application for new licences be made on
 22 a concession-by-concession basis? In other words,
 23 a different application for each concession; were you
 24 aware of that?
 25 A. We -- I have map for -- there are still concessions in

Page 189

18:41 1 Nemba, and I remember when the government was saying
 2 they have concession too weak(?) that they bought Musha
 3 Bisesero. And I didn't study too much why they lost the
 4 concession; I just read business plan.
 5 Q. Now, in terms of the exploratory work that was described
 6 in the application, in 2014.
 7 A. Yes.
 8 Q. Now, you make comments on how good it was compared to
 9 other applications. Now, the minister and the ministry
 10 will have reviewed all applications; yes? Not just the
 11 ones you've worked on, but all applications, yes?
 12 A. Please my -- I have no idea. My work finished when
 13 I passed to NRD the report. What they did with this was
 14 not my business.
 15 Q. But in terms of assessing and comparing that and --
 16 A. I wrote in many, many reports and documents and
 17 statements that these concessions were among the best in
 18 Rwanda. Actually they were owned by NRD, Starck
 19 Germany. They spent on this concession €17 million.
 20 There was quite a lot of documents to understand that
 21 these concessions are exceptionally good.
 22 Q. But in terms of comparing that application with other
 23 applications --
 24 A. Yes.
 25 Q. -- then -- if you just listen to my question, just for

Page 190

18:43 1 a moment.
 2 A. Yes.
 3 Q. In terms of making the comparison between that
 4 application and other applications --
 5 A. Yes, I would say -- I would say that most of application
 6 was done for money by employees of Ministry of Mines and
 7 Forestry, and they have such sort of content they wrote
 8 it, but not too much work in the field. That was just
 9 a formality.
 10 Q. But the assessment --
 11 A. And this one -- behind this one was 17 million spent by
 12 NRD Starck, and I spent years to do geological research.
 13 By the way, there's not many deposits in Rwanda which
 14 have reserves.
 15 Q. But the ministry was well placed, it was their normal
 16 position to judge and assess the different applications,
 17 wasn't it?
 18 A. Yes. Yes, I have no idea. I never got any information
 19 that they judged.
 20 Q. Now, there are about a thousand mining sites in Rwanda,
 21 aren't there, of which about 300 are being actively
 22 mined?
 23 A. It's about 525 concessions, I don't know, recent until
 24 a couple of years ago, 525 concessions.
 25 Q. But about a thousand mining sites, of which 300 or so

Page 191

18:45 1 are being actively mined; yes?
 2 A. Yes, you see some successful ventures, it's about five
 3 or six, which are making money and having some profit
 4 and you can invest. But the others, most of the deposit
 5 is small or very small and they are worked by artisans,
 6 which have limited capacity to do something; for example
 7 they can mine only 40 metres below surface, and so on.
 8 So ...
 9 Q. And across those sites, the Rwandan Mining Board and
 10 iTSCi have field officers, don't they, who visit the
 11 sites and they check on production and investigate
 12 incidents; yes?
 13 A. They have inspectors which are certainly visiting, and
 14 I was many times accompanying them on my concession.
 15 They were visiting regularly site and writing reports
 16 which sometimes have many, many pages, and each mine had
 17 some notes what's happening with the environment and its
 18 mining, and I don't know, some survey.
 19 Q. And they're building up that picture across all the
 20 mines across the country, aren't they?
 21 A. They did it, yes. They did it regularly, I think once
 22 or maybe twice a year, each inspector had province, and
 23 they -- that's his job.
 24 Q. And that gives them an overview, doesn't it, of levels
 25 of production across the different mines across the

Page 192

18:47 1 country?
 2 A. No, so what you would like to know about this? Levels
 3 of production, Rwanda produced in 2014 50% of world's
 4 production of coltan, tantalum. What do you think about
 5 it? It is available through internet research.
 6 MR HILL: Thank you, Mr Fiala.
 7 Re-direct examination by MR HARRISON
 8 MR HARRISON: Mr Fiala, in relation to the last question
 9 that Mr Hill asked, you testified that levels of
 10 production in Rwanda in 2014 were 50%.
 11 A. Of that year.
 12 Q. Can you explain where the other 50% is coming from?
 13 A. No. Yes and no, because -- but I know the major
 14 producing country of coltan are not only Rwanda, but
 15 also DRC, Burundi, Nigeria, Brazil, and -- did I say
 16 Australia, again?
 17 MR HARRISON: Thank you, Mr Fiala. No further questions.
 18 THE PRESIDENT: Thank you very much for coming to assist us.
 19 You're now free to leave.
 20 THE WITNESS: Thank you, sir.
 21 THE PRESIDENT: We're going to have an early day, are we,
 22 Mr Hill?
 23 MR HILL: It looks like it. I imagine the next witness is
 24 not available and I'm certainly happy to stop.
 25 THE PRESIDENT: Are you happy to stop, Mr Cowley?

Page 193

18:49 1 MR COWLEY: We are happy to stop and we do not have a next
 2 witness ready to start, so it's an early day.
 3 THE PRESIDENT: Thank you very much, then we will adjourn
 4 until midday tomorrow.
 5 MR COWLEY: Thank you.
 6 (6.50 pm)
 7 (The hearing adjourned until 12 noon the following day)
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 194

<p>A</p> <p>Aaronson 2:7,7,8,8 ability 63:1 75:12 109:18 110:7 135:4 able 3:13 10:18 15:25 17:14 18:8 20:13 21:7 31:22,22 32:10 47:16 49:12,20 51:25 58:10 80:5 91:7 107:7,7 113:6 116:1 118:18 121:15 135:9,15 136:3 141:22 143:17 153:5 155:6 175:9 188:8 above 15:25 99:10 115:10 154:3 absence 4:25 absolutely 7:19 25:7 28:5 31:8 48:2 99:7 120:1 133:5 134:13 172:4 188:20 absorbed 64:7 abstract 114:2 absurd 12:23 38:2 57:24 accept 24:20 63:19 85:23 96:8 136:21 175:3 184:16 acceptable 63:9 162:19 accepted 6:21 7:21 49:22 55:7 136:20 access 32:14 33:1,2 157:16 183:5 187:13 accommodate 48:1 accommodating 51:22 accommodation 76:6 accompanied 23:23 accompanying 192:14 accordance 158:7 according 55:20 119:2 119:3 188:9 account 37:20 45:5 94:11 95:2 102:5,11 accounts 45:7,8 64:5 64:11 95:1 accurate 7:10 129:21 159:23,24 160:21 160:22 173:24 accusation 38:2 accusations 71:18 101:12 accused 69:9,16 117:10 119:3 157:21 achieved 153:23 Achievements 105:25 acknowledged 89:3 acknowledging 78:20 acknowledgment 57:11 107:23 acquire 47:8 76:13 acquired 39:18 77:6 84:5 acquiring 90:24 103:9</p>	<p>186:20 187:7 acquisition 59:21 67:2 74:2 84:4 86:7 89:9 acronym 90:4 acronyms 43:25 across 140:4 154:6 192:9,19,20,25,25 act 47:23 50:1 183:10 acted 70:25 acting 39:11,14 40:10 72:7 90:11 91:12,13 action 20:5 114:24 115:4 actions 20:4 123:3 actively 191:21 192:1 activities 12:9 55:17 67:18,24 76:5,20 activity 49:13,15 acts 187:14 actual 50:17 105:14 110:8 138:2 186:5 actually 1:5 7:11 31:15 32:9 39:4 46:14 51:3 56:8 59:7 75:1 83:8 100:20 102:18 106:14 113:7 117:3 132:8,24 133:18 135:14 136:2,2 137:4 139:7 146:9 147:16 150:23 158:23 161:16,21 164:16 175:21 180:16 183:18 184:9 185:23 188:1 188:13,14,25 189:15 190:18 acute 69:8 ad 51:8 add 66:1 100:1 126:24 132:11 158:22 175:16 added 45:20 56:22 97:21,23 130:5 adding 98:7 addition 2:1 25:12 45:3 93:7 95:11 additional 16:7 45:21 124:20 127:2 address 1:14 2:14 45:11 109:24 115:5 120:12 127:24 addressed 12:14 116:20 addresses 116:19 adjourn 194:3 adjourned 119:20 194:7 adjustment 111:25 admin 146:11 147:16 administrative 7:14 25:9 47:3 advantageous 72:17 advice 24:25 25:1 44:24 46:22 51:8 afar 54:8 affidavits 85:9</p>	<p>afraid 68:24 Africa 60:7,10 69:21 84:23 African 29:25 180:17 after 5:4 27:4,11 35:8 37:13 39:17 40:6 44:8 57:23 58:2,15 59:12,13 60:19 64:1 67:21 89:2 90:23 92:9 98:16 99:23 100:5,23 102:7 103:8 111:12 114:23 115:2 116:15 117:6 121:3 121:10 125:21 126:10 129:12 134:1 141:25 142:4 142:5 160:9 178:9 183:18 afternoon 171:15 again 3:19 8:5 9:22 20:12 23:8 25:24,25 27:13,24 29:6 45:2 54:11 57:22 66:25 69:16 73:7 75:11 78:7 99:3 101:19 105:5 114:1,15 116:12 117:19 122:3 125:10,15 133:24 135:23,23 138:3 148:23 160:21 170:17 182:18 187:3 189:11 193:16 against 11:23 12:5 28:11,15 73:15 74:10 75:7,19,25 79:23 156:17 157:22 163:5,7 agencies 45:6 agency 44:3 48:16,25 51:11 aggressive 56:7 104:10 ago 12:1 17:20 18:14 18:24 20:5,6 166:24 191:24 agree 58:17 105:14 107:15 108:3 121:21 137:3 155:12 agreed 4:6 7:3,6,11 58:20 81:19 99:16 102:18 140:7 157:23 158:2,5 159:10,15 168:24 185:4,7,8 agreement 8:3 16:13 16:14,22 21:20,24 49:19 54:10,12,14 67:7 72:1 78:9 79:1 79:9,11,13 81:15 84:1 93:5 98:12 104:24 126:1 139:24 142:22,23 143:3,6 183:14 agreements 77:3</p>	<p>ah 53:6 ahead 73:16,18 98:3 126:19 127:16 128:16 air 169:25 ALASTAIR 2:6 alert 12:21 100:4 ALEX 1:22 allegation 32:6 36:10 39:25 allegations 37:18 85:9 85:11,13 156:12 161:5 allege 38:24 39:15,17 alleged 29:5,12 39:5 69:1 73:12 176:7 allegedly 28:22 alleging 174:17,23 alleviate 187:1 allow 12:14 157:25 162:20 allowed 118:23 165:6 173:10 allowing 12:22 alluding 103:3 all-out 118:15 almost 140:21 170:19 alone 153:21 181:16 along 4:9 52:3 67:17 123:10 aloud 145:11 already 18:16 19:1 82:3 89:4,8 91:5 115:24 117:3,20,23 117:25 119:12 122:12 123:16 128:8 136:20 143:24 163:10 172:10,13 Alright 77:24 108:21 127:16 187:3 alternative 3:11 5:18 although 12:1 18:2 24:6 44:24 47:16 74:11 80:2 87:15 88:25 104:1 113:3 130:1 182:6 always 35:9 54:5 57:7 137:23 152:4 166:9 Ambassador 42:14 American 63:9 Americans 86:2 among 15:10 52:4 61:23 84:24 190:17 amount 36:12 37:1 58:6 62:5 78:3 106:9 136:14,15 138:8 amounts 55:11 58:8 58:19 analogy 139:18 140:1 analyse 117:7 analysis 85:15 140:6 and/or 26:7 angle 3:7 angry 30:21 102:23 176:22</p>	<p>animals 154:25 ANNA 2:23 Anne-Marie 1:23 announced 1:6 31:1 announcement 33:17 another 4:9 27:25 76:22 96:11 99:24 113:10,23 166:11 184:17 answer 4:23 10:10,19 11:2,20 12:1 34:12 34:20 41:13 53:12 63:4,21 83:2 99:21 102:22 108:16 110:20 112:7,13 113:22 120:11,23 144:17 176:6 182:14 183:23 answered 111:7 126:22 answering 109:18 110:6 answers 50:20 52:13 113:18,19 116:10 120:21 121:1 122:2 122:9 123:18 Anthony 57:4,13 67:15 68:21 70:8 80:9,11 81:23 91:5 103:3,13,25 104:1 172:14 anxious 42:3 anybody 1:23 26:20 30:4 101:2 139:8 160:5 166:5 anyone 7:11 45:9 137:19 176:25 anything 1:10 4:18 7:10 16:21 26:8 39:24 40:3,4 55:11 80:13 98:22 100:19 107:11 115:22 153:3 160:5 161:4 164:15 178:17 anyway 4:2,20 79:23 81:19 anywhere 51:19 apart 59:6 apologies 93:22 187:2 apologise 43:24 53:11 63:18 101:5 120:1 126:4 143:21 145:19,25 180:21 181:5 APPEARANCES 2:1 appears 17:19 19:14 19:22 88:10 171:6 apples 14:15 154:12 applicants 172:16 application 15:6,7,22 16:12,23 17:6 21:15 21:17 22:8,9,24 23:11,18 39:10 89:4 89:7,12 104:2,15,18 104:22 105:13 106:12,12,25 111:9 124:5,7,7,16 130:3</p>	<p>142:5 152:8,9,25 153:2 167:25 173:1 173:10 188:5 189:21,23 190:6,22 191:4,5 applications 15:14 90:20 140:13,14,18 142:7 172:17 190:9 190:10,11,23 191:4 191:16 applied 15:13 110:8 129:23 182:2 185:10 189:8 applied-for 109:2 applies 100:8 apply 10:5 23:14 49:1 135:14 172:12 appointed 71:5 appointment 171:10 171:10,12,16,19,21 apportion 109:19 appreciate 40:14 52:11 80:15 157:12 approach 12:7 168:16 approached 40:12 appropriate 64:11 144:1 approval 102:20 approve 165:4 approved 67:18 approximately 61:25 62:18 183:18 April 43:8 165:8 April/May 169:8 arbitration 1:1,1 29:5 29:12 32:11 110:4 177:2 ARB/18/21 1:4 archdiocese 74:20 area 38:21 132:7 154:4 174:21 areas 56:12 96:3 154:6 176:5 arguing 56:19 argument 9:18,24 10:24 19:6 55:24 56:3 arguments 11:1 26:15 around 3:9 21:6 22:15 25:2 28:20 39:3 41:11 56:14 93:20 112:3 130:11 150:19 175:9 arrange 3:13 arrangement 5:15 91:6 103:4 arrangements 4:24 arrest 2:8 arrive 1:24 2:2 arrived 1:21 58:2 59:10,13,15 117:6 art 111:18 Article 19:12,18 134:22 139:12 articulating 8:24 artisan 67:21 84:17 87:7 113:3</p>
--	---	---	---	---	--

<p>artisanal 153:12,17 artisans 38:7 192:5 asked 2:12 10:5 14:23 16:5,7,11 25:2 42:20 43:10 44:10 45:22,23 49:12 50:16 52:15 57:15 58:1 63:18 66:11,13 74:17 76:3 82:3 93:23 94:8 96:23 97:3 105:13,19 107:17,20 108:1,4,7 108:19 113:15,21 114:11,16 118:18 120:16 122:1 124:6 124:9,17,19,22,25 125:9,20 126:4,9 147:21 165:2 170:1 170:10 178:19 183:18 184:10 185:25 188:21 189:1,17 193:9 asking 10:21 11:20 26:8 27:15 41:1,12 45:2,18 52:18 60:9 76:8 77:7 84:2 86:6 95:18 97:24 99:22 100:18 105:8,12 106:2 119:7 123:15 123:21 124:23 126:11,18,21,23 143:16,20 161:7 168:6 169:21 asks 16:2 aspect 86:6 aspects 105:12 114:17 123:10 assault 118:16 assert 72:19 75:13,23 asserted 72:25 75:10 75:20,22 assertion 36:24 assess 191:16 assessed 153:5 assessing 190:15 assessment 191:10 assets 13:3 17:13 22:12 49:4 68:11 82:10 86:6 87:19 158:23 161:1 162:3 164:19 170:4,5,15 170:16,17 Assigned 73:8 assignment 73:12 75:15 assist 42:11 67:21 193:18 assistance 30:8 42:9,9 42:24 43:6 assistant 2:23 91:10 94:3,22 assisted 33:7 associate 90:4 associated 50:7 association 77:16 assume 2:20 assumed 88:14</p>	<p>assurance 53:22 assurances 25:15,20 assure 13:15 51:25 assures 5:11 assuring 25:18 attached 165:2 183:12 186:8 attachment 96:10 99:14,24 100:12 attachments 92:16,21 93:2 95:10 attempt 23:18 29:17 110:2 171:7 attempts 107:13 attended 157:17 164:23 attention 8:20 9:6 54:17 84:7 100:17 101:18 122:16 attract 42:16 attractive 49:1 attribute 142:13,15 attributed 66:22 audio 128:12 audit 57:17,20,21 58:10,18 59:3 63:14 146:10 185:21,24 186:7,12,14,15 auditing 59:4 audits 63:7,14 186:15 August 41:24 57:5,7 120:17 122:3 130:4 159:20 165:21 Australia 193:16 Australian 180:9 authorised 7:17 49:20 68:17 authorities 103:10 authority 34:4 183:9 183:14 automated 112:23 available 23:4 47:19 76:22 90:24 142:4 172:2 185:22 186:3 186:16 193:5,24 average 153:14,15 154:4 avoid 162:16 avoiding 171:2 award 8:16 awarded 33:21 50:1 109:15 171:25 awards 165:14 166:17 166:21 aware 19:15 20:3 23:21 28:3 39:13 55:10 72:10,24 73:17 92:14 96:3 103:7 109:14 110:17 131:17,19 133:24 148:1 159:7 159:7 165:20 167:1 188:25 189:20,24 awareness 69:5,7 away 62:13 103:21 153:11 awful 120:12 176:10</p>	<p>B</p> <hr/> <p>B 1:22 back 2:6 3:4,4 6:1 20:17 21:4,9 22:17 30:11,22 31:4 34:17 44:9 49:24 50:6 51:6 54:17 59:1,4 62:25 63:4,7,23 65:20 66:2 72:16 73:2,6 78:18 98:8 99:2 101:13,15,24 101:25 102:13 104:25 105:24 106:5,24 116:8,18 119:23,25 123:23 128:7 135:23 136:13 141:8 143:22 144:17 147:9,11 162:13 166:3,6 169:17 170:16 172:17 176:16,22 183:24 background 161:11 backyard 14:18 bad 76:18 91:8 169:22 177:5 178:4 bailliff 17:12 22:14,21 40:6 156:13,25 157:2 159:12 165:14 166:17 balance 78:5 bank 184:3,4,7,9,10 bankrupted 69:19 BARBARA 1:12 based 7:1 8:16 14:3 16:23 45:17 46:3 85:14 98:22 117:2 135:25 139:3 158:17 baseline 175:10 basically 178:13 basis 8:25 10:13,15 12:13 18:5 19:5 22:18,19 23:15 28:5 42:6 47:21 48:3 75:24 85:13 142:2 153:7 156:1,3 162:21 185:4,19 186:4 189:22 Bay 1:15 2:4 19:17,19 70:5,6 73:19,20,23 74:18,24 75:25 76:3 77:23 78:1,13,14,21 82:10 87:1,8 Bazivamo 103:19,20 bear 38:1 59:8 61:3 beaten 85:6 became 42:3 49:21 54:6 69:7 77:11,20 80:1 118:15 143:21 146:11 181:10 become 77:8 111:13 149:11 150:8,15 before 1:10 2:11 27:20 28:9 31:13 44:14 46:12 57:13,23 65:12 68:10 73:7</p>	<p>80:4 89:7 95:4 99:4 99:10 103:20 121:3 121:10,12 125:16 127:24 133:14 134:8 139:21 163:10 171:4 182:25 183:18 began 50:2 67:20,20 150:21 begin 20:20 44:6,14 89:18 125:9 beginning 18:7 34:3 45:4 53:3 55:23 76:15 116:2 151:10 begun 11:23 12:4 behalf 1:24 7:11,18 70:25 71:2 82:17,17 129:15 181:23 182:7,12 behind 23:17 135:2,7 140:25 141:5 142:25 155:4 178:20 191:11 being 4:10 5:7,8 7:2 10:5,17 11:7,15 12:10 13:14 14:4,9 14:16,22,23,25 16:11,23,24 17:14 18:8 20:21 21:7 22:25 23:19,22 25:8 30:12 42:1 43:10,23 45:20 50:21 51:12 52:15 54:24 55:19 55:24 56:6 61:12 66:13 67:1 69:9 78:13 80:5 82:9 91:1,10 92:3 94:10 96:19,23 104:10 106:8 107:17 109:10,11,15 113:15 114:22,24 116:5 117:24 118:23 119:3 120:16,19,20,24 121:9 124:6,25 125:9,24 131:21 136:7 144:15 156:17 167:15,23 168:17 182:24 184:1 191:21 192:1 Belgian 115:23 151:22 151:22 Belgians 116:6 117:11 141:14,17,24 151:18 155:4 belief 85:13 175:2 believe 6:13 10:24,25 24:13 25:23 28:7 31:2 35:1 42:14 45:3 46:2 61:7 65:14,16 100:24 102:8 119:16 123:19 126:22 132:11 142:25 143:1 173:5 believed 14:21 24:8,17 26:3 30:11 67:6</p>	<p>68:4,12 70:8 belonging 174:1 below 183:11 192:7 Ben 20:14 39:2 58:22 123:3,6 benefit 73:23 Benzinge 20:14 39:2 39:22 120:18 123:3 123:6,24 157:19 158:10 159:11,14 159:16,18,19,24 160:6 165:9,9,10,25 166:4 Benzinge's 58:22 120:25 best 4:24 5:15,23 43:16 129:22 135:4 136:15 190:17 better 1:12 5:16 54:2 94:15 113:7 145:23 154:17 between 19:16 21:12 21:21 22:4 33:19 57:2 68:2 80:11 83:17 91:24 92:24 100:25 126:21 134:9 142:21 152:8 153:12,15,21,22 187:20 191:3 beyond 1:22 Bidega 89:10,10,16,20 89:21 90:12 91:1,4 91:9,13,25 92:25 93:4,14 94:1 95:13 95:24 98:17,22 99:25 100:20 102:15 151:5 Bidega's 90:15 94:10 94:23 101:2 BIDWELL 1:11 big 36:15 62:12 95:6 95:20 109:11 118:3 147:17 163:10 183:23 bigger 179:16 biggest 51:21 154:12 154:13 bilateral 8:13 9:1 11:25 19:2,18 28:11 28:15 Bill 85:4 86:1 billion 69:16 bills 62:12 binding 57:16 Bisesero 48:9,11,13 49:10 50:17 51:1 52:20 53:20 59:17 67:22 71:23,23 95:20 190:3 bit 1:4 2:6 4:14,15 18:17 45:23 59:6,8 110:5 119:5 141:18 155:23 182:22 blackfield 151:17 blame 123:25 blamed 116:6 118:23 blindsided 119:15</p>	<p>blow 130:19 board 2:9 44:5 183:3 185:6,6 192:9 boat 11:7 88:12 Bob 172:19 body 136:11 138:25 141:10 Boni 185:13 bono 178:5 books 59:5 80:7 Bosco 156:12,12 160:7 160:24 161:15,21 164:3,18 Bosco's 157:7 Boston 42:15,20 44:9 50:6 both 24:25 26:7 29:18 42:3 46:11 51:23 64:4,4 73:24 74:13 76:7 78:11 79:10 83:21 95:1 105:9 109:9 124:1 140:12 148:6,9 bottom 17:17 18:20 18:21 33:23 34:23 112:15 154:16 bought 68:10 74:10 190:2 Bratislava 60:11 87:17 88:21 Brazil 193:15 breach 12:10,11 135:20 breaching 12:22 break 3:24 64:12,13 64:14,17 119:16,17 119:17 144:20 179:2,5 breaking 12:20 brick 36:1,4 brief 89:1 briefly 48:12 88:25 130:25 181:1 bring 49:4,4 52:1 54:9 60:23 65:24 74:10 86:14 104:17 113:13 114:12 120:15 121:13,24 122:20 125:12 127:16,24 141:21 144:24 bringing 6:2 8:4 49:15 57:20 65:20 68:13 84:15,16 119:25 127:20 British 1:2 broaden 53:12 broadly 102:16 BRODSKY 2:22 157:12 187:1 broken 151:21 169:18 brought 36:13 37:2 63:21 67:17 73:1 76:23 82:2 86:23 87:9,10,25 88:1,3,5 91:16 124:3 144:25 179:7</p>
--	--	--	---	--	---

<p>brownfields 138:7 141:13,13 Bryan 2:3 2:14 4:11 bucks 139:9 build 87:4 110:2 139:21,22 151:16 152:4 building 29:20 87:7 131:2 139:19,20 152:1 192:19 Buildings 2:6,6 built 151:18 174:15 bulldozer 158:21 bundle 8:12 164:21 167:4 BURNHAM 2:18 Burundi 193:15 business 6:23 15:12 17:4 18:9 19:19 25:1 33:13 36:15 44:23 74:21 76:4,19 102:10 103:4 105:9 109:1 137:12 140:23 152:3 188:17,21 189:17 190:4,14 Busingye 101:21 buy 74:17 76:1 87:5 91:7 141:19 172:23 buyer 37:15 buyers 37:6,9,14 buying 37:11 Buykes 3:10 1:18 2:2 2:5,15,22 4:5,16,23 5:7 64:22,25 65:15 127:6,22 128:11,14 128:19,20 129:7,10 129:14 130:17,19 131:6,10 137:17 141:1,4 142:10 144:3,6,8,11 BVG 7:6,22 8:1 48:11 50:11,14 59:17 61:15 66:14,22 67:21 68:8 75:7,16 79:13 81:2,4 82:17 82:22 83:17 87:15 146:14,15,15,16 147:6 148:2 BVG's 86:7 BVG-owned 71:23</p> <hr/> <p style="text-align: center;">C</p> <p>cabinet 50:1 102:18 151:2 171:14 calculated 158:19 162:25 calculation 55:24 calculations 48:21 49:7 calendar 171:4,5 call 2:20,21 25:8 27:22 30:16,17 40:21 104:3 146:4 called 3:10,16,20 4:7 27:24 31:3 42:1 51:2 69:13 128:19</p>	<p>145:6 157:16 172:18,19 174:1 176:11,12,13 179:10 180:6,23 185:23 186:6,13 calling 45:1 176:16 144:13 came 22:20 25:2 30:21 41:5 48:15 50:6 55:2 59:22 62:21 74:9 84:5 86:22 87:11 88:25 103:20 109:25 110:3 116:17 138:19 139:2 146:9 147:22 164:5 174:16 180:16 189:14 camera 1:19 2:23 3:6 3:20 65:8 127:18,22 128:7,9,17 144:23 camp 174:22 cancelled 185:14 188:20 189:3,9,18 capability 2:24 capable 32:18 63:8 111:5,14 capacities 147:6 capacity 55:6 58:14 66:21 192:6 capita 42:8 capital 106:6 140:24 capture 3:9 car 159:3 card 6:23 102:22 103:2 care 37:10 68:10 128:24 156:25 169:19 carried 153:18 carryover 122:21 cars 158:21 case 1:4 7:21,25 11:4 11:10 33:7,8,19 46:15 50:19 65:16 74:12 88:7 133:20 140:5,5,12 148:12 149:20,21,24,25 150:5 166:11 170:16 172:24 176:14 184:11 cases 46:15 168:24 cassiterite 111:21 154:5,7 casual 56:11,21 61:4 catch 93:10 categories 55:9 67:14 category 22:24 CATHERINE 2:14 cause 70:6 caused 5:9 118:5 119:4 142:6,8 CC 94:16 central 69:21 Centre 1:2 CEO 70:24 133:18 134:3 147:20 certain 43:23,24 50:22</p>	<p>63:1,2,16 71:18,19 95:23 105:2 108:19 113:20 114:23 116:15 135:12 136:5 138:2 142:17 161:5 certainly 1:12 12:24 25:18 27:21 31:23 41:13 58:9 101:4 138:1 179:9 192:13 193:24 certificate 54:15 55:8 78:11 80:9 81:23 168:15 183:12 185:11 cetera 41:6 CFO 68:21 CHABINSKA 2:24 chain 91:18 92:15,23 93:6,12 94:9 99:25 chairman 159:3 chalk 68:3 challenged 102:19 Chambers 38:25 39:19 chance 21:5 66:10 86:18 109:24 125:7 129:17 175:17 chances 24:9,23 26:3 change 20:13 21:20 31:18,24 112:11 120:25 123:7 151:11 167:24 168:23 changed 20:16 78:2 125:4 channels 171:7 CHAPIN 2:16 characterisation 11:21 23:10 characterise 52:21 53:17 charge 38:15 44:19 46:18 118:11 charitable 25:12 49:12 charity 146:18,19,21 charming 51:13 check 25:11 146:10 192:11 checked 33:24 35:6,19 171:5,6 checking 27:16 Chinese 37:6,9,14,15 chip 112:5 chips 112:5 chocolate 112:4,5 choice 81:21 chosen 49:6 Chris 109:11 Christmas 57:14 58:2 59:13 60:2,4,4 circumstance 117:22 circumstances 19:23 90:16 122:10 citizen 86:3 180:9 citizens 25:13</p>	<p>claim 8:1,16,25 11:23 12:4,17,19 56:7,10 66:19 67:1,4 72:5 72:19 74:3,4,10 75:6,7,9 79:22 Claimant 149:20,24 149:25 150:5 Claimants 1:17 2:2 10:23 13:25 39:9 92:7 129:15 149:10 149:18,20 150:15 174:15 claimed 55:3 103:4 157:21 claiming 103:12 claims 2:11,12,14 28:11,15 58:22 72:10 73:15 75:13 75:16,19,21,24,25 79:21 clarification 66:8 123:9 157:12 clarifications 100:1 clarify 55:1 clarity 60:23 CLAUDE 2:19 clean 141:17 155:3 clear 15:11 17:3 20:8 24:21 34:7 37:5,24 60:3,25 63:23 80:2 80:16 81:25 85:12 88:15 105:4 123:1 135:17 162:23 163:14 164:8 166:1 166:11 168:8 171:2 174:17 175:10 cleared 162:2 clearer 59:8 clearly 18:15 41:19 106:2 162:7 Clement 94:17,18,19 94:19,20 close 80:4 171:25 closed 20:4 27:9 closely 37:13 closure 20:1 club 154:18 cobblestone 154:15 COFFEE 2:15 collaborate 115:13 116:23 117:14 collaboration 53:19 collaborative 50:23 51:3 52:17 53:18 colleagues 38:14 77:8 175:8 collected 67:13 collecting 50:2,7 56:4 68:2 COLLEEN 2:23 colloquially 74:22 coltan 193:4,14 combination 74:15 come 3:4 13:5,7 23:25 31:3,4 43:6,21 44:10,22 49:19 51:6 53:9,16 55:5,16</p>	<p>57:16 58:7,25 59:3 62:21 63:23 68:16 74:6 87:12 92:7 103:8 117:4 124:13 135:23 144:17 170:22,23 171:14 171:15 173:22 175:19 176:22 184:17,25 comes 54:13 65:10 86:19 88:9 138:1,1 comfort 13:4 comfortable 76:2 79:8 92:2,8 100:20 121:22 132:14 coming 13:10,15,17 14:8,19,22 15:1 51:16,20,21 62:25 69:14 116:1 119:15 154:16 165:16 170:24 193:12,18 commander 30:17 160:15,16,24 comment 94:9 120:10 132:4 commenting 131:24 comments 190:8 commercial 123:7 168:15 184:19 commitment 107:2,5 115:4 135:10 137:7 137:14 138:2 commitments 136:5 committed 117:11 committee 85:10,10 85:22,24 90:1,3,7 90:19 91:11 95:25 committing 139:6 common 102:12 commonly 36:14 communicate 8:23 164:3 communicated 96:11 125:16 126:6 communicating 22:11 44:6 communication 8:18 9:2 21:17 27:25 42:10,12 94:10,21 102:8,10 114:22 177:21 communications 14:3 16:9 30:13 64:22 92:23 93:4 95:12 114:8 126:15 communities 29:22 community 36:15 52:25 89:16 118:23 134:18 commute 5:8 companies 8:21 33:25 35:7,10 38:4,5,9,10 47:18 51:16 52:4 76:20 81:14 83:14 114:5 131:25 134:11 136:21 137:16 140:6,7</p>	<p>141:6 148:9 168:17 175:16 company 1:16 15:13 15:21 16:1 29:25 33:20 35:3,14 39:14 48:18 52:7 56:25 57:15 58:22 59:1,16 59:22 60:12 61:22 62:12 63:10 66:2 69:9,17 71:17 73:14 73:18 74:11,19,21 74:22 75:19 76:4,22 78:22 79:3,23 81:3 83:17,18 84:5,6,15 85:2 86:8 88:6,7,8 88:16,19,20 131:23 134:7,11 135:3,9,16 135:18,20 136:13 140:1 141:9 142:20 146:12 158:23 164:8,19 171:25 172:18 173:25 178:1,21 180:17,23 180:25 181:2,8,10 181:11,13,14,17 182:5,16 183:5,6,9 183:9,10 184:8,12 184:13,21 185:2,3 185:11,12 186:14 company's 140:14 184:14 compare 36:5 95:20 154:19,24 compared 33:15 44:13 46:9,23 107:5 109:22 121:9 154:20 190:8 comparing 154:11 190:15,22 comparison 33:19 152:8 191:3 compensate 8:7 compensated 7:7 compensation 22:1 32:2 169:24 complain 58:12 complaining 28:22 29:1 complaint 28:21,25 140:15 complaints 29:3 complete 10:2 15:21 16:6 21:15 113:18 completely 18:2 23:6 35:25 65:15 123:2 154:21,25 compliance 27:16,17 compliant 22:8 complicated 80:1 84:22 complied 135:21 complimented 25:8 complimenting 32:23 compound 66:3 88:9 88:13 147:19 comprehensive 33:3 153:19</p>
--	---	---	--	--	--

<p>compressors 141:21 computer 2:15 3:1 4:9 32:8 143:19,25 144:15 computers 1:19,19 concept 69:25 97:21 101:4 concern 2:1,7 3:16 5:9 45:9 65:12,15 116:17 148:5 concerned 2:8 72:15 85:14 130:15 148:8 concerning 40:23 45:16 concerns 46:21 115:5 116:11,20 concession 7:7,22 10:7 10:16 13:11 14:1,17 14:22 16:19 20:22 21:9 29:24 36:16 46:23 47:5,9 48:3,9 48:11,14,17 49:16 49:17,21 50:1 51:1 53:20 63:24 71:24 71:25 72:7 97:18 106:17 107:5,8,10 110:15,25 111:11 130:1,2 142:14 149:11 150:8,16 153:13 154:4,6,20 171:24 172:18 173:23 181:9,14 182:3,4,5,15 183:20 188:13,22 189:2,5 189:14,18,23 190:2 190:4,19 192:14 concessions 13:6,8,13 13:18 14:1,5,12,16 14:24 15:2 17:21,23 20:3,10,17,23 29:8 29:14 31:20 51:12 70:7 84:23 104:8,15 104:23 109:8,14,15 109:22 110:8,18 120:20 129:24 130:9 131:15,17 147:8 165:3,24 169:8,12,14,16,19 170:2,10,12 172:5,6 174:9,18,19,20,24 182:2,2 183:19 186:21 187:9,17 188:6 189:15,25 190:17,21 191:23 191:24 concession-by-conc... 23:15 189:22 conclude 107:3 conclusion 74:16 105:13 condition 62:11 161:2 conditions 98:20 conduct 60:15 conducting 14:6 163:21 conference 1:5 114:18 confidence 135:6</p>	<p>137:6,13 confine 178:10 confirm 13:25 183:19 confirmation 1:8 65:3 65:4,14,17 confirmed 183:11 184:23 conflict 40:14 confrontation 53:6 confusing 126:4 Congo 37:3 45:13 47:15,16 68:14 69:1 69:8,24 161:13 162:6,8,11,11,15 connected 70:11 92:15 128:12 connecting 128:13 connection 27:17 53:19 125:24 connections 31:3 conscience 129:2 145:13 179:25 conscientious 56:24 consequence 13:23 consider 12:16 42:18 98:24 115:12 116:22 considered 8:15 50:25 66:22 103:1 184:13 Considering 15:20 consisted 51:2 85:24 consistent 98:19 constant 36:12,25 114:3 constantly 114:6 constituted 156:9 constructed 110:22 construction 55:17 172:19 constructions 115:25 consultant 67:17 consultation 8:14,25 12:2 19:12 consulting 2:22,22 30:8 129:12 131:11 180:16 contact 143:13 contacted 44:9 89:18 117:3 contacting 44:21 contained 153:3 container 86:23,24 87:10,11 88:7 155:9 175:14,15 contemplated 74:25 contemporaneous 83:9 contended 72:3 content 34:8 46:5 105:9 191:7 contention 100:25 110:4 contentious 98:24 contents 84:2 contested 55:13 context 13:12 17:11 34:21 117:21 118:1</p>	<p>119:6 continuation 104:23 continue 20:19 24:14 148:13 158:6 160:18 continued 3:4,5 6:3,4 19:7 39:18 59:17,18 62:23 63:20 158:17 continues 9:18 21:23 continuing 17:12 30:8 contract 93:5 96:7 107:24 133:13,20 134:1,12,15,18,19 135:20 136:22,25 138:14,17,23 139:12 146:16 149:12 150:9,12 186:20 187:7,10,19 187:19,21,22,24 188:3,12 contractors 56:4 contracts 56:1 95:14 133:10,17 134:4,6 134:21,23 136:17 149:15,17 150:20 contrary 23:6 52:21 contribute 117:9,10 contributed 115:25 contributing 74:9 contribution 74:2,4 contributions 29:19 61:21 78:2 control 29:8,14 37:4 120:7,7,19,20 169:7 controlled 112:8 convened 160:14 convenience 87:16 convenient 87:18 conversation 18:5 23:24 36:12,25 114:4 121:3 126:25 conversations 37:25 46:10 69:20 126:12 cooperate 27:15,18 cooperating 57:6 58:13 cooperation 57:6 67:7 72:1 copies 94:1 100:9 157:24 copy 32:7 copying 94:3 corner 3:8 65:7 corporate 25:13 38:8 39:1 82:20 126:16 correct 6:18 7:23 10:15 13:11 14:14 16:6 17:7 22:8 27:10 28:4,23 31:20 33:2 35:16 37:20 39:5,10 62:7,8 82:17,18,20,21 88:2 90:3 100:7 102:2,3 102:5,6 104:23 124:10 128:9 129:22 131:13 133:23 135:22</p>	<p>136:22 137:25 138:24 150:21,22 151:6,16 155:15,18 156:24 157:5 158:9 158:10,12 161:8 162:8,16 165:18,22 167:19,25 172:25 173:4 175:23 176:17 177:18,19 178:2 180:24 183:16 184:15 186:11 188:12 corrections 25:9 100:2 correctly 59:11 70:13 70:15 correspondence 21:21 22:4 corrupt 26:7 costs 35:1 cost-effective 42:6 counsel 39:1,7 40:10 80:18 country 30:16 51:22 52:9 109:9 154:18 178:2 192:20 193:1 193:14 couple 45:15 54:20 91:17 95:5 101:6 114:13 191:24 course 7:24 8:11 52:1 54:20 56:22 57:16 97:22,25 98:22 109:17 112:12 148:3 151:24 court 156:16 184:19 184:23 courts 154:19 court's 184:22 covenants 16:21 cover 38:21 104:20 105:5 covered 3:22 59:7 61:19 63:2 81:10 106:14,19 107:2 122:4 Cowley 2:3 3:6,17 1:5 1:11 2:19 3:11,15 3:19 4:3,21 5:6,23 10:23 40:17,18,19 64:8,15,21 65:12,22 68:23 71:21 74:25 78:6,9 107:13,19 108:8,14,22,24 119:16,22,24 120:1 120:4,6 121:21 127:4,8,12 128:2,5 143:11,15,20 144:13 145:3,16,18 145:19 146:3 148:17 177:9,11 193:25 194:1,5 crazy 139:10 cream 112:5 created 22:10 50:14 172:6 185:18,20 credible 85:8,13 criminal 71:18 85:5</p>	<p>85:11 critical 84:8,10 cross-examination 3:5 3:12,18,22 4:18 6:4 131:9 148:21 181:20 crush 112:20 113:10 crushed 113:5 crushers 161:17 crushing 111:21 112:2 112:3,8 113:9 curfew 2:7,11 4:20 65:3 current 42:14 166:20 currently 38:6 custodial 13:16,20 custody 71:13,20 customs 1:22 88:10,13 cut 16:23 18:7 114:7 cutting 10:25 56:14 Czech 30:10 180:9 C-035 104:17 C-038 15:4 C-041 114:12 C-048 121:23 C-054 123:8 124:3 C-062 113:13 C-068 54:9 73:6 78:6 C-100 8:12 C-101 6:6 C-107 9:7 C-112 17:10,15 C-123 82:1 C-124 82:1 C-125 86:14,18 88:24 C-139 43:7 46:6 C-149 161:10 C-160 125:12 126:5 C-207 91:16</p>	<p>deal 13:2 24:4 26:1 36:10 47:20 55:5 80:14 151:12 160:7 162:20 163:6,22,25 dealing 2:4 13:22,24 90:23 149:16 164:1 184:19 dealings 24:4,17 deals 157:13 death 149:15 death 31:9 69:15 debt 7:8 42:23 81:3 162:5,22,24,24,25 162:25 163:1,2,15 debts 157:4 158:24 159:2,5 160:17 161:5,7 163:6,8 December 39:18 43:13,15 44:13,16 59:12 76:16,17 93:13 99:3 167:6 decided 72:16 85:10 157:3 decision 15:5 20:9 22:11 47:12 84:8,13 85:12,22 137:20,25 147:10 148:15 184:22 declaration 128:20 145:5,8 179:14,17 179:19,20,21 declare 129:2 145:12 179:24 declined 23:13 161:8 deducted 56:20 deduction 55:21 56:1 defence 51:18 52:5 174:1 defined 49:18 149:24 definitely 154:11 160:5 186:6 defrauding 147:17 Delaware 77:12 delay 142:8,13 delayed 57:20 125:23 delays 143:5 delegation 44:8 delighted 164:5 deliver 4:11 delivered 4:10 5:7 27:21 88:8 183:6 Democratic 37:2 demonstrate 153:6 denied 11:7 12:10,23 14:6 66:17 deny 85:20 denying 40:8 department 2:15,16 42:5 55:25 63:22 89:17,22 90:7,8 94:24 101:2 102:1 157:16 depended 78:1 127:2 134:14 187:18 188:11 depending 78:2 113:11 126:24</p>
--	--	---	--	--	---

<p>depends 111:25 112:3 135:13</p> <p>deposit 58:3,18 61:5,8 62:1,4,14,16 63:13 135:10,14,14 138:7 138:9 154:13,21 192:4</p> <p>deposits 49:10 64:7 66:3 96:2 111:10 138:4,4 154:22 191:13</p> <p>deputy 30:17</p> <p>describe 52:18,23 53:18 55:1 66:19 73:4 95:15 182:6</p> <p>described 50:16 52:15 61:1 67:5 75:13 81:6 84:9 95:19 112:4 118:5 119:12 181:4 190:5</p> <p>describing 97:25</p> <p>description 52:12 163:14</p> <p>Design 180:18</p> <p>designed 182:1</p> <p>desktop 155:21</p> <p>despite 10:5 15:22 115:3</p> <p>destroy 176:19</p> <p>detail 2:23 89:15 131:24 188:6 189:10,12</p> <p>detailed 15:10 17:3 132:16 153:3,4,20 175:5 183:21</p> <p>details 1:12 47:24 50:18 52:19 95:7,8 123:12 175:22 187:15 188:2</p> <p>determination 58:7,10</p> <p>determine 28:19 57:17 141:10</p> <p>determined 15:17 127:1 183:20</p> <p>Deutsche 85:8,20</p> <p>development 44:5 45:14 132:18 183:2 185:6</p> <p>device 3:20</p> <p>diary 39:23</p> <p>dictate 136:2</p> <p>dictated 136:16</p> <p>difference 120:9 134:9 153:22</p> <p>different 30:25 45:23 60:5,24 64:10 74:19 82:20 83:3,3 100:9 100:10,18 109:8 110:5 123:9 138:3,4 138:5 150:25 151:11 154:21,25 173:1 189:23 191:16 192:25</p> <p>difficult 118:25 138:6 139:7 143:3</p> <p>difficulty 4:20</p> <p>digressing 10:20</p>	<p>diligence 80:6</p> <p>diluted 185:9</p> <p>diminished 179:16</p> <p>direct 3:11,17,21 23:23 95:8 110:7 122:16 129:6 130:20 133:8 145:18 180:3</p> <p>directed 86:12</p> <p>direction 52:1</p> <p>director 83:1,2,4,14 90:17,25 91:14 165:11 181:10 184:12,24 185:2,5,8</p> <p>directors 82:24 83:3</p> <p>directorship 184:25</p> <p>disagree 11:21 17:8 36:24</p> <p>disappeared 18:18 33:13</p> <p>disclosed 78:13</p> <p>disclosure 32:10</p> <p>discuss 18:13,23 21:17 39:21</p> <p>discussed 50:21 54:25 79:4 81:25 82:7 98:4,6 117:18,19,20 133:15 165:1 168:1</p> <p>discussing 75:1</p> <p>discussion 3:3 1:7,16 23:6 43:2 52:18 53:21 61:6,24 79:1 82:13 91:21 96:25 119:14 123:23 157:23 163:17,18 165:24</p> <p>discussions 19:13,16 21:12 41:6,15,18,19 44:14 50:24 53:2,3 60:17,21 61:4 62:23 63:5,20 64:1,22 79:18 81:8 88:25 89:10 91:19 93:8 95:11,17 97:20 98:23 100:23 124:21,22 126:9 133:9,18,24,25 134:1</p> <p>discussive 51:3</p> <p>disingenuous 10:1</p> <p>disks 32:9</p> <p>dismissed 182:16 183:4 185:5</p> <p>disoriented 121:17</p> <p>dispute 2:13,14 57:2,8 80:10 100:24 154:9</p> <p>disputes 1:2 2:12 26:20</p> <p>disregard 80:19</p> <p>distortion 10:2</p> <p>distress 118:5,6</p> <p>district 118:13</p> <p>DMI 25:4</p> <p>document 6:5,7 34:2 40:22 43:7,10 46:3 73:14 79:24 81:14 83:15,20 86:20</p>	<p>91:18,22,24 92:1,6 92:7,9,13 93:8 96:11,12 101:9 102:14 107:16,22 113:16 121:23,25 124:20 125:12,14 157:11 161:10 168:25 173:14 182:19,25 183:1 184:17,21 185:3 186:5,6,8 188:6</p> <p>documentation 17:13 22:16,22 104:16 124:4</p> <p>documents 1:9 15:13 15:16 17:5 32:7,12 32:14,16,18,18,19 32:24,25 33:6,7,14 40:4 45:17 46:9 52:15 73:9 81:22 82:4,13,16 83:8,10 83:13 93:6 149:3 173:3,5 186:1,12 187:11 188:24 190:16,20</p> <p>dodge 57:2</p> <p>DOHMANN 1:12 70:10,15,17,20,22 70:25 71:3,7,11 73:25</p> <p>doing 7:14 9:5 25:11 26:20 37:5 42:16 44:23 51:23 53:25 56:13 67:20 70:7,8 73:14 74:21 77:2 92:18 99:3 111:14 127:13 140:20 152:13 158:15 164:18 180:11 181:8</p> <p>dollar 69:17</p> <p>dollars 38:11 57:25 183:21</p> <p>Dominique 91:24 93:14 98:5</p> <p>done 5:16 26:22 46:15 47:4,4 48:13 54:6 64:19 75:23 93:10 113:24 114:2,10 116:6 117:7,8,12 140:9 144:4 148:15 178:5 191:6</p> <p>DONNA 2:16</p> <p>down 7:5 16:17 29:19 56:16,17 58:16 60:23 72:12 92:4 93:18,19 95:24 96:16 104:19 114:11 116:1 118:22 122:5,8 126:5 155:9 168:6 175:12</p> <p>Dr 7:15 90:11,12,14 90:24 91:3,6 102:20 102:22 103:1,5,12 103:21,23,23 104:7</p> <p>draft 96:13,17 97:22</p>	<p>97:23 98:16 100:21 102:17 126:1,2</p> <p>drafts 97:7 98:8</p> <p>dramatically 175:13</p> <p>draw 33:19 54:16 107:21</p> <p>drawing 100:17 101:18</p> <p>DRC 13:6,8,11,14 14:11 36:13 37:11 37:19 69:5,6 175:3 193:15</p> <p>drew 84:6</p> <p>drivers 85:19</p> <p>dropped 175:13</p> <p>Duane 2:3,3</p> <p>due 15:24 18:12,22 55:11 56:8 57:11 58:8,20 69:18 80:6 161:6</p> <p>DUFFIELD 2:8</p> <p>DUNCAN 2:7</p> <p>during 35:3 63:13 136:15 141:12</p> <p>DUSHIMIMANA 2:9</p> <p>dust 112:21</p> <p>duty 159:14</p> <p>dynamic 125:2</p>	<p>email 9:8 10:12 14:14 41:17,24 43:13,14 43:14 44:12,13,16 92:23 93:6,13,25 94:9,11,23 95:1,2 96:10,12,14 97:3 99:3,8,22 100:9 101:15,18,22,24 102:5,14 143:16</p> <p>emails 32:22 33:1 45:11 91:18,18,19 92:15,21 93:2,12 95:10 102:15</p> <p>embarrassed 51:4 170:25</p> <p>Embassy 18:3 26:4,24 26:25 28:18,21,25 31:9,14 157:20 158:12</p> <p>embezzled 71:17</p> <p>employ 141:15</p> <p>employed 154:5</p> <p>employee 9:12 84:24</p> <p>employees 33:11 45:11 84:25 157:5 158:19 191:6</p> <p>en 1:20</p> <p>enable 49:11 136:1</p> <p>encourage 44:10</p> <p>end 5:21 48:22 55:23 69:7,8 80:5 97:13 106:23 113:9 121:6 122:16 136:6 142:3 148:11 155:22 156:14 162:12 172:17 184:25</p> <p>ended 45:13 47:15 113:19 155:9</p> <p>ends 105:4 116:15,21</p> <p>enforce 157:25 160:19 161:3</p> <p>enforcing 157:4 160:13</p> <p>engage 31:19</p> <p>engagement 39:25</p> <p>engaging 22:6 67:18</p> <p>engineer 175:8</p> <p>engineering 55:16,16</p> <p>engineers 96:8</p> <p>England 42:14</p> <p>enormous 69:4 153:24 185:15</p> <p>enough 79:16 107:14 110:5 135:5,9 136:10 137:10 141:11 143:24 179:23</p> <p>enquiries 85:15</p> <p>ensure 136:7</p> <p>enter 158:1</p> <p>entered 133:14 138:23 150:12 184:8</p> <p>entire 89:23 91:11 92:15,20 96:18 109:14 116:12</p> <p>entirely 23:12 46:14 68:15 93:18</p>	<p>entities 48:25 49:21 51:21 61:14 79:12</p> <p>entitled 26:11,17,19 184:20</p> <p>entitlement 26:18</p> <p>entity 38:9 50:10 55:19 73:13 75:2,3 75:6,15,19 77:21 87:21 95:2 133:21 134:18 136:16</p> <p>entry 39:24 122:18</p> <p>environment 68:8 117:23 118:25 192:17</p> <p>environmental 27:17 105:10 114:24,24 115:5,20 116:20 117:4,11 118:24 119:4 130:7 138:1</p> <p>equation 74:16</p> <p>equipment 1:20 2:1 2:16 3:1 5:1,7 22:19 50:8 54:5 65:5 86:10,22,24 87:2,4 87:6,11,25 112:24 141:19,22 153:10 161:24 162:14 169:17 170:4</p> <p>era 54:22</p> <p>erased 32:9</p> <p>erratically 103:24</p> <p>escrows 64:4</p> <p>especially 26:17 130:7 148:22</p> <p>essentially 107:22</p> <p>establish 96:4 173:3</p> <p>established 63:17 89:2 131:22</p> <p>estate 74:20 77:2</p> <p>estimated 36:16</p> <p>estimates 153:19</p> <p>et 41:6</p> <p>ETI 130:22,23 134:5 134:23 140:12 149:17</p> <p>Eugene 159:12</p> <p>Europe 87:12,24</p> <p>European 63:9 146:1</p> <p>Eurotrade 131:12 134:5,7,7,8</p> <p>Eurotrade's 154:1</p> <p>evaluation 27:16</p> <p>evaluations 29:19</p> <p>even 8:22 13:19 14:5 16:17,20 23:14 25:9 28:7 37:23 51:20 55:20 88:18 107:10 140:6 152:13 154:14 160:3,4 161:21 162:3,23 171:6 178:5,7,8</p> <p>event 82:19 104:4 122:17</p> <p>ever 43:24 45:9 56:5 60:13 63:4 64:1 72:19,25 75:21 76:18 102:7 109:15</p>
--	---	--	--	--	--

<p>148:5 176:24 177:6 every 8:19 21:5 25:17 25:18 26:23 42:1 46:4,15 91:3 168:23 170:21 171:12 186:14,15 everybody 45:7 54:11 60:25 77:20 114:6 148:3 179:15 186:16 everyone 127:17 everything 22:22 57:1 58:23 105:5 116:3 116:12 125:3 169:15,17 173:15 evicted 185:15 evidence 3:14 4:25 5:4 5:15 6:22 8:9 24:20 24:22 30:23 31:5 39:4 140:16 156:20 173:13,16 Evode 9:18 27:1 152:21,23 154:11 169:23 exactly 9:16 21:19 107:20 134:16 144:14 164:17 168:11 exaggerated 37:18 exaggeration 170:20 examination 3:6,11,14 3:17,21,23 40:18 129:6 141:3 145:18 180:3 193:7 example 20:13 37:5 46:16,19 59:14 113:2,4 137:17 138:15 139:11 151:15,19 153:2 154:2,14 158:10 162:5 192:6 Excel 185:18,20,21 Excellent 127:9 128:16 145:2 except 10:17 85:22 175:13 exceptional 56:24 exceptionally 190:21 excess 153:9 exchange 101:19,22 102:14 excited 119:2 excuse 94:12 95:14 141:6 149:1 execute 163:5 executing 156:16 159:6 execution 160:8 162:16,21 165:18 exercise 125:5 exhibit 17:16 162:4 exhibited 28:2 exhibits 85:17 exist 93:13 existing 21:20 38:6 78:22 81:13,20 188:19</p>	<p>exists 83:22 exit 27:18 expand 135:1,13 138:3 expat 55:15 175:8 expatriates 55:18,25 expats 55:21 62:4 expect 46:2 135:19 137:2 expectation 56:4 58:6 79:22 81:12,17,18 98:15 107:4 expectations 46:8 96:1 104:7 expected 5:6 12:25 26:21 29:6,13 45:12 45:17 88:17 103:25 expecting 2:25 74:13 81:18 140:1 Expenditure 153:20 expensive 33:12 76:20 experience 27:2 49:2,3 51:1,10,15,17 52:22 53:17 84:10,11,14 84:17,17,20 85:5 90:22 91:9,13 176:10,23 177:5 experienced 177:5 experimentation 4:1 expert 40:12 expertise 51:25 experts 52:2 69:13,13 expired 189:1,4 explain 1:12 50:25 67:11 71:15 72:24 73:8,11 102:25 112:16 113:21 117:21 130:25 140:25 141:4 181:23 193:12 explained 32:17 43:24 48:22 49:8 50:4 51:14 57:7 112:14 116:10 138:19 157:22 explaining 13:9 explains 39:8 explanation 7:12 38:16 85:3 158:20 exploit 111:10 exploitation 153:20 exploration 135:8 136:15 138:5 139:9 153:9,18,21 180:13 180:14 exploratory 190:5 explore 135:5 141:15 export 38:17 44:3 exported 36:17 exposure 138:5 express 45:9 expressed 84:21 116:17 148:5 expropriated 7:8,23 17:21,23 20:5,10 expropriation 8:8 11:24 12:5,17 18:12</p>	<p>18:16,22 19:1,19 extend 89:7 152:4,5 extension 90:2 extensive 32:10,14 extent 32:17 72:3 89:13 141:20 extracting 112:4</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>face 6:7 facilities 67:8 fact 2:15 11:16 12:3 12:21 15:20 17:23 22:3 24:10 27:18 32:16 33:24 35:6 39:10 41:9 47:1 54:17 69:21 70:7,8 74:9 80:19 95:23 131:17 135:12 140:19 142:3 162:9 182:5,8 factors 53:9 74:15 facts 155:12 failed 15:22 21:15 22:7 23:7,8 53:6 107:23,24 failure 8:16 fair 20:21 22:5 23:19 26:19 39:12 79:5,16 107:19 110:5 120:14 136:18,19 171:11 172:18 fairer 37:19 fairly 71:7 108:11 fairness 135:23 139:16 fallacious 37:21 false 21:22 182:23 falsely 21:11 familiar 3:5 89:14 90:5 111:13 familiarised 34:15 family 49:24 172:20 fancied 86:15 far 14:25 22:9 32:5 42:8 58:9 67:16 72:15 84:14,20 102:25 130:15 fashion 24:10 89:1 fast 121:16 father 43:18 fault 124:1 fear 117:19 118:4 feasibility 135:25 136:3 153:4 February 28:22 29:1 29:4,7,13 31:2 62:10 66:5 feedback 178:19 feel 4:17 34:20 76:2 92:8 feeling 131:5 179:16 feelings 117:24 feels 121:16 fees 76:19 173:15 fellow 104:11 felt 83:21 117:19</p>	<p>119:1 FERGUSON 2:23 few 47:18,18 92:4,9 144:1 155:2 Fiala 3:20 179:10,11 180:4,6,8,11,19,22 181:18,21 183:8,9 183:12,13 189:10 193:6,8,17 field 191:8 192:10 fifth 19:25 figure 120:1 161:20 figures 38:17,17 filed 31:8,12 files 15:22 21:15,18 32:20 final 20:8 38:21 62:7 finalised 142:23 finance 146:11 147:16 financial 23:16 62:11 184:14 financing 42:23 find 31:7 42:25 46:12 55:2 112:20 113:22 113:24 176:5,16,19 finding 42:7 finds 137:9 fine 4:3 43:13 57:18 58:20 74:23 100:1 100:14 finer 119:6 fines 113:6 fingers 113:8 finish 11:1 152:13 finished 5:17 106:22 177:15 190:12 fire 84:9 85:1 fired 68:22 85:11 104:10,14 147:18 firehose 115:23 firm 38:25 first 3:24 17:1 30:24 34:24 36:23 37:21 41:10 42:10 43:2 44:6 52:10 56:25 61:19 66:2 69:4 84:13 86:25 92:11 94:7,17 100:11 104:5,13 107:16 114:9,14 122:24 125:20 129:23 130:17 137:3 140:2 145:20 160:24 164:24 170:5 181:9 183:25 186:19 Firstly 136:25 fit 60:25 147:21 fitted 70:2 five 8:20 97:5,11 106:14 154:6 164:24 192:2 five-year 98:14 fix 117:12 flexible 5:14 flux 45:13 focus 10:11 25:2 42:22 44:11 45:2 54:17</p>	<p>55:1 69:23 80:23 82:5 88:25 98:6 99:20 105:6 108:5,7 116:16 151:24 focusing 45:14 52:13 60:16 63:4 166:13 follow 46:21 47:8 48:14 80:25 156:23 156:25 followed 7:13 26:4 80:24 160:8 161:16 following 37:12 74:1 89:8 95:16,21 97:10 116:19 157:17,23 175:11 194:7 follow-up 126:23 forbearance 15:23 forced 85:6 foreign 42:8 44:22 Forestry 191:7 forget 35:23 57:12 156:14 176:24 177:6 form 8:18 34:4 38:8 formality 191:9 formally 20:5 72:19 72:25 format 23:25 formation 38:24 formed 76:24 85:9 former 174:19 forth 98:8 101:14 104:25 123:23 143:23 Forum 37:1,22,24 forward 110:9 118:21 forwarding 88:20 found 35:8 37:19 60:15 85:5 87:18 141:23 155:4 185:23,23,24 186:4 186:16 four 106:20 140:2 four-year 135:2,8 139:1,4,13 141:8,9 153:6,13 francs 56:15,16,17 free 146:20 178:25 185:22 193:19 freely 186:16 freight 88:20 French-English 2:18 2:18,19 frequent 93:8 frequently 89:11 91:15 113:4 friend 172:20 friendly 54:5 friends 49:24 164:16 176:13 185:25 front 143:19 144:15 145:8 froze 58:23 frozen 21:1 FTI 2:22,22 3:1,19 40:20 43:7 54:9 65:1,4,24 73:6</p>	<p>86:14 92:4,12 93:9 93:23 96:16 99:15 104:17 105:6,24 110:12 113:13 114:12 115:9 120:15 121:13 122:6 125:11 128:5 130:17 144:6 157:9 182:20,22 Fulbright 28:10,14 fulfil 163:1 fulfilled 163:1 fulfilling 27:2 90:25 fully 16:12 23:25 36:8 full-time 23:20 fumble 93:20 function 13:20 56:12 functioning 47:25 functions 55:18 funds 50:2,2,2 184:13 further 4:8 27:5 29:17 58:23 60:21 64:1 100:23 107:10 110:11 121:21 122:8 127:4 141:1 148:17 154:1 174:25 175:18 193:17</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gain 135:6 garner 135:9 garnered 137:14 Gatare 8:13 18:1 171:2 Gatare's 8:20 170:7 170:18 gather 1:4 gathered 136:1,9 139:4 Gatumba 34:1 35:7 48:24 gauging 168:9 gave 7:12 20:17 26:25 28:18 30:10 51:7 53:4 56:16 122:2 159:18 166:6 186:12 general 14:23 25:4 36:15 93:22 129:10 131:11 134:17,20 156:12 184:25 185:5 generally 46:25 48:12 90:21,22,23 101:3 105:17 136:13 genesis 56:10 gentleman 172:19 gentlemanly 75:24 gentlemen's 8:3 geological 181:25 191:12 geologist 51:13 180:17 geologists 52:2 55:15 175:9 geology 27:1 90:13 188:21</p>
--	--	---	---	---	---

<p>Georgina 1:24 German 55:15 56:24 Germans 164:16 Germany 52:7 190:19 gets 3:3,19 163:6 getting 2:21 25:18 48:2 69:24 88:12 136:13 142:13 GIBSON 2:14 Gifurwe 109:2,9,16 110:2 give 5:16 13:4,12 20:23 21:9 24:25 38:1 39:4 49:20 51:8 66:10 118:14 121:15 123:12 137:22 156:6 157:24 159:25 160:1 162:5 165:10 166:5 170:5 173:19 173:20 183:13 given 4:19 8:9 17:20 20:14 31:5,9 33:7 79:17 115:19 120:19,20 126:13 131:20 133:6 156:17 172:18 173:16 gives 141:9 192:24 giving 3:14 4:25 5:15 41:3 44:23 120:21 166:19 glad 126:2 GMD 151:5 go 1:11,25 2:25 4:6,9 6:5 8:12 9:7 11:22 13:1,21 14:2 15:4 17:10,15,15,15 19:9 19:21 24:1,1 27:14 32:1 33:21,21 34:14 35:21 42:20 43:7 46:17 54:24 60:7,10 63:4 65:10 73:6 78:18 83:19 88:11 93:9 95:4 96:16 98:3 101:7,15 105:6 105:24 110:12 121:16 125:7 126:19 127:3,13,16 128:7,12,16,17 131:14 139:18 143:18,22 144:23 147:9 148:24 149:2 153:25 157:9,10 159:8 160:10 161:10,25 162:11 164:21 167:4 168:25 169:5,22 175:12 178:25 182:17 184:17,21 186:17,25 God 155:11 170:21 goes 97:15 131:23 160:6,7,9 going 1:11,13,14 2:18 4:17 5:4 6:5 9:8 21:6 22:14 24:19</p>	<p>25:16 29:10 30:5 32:5 40:20 43:7 46:5 47:2 51:25 53:4 54:9 58:7,15 63:18 64:9,21 66:10 66:17 69:15 70:6 72:15 73:16,18 75:18 76:1 79:21 80:6 88:24 91:7 92:1 101:11 103:7 105:5 108:22 113:15 115:18 116:8,8 117:22 118:15 120:11 122:16 125:3,11 127:13,16 131:6 136:24 137:11,19 137:22,23 139:8 140:3 141:25 145:19 146:3 150:25 151:11 152:24 155:8 162:1 168:21 169:16 170:7 175:5,22 176:14 181:6 182:19,20 183:24 193:21 gold 84:22,23 gold-panning 112:22 gone 58:11 114:10 good 24:18 25:12 26:21 49:10 50:5,5 52:8 63:7 64:13 96:2 121:18 141:11 147:10,12 190:8,21 gotcha 53:8 gotten 143:16 government 1:18 2:9 11:24 12:5,18 20:16 20:21 21:6 22:1 31:1 38:8 45:6,7,10 46:20 48:6 119:2 135:19 136:4,5 137:12,19,24 138:6 138:22 140:13,17 142:7,16,18,21 167:23 169:2 183:20 188:15 189:4,19,20 190:1 government's 89:22 136:8 gradually 155:8 grant 15:25 16:16 24:13,15 granted 24:7 97:17 130:2 granting 98:11 130:14 grasping 33:9 grass 56:14 grateful 125:6 gravitationally-fed 112:23 great 47:19 118:5 155:12 162:10 greatly 141:6,7 greenfield 35:23,24 36:3 154:23</p>	<p>greenfields 138:9 Grey 86:1 GROSS 2:11 gross 146:4 grossly 21:23 ground 38:16 49:4 59:23 115:24 117:7 175:22 grounds 87:4 group 1:15 2:4 19:17 19:20 50:7 55:17 60:12 61:13,15,15 61:23 69:12 70:5,6 73:19,21 74:18,24 76:1,3,10 78:14,21 82:10 87:1,8,19 103:9,22 142:19 147:4 150:17 155:17 172:6,9 groups 38:7 Group's 73:20 grown 153:16 growth 175:18,19 guarantee 5:17 140:3 guard 169:14 guess 44:19 83:2 149:21 guy 51:13 68:22 guys 47:25 176:18 181:11</p> <hr/> <p style="text-align: center;">H</p> <p>Hage 2:7,7,8,8 half 13:24 18:21 23:20 64:14 155:9 163:7 175:14 hand 16:2 22:21,23 83:18,19 112:20 113:10 handed 159:17 handful 33:13 54:21 handle 124:2 handled 8:4 handover 20:25 169:12 hands 169:2 hanging 144:9 happen 1:16 4:10 13:17 14:7 30:6 68:7,17 86:10 102:21 118:1 119:12 147:13 170:6 176:25 happened 31:15 32:9 39:6 40:9 59:22 60:18 64:4 69:3 71:12 116:9 117:2 119:7,8 124:1 133:15 158:8 159:21 160:19 162:13 164:7 169:13 170:14 172:24 178:18 happening 64:20 66:2 118:9 119:11 146:10 164:18 168:12 176:5,16</p>	<p>177:20 178:1,14,14 178:20 184:3 192:17 happens 97:12 happy 76:6 80:10 115:24 137:22 193:24,25 194:1 harassing 157:21 158:13 harassment 85:19 hard 2:7 32:7 37:4 43:5 53:24 82:10 hard-line 53:24 Harrison 2:3 3:11,14 3:21,23 1:11,14,17 2:17,18 3:3 5:9,23 64:21,25 65:14 127:13,24 129:6,7 131:6 141:3,4 142:10 180:3,4 181:18 193:7,8,17 hate 142:15 having 2:9 40:4 41:20 61:3 62:23 84:9 117:10,20 119:3 126:5,6,13 171:6 192:3 HC 51:19 52:6 69:9 71:14 head 9:14 12:21 51:5 84:6 89:17,21 90:1 90:4,9,11,11,13,19 91:11,11 115:17 121:14 157:15 heading 91:23 headquarters 56:15 151:20 heads 179:16 health 60:6 hear 59:11 128:11 144:12,23 180:19 heard 6:21 172:4 181:5 hearing 1:8 127:6 194:7 heavily 171:3 held 48:17 63:13 114:19 131:16,16 131:23 167:5 help 4:2 19:5 24:15 25:16 42:5 48:2 49:2 74:4 76:8 116:3 117:21 121:17 188:8 helped 89:13 helpful 42:22 99:19 helping 24:7 42:19 66:21 helps 4:13 hence 141:18 142:1,19 her 30:18,19 143:15 143:16,18,18 144:24,25 160:18 hesitancy 98:10 he'll 3:20 5:3 hiding 170:25 high 35:1 48:12 50:17</p>	<p>153:18 155:2 higher 154:2 higher-ups 68:17 highlight 106:1 highlights 110:12,13 highly 17:25 hill 2:6 3:5,12,18,22 1:5,8 4:13 5:11,19 6:4,5 11:3,4,10 40:16 41:8 43:11 45:15 47:12 50:21 54:16 61:18 66:11 66:16 78:10,20 79:6 79:6,11 80:16,24 82:3 83:7 86:5,19 91:17 94:8 96:24,25 97:3 98:10 101:8,12 102:15 104:18 105:8 107:13,20 108:4,7 111:2 112:14 113:16,21 114:17 115:2 120:17 122:1 123:18 131:7,8,9,10 132:14 141:1 144:3 144:5,8 148:19,20 148:21,22 154:16 157:13 177:7 179:3 181:19,20,21 187:3 193:6,9,22,23 Hill's 40:21 45:19,25 52:13 109:18 110:6 110:20 123:16 him 1:16 3:9,14,16,17 4:11 5:4,9,10,11,16 5:21,23 7:2 9:2,3 10:25 12:21 13:15 19:4 27:7,12 31:17 31:24 40:12 41:12 42:15 57:4,5 65:6 65:17 67:17 85:6,7 91:8 99:10 102:1 103:1 104:14 105:11 107:20 110:7 118:24 119:14 121:1 122:6 127:10,16,20,24 128:5,6,7 136:8,9 156:14 157:21 158:13 159:25 160:1 164:5 168:12 169:22 171:1,18,18 175:25 himself 72:6,8 86:15 137:8 167:8,11,18 168:5 183:13 hire 84:11 88:6 hiring 47:25 history 109:14 hit 137:24 hoc 51:8 hold 4:11 58:17 62:7 73:2 83:1 84:3 128:12 167:15 168:14 170:13 holder 49:18 150:8 167:18 181:22</p>	<p>182:3,4,6,12 holders 10:7,16 20:23 29:24 36:16 49:21 149:11 150:16 holding 32:18 75:3,6 81:3 84:5 86:7 148:9 167:8,11 holds 132:6 182:5 home 2:10,16 4:6,7,8 5:2,3,18,19 32:20 125:7 147:10 HON 1:11 honest 132:6 Hong 181:12 honour 129:2 145:12 145:16 179:24 hope 4:15 120:14 176:24 187:5 hopefully 20:20 94:15 145:20 149:4 hoping 92:8 147:7 170:22 horribly 140:22 hospital 154:17,17 host 111:22 112:1,3 hour 3:24 4:15 5:5,8 5:22 64:14 hours 176:15 house 2:22,24 3:2 5:8 85:7 87:17,17 131:2 housekeeping 1:4,6 64:19 127:25 houses 85:8 Huber 109:11 hundred 103:10 hundreds 32:11,19 38:9 49:3 57:24 84:24 hurt 178:4 hypothetical 137:17</p> <hr/> <p style="text-align: center;">I</p> <p>ice 112:5 ICSID 2:23,24 32:2 idea 33:5 131:23 132:9 135:2 162:9 162:11,13 168:18 190:12 191:18 identified 75:2 82:11 identify 25:14 identifying 48:20 ignored 23:16 ignores 165:13 166:16 Ildephonse 12:13,18 12:20 176:1,4 illegal 8:7 60:15 123:2 illegally 7:8,13,23 161:23 images 82:15 imagine 152:16 193:23 Imena 10:12 11:16 20:9 27:5,15 31:15 31:21 152:20,22,23 152:23 154:10,11 155:11 164:22 166:9,20 167:5</p>
---	--	--	---	--	---

<p>Imena's 10:3 15:4 152:10,11,19 immediate 99:13,23 immediately 48:1 57:13 67:21 185:25 import 164:17 importance 46:8 important 27:23 95:9 impose 69:2 impossible 139:7 impression 131:20 166:19 188:18 189:3,18 improper 102:9 163:8 163:9 improved 47:19 63:11 inaccurate 10:12 11:14,19 40:25 156:21 inadequate 105:14 inappropriate 31:11 inartfully 47:12 inaudible 181:3 incentive 13:7 incident 120:18 incidentally 142:24 incidents 192:12 inclined 107:15 include 52:24 110:2 included 109:1,21 126:2 135:4 includes 32:22 33:1 including 2:5 30:2 32:11 42:9 79:10 85:19 131:3 138:21 159:21 186:12 income 35:3 inconsistent 33:8 169:9 incorporated 180:25 181:14 increased 24:8,23 26:3 153:14 indeed 21:16 165:21 independent 40:12 independently 153:5 INDEX 3:1 indicate 28:8 92:5 indication 30:24 77:17 individual 165:12 166:15 individuals 68:20 indulgence 49:22 146:3 industrial 153:11 industrialisation 105:11 industry 8:21 35:2 47:9 114:4 132:16 149:13 180:15 inexpensive 69:22 inexperience 68:4 inform 30:20 187:15 informal 8:14 informality 146:4 informally 33:24 35:6 informants 161:15</p>	<p>information 15:5,17 16:6,8,18 17:9 23:2 23:3,12,13,22 63:1 63:16 96:2 121:11 123:18 125:18 129:20 135:5,9,15 135:25 136:8,10,15 137:10,13 139:3,5 161:3,9 163:11 164:6 172:2 175:6,7 184:14 186:10 191:18 informed 39:7 149:10 150:15 169:13 informing 160:3 infrastructure 29:20 29:22 151:14,15,19 151:25 153:10 inherit 151:15,25 inherited 151:14 initial 41:5 153:7 initially 182:9 initials 45:4 initiated 41:5,14 input 129:12 inserting 81:21 inside 3:3 insisted 73:16,17 insistence 73:20,20 116:5 insisting 80:5 83:7 115:17 inspector 192:22 inspectors 192:13 instance 12:8 133:10 135:20 152:1 157:7 instead 3:2,5 170:13 institution 186:13 instruct 145:22 instructed 7:19 28:10 28:14 30:18,19 instruction 5:24 7:15 28:17 126:13 instructions 26:4 insulting 31:8 intellectual 181:4 183:19 intelligent 124:14 intend 4:16 24:15 123:4 intending 116:25 intends 4:21 intention 111:10 interact 91:1 interchange 34:18 interest 25:4 184:2,6 interested 31:17 34:7 130:22 147:24 interests 52:9 interject 4:13 intern 2:24 internal 12:20 83:25 96:4 125:14,14 126:16 internally 96:4 International 1:2 2:11 2:12,13</p>	<p>internationally 20:16 69:7 internet 185:24 193:5 interpret 16:10 interpreter 2:18,18,19 2:19,20 INTERPRETERS 2:17 interrupt 53:11 intervened 117:18 intervening 60:4 interviewed 147:22,23 intimidate 104:11 introduce 145:21 introduced 42:24 168:22 introduction 37:12 invented 33:5 175:20 inventory 70:5,12,18 71:1 87:6 invest 43:21 44:11 51:16 60:12 105:20 130:23 131:3 141:11,12 192:4 invested 149:12 185:9 investigate 174:25 175:23 192:11 investigation 104:10 160:9 investigatory 85:5 investing 42:18 107:11 130:22 149:10 investment 1:2 2:12 2:13,14 8:1,13 9:1 11:25 19:2,18 22:20 28:12,16,23 29:2 35:1 38:4,5,11 40:24 41:5,10,16,22 42:7,17,19 44:2,11 44:19,22,25 46:23 47:13,22 48:9 49:23 50:5 77:8 82:11 86:7 96:6 106:5,8 109:1 135:7,11,16 136:10,11 138:21 142:1,19 174:15 175:18,18 investments 43:1 48:5 153:8 investor 24:9 42:11 47:6,6,7,8 60:12 61:15 130:23 132:12 135:3 136:1 136:4,6 137:6,9,11 137:12,15 178:2,7 178:22 investors 7:7,22 19:10 19:16 22:2 26:12 37:1,22,24 43:1,3,5 44:22 47:21 48:4 52:5 61:13,21 62:22 123:1 130:21 131:16 165:25 166:1,6 187:8 Invitation 165:6 invite 127:10</p>	<p>invited 24:25 119:13 invoice 88:5,16,17 involve 53:20 involved 52:12 85:16 88:11 133:10,16 146:15,18,20 162:2 180:12,23 involving 157:14 in-chief 121:20 irrelevant 20:9 irrespective 26:17 irritated 45:20 issue 1:18 17:8 50:19 56:8,9 59:1,3 61:5 62:3 65:3 69:3 74:9 102:10 109:24,25 110:3 114:3 165:1 166:7 issued 186:14,15 187:13 issues 25:3,3 30:2,3,3 51:8 54:25 60:20 62:24 63:6,17 64:2 78:11 89:14 114:24 115:14 116:21,24 117:16 118:4 142:17 147:17 issuing 12:25 14:8 ITA 9:13 103:10 104:5 item 21:10 items 130:5 ITRI 175:5 185:18,20 185:24,25 186:5,6,7 186:7 ITSCI 9:10,14 12:9,22 37:8,12 38:15 192:10 IZABELA 2:24 I-M-E-N-A 152:22</p>	<p>joined 131:10 133:6 133:17 joint 181:11,16 Joseph 2:7,7,8,8 JR 1:11 judge 191:16 judged 191:19 judgment 157:4 158:15,24 159:2,5 160:17 161:7 166:17,21 184:19 judgments 156:16 157:22,24 158:13 158:14 160:13,25 161:2,21 163:1,16 164:6 165:14 Julius 68:22 July 28:10,14 34:5 57:5 June 1:7 1:1 20:13 27:15 39:20,20 40:6 157:15,18 158:1,4,9 159:9,10 junior 6:9,19 Jurisdiction 1:8 Justice 2:15,16 43:19 101:22,23,25 102:4 157:16 159:22 165:13,17 166:17 166:23</p>	<p>69:21 71:19 74:11 89:12,12 102:20 110:1 117:2 125:18 125:18 140:16 148:3 158:14 164:17,18 166:25 168:17 170:1,24,24 176:13 knowledge 129:22 130:11,13 132:16 133:8 known 36:14 67:16 79:20 89:16 132:13 140:22 knows 1:23 3:2 37:23 163:18 175:21 178:21 Kong 181:12</p>
L					
					<p>lab 155:21 laboratory 155:14,15 155:16,16,17,18,19 155:20 156:9 labour 30:3 lack 58:14 lagoons 115:25 Lambert 42:2 43:18 44:7,9,14 46:7 Lambert's 46:22 language 16:14,19 45:21 96:18 97:12 97:14,20 98:7,18,23 98:24 100:24 115:18 122:15 125:5 laptop 2:22,23 32:17 33:14 large 33:12 49:10 96:8 109:12 114:5 130:23 132:12 155:23 189:5,6 larger 38:4,6 largest 33:24 35:6 42:8 109:7 174:11 large-scale 10:6 13:14 14:21 48:17 84:22 109:8 last 6:17,25 22:3 38:13 45:15 51:5 54:14,20 95:6 102:14 115:8,9 122:20,24 127:8 145:21,23 165:9 193:8 late 3:3 57:7 60:6 140:17 later 9:9 11:1 49:19 53:1,8 54:13 60:1 88:10 104:1 110:23 121:7 158:3 178:8 latter 72:8 law 38:25 39:11,19 150:13,14 lawsuit 73:1 lawyer 160:23 lay 113:5 lead 43:3</p>
K					
					<p>Kabarebe 25:4 Kabera 68:22 110:14 KABIBI 2:9 Kamanzi 103:20 118:2,10 119:9,13 Kanyonga 123:11,22 KAPLAN 1:22 143:8 143:10 144:6 145:4 148:20 keep 92:12 118:19 141:25 175:14 kept 18:2 45:1 61:22 68:4 Kevin 3:10 128:19 129:10 keys 159:18,19 160:1 160:1 KG 1:11 Kibelinka 91:24 93:14 Kigali 32:8 39:21 40:7 80:6 88:12,13 154:18 161:14 killed 30:21 kilometres 141:19 kind 7:17 16:9 29:21 29:23 32:15 53:2 86:15 163:17 169:12 179:22 Kinyarwanda-Eng... 2:19,20 knees 47:15 knew 7:16,19 14:25 15:2 21:1,1,5 28:8 30:5 44:22 46:11,11 49:7,25 52:17 57:1</p>
J					
					<p>J 1:11 JAMES 2:22 January 30:15 58:2 59:10,14,15 61:7,25 62:10 66:5 124:4,7 124:15 125:13,16 125:19,21,21 126:10 130:14,16 140:20 142:24 January/February 62:19 Jaroslav 3:20 179:10 180:6 JEAN 2:19 Jeffrey 169:21 Jerry 180:6 jigs 161:17 job 44:25 72:1 94:14 121:19 134:2 164:8 164:9 175:23 176:4 176:19 192:23 jobs 47:18 JOHN 2:12 Johnston 101:21 join 1:16 127:10 128:2</p>

<p>leading 107:14 learned 121:6 123:9 123:17 least 1:21 21:23 39:20 99:1 184:2,7 leave 2:9,13 5:20 73:7 80:14 99:8 107:3 125:11 144:4 147:9 193:19 leaving 60:2 79:8 led 24:12 44:8 74:15 93:8 102:8 114:19 124:15,25 132:19 133:9 left 2:19 37:14 57:13 60:3,6 62:25 76:21 80:24 95:6 141:24 141:24 155:4 159:17,18 legal 11:23 12:4 21:7 24:25 39:7 40:12 44:23 183:13 legislation 188:10 legitimate 57:2 legs 46:12 less 4:15 35:9 112:3,8 113:4 117:5 let 10:25 65:18 67:14 91:22 93:10,20 99:5 105:7 122:6 124:12 126:24 127:10,17 128:5,7 141:8 148:8 letter 9:7 10:11 11:13 11:19 15:9 16:5 19:11,14,22,25 21:11,14 22:5 23:1 27:11,14,20,23,24 28:1,3 29:16,17 34:4,8,10,12,15,21 46:11 57:14 113:20 113:25 114:2,9,13 114:16,17,18,20,21 114:23 115:3,9,13 115:16,18 116:19 116:21,23 117:6 120:17,21 121:3,8 121:10,10,12,14,22 122:3,4,13,18 124:4 125:19,25 165:2,9 165:12,13,17,19 166:15,16 167:7 169:11 183:6,24,24 letters 25:9 27:4 28:1 32:12 46:9 50:22 52:21 53:15 188:15 letting 53:13 let's 2:18 5:20,25,25 9:17 10:10 38:20 137:5 150:19,23 154:20 158:18 159:8 161:10,25 162:4 164:7 171:22 176:15 186:17 187:3 level 35:11,15 48:12 50:17 135:6 levels 154:1 175:6</p>	<p>192:24 193:2,9 leverage 70:3 liabilities 54:18,22 55:2,7,9,11 68:25 78:12,19 79:3,12,14 80:21 83:16,16 liability 57:18 66:14 66:23 67:7,15 68:9 68:12,15 69:2 70:2 71:4,5 73:22 78:14 78:21,22 79:2,13,23 81:2,14,20 liable 73:2 licence 9:20,25 10:4,5 10:14,15,22 11:16 11:17,18,18 16:17 16:19,22 17:5 21:13 25:16 26:17 47:23 44:3 67:22 90:19 93:5 98:11,13,13,14 102:17,17 104:24 106:19 124:6,16 125:6 129:24 130:13 132:7 135:2 135:3,8 137:2,22 151:2 152:9,10 153:8,13 165:4,5,7 167:25 170:13 181:22 182:7,12 188:19,25 189:8 licences 8:17 15:12 16:1 22:12 24:6,10 24:13,16 25:19 27:9 33:21 48:18 49:6 59:2 89:8,19 90:2 95:14,14 115:21 116:4 130:1,8,24 142:4 146:16 148:12 169:25 170:16 186:20 187:8 189:21 licensing 23:21 89:17 89:21 90:18 lie 171:12 life 138:10 156:15 lifted 165:22 166:24 like 1:16 2:6,24 4:19 6:11,18 20:22 33:20 35:14 46:6,7 48:18 49:9,14 50:25 53:8 53:8 54:23,25 56:14 58:4 63:3 65:6 76:21 77:23 96:5 105:10 112:21 115:19,20 116:22 121:17,23 128:13 135:1 140:25 142:3 144:17 155:4,22,23 161:20,25 167:16 168:15,21,22 170:8 170:9 172:5,8 175:4 175:22 176:20,21 178:4,7 183:17,22 193:2,23 likely 14:10 35:2 38:17 limbo 5:1 169:18</p>	<p>limitations 83:16 limited 3:7 167:8 192:6 line 43:16 45:2 84:3 86:21 97:15 124:5 130:20 151:16 152:1,5 liquidity 49:5 LISA 2:11 list 48:15,24 78:18 81:13 86:24 163:13 listed 78:14,21 79:22 79:23 81:19 listen 29:10 85:22 190:25 lists 83:1 literally 14:18 79:7 little 2:6 7:4 17:19 45:23 59:6,8 63:15 110:5,11 119:5 live 14:17 lived 147:19 180:10 living 23:20 189:15 LLC 1:15,16 2:4 77:12 LLP 2:3,3,7,7,8,8 Lmucy 43:16 local 29:22 31:1 67:25 88:20 113:2 locally 87:5 location 49:13 53:7 113:11 locations 87:14 lock 187:12 locked 68:5 184:10 188:23 locomotives 141:21 log 143:15,18 logical 131:1 166:8 logs 28:6,7 London 147:22 long 7:12 9:19,25 21:13 24:6,16 26:22 44:14 49:17 63:13 91:18 92:1 95:9 135:24 137:7,21 139:24 140:15 163:13 165:7 166:24 188:1 longer 4:21 132:5 long-term 8:16 10:4 10:14 11:16,18 16:19,22 20:22 25:6 25:19 29:24 33:20 47:23 48:3 49:16 74:13 89:18 97:17 104:24 107:5,8 109:7 124:5,16 125:5 126:1 129:24 130:8 135:7,10,11 135:16,19 136:9,11 137:2,14 139:2,5 140:3,23 142:2 149:11 150:8,16 151:2 152:9,10 look 6:11,15,16,22,25 9:17 13:1 15:1</p>	<p>18:10 21:10 28:6 34:3 36:19 45:18 46:5,16 47:22 48:15 48:25 49:9 56:3 58:16 78:12,18 86:18 96:6,21 113:14 115:8 117:5 118:21 119:13 129:11 132:14 150:23 162:4,23 164:23 167:6 171:22 177:13 183:25 looked 28:7 79:17 134:4 looking 34:20 43:15 45:18 48:23 52:8 82:2 83:15 85:16 114:16 122:14 185:20 looks 2:6 128:12 193:23 loose 105:4 116:15 looted 170:6 LORD 1:11 lose 22:12 29:8,15 69:17 116:4 loss 66:20 67:6 73:3 losses 73:2 lost 28:22 29:1 66:23 68:7 69:11 70:4,5 72:5 190:3 lot 32:7 90:21 104:25 120:12 123:22 140:1 151:19 185:3 187:16 190:20 lots 56:5 173:3 LOUTFI 2:23 love 116:16 lower 7:4 LUCY 2:8 L-M-U-C-Y 43:16</p>	<p>126:10 132:4 133:21 135:17 153:8 164:16 167:15 168:18 171:10,12 176:8,21 177:1 182:24 189:21 made-up 166:10 magic 113:12 magnetic 161:12,17 161:23 major 69:10 181:3 193:13 make 1:15 4:24 7:17 7:19 11:1 17:19 25:12 34:10 36:11 38:20 54:3 56:13 58:1,7,10 60:24 63:18 65:19,23 93:20 101:14 107:22 108:13 120:10 123:14 128:21 135:1,5,6,10 135:16 136:9,11 137:7,14,20,24 139:18 142:1,19 143:4 143:15 156:11 158:6 168:21 171:9 171:16 190:8 makes 120:8 138:10 165:12 166:15 171:2 making 20:8 31:11 33:17 47:3 61:5,21 107:4 144:13 153:10 161:5 191:3 192:3 man 51:5 123:3 137:10 manage 66:21 72:7 managed 148:22 management 68:10,13 68:19 71:23 84:16 84:17,19 89:6 111:12 147:22 180:18 manager 9:21,25 10:8 10:8 59:16,23 129:11 131:11 147:16 managers 132:22 133:4 manager/controller 146:11 managing 67:8 165:11 manifestly 8:5 manner 63:15 183:10 manning 1:15 manpower 53:24 manufacturer 51:18 52:6 many 21:16 29:3 32:18,18 46:15 56:12 63:7 66:1 69:20 74:11 84:24 87:5 106:18 107:6 113:6 118:10</p>	<p>132:22 133:18 174:5,7 187:14 189:14 190:16,16 191:13 192:14,16 192:16 map 189:25 mapping 181:25 182:1 maps 188:22 Mara 48:24 March 82:22 89:15 104:5,13,14,14,16 172:4 marked 41:17,25 market 69:11,17 Marshall 2:4 3:4 4:14 6:1,3,5 11:13 23:10 34:7,16 36:24 37:17 38:18 40:16,20,21 63:18 65:19,23 66:10 70:10 71:7 73:25 80:15 86:16 92:5 93:12 99:17 105:7 106:1 108:14 108:24 113:14 114:14 118:20 119:23 120:16 121:21 122:1 126:17 128:2 132:19 133:1,2 151:5,8 157:20 159:10,12,17 176:21 Marshall's 65:24 match 103:12 104:3 material 24:20 111:22 112:1,3 113:10 142:9 189:16 materials 71:6 matter 1:1 18:13,23 47:14 83:25 87:16 107:18 114:3 126:16 127:25 129:15 159:16 189:4 matters 3:3 5:3 maximum 141:25 may 1:24 13:4 15:1,5 17:17 27:11,24 29:16 32:23 34:10 46:24 62:10 66:3 80:3 81:3 82:25 83:23 111:25 112:1 112:2,7 121:14,14 134:22 145:16 146:4 170:2 171:25 maybe 8:21 38:4 47:11 57:5 171:15 176:3 183:21 192:22 Mbanza 185:13 McCARTHY 2:7 McGowan 1:24 mean 24:2 26:14 36:21 72:14,22,24 88:23 97:22 105:4 112:17 115:15 118:2 148:14 156:3</p>
--	---	---	--	---	---

<p>162:1,3 164:12 181:24 187:21 means 113:18 141:17 150:14 meant 11:11 15:6 23:3 47:1 59:15 71:4 113:20,22,25 114:11 149:25 166:6 167:23 mechanisms 13:18 meet 8:22 15:7,17 18:2,3 23:18 27:7 27:11,12 31:16 42:21 105:14,21 107:23,24 138:24 171:1,5,19 meeting 6:7,8 9:3 16:9 31:21,22,23 34:5 37:23 39:20 40:5,8 42:20,25 43:4 103:9 104:5 114:19 115:16 116:8,18,19 117:3,18 118:5,8,13 119:6,9 132:25 157:17,18 159:10 160:14,16,19 164:22 167:5,9,17 167:18 168:13,19 171:7,14,15 185:1 meetings 21:16 27:5 51:10 89:11 170:11 171:3 member 12:18 37:22 members 95:25 memorandum 77:16 memory 80:2 82:5 102:13 103:11 mentioned 54:23 60:2 60:20,20,21 61:3 89:1,9 95:9 97:7 154:3 mere 33:13 Merits 1:8 message 4:10 39:24 46:6,7 75:9,20 messages 143:22 met 27:12 28:18 42:15 57:4,4 132:21 140:10 172:11 177:18 178:12 Metallurgical 180:17 methodology 141:15 metres 192:7 Michael 2:15 7:15 90:11,12,14,24 91:3 91:6 103:1,12,21,23 103:23 MICHELLE 2:7 Microsoft 127:18 midday 194:4 middle 167:24 might 3:12 28:20 33:6 42:11 43:2 48:8,8 64:11 79:9 83:19 107:14 Mike 102:22 103:5 Mike's 102:20 104:7</p>	<p>military 24:5,7,14,17 24:23 25:15 26:5,5 26:13 30:7,9 31:4 42:9 172:1 174:22 mill 155:22 milled 155:25 million 35:10 38:5,6 38:11,12 70:2 105:20 106:8,14 107:2 109:19 110:1 110:8 139:9 153:9 153:22 183:21 190:19 191:11 mind 20:17 31:18,24 139:25 149:23 187:25 mine 35:24 53:25 100:5 130:15 131:3 132:8 140:21,24 141:10,14,16,16,22 151:18 154:14,19 155:8 165:6 192:7 192:16 mined 38:3 68:14 141:16 191:22 192:1 mineral 15:25 67:15 111:22 mineralisation 155:5 mineralised 112:20 minerals 13:5,7,10,15 14:4,8,9,10,16,20 14:21,24 36:13,14 36:17 37:1,11,14 38:3 52:6 66:20,20 67:6,11,12 68:3,3,8 68:13,25 69:6 71:12 71:21 72:2,5 111:16 111:24 112:6 155:24 163:12 175:2 176:2 miners 14:17 69:6 112:20 118:13,15 119:7,9 153:17 176:1 178:4 mines 20:6,14 33:25 35:7 46:18 89:22 103:19 104:2 109:2 109:10,21 129:11 129:12,13 131:11 131:22 134:10 141:5 173:24 174:5 174:7,8,11,18 175:10,12,14 191:6 192:20,25 MINIJUST 2:9 157:16,18 159:12 minimum 136:14 mining 2:9 8:21 9:19 10:7 14:6,18 16:3 17:21 20:3 21:13 26:6 27:2,17 33:25 34:1 35:2,3,7,8 36:15 37:1,7,9,22 37:24 38:5,9 47:9 47:23 48:17 49:2,3 50:8,8 51:15,16,19</p>	<p>52:2,4 56:12 67:20 67:21 71:24 84:10 84:14,18,19,22,23 90:17 109:8 114:5 115:23,24 118:11 124:5 130:24 131:21,22 132:16 134:17 135:3 136:21,21 137:16 138:2 146:17 149:12 153:11,12 173:23 174:2,18,22 174:23 175:8 176:1 180:12,14 181:22 182:7 187:7,14 189:5 191:20,25 192:9,18 minister 9:18 12:8,15 17:20 18:1 19:15 20:6 21:21 23:22 43:19 46:17 101:22 101:23,25 102:4 103:15,18,19 119:3 155:11 159:22 160:8 165:2,3,8,8 165:10,13,13,18 166:14,16,16,20,22 170:12 189:13 190:9 Minister's 18:12,22 19:11 20:4 21:22 ministry 15:23,25 21:12,25 22:5 23:23 26:6,18 30:4,13 94:22 96:1 107:1 109:25 114:6,10 118:10 124:19 125:13 126:9,13,25 168:2,7,16,19,22,24 174:1 190:9 191:6 191:15 Ministry's 21:18 96:1 96:19 168:9 minority 182:8,10 183:12 minute 6:7,8,10,15 167:4,17 168:4,4,8 minutes 119:18 144:2 144:17 168:11 mirror 82:15 misleading 21:23 166:19 misled 123:2 mispronounced 143:12 misrepresent 19:22 misrepresented 184:6 misrepresenting 184:1,14 missed 29:11 107:12 missing 71:20 85:2 99:13,24 100:12 mistake 93:22 mistakes 54:3 misusing 184:13 Mm 106:10 moment 5:1 12:1</p>	<p>30:17 34:8 64:20 105:6 132:9 144:14 156:6 173:19,20 191:1 Monday 40:22 money 56:18 58:6 61:10,11,11,17 62:20,20,21 63:13 64:4 85:2 135:14 137:10,11 138:8 139:13 140:2 141:18 142:2 147:17 158:6 163:15 185:3,9 187:17 191:6 192:3 monies 71:16 monitor 37:4 monitoring 37:13 month 115:21 117:6 155:10 months 18:13,23 20:5 21:16 69:12 88:10 142:5 155:2 169:11 189:16 more 3:7 5:5 17:20,23 20:4,6,10 24:10 36:16 38:10,18 64:19 79:10 87:20 92:13 102:15 106:2 108:16 111:18 112:2,7,19,22 121:15 124:14 126:14 151:8 153:2 153:17 156:22 158:24 159:2,5 189:16 morning 1:25 4:15 100:4 Morris 2:3,3 most 32:12 37:10,14 69:7 171:8 191:5 192:4 move 5:25 33:18 38:20 108:3,12 121:23 150:25 moved 113:23 186:23 movement 13:14 movie 176:20 moving 2:6 64:10 78:6 110:9 161:14 Mruskovicova 3:16 27:8 31:16 133:2 143:11 144:15 145:6,8,19,24 148:24 157:19 159:11,13 173:20 175:20 177:7 much 3:9,21 4:21 5:3 24:19 26:25 31:21 34:18 45:12 47:17 53:8 69:17 109:19 127:2 138:10 141:24 144:11 146:17 153:2 154:2 156:22 161:1 163:15 164:7 173:12,18 175:2</p>	<p>178:23 179:1 180:2 190:3 191:8 193:18 194:3 Mucyo 43:18 44:7,14 46:7 Mucyo's 44:17 MUGENZI 2:19 Mugisha 38:21 39:8 39:19 40:10 172:20 Mugisha's 38:25 39:25 MUKARUTABANA 2:20 Musha 190:2 must 20:1 45:16 107:18 138:7,10 149:20 168:23 175:19 189:9,13 mute 120:2,4,6 148:20 mutual 53:5 myself 50:6 62:21 84:1 92:25 93:24 103:21 121:25 135:17 185:2,7</p>	<p>negotiating 55:5 84:1 125:5 negotiation 8:14 19:12 20:25 23:5 53:1 58:23 79:25 126:3 negotiations 18:14,17 18:24 30:1 39:5 50:18 74:5 80:1 89:18 125:15 133:9 133:11,19 151:4 163:21 165:7 Nemba 14:1 36:2 48:24 110:23 154:20 159:19 160:1,2,4 171:24 172:7,10,12,16,17 173:10 190:1 never 7:21 8:1 12:11 16:20 22:16 23:21 27:6,12,20,24,25 31:22 37:23 49:7 53:7,8 57:1 58:9,23 60:14,19 109:24 110:3 125:18,18 126:14 158:11 160:17 161:3 162:20 22:16 23:21 167:16 169:13 171:10 176:19,24 176:24 177:6,6 182:25 183:6,17 184:4,8,9,16 191:18 new 2:1 6:5 16:23 22:9 101:4 118:10 122:22 125:19 139:21,22 189:21 newspaper 31:2 next 1:13,18 2:3 5:22 9:22 11:22 18:11 19:9 31:1 34:14 87:7 88:13 108:22 108:25 114:22 121:22 125:19 165:1 193:23 194:1 Ngali 131:21,22,23 173:23 174:2,14,18 174:23 nice 176:12 NICOLE 2:13 Nigeria 193:15 Niotan 181:16 Niton 156:8 Niyonsaba 9:8,10 11:14 12:4 13:9 14:14 36:19,22 38:15 175:4,23 Niyonsaba's 37:20 Nkanika 172:11 Nkubito 6:9,18 7:16 8:4 Nkurunziza 42:13 nobody 16:24 20:25 22:14,24,25 54:1 71:14 136:1 139:10 139:25 163:18 168:16 172:21 185:7</p>
--	--	--	--	--	---

<p>none 14:25 51:15 84:16 178:12 nonsense 162:17 non-disclosure 54:12 noon 194:7 normal 16:9 171:7 191:15 Norton 28:10,14,18 40:11 note 35:10 39:23 160:20 164:21 noted 23:4 183:11 notes 192:17 nothing 33:15 35:25 35:25 107:10 112:19,22 114:2 127:4 129:4 145:14 163:8 168:8 180:1 notification 8:12 15:4 17:19 19:11,14,22 19:25 21:11 182:21 notify 15:24 November 60:6,10,19 104:21,22 106:4,11 106:25 181:15 NRD's 14:5,9,12 20:6 22:2 32:14 35:15 38:24 39:21 86:7 89:7 105:19 106:18 106:25 107:3 112:9 131:16 132:18 152:9 157:3 159:9 Nsengiyuma 156:12 157:10 158:15 159:25 163:23,25 Nsengiyuma's 157:9 number 25:1 27:4 28:19 37:6,9,18 45:15 56:22 57:13 85:18 89:9,14 93:19 112:13 155:8 156:16 157:4 159:21 172:22 numbers 57:24 numerous 51:7 55:14 89:1 Nyakabingo 109:2,9 109:16 110:2 129:13 130:1,2,5</p> <hr/> <p>O</p> <p>object 10:23 objection 5:20 objective 26:18 31:25 obligation 57:9 105:19 139:12,14 obligations 35:8 55:13 55:13 83:17 96:19 105:15 106:13 134:21 135:12,18 135:21,22,24 136:22,23,25 137:1 140:7,9,10 oblique 47:2 observation 35:18 observe 128:10 observer 128:3</p>	<p>OBSERVERS 2:10 obtain 48:13 109:23 obtaining 51:1 53:20 107:5 obviously 2:16 9:24 34:11 53:9 92:10 134:1 143:23 146:20 176:1 188:11 occasions 16:8 28:19 132:23 occupation 180:5,8,9 occupies 183:8 occur 61:6 104:3 occurred 69:6 October 160:13 169:1 183:1,16 Odette 157:15 off 10:25 16:23 18:7 60:11 66:19 67:1,5 67:14 72:13,13,14 81:6,19 95:6 99:4,8 99:10 114:7 115:17 121:14 124:12 128:6,7,9,17 139:21 144:23 offer 3:11 49:14 117:13 offering 74:7,7 117:1 office 2:11,12,13,14 2:9,13,25 4:9 5:2,6 5:16 18:4 32:8,16 32:20 33:15 40:5,7 55:20 56:6,10,15,19 57:3,9,13,15,19 58:5 61:4 62:5,14 62:17,25 63:5 65:2 66:4,5 83:24 89:22 90:17,23 95:13 103:20 139:21 147:11 157:18 158:1,5 159:9,15 160:4 170:7,19,22 171:9 187:12 188:23 officer 6:20 176:8 officers 192:10 offices 20:7,14 21:3 23:5 30:11 39:21 59:4,5 60:14 120:19 183:5,8 184:7 187:12 official 3:13 46:13 71:22 102:10 130:15 officials 42:21 often 90:24,25 91:4,4 91:13 111:5 112:4 145:20 OGMR 90:5,9,23 91:12,14 101:2 oh 57:15 120:5 149:6 154:11 155:11,16 161:25 164:12 176:3 okay 1:11 3:23 5:12 6:2 34:22 49:23</p>	<p>56:15 61:8 62:20 73:21,24 74:18,23 78:6 79:5 81:1 82:15,22 86:17,25 89:20,25 90:3,9 93:2 96:16 99:2,18 101:5,18 104:22 108:18 110:24 111:9 116:14 118:18,20 119:25 122:16,19 124:21 127:11 128:11 129:10 130:4,4,11 141:8,12 143:10 144:16 146:2 156:5 164:14 178:24 old 27:1 151:23 Olomouc 117:5 once 49:25 98:23 158:4 192:21 one 3:12 9:9 10:5 14:13 17:20 20:10 22:21 25:20 29:3 33:10 37:15 43:20 45:22,22 48:20 49:17 55:14 56:8 65:6,7 68:9 69:9 70:4 73:13,14,21 80:23 82:16,17 83:18,22,22 85:17 86:3 87:21 88:21 92:13 93:12,17,23 100:13 101:6 102:19 108:5 109:10 110:13,18 110:21,21 114:25 115:20 120:10 122:17,17 125:5 126:24 127:25 130:20 132:7 152:14 154:3 156:6 158:15,17 168:24 173:19,20 175:14 177:13 181:25 184:2,7 186:16 188:16 189:6 191:11,11 ones 48:23 190:11 one-sentence 115:10 one-time 81:23 ongoing 19:12,16 22:19 online 186:3,4,16 only 8:20 12:24 19:6 20:12,18,24 21:2 24:8 37:15 43:14 51:14 54:11 55:9 63:22 77:17 79:25 83:25 91:10,23 94:23 95:22,23 103:11 107:9 108:13 112:15 122:21 139:23 140:19 141:24 142:20,23 154:7,8 154:24 155:2 158:15 159:3,14</p>	<p>161:23 179:15 184:9 185:4 192:7 193:14 onsite 186:3 onto 10:20 63:13 139:8 onus 123:24 135:8 137:15 open 141:22 159:14 opening 138:8 operate 111:16,23 188:15 operated 112:17,18 operates 129:25 operating 37:7,9,15 47:18 48:1 66:21 188:13 operation 27:9 141:13 154:23 operational 35:24 36:8 operations 14:7 20:2 36:6 109:12 112:9 opine 108:1 opinion 107:17 108:2 opinions 107:21 opportunities 22:7 opportunity 141:10 opposed 54:23 91:11 111:20,21 opposite 14:13 option 168:2 options 28:20 oral 23:23 26:1 oranges 14:15 154:12 orchestrated 113:1 order 14:7 27:2 47:8 48:8 49:5 80:3 92:10 113:6 130:14 135:10,15 142:8 Ordinarily 125:22 ore 110:11,13 112:4 112:20 113:6 136:11 138:25 141:10 organisation 146:19 176:4 organised 113:1 171:4 orient 96:13 121:17 126:7,8 oriented 92:2 original 106:8,12,17 106:19 107:1,4,9,25 109:1 166:3 originally 76:24 77:1 87:22 106:6 133:21 187:1 originated 14:11 originating 14:5 ostensibly 71:25 other 1:9 13:17,18 14:1 15:10 18:6 19:5,5 20:22 22:23 26:12 28:1 29:23 36:2 41:11 44:25 48:4 49:6,21 50:3 51:8 52:2 53:9,15</p>	<p>55:23 56:9,11 60:11 61:14 62:22 68:12 76:4 77:2 79:14 80:20 81:22 82:25 83:16,18,18 93:3 95:11,25 97:7,8,11 107:9 108:5 109:11 110:17,18 111:16 111:24 112:17 116:20 138:9 140:5 151:5,25 161:24 175:14 181:18 183:14 186:12 187:22 189:4,22 190:9,22 191:4 193:12 others 8:6 11:6 42:2 50:7 76:11,13 85:15 87:19 95:13 103:10 192:4 otherwise 4:12 132:12 146:4 166:2 170:5 ourselves 139:6 out 2:3,8,12,20 5:21 10:7,17 20:15 25:10 30:16 49:11,24 55:2 60:15 61:21 68:16 69:14 73:15 74:9,14 78:13 79:5 87:4,6,7 91:6 92:10 97:10 98:12 108:2 110:3 113:5,8,22,25 116:18 120:1 124:14 131:17 136:12 141:17 142:22 143:2,18 153:18 155:6 161:19,20 162:21 165:5 166:2 170:13 175:3 176:5,16 182:22 outrageous 31:10 116:5 outside 4:8 18:4,4 93:6 170:18 171:8 outstanding 161:6 over 4:3 5:21 13:1 16:2,2 23:8,8 25:23 25:23,25,25 40:17 45:15 50:8 54:20,20 55:2 56:22 58:11 67:12,24 68:13 69:1 74:3 77:18 78:2 84:6 86:22,23 87:9 87:10 98:3 107:7 109:14 111:12 114:10 117:4 131:6 136:13 153:12 154:5,8 160:2 overall 90:7 overspeaking 3:17 10:18 39:16 93:17 98:5 144:3,10 149:7 162:14 overview 192:24 owe 158:19 owed 55:3,3 73:22</p>	<p>81:4 160:12 own 12:20 50:2 52:12 53:12 59:1,2,18 63:23 75:7 85:15 94:24 104:1 131:1 134:5,11 136:3 137:20 138:19,21 138:23 142:20 188:14 owned 51:11 71:14 73:24 76:7,25 77:1 83:21 142:18 172:19 174:23 180:23 190:18 owner 75:18 89:6 103:13,14,25 146:24 166:10,12 173:23 174:3,7,8 owners 77:8 132:18 132:22 133:4 166:3 187:16 ownership 55:5 61:18 67:4 103:6 131:2,4 140:4 142:17 166:2 166:7 182:24 184:2 184:6 owner's 107:4 owning 58:22 owns 75:8 76:9 132:9 174:18 o'clock 5:18</p> <hr/> <p>P</p> <p>Pact 9:11,12 12:22 37:3 175:5 page 3:2 6:14 13:1 16:2 17:16,18 18:21 19:9 33:22,23 34:6 34:14,23 54:14,14 54:15 92:10,11 93:9 93:18,23,25 96:10 99:15 105:24,25 122:20 130:18 162:4 164:23,23 184:21 pages 92:5,9 105:7,7 114:14 192:16 paid 22:1 55:19 56:11 56:17,18 62:13 88:18,22 161:6 163:15 169:20 173:15 187:16 pan 112:21 panel 43:25 69:13 paper 158:17 161:22 188:21 papers 82:12 paperwork 173:14 paragraph 6:16,25 9:17,23 11:22 13:2 13:22,24 17:2,17 18:10,20 19:21,25 21:13 24:3 33:18 34:24,25,25 35:21 36:10,20,22,22 66:9 66:12 72:12 73:4 96:18,20,20 97:16</p>
---	--	--	--	--	--

<p>108:24 115:9,11 122:21,22,25 130:18,19 131:14 132:4,14 148:24 149:2 152:7,11,12 152:17 153:25 157:8,10,13 159:8 160:10 167:7 169:5 171:22 173:22 176:7 177:14 183:7 183:25 184:23,24 186:17,25 187:3 paragraphs 38:23 39:15,17 150:23 paralegal 2:23 parallel 22:13 33:6 68:18 parameters 137:20,23 parent 75:19 78:22 79:3 parked 161:18 part 13:14 18:11 29:21 43:6 54:7 67:1 72:16 77:18 79:25 82:10 85:21 87:13 93:22 112:25 133:19,25 134:2 149:15 151:4 157:13 158:8 participants 69:10 participating 93:1 particular 21:23 34:9 42:22 114:17 118:4 174:21 particularly 16:15 17:11 42:22 49:1 112:16 particulars 66:18 parties 124:1 partner 24:18 25:7 partners 26:21 48:20 52:9 partnership 74:14 parts 109:8 party 2:10 30:2 98:15 134:18 passed 190:13 passing 5:10 path 183:13 patient 26:8 Pause 34:6,14 108:18 156:6 173:19,21 177:16 pay 47:16 58:3 73:2 88:17 160:12,17,18 162:5,21 paying 76:18 payment 56:13 158:2 158:3,4,7,7 payments 56:21 66:3 PC 1:11 PDF 93:9 pegmatite 112:2 penultimate 6:16,25 13:1 people 3:5 12:24 23:17 26:6 30:20</p>	<p>33:16 42:15 44:21 44:25 47:3,25 49:6 49:25 50:3 51:18 54:3 56:19 58:14 85:18 103:10,22 107:20 119:1 133:3 147:20 151:5 154:5 159:21 161:20 163:16 164:6,15 169:15,20 172:6,8,9 173:6,6 176:13,22 177:18 178:4,12 186:7 per 35:10 42:8 153:15 154:5,7 performed 16:12 perfunctory 57:21 perhaps 31:2 89:15 95:24 114:5 perimeter 182:1 183:22 perimeters 16:3 period 15:12 17:4 20:2 27:25 30:4,7 32:13 33:1 35:4,9 35:17 40:1 48:10 55:10,12 57:22 59:20 60:4 61:5 62:9,18 63:14 67:13 67:23 72:25 84:4 89:12 95:15 97:1,4 104:12 105:15,21 106:18 107:1,8 115:20 120:19 126:14,21 139:1,4 139:13 141:8,9 147:5 153:7 periodic 61:21 periodically 58:12 periods 97:8 permanent 29:22 33:11 permission 57:14 162:6 permits 127:12 permitted 128:2 person 1:15 6:9 10:9 41:10 56:16,18 71:6 86:1 102:4,9 139:19 160:23 162:2 175:21 personal 45:11 54:4 94:10 95:1 102:5 personally 50:3 80:12 133:16 personnel 13:2 26:5 personnels 26:5 perspective 13:10 168:7 persuade 31:24 petrified 112:5 phase 136:15 141:12 PHILLIPS 1:11 phone 2:19,21,23 127:18 phones 1:15 physical 85:19</p>	<p>pick 9:22 33:22 34:9 35:13 59:6 113:8 picked 181:3 picking 17:17 picks 88:9 pick-ups 158:21 picture 3:19 95:7,20 118:3 192:19 piece 158:17 pieces 63:16 87:3,6 95:4 112:16 pillaging 69:5 pillars 155:4,5,6 piping 29:20 place 63:15 65:9 88:1 88:3 107:16 123:23 146:16 165:22 placed 191:15 plainly 28:2 plan 2:24 3:2 4:12 64:9 105:10 109:1 138:19,21,23,24 139:3,5 140:23 142:2 153:20 158:2 158:3,5,7 167:13,14 167:21 168:1,12,23 188:21 189:17 190:4 planning 2:9 4:8 plans 15:11,12 17:4,4 plant 55:16,16 110:14 110:17,22,24 111:3 111:11,13,16,20,20 111:21,24 112:14 112:15,19,22,25 113:2,3,4 151:20 174:10,14 plants 110:21 111:18 play 53:10 pleadings 31:13 please 15:4 19:5 21:9 21:20 34:14 35:10 48:1,2 49:14 52:23 57:18 58:3,25 61:3 63:3 66:9 67:11 74:4 78:8 86:16 92:5 99:5,17 102:25 103:18 105:6 108:11 109:5 113:14 115:19 119:24 120:11 121:16,18,24 122:6 122:8,20 125:25 127:23 128:14,25 129:23 141:4 142:12 144:18 145:1,3,11,17,21 146:6 170:8 171:13 171:16 176:16 177:14,16 179:8 182:22 186:24 190:12 pleasure 148:16 plumbing 52:7 plunder 17:13 plundering 69:5 pm 1:3 2:7 64:16,18</p>	<p>119:19,20,21 144:19,21 179:4,6 194:6 pocket 61:22 point 4:6 8:15 9:22 10:3 14:13 20:15 33:10,22 34:8,9 35:13 63:5 80:14 87:25 88:4 101:5,6 102:19 108:13 137:3 139:17 140:4 151:1 165:1 170:1 180:22 pointed 2:2 73:15 78:13 79:5 120:13 165:5 points 38:20 95:5 107:19 115:12 116:22 154:9 172:22 police 22:22 30:18 31:8,12,14 159:22 160:14,15,16,17,23 160:23 176:8,11,12 policeman 72:22 policies 46:9,24 policing 137:21 policy 126:16 political 47:12 48:21 53:9 118:14,16 125:2 pool 154:18 poor 49:11 68:7 poorly-worded 45:24 63:19 portable 156:7,8 portion 91:7 110:7 portions 113:3 132:8 position 3:25 10:6 17:22 18:15,25 26:6 27:7,8 37:19 39:4,8 44:17 55:4 82:12,22 83:5 86:4 90:15 91:2,5 127:7 146:7 147:15 156:7,24 191:16 positions 148:9 possession 169:7 possibility 3:12 32:4 42:10 168:3 possible 3:25 5:15,24 19:6 32:1,15 47:14 93:18 118:12 123:20 169:23 171:1 possibly 80:21 113:7 potential 1:13 41:16 41:22 46:22 47:6,7 74:8 81:3 powder 155:25 practical 47:14,20 practice 23:6 102:12 practices 87:8 Prague 74:20 precede 106:13 preceding 41:17 precipitous 26:9</p>	<p>precise 121:15 precisely 183:22 predecessor 106:7 preferable 32:5 premise 139:8 premises 139:19,19 183:5 184:8 preparation 155:23 prepare 83:13 158:2 163:14 189:17 prepared 6:12 31:18 83:22 139:20 156:1 159:20 present 3:14 132:12 157:19 159:11 160:15 167:20 183:8 presentations 42:16 presented 114:22 167:8,18,20,23 presenting 167:11 168:5 pressure 185:16 presumably 7:1 pretty 131:1 175:10 previous 89:6 132:3 133:21 152:14 previously 17:24 20:11 131:16 141:16 preying 69:6 pre-December 55:12 pre-prepared 175:20 pre-Starck 54:22 price 67:2 172:17 163:7 primarily 7:15 111:10 primary 69:23 principal 92:23 principle 5:20 58:5 111:19 principles 112:6 printer 155:22 printout 92:20 prior 37:7 41:24 63:21 116:10 122:4 124:12 149:10 prison 30:19 176:8,18 private 45:7 103:4 privatisation 46:25 pro 178:5 probably 88:14 108:8 157:6 problem 5:12 9:6 12:14 59:19 65:3 187:20 problematic 51:9 problems 59:18 60:6 115:20 procedure 20:20 27:22 46:13,14 156:24 procedures 7:14 11:23 12:4 48:14 proceed 20:1 65:19,22 145:16 proceeding 21:8 73:1 proceedings 27:20</p>	<p>40:13 process 1:22 16:24 22:9,13,24 23:18,21 27:19 29:7,13,16,18 41:14 47:3,6,7 50:13,16,24 51:2,14 52:2,16,17,20,22,23 53:5,18 95:15,18,19 95:21,22,24 97:25 98:1 113:7,10 123:10 125:2,4,10 131:25 173:17 processes 18:6 52:12 118:12 processing 110:12,13 110:14,17,24 111:3 111:11,13,16,18,24 112:14,15,19,22 174:14 processor 52:6 procurement 25:3,5 prodecural 3:3 produce 32:10 38:11 produced 1:23 39:23 40:3 83:23 154:4 193:3 producing 92:15 154:7,8 175:10 193:14 production 35:11,15 35:19,20 37:13 38:16 92:7 93:3 96:5 105:11 153:14 154:1 155:1,1 175:11 192:11,25 193:3,4,10 productions 175:6 professional 63:15 117:4 156:25 Professor 172:11 profit 192:3 programme 9:11,15 12:9,11,12 37:8 38:15 146:18,21 156:4,5 175:5 178:3 progress 30:12 105:9 105:10 155:7 project 76:22,23 projected 105:20 109:20 projection 3:7 109:22 projections 107:11 projects 77:2 promise 49:16 105:21 promised 105:20 172:10,13 promises 25:15 promotion 44:3,20 prompted 19:1 pronounce 145:21,23 148:22 proof 17:5 72:8 proofs 15:13 propaganda 175:7 proper 57:17,21 59:3 80:6 135:24 properly 124:2</p>
---	---	---	---	---	---

<p>properties 48:19 163:12 property 157:3 169:2 169:14 181:4 183:20 proportion 77:24 78:1 proposal 8:7 106:4 proposals 15:11 17:3 propose 41:10 proposed 21:20 106:6 106:8 proposing 162:19 163:6 prostitution 85:7,20 protect 118:15 protecting 13:3 protection 22:23 protective 54:5 prove 70:14 71:8,8,17 provide 9:20 10:8 16:5 22:7 23:14 30:8 32:24 53:23 125:25 135:19 158:3 161:8 165:2,4 provided 15:6 17:2,9 23:2,13 123:18 153:19 186:8 providing 5:4 24:8,11 51:24 province 192:22 provoke 9:2,5 12:3,12 18:1 19:4 20:13,21 public 69:4 131:18 132:1 172:1,15 173:2,8,9 publication 54:13 186:1 pull 43:5 130:17 pulled 6:6 pulls 136:12 pump 156:7 pumps 29:21 purchase 54:10 59:12 61:20 72:17 75:3 83:9,19 purchased 59:12 87:15,22 purported 9:14 purports 6:8 purpose 19:10 22:10 50:14 65:8 purposes 54:12 83:25 86:23 177:1 pursuant 47:24 pursue 28:11,15 46:22 48:9,13 79:21 pursued 7:25 pursuing 48:7 74:3 push 60:12 pushed 42:25 pushing 42:23 43:5,21 put 60:9,16 61:17 67:13 75:12 114:13 117:25 123:24 128:6,22 131:17 137:5,11 139:1,2,5 140:23 142:1,5</p>	<p>155:25 162:10 171:4 176:18 185:3 putting 8:6 puzzling 16:25</p> <hr/> <p>Q</p> <p>QC 1:12 2:6 quality 153:18 Quam 85:4 86:1 quartz 112:1 quasi 13:16 question 10:10,11,19 11:3,10,12,19 12:2 14:23 29:11 31:7 34:13,19,23 41:15 43:12 45:24 46:4 53:12,13 63:3,19,21 64:10 70:10 73:25 77:7 78:24 79:16 80:23 81:16 83:12 84:11 86:19 99:21 100:18,22 105:17 105:19 108:15,19 108:22 110:5,20 114:14 115:6,7 116:9 122:11,17 123:21 124:13 126:5,20,23 136:18 138:22 142:12 151:24 177:13 178:11 181:6 184:20 190:25 193:8 questioned 78:10 120:21 questioning 41:8 46:1 54:16,20 86:21 102:15 104:18 123:20 127:14 139:16 questions 3:7,8,9,13 3:15,19 16:10 40:22 41:1,2 43:10 45:19 50:20 52:13 59:9 66:11,13 78:15,16 78:17 82:4 83:7,11 84:4 86:6,11 91:17 94:8 95:4 96:23 97:10 98:9 101:8 102:14 105:8,12,16 105:18,22 108:4,7 109:19 110:6 111:2 111:7 112:13 113:16 114:16 120:11,16,23 121:22 122:2,9 123:16 124:6,8,9 141:2 142:11 148:17 168:7 177:9 177:11,12 181:18 193:17 quick 4:16 85:3 147:18 quickly 43:25 47:13 69:18 82:2 99:19 101:7 152:13 quit 148:13</p>	<p>quite 4:16 18:15 103:16 108:19 132:6 141:18 151:23 190:20</p> <hr/> <p>R</p> <p>railway 151:16 152:1 152:5 raise 5:9 42:19 46:21 49:23 158:6 raised 2:6 3:15 42:18 54:25 ran 2:20 rate 56:25 rather 33:17 93:20 RDB 6:8,9,10,19 7:6 7:11,18,20,21 8:6 19:17 42:3 43:20 44:2,4 120:17 123:1 123:6,25 168:14 182:21,23 183:2,11 183:18 184:3 re 3:3 124:5 reach 143:17 161:1 reached 8:3 127:5 reaching 32:4 79:11 react 163:3 168:2,20 168:22 reaction 12:3 168:9 reactivated 76:15,17 read 43:17 45:3 121:14 150:13 164:24 177:15 179:23 190:4 reading 18:18 34:12 45:17 79:7 150:14 174:11 ready 65:10 87:12 143:15,16,18 194:2 real 38:9 56:22 58:18 59:2 74:19 77:2 173:6,6 realised 144:9 realistic 23:18 reality 31:15 33:5 37:17 173:2 really 26:6 33:9 40:10 47:3 56:25 57:9 58:20 63:12 69:6 80:23 112:19 113:25 114:4 118:22 146:17 151:17,17 165:23 170:14 173:7 178:8 reason 11:5 12:8 16:15 26:24 40:3 63:12 76:23 80:1 87:14 120:24 125:23 131:21 135:7 178:6,8 reasonable 46:2 96:9 163:17,19 reasons 15:24 57:10 57:19 76:1,5 117:20 118:17 140:25 141:5 reassurance 53:4</p>	<p>reassuring 47:1 51:13 recall 29:3 33:3 40:2 40:21 41:1,2,3,4,8 41:11,12,18,20 43:10,19 45:19,20 45:25 50:20 60:7 66:13 77:4 78:10,15 78:16,16,20,24 79:11 82:3,9,12,13 83:7,10,12 84:3,11 86:5,11 91:19,21,22 91:23 92:14,18 94:8 94:11 96:23,25 97:1 102:23 104:17 105:8,11,15,17,22 106:7,17 111:2 114:15,21 115:2,5,7 120:16,20 121:1 122:1,9 123:20 124:6,9,25 126:6 129:14 134:22 167:9,11 187:14 188:1,3,7 189:10 recalling 95:9 receipt 130:11 receive 28:2,3 102:7 130:9 received 28:5 121:1 130:8,14,16 165:9 169:11 receiving 4:25 45:10 102:7 115:3 recent 9:18 191:23 recently 151:8,9 recipient 42:8 44:24 recognise 43:17 92:9 92:20 101:20 recognised 79:24 109:25 recollect 34:18 recollection 78:20 reconsidering 167:24 record 7:10 33:8 39:24 41:13 88:15 120:10 185:7 recorded 7:1 160:19 185:5 recording 73:9 records 39:6 171:6 REDEMI 48:16 51:5 51:11 reduction 37:6 redundant 43:23 refer 40:5 79:9 106:5 106:24 123:4 131:15 152:7 155:14 175:1 176:7 186:9 reference 15:9 36:21 54:18 72:13 78:12 97:5,11 106:7 110:11,14,25 referenced 79:12 97:4 references 109:5 111:9 referred 31:13 55:7 96:14 105:18</p>	<p>108:20 referring 35:18 44:1 47:11 59:25 66:18 82:19 85:24 102:13 149:18 165:17 172:23 refinery 51:19 reflected 168:14 reflecting 168:11 reflection 66:1 refresh 78:19 refrigerator 155:24 refused 10:8 11:15 18:2 27:11,12 160:12 163:22,25 164:3 refuses 9:20,24 refusing 8:22 10:13,14 11:16 13:23 164:8 170:12 regard 20:8 27:23 29:23 46:24 96:18 114:9 regarding 19:18 41:16 104:7 130:7 regardless 41:9 region 118:25 153:22 regional 160:14,16 register 168:15 registered 77:11,12 168:17 registrar 120:24 121:4 123:11 registry 123:7 regret 15:24 regular 162:19 regularly 94:13 192:15,21 regulated 54:8 Regulation 90:18 relate 38:17 related 55:17 56:9 68:12 69:11 81:22 relates 19:11 34:23 86:21 relating 66:19 83:10 120:18 relation 64:20 68:25 173:22 193:8 relationship 26:13 95:17 118:2 142:21 146:7,14,22 147:1,2 147:3 148:2 relaying 2:17 released 143:8 144:6,9 184:11 relevant 150:19 reliable 38:18 rely 39:18 80:12 81:22 relying 55:18 remain 29:7,14 remained 27:8 169:7 remedial 117:8 remember 43:12 51:4 86:2,3 91:17 97:14 101:8 113:15,17 114:18,18 122:10</p>	<p>122:12,14,14 124:8 154:22 156:13 165:23,23 188:23 189:12 190:1 remind 54:11 107:19 reminder 2:2 remote 118:13 removal 39:9 remove 161:12 162:15 removed 32:8 184:12 rent 139:19,20,24 rented 85:7 reopening 141:16 reorient 52:11 66:11 82:5 101:19 102:13 114:15 repeat 29:10 119:8 128:24 145:11 186:24 repeated 23:7,11 32:6 repeatedly 26:8 31:9 57:20 repetitious 114:1 repetitive 53:15 rephrase 11:10 replacement 91:1,2 127:18 147:18 replies 100:10 reply 100:11 report 1:25 3:21 64:22 69:14 144:13 190:13 reporting 2:4 5:13 reports 5:7 13:5 31:8 31:12 190:16 192:15 represent 118:20 183:10 184:20 representation 55:8 106:15 107:25 165:16 167:14 representations 16:21 66:12 83:15 102:16 107:21 182:23 representative 2:15 9:10 21:25 70:24 representatives 157:20,25 158:12 167:6 representing 11:14 represents 158:8 Republic 30:10 37:2 reputation 56:25 176:20 reputational 69:3,18 70:1,6 74:8 request 8:14 14:20 19:2 23:16 42:18 48:6 108:16 115:3 120:25 125:15 126:10,22 requested 15:21 17:2 18:14,16,24 21:14 21:16 23:22 189:20 requesting 15:9 34:5 requests 16:18 23:11 171:20</p>
--	---	---	---	--	--

<p>require 3:4 required 24:16 38:7 111:17 134:23 171:9 requirements 15:7,18 107:24 research 105:25 181:25 183:23 191:12 193:5 reservation 98:10 reserves 153:19 191:14 resolution 60:22 62:7 resolutions 82:16 83:13 resolve 59:3 63:6,17 115:13 116:23 resolved 65:13,16 114:3 166:7 resolving 64:2 resources 30:14 47:16 124:19 125:13 132:17,21 respect 22:2 respectfully 10:23 108:19 respond 125:22 126:15 responded 23:10 114:21 Respondent 1:19 2:5 14:7,11 Respondents 3:13 response 12:13 14:20 17:16 18:1 39:9 99:13,23,24 100:5 100:19 102:2 103:2 117:13 123:16 126:12 143:17 responses 100:10 responsibilities 131:12 responsibility 9:13 67:25 70:22 71:13 72:9 responsible 67:8 72:4 118:11 responsive 10:24 rest 38:7 restoration 160:9 result 81:12 100:19 117:25 160:13 resulted 74:17 results 156:2 resume 12:25 retained 38:25 retire 144:16 return 60:13 166:3 returned 60:14,19 103:8 165:25 Revenue 34:4 review 15:16 21:21 24:12 129:17 reviewed 16:13 20:15 22:4 185:18 187:10 190:10 reviewing 80:6 85:10</p>	<p>reviews 90:1,19 re-application 22:13 24:12 189:17 re-apply 188:22 189:1 189:9,13 re-applying 188:5 re-ask 124:13 181:6 re-direct 3:6,14,23 4:21 40:18 120:13 141:3 193:7 re-examination 108:6 177:10 re-opened 158:5 re-read 79:1 rhetorical 17:25 rich 154:14,19 RICHARD 2:6 rid 178:7 RIEPA 42:2 43:20 44:1,2,18 46:17,25 right 4:11,23 5:6 8:24 10:22 11:7 12:14 16:4 17:1 21:6 38:1 51:23 52:1 59:17,24 60:17 62:13 63:25 63:25 64:24 65:20 66:23 67:3,5,11 70:20 71:11 75:4,5 75:14,17 76:11 77:20 81:9,11 89:5 90:5 93:10 97:9 99:11,12 106:3 110:16 120:5 121:24 123:15 127:5 7,20 135:15 136:18,19,20 139:25 143:25 145:25 148:23 151:8,12 155:8,14 166:2 169:18,22 174:4,13 177:22 183:1 186:21 187:8 187:15 rightful 187:16 rights 75:16 109:15 134:5,12,14,19 187:18 188:11 risk 69:3,18 74:8 River 116:2 RML 130:22,23 133:10 134:4 149:17 RMR 167:8 road 29:20 154:15 ROBERT 2:19 rock 111:22 Rod 31:4 99:9 118:20 120:2,6 Roderick 2:4 3:4 6:3 132:19 role 13:16 71:22 90:25 91:10,14 180:14 181:1,3,7 room 2:20 3:8,9,21 65:7 103:21 127:8,9 127:19 128:8 143:12 144:23</p>	<p>Rose 28:10,14,18 40:11 ROSE-MARIE 2:20 ROSSI 2:18 roughly 18:7 58:5 round 108:2 route 1:20 RT 1:11 Rudniki 180:23 181:7 181:23 182:4,8,13 182:21,23 183:2 184:2,7,24 185:22 186:22 ruining 188:17 rules 1:1 12:20,22 156:24,25 run 4:14 51:12 109:10 109:11 172:21 running 46:19 67:24 78:5 181:10,13,16 Rutongo 33:20,25 34:10 35:7,14,23 36:6 51:18 109:10 129:11,12 130:4,6 131:11 133:12,13 133:20 134:5,8,8 138:6,14,19 139:11 139:12 140:5,12 141:12 142:17 151:12,13,14,17,21 151:24 153:23 154:1,3,8,12,16 155:7,17 175:13 Rutongo's 35:19 138:8,25 153:2 Rutsiro 48:24 110:15 110:22,25 113:2 169:1 172:7 174:10 Rwandan 11:24 12:5 24:7 36:14 42:14,21 47:17 86:2 149:12 156:23 185:6 192:9 Rwanda's 40:24 175:6 Rwanda-US 11:25 RWF 35:9 R-025 27:14 R-100 40:21 41:17,25 R-107 33:21 R-117 167:4 R-185 182:17,20 R-186 184:17,18 R-189 168:25 R-201 101:7 R-203 164:21 R-231 120:15</p>	<p>76:10 77:23 78:1 82:19 83:6 93:4 100:9 111:19 112:6 112:18 113:9 122:3 130:2 147:19 149:13 154:6 172:14 175:14 183:22 184:11 samples 155:23 156:1 sampling 156:4,5 182:1 SARAH 2:18 sat 58:16 95:24 114:11 118:22 170:18 171:8 satisfaction 153:6 satisfactory 65:18 satisfied 98:20 137:1,4 137:5 140:13,17 161:2 satisfy 137:8 saw 52:8,21 100:20 125:18 saying 4:5 11:6 18:10 24:21 25:23,25 26:16 36:2 46:16 59:21 67:14 70:25 74:2,7 86:9 97:11 99:23 100:8 106:25 107:17 112:7 122:12 130:12 149:25 190:1 says 15:8,15,19 16:4 17:1 21:14 36:19,23 43:15 45:4,16 99:25 100:13 106:11 115:11 122:25 139:20 142:7,16 152:25 153:1,25 156:19 157:14 160:11 161:25 162:4 176:2,21 scale 130:23 scared 69:15 scenario 32:1 scenes 178:21 schedule 2:5 scheduled 171:3 Schoenherr's 89:13 science 111:18 scientifically 140:10 scope 53:13 scratch 139:1 screen 93:17 149:5,7 179:13,18,22 182:20 184:18 187:5,5 scroll 66:9 72:12 92:4 99:2,15 104:19 122:5,6,8 168:6 182:22 scrolling 92:12 searching 181:9 seated 145:4 Sebeya 116:2 second 3:20 6:14 9:17 13:23 24:2 34:6</p>	<p>38:23 59:13 65:7 100:13 125:7 160:25 162:4 164:23 180:7 183:7 Secondly 70:5 secret 148:4 secretaries 170:23 Secretary 1:22 section 78:9 96:17,19 105:25 106:2 110:13 sections 112:17,18 sector 37:7,10 secure 72:1 security 13:2 55:22 56:2,5,20 58:5 62:3 62:5,14,17 66:4 130:24 169:20 see 4:1 9:9 14:2,13 17:25 21:22 22:20 34:6 42:21 45:3,5 48:23 77:14 81:18 82:2 88:13,18 93:11 93:14 94:1,11 96:5 96:14,17 97:10,12 99:6 100:3,8,15 105:7 106:1,15 109:3 110:15,24 118:16 120:5 122:7 125:25 128:22,23 128:24 131:24 139:17 155:7 156:18 162:22 167:7 168:2,6,19 169:2 171:18 179:13,17 184:22 187:5 192:2 seeing 14:15 15:3 65:6 seek 33:19 seeking 161:11 162:15 162:16 163:5 164:10 seem 163:19 seemed 57:24 seems 26:16 171:19 177:20 seen 13:16 23:12,14 23:15 26:18 27:20 115:22 133:17 134:1 179:15 182:25 183:17 184:16 187:11 seize 163:9 seized 20:7 40:6 158:21 159:3 161:18,22 162:10 163:11,12,13,15 seizing 22:16,21 158:18,18 seizure 18:9 seizures 165:19 sell 68:3 76:3 79:20 169:21,23 seller 78:23 selling 73:17,18 76:3 sending 25:10 102:9 124:12 165:12</p>	<p>166:15 senior 9:10 51:12 176:8 sense 17:19 71:5 73:22 92:6 112:23 136:11 143:4 165:12 166:15 sent 27:14 28:1 58:11 114:2 121:3,10,10 121:12 143:15 159:21 165:7,13 166:16 sentence 6:17 79:7 108:25 115:15 116:25 122:24 149:19 187:6 sentences 164:24 separate 46:14 68:15 70:4 103:21 111:22 separately 112:25 120:12,13 separator 161:12,14 161:17,23 162:6,8 162:12 163:7 September 21:3,4 30:9 57:7 130:3,12 147:11 164:22,25 165:20 series 30:1 42:15 112:24 113:1,23 serious 29:17 30:25 57:8 101:13 serve 65:7 served 131:10 service 85:20 services 24:8,11 26:3 set 65:1 88:24 95:9 126:23 128:8,10 136:25 146:18 163:7 171:7 175:9 settlement 1:2 18:14 18:17,24 19:2,15 32:4 39:1 148:11 set-up 65:5 seven 23:20 114:5 126:14,15 several 16:8 56:23 103:10 155:21 171:20 176:13 189:16 severance 30:3 severe 142:6 shaking 113:5 shambles 47:18 share 69:11,17 shared 132:21 shareholder 77:3,20 143:2 167:22 168:5 168:8,13,13 182:8 182:10 183:12 shareholders 77:2,11 82:25 143:2,5 183:15 185:25 shareholding 76:14 77:18 142:22,23 167:24 168:10,23 shares 75:3 76:9,25</p>
---	---	---	---	--	--

<p>77:1,8,24 167:9,12 167:15,19 sharing 103:5 shell 74:22 76:22 shifting 91:10 shipment 50:8 shipped 88:1 shipping 88:3,6,6,8,8 88:11,16,19,22 shocked 103:16 162:1 short 64:17 117:12 118:19 122:21 144:20 153:7 177:20 179:5 shortcomings 63:10 shortly 1:24 short-term 56:1 106:17 135:2 shout 176:18 shouting 103:12,17 104:3 show 23:16 39:6 107:7 152:25 158:16 160:24 showed 185:7,24 showing 155:12 158:15 173:14 shown 15:23 149:4 152:10 182:19 shows 12:16 41:13 168:4,5 sick 90:12,14 91:3,3,4 side 6:12 101:25 130:7 sides 29:18 82:20 sign 99:4,10 139:21,24 185:14 signed 57:10,14 77:3 77:15,16 82:16 83:8 130:13 149:11 150:8,20 165:11 185:2,10,10 186:7 significance 40:15 significant 153:8,10 signs 15:3 147:8,12 silt 116:1 similar 31:6 62:5 65:8 70:10 simple 69:21 139:18 140:1 simply 8:9 18:7 23:8 23:16 31:6 100:18 107:16 148:12 173:17 Simultaneously 90:18 Since 108:1 Sincerely 115:10 Sindayigaya 84:8 Sindayigaya's 84:7 single 39:23 singled 10:7,17 sins 117:11 sir 65:22 161:9 173:18 176:10 177:17,24 193:20 sister 129:13 sit 16:17 29:18 site 35:24 36:3 55:16</p>	<p>119:13 132:12 159:19 160:1,2 192:15 sites 191:20,25 192:9 192:11 sitting 143:24 170:21 situation 1:14 12:23 30:25 169:19,22 six 8:21 114:5 192:3 six-page 114:13 size 107:4 skewed 80:3 skills 58:15 63:12 skip 150:24 slightly 52:11 80:3 slipped 186:22 Slovakia 87:11 88:21 slow 60:23 93:19 slowly 94:5 sluice 115:23,24 small 38:2 52:25 56:21 192:5,5 smaller 132:8 small-grade 84:23 small-scale 181:22 182:7 smart 147:9 smelter 174:4,12 SMS 39:24 162:23 smuggled 14:10 69:1 175:2 smuggling 36:11 37:4 37:18 social 55:22 56:2,5,20 58:5 62:3,5,14,17 66:4 178:3 sold 36:14 38:3 68:8 74:24 161:1 sole 83:1,2,4,14 solely 85:14 solemnly 129:2 145:12 179:24 solicit 24:15 solicitation 40:24 solve 115:19 some 3:7,8,25 4:6 6:14 8:18 9:2,12 21:7 26:11,12,15 30:2,12 32:4 36:5 38:13,20 47:2,24 49:10,12 51:10 52:14 53:16 53:18 54:15 57:21 59:9 60:6 62:12 66:11,18 67:23 82:4 85:4,5 86:22 87:25 88:10 96:23 97:3 100:1 103:6 105:18 114:21 122:2 126:12 130:5 131:15 138:9 147:17 148:15 151:5,25 156:11 157:23 164:6 166:20 169:12 171:15 174:20,23 177:21 180:22 187:20,22,24</p>	<p>188:15,20 189:9 192:2,3,17,18 somebody 2:21 49:4 54:7 56:13 85:4 143:17 163:17 170:5,22,22 172:10 172:14 178:21 somebody's 27:2 somehow 25:16 31:10 100:24 102:9 116:5 147:21 someone 6:12 12:9 14:8 94:1,23 101:25 175:4,22 something 1:6 20:19 25:11 38:10 57:8 58:4,15 88:14 97:11 112:8 131:4 140:20 142:25 147:12 148:16 151:7 152:4 158:16 170:3 172:24 177:21 178:3,21 186:4 192:6 sometimes 36:16 42:1 50:22,23 91:3 120:8 188:15 192:16 somewhat 47:19 somewhere 14:9,23 175:19 177:21 soon 24:13 49:15 sophisticated 155:20 sorry 2:19 4:3 10:23 11:11 18:18,20 24:1 28:13,24 29:10 34:2 36:21,22 41:19 43:14 45:21,23 49:25 50:14 61:13 66:25 71:4 75:11 77:5 78:16 80:7,17 80:22 81:1 87:1 88:18 93:10 94:6 98:3,4 107:12 108:8 109:7 114:1 120:3,9 121:24 122:10,21 123:9 124:12 126:19 132:11 143:11 144:4,5,7,8 148:22 157:8 160:6 162:17 163:24 174:6 177:24 178:10,16 182:19 184:16 186:22 187:19 188:2 sort 4:18 5:21 9:5 47:11 74:22 191:7 sorted 166:2 sorting 142:22 143:2 sorts 142:8 sound 114:1 sounding 124:14 sounds 65:18 sourcing 69:22 South 29:25 60:7,10 84:23 180:17 sovereign 42:23 so-called 21:17 22:13</p>	<p>84:16 Spalena 1:16 54:10 61:17 73:8,12,19,23 74:3 75:1,2,6,15 76:9,15,15 77:9 82:17 83:5,18 84:5 146:22,23,24 speak 3:16 4:3 5:10 118:18 123:11 129:3 145:13 179:25 speaking 41:19 special 26:11,14,14 specialists 55:15 specific 48:5 56:14 59:9 64:23 85:12 86:23 87:3,6 91:19 93:2 94:9 95:4 97:24 105:1,12 116:9 121:8 122:17 specifically 15:10 25:2 59:19 68:19 98:4 103:18 105:18 129:11 132:17 specifics 90:22 specified 79:13,15 SPECIOZA 2:9 spectrometer 156:8 speculate 142:16 143:3 speculation 56:6 Spedag 161:19,19 162:24 163:22 164:10,12,14,14,15 speech 118:14 speed 93:19 spell 98:12 spend 24:19 138:8,10 139:9,13 140:1 152:16 spent 109:20 141:18 170:11 190:19 191:11,12 split 132:8 spoke 98:3 173:6 spokesman 6:19 spread 49:11 spreadsheet 185:18,20 185:21 spreadsheets 32:12 spring 155:9 stable 175:12 staff 2:21 27:12 44:20 58:11,12 63:8 67:25 85:6 86:3 93:1 123:2,6,25 171:9,13 stage 127:5 132:7 143:4 Stallard 1:23 stamp 28:6 stand 44:4 144:14 standard 3:6 standards 138:2 standing 76:18 Starck 51:19 52:6 54:22 55:10,14 56:3 56:19,24 59:19</p>	<p>67:16 68:9,15 69:9 69:9 71:14 72:10,17 72:24 73:2,15 74:5 75:1,3,9,12,21 79:19 81:13 190:18 191:12 Starck's 67:4 70:24 81:3 106:6 Starck-owned 106:24 start 1:13 47:25,25 48:1 49:15 67:14 76:21 125:15 138:25 140:20 147:24 187:3 194:2 started 2:14 37:8,13 50:6,7 53:2 57:5 73:1 95:17 107:19 124:13 134:7,8 141:14 147:3,14,25 151:18 154:24 155:3 176:18 starting 66:24 87:3 96:10 99:2 106:21 147:15 starts 93:25 96:12 184:22 start-up 35:4,9 state 7:8 42:5 45:12 46:18 48:16,18,19 48:25 51:11 67:24 103:18 181:7 stated 15:24 statement 7:4 10:24 13:21 21:22 24:2,3 25:14 26:2 33:18 35:22 36:20,23,25 37:21 38:24 39:9 40:23 41:3,4 65:25 66:13 79:6,18 84:7 86:9,11 130:18 131:14 132:15 135:1 148:25 149:2 149:16,22 151:13 152:7,11,12,15,19 152:24 156:11 157:8,9 159:20 169:6 171:22 175:1 177:14 181:21 185:17 186:9,17,19 186:25 187:2,4 statements 6:14 7:17 7:20 25:21 45:16,19 46:1 85:18 129:15 129:18,20 169:9 190:17 states 2:11,12,13,14 2:15,16 20:1 87:12 87:18,20,21,23 132:18 133:4 static 78:3 station 176:11,12 status 189:7 statute 49:18 77:13 98:19 stay 4:6 166:4 stayed 146:12,12 178:8</p>	<p>steal 157:3 stealing 22:15,15,19 71:1 step 26:23 48:8 steps 1:14 48:11 49:23 87:7 88:11 112:24 113:1 STEVEN 2:3 stick 101:5 sticking 53:11 91:9 101:6 108:24 still 4:7 13:17,18 18:20 19:4 30:13 55:4 57:22 64:6,6,7 74:1 144:9 147:5,7 147:12 160:12 189:25 stock 54:10 61:18 stole 70:12,17 72:6,8 156:20 stolen 68:7 71:6,16,21 72:6 170:6 Stone 2:6,6 stood 60:22 118:19 stop 5:17 17:14 186:1 193:24,25 194:1 stopped 60:11 storage 87:19 162:24 stored 161:18 storing 161:24 story 50:4 157:14 166:10 175:21 177:3 178:18 straight 61:22 straightaway 145:1 straws 33:9 stream 3:6,21 116:2 strides 153:11 strike 124:12 string 92:15,21 stripping 158:23 164:19 strung 95:10 stuck 47:2 study 135:25 136:3 153:4 190:3 stuff 31:11 subcontractors 33:11 subject 2:8 22:14 54:15 136:21,23 subjected 16:24 22:25 submission 125:20 126:22 130:6,6 submit 15:10,21 16:7 21:14 125:1 submitted 15:16 89:4 89:8 102:18 104:1 104:15 129:14 151:2 153:3,23,24 submitting 124:4,15 subsection 96:19 subsequent 39:7 115:16 subsequently 130:8 133:17 subsidiary 75:8 substance 23:16</p>
--	--	---	---	---	---

<p>101:11,14,16 125:14 126:7 substantial 142:1 substantiation 161:7 substantive 122:24 successful 33:12 37:5 132:1,1 140:13 192:2 suddenly 160:3 suffered 140:21 141:5 141:6 sufficient 131:2,4 136:9 137:7,13 sufficiently 166:1 suggest 11:12 12:16 32:15 80:18 105:5 108:12 116:11 151:7 177:1 suggested 52:14 66:16 156:20,23 suggesting 11:18 26:10 41:8 108:9 150:7 174:7,8 suggestion 28:17 40:23 170:18 suggests 48:7 suitable 25:6 48:20 49:13 summarises 21:11 summer 1:2 147:4,23 supervision 54:4 89:17,21 90:18 supplemental 24:1,2 38:23 65:25 185:17 187:1 support 2:21 26:25 39:25 42:4 50:8 53:24 87:7 supported 85:9 supporting 15:14 17:5 155:5 supposed 106:13 119:11 172:7 sure 1:23 37:23 43:9 47:4 60:24 68:16 81:21 83:22,22 88:15,19 92:2,13 93:20 101:14 104:19 113:20 123:14 124:24 126:20 127:1 134:20 135:5 152:23,23,23 173:21 181:5 187:13 188:20 189:5 surely 137:14 surface 192:7 surprised 40:8 85:21 surprising 53:1 survey 183:21 192:18 suspend 166:23 suspended 165:15,19 166:18 188:16 suspending 165:18 suspension 160:8 165:21,22 166:21</p>	<p>166:22,24 suspicion 176:17 sustainable 140:24 swear 170:21 system 37:12 54:7 95:3 systemically 188:16 systems 29:21</p> <hr/> <p style="text-align: center;">T</p> <p>table 80:21 84:15 92:4 tables 131:5 tag 9:20,24 10:8,8 11:8 12:10 14:19 165:6 tagged 14:4,9,10,11 14:16,22,25 tagging 9:14 10:13 13:25 103:9 176:2 tags 10:14,18 11:15,17 12:15,23,25 13:19 13:23 14:5,8,19 18:8 165:1,2,4,10 166:8 175:25 take 2:19 5:4 17:8 22:7 34:11,12 48:8 48:12 49:10,23 56:17 63:15 67:23 78:9,18,25 80:14 87:7 99:19 112:2,2 112:7 113:14 115:4 126:5 133:13 138:14 139:11 157:7 162:6,8,16 168:16 172:17 taken 7:13 32:21 65:9 68:10 123:23 162:21 171:24 175:25 taking 18:25 39:21 67:25 74:3 111:12 115:2 144:1 168:18 169:19 talk 16:18,20 20:25 22:25 30:4 33:16 34:24 51:7 53:14 60:11 62:23 63:23 80:15,20 86:8 95:7 97:3,16 98:17 132:25 162:3 164:5 164:7 170:23 171:17 talked 1:20 50:21 60:24 61:18 62:15 62:24 79:17 82:9 101:12 184:9 talking 1:13 2:14 13:13 21:19 28:8 41:4 57:22 77:5 81:2 92:3,14 95:12 97:1 101:15 103:23 103:23 110:21 114:4,6 116:15 122:14 132:24 163:4,19 174:10 talks 67:1 tantalum 69:23</p>	<p>111:20 193:4 targets 137:23 tasked 42:6 43:20 tax 30:2 34:8 35:8 54:18,21 55:2,7,9 55:11,12,13,20,24 56:6,10,18,20 57:2 57:3,9,11,12,15,17 57:19 58:1,20 61:4 62:24,25 63:5,22 64:2 66:4 taxable 35:3 taxes 56:7 team 27:16 112:9 teams 113:3 127:19 technical 27:16 42:4 51:24 53:23 55:15 technology 151:22 telephone 39:24 44:9 tell 2:18,18 4:5,12 5:11 22:10 34:19 36:9 64:9 66:25 75:11 95:7 104:6 108:11 109:5 118:23 121:18 129:8,23 161:1 170:8 176:2,14 177:15 178:20 180:4 telling 5:13 12:3,17 18:3 70:11 120:4 124:23 138:22 160:4 temporary 91:2 160:7 tended 87:19 tender 29:7,13 31:3 131:18,25 132:1 172:1,7,15,16 173:2 173:8,9,10,15,16 tendered 172:23 tendering 173:7 tenders 172:5 tennis 154:18 tentative 98:24 tenure 130:24 term 9:19,25 21:13 24:6,16 26:22 49:17 49:18 79:7 137:7 139:24 149:24 153:7 165:7 terminated 21:25 115:22 terms 36:6 45:4 48:7 50:13,16 52:19 53:14 66:24 83:15 83:17 91:8,9 96:5,7 98:11,13 121:8 134:14 144:14 187:18 188:3,8,11 190:5,15,22 191:3 terrible 31:7 94:14 176:23 terribly 116:7 testified 110:19 117:24,25 118:3 120:23 123:16 193:9</p>	<p>testifying 3:8 82:3 122:12 testimony 26:1 32:7 48:10 65:11 91:20 105:2 testing 65:4 tests 65:9 texts 144:13 thank 40:16,19 50:15 64:15,24,25 65:21 66:8 71:3 78:4 81:24 82:1 118:21 119:5 126:17 127:4 127:21 128:5,18 129:5,7 130:19 131:6 132:10 141:1 142:10 143:7,20 144:11 145:7,15 148:17,18 157:12 157:13 177:7 178:23 179:1,12 180:2,21 181:18 193:6,17,18,20 194:3,5 Thanks 99:9 theft 66:20 72:4 their 7:7,22 14:18 35:8 42:22 45:11 52:12 53:22 55:21 63:11 68:16 69:23 71:4,5,5,20 73:19 74:15,20 76:13 77:15 84:11 92:16 93:2 96:2,4 107:11 134:5,6,11 158:3 163:7 175:14 187:12,18 188:17 188:23,25 189:7 191:15 themselves 38:8 41:2 104:7 thereof 22:2 thing 4:1 5:21 21:7 29:21,23 50:5 51:24 56:14 77:23 94:7 111:19 113:9 114:10 126:24 160:25 166:8 172:15 176:13 things 2:14 15:10 28:20 30:24 46:14 47:4,20 63:2,11 66:1 68:5,6 70:4 86:10 87:5 99:23 105:10 113:20 114:23 116:15 117:21,23 118:11 130:7 134:24 136:24 140:6 142:8 154:24 158:22 163:13 170:9 171:17 think 1:8 2:19 4:15,17 5:3 24:14 25:6 26:19 30:15 43:8 45:6 53:9 57:5 58:24,25 70:11</p>	<p>76:17,18 78:25 79:1 79:5,6 85:17 88:7 90:4 95:2 101:20 103:11 104:14 106:22 107:6 108:4 108:6,11,15 117:6 120:8 121:20 130:3 131:1 137:17 140:16 144:25 147:11 150:5,14 156:14,22 168:11 174:20 175:7,24,24 179:13 184:8 187:15,21,22,23,24 188:9 192:21 193:4 thinking 186:5 third 2:10 13:21 15:20 17:16 21:13 24:3 86:1 92:10 97:15 167:7 187:6 thirties 151:18 154:14 thirty 97:17 THORNTON 2:13 thoroughly 81:25 though 13:19 14:5 55:20 66:6 126:24 thought 4:19 8:5 16:11 24:22 25:7 26:11,16 46:2 50:4 51:23 83:19 98:19 103:7 108:10,10 thoughts 85:15 thousand 191:20,25 thousands 32:11 57:25 threat 124:2 176:7 threaten 20:18,19 21:7 threatened 119:1 123:6,12,22 185:13 threatening 104:9 threats 30:18 31:5,9 120:25 121:5,6,9 123:2,5,10,17 three 9:5 16:5 19:7 69:12 136:24 140:19,20,21 142:6 three-quarters 3:24 36:17 through 1:17 13:17,18 13:19 15:2 16:9 17:7 24:17 30:1,7 32:5 46:17 51:14 55:19,19 61:14 62:24 63:20 74:18 94:4 95:19,25 103:6 115:2 125:4 134:3 146:21 171:7 193:5 throughout 37:3 89:11 thumbnail 38:2 Thursday 1:7 1:1 ticket 62:12 tie 95:5 ties 172:1 timeframe 4:19 15:11 17:3 59:7 60:16</p>	<p>timely 24:10 times 1:2 16:5 35:11 35:15 54:21 60:24 63:7 83:3 89:1,9 101:6 102:12 107:6 192:14 timetable 4:22 timezone 100:7 timing 65:12,15 100:7 100:18 143:22 tin 153:14 Tinco 109:10 129:23 130:8,21 131:10 142:18,21 147:2,3,4 147:14,16,19,20 148:6,13 149:13 150:17,20 155:17 tired 108:8 title 129:9 today 4:6 26:16 29:6 37:15 76:9 95:18 together 8:6 43:5 44:21 57:6 60:25 88:5 95:10 103:5 139:1,3,5 140:23 158:22 175:16 toilet 53:7 told 6:24 22:6 42:4 91:5 96:8 120:24 121:4,9,11,20 125:7 125:24 127:8 142:3 149:13 150:7 151:1 151:3,3,6,7 159:14 160:16,18,23 171:13 172:9,12,13 172:16 173:7 176:15 177:4 178:1 178:18 Tom 86:1 tomorrow 171:14 194:4 TOMSON 2:6 tonnage 155:7 tonnes 153:14,16 154:4,7 tool 8:19 9:4 20:12,18 118:14 top 101:20 112:15 115:17 121:14 143:24 topic 36:12,25 61:19 82:7 93:4 95:13 105:1 108:5 116:12 122:3 150:25 151:11 topical 25:3 topics 25:1 54:24 105:2 touch 64:25 105:1 172:9 towards 153:11 trade 2:14 69:10 trader 109:11 trade-off 72:18 transaction 70:3 73:16,18 74:17,25 76:16 77:10 80:4</p>
---	---	--	--	--	---

<p>89:2,3 transactions 73:9 74:20 Transcript 1:23 1:2 transfer 82:10 83:10 86:6 transferred 77:25 transition 67:24 transport 88:12 161:12 travelled 175:8 treated 10:17 12:24 49:17 178:22,22 treating 20:22 treatment 26:11,14,14 26:19 treaty 8:13 9:1 11:25 19:3,18 28:12,16 Trevor 1:24 Tribunal 1:22 2:23 3:7,8,9,13,15,19 26:10 78:6 101:19 107:18 108:3,14 109:5 127:12 129:8 142:11 143:21 145:22 177:12 180:4 tricky 138:10 tried 161:19 172:12 172:16,23 178:1,3 trips 51:7 trucks 22:15 158:21 true 10:16 23:9 29:9 29:15 71:16 98:14 129:20 134:25,25 139:14 156:7,10,10 157:23 158:13 160:5 161:14 162:18 169:10 172:4 173:18,18 174:4 177:3 truly 58:8 155:12 174:25 TRUMAN 1:11 Trust 38:25 39:11,19 truth 129:3,3,4 145:13 145:13,14 173:12 179:25,25 180:1 try 1:15 4:24 5:21 8:19 32:2 42:16 54:23 92:1 95:8 123:25 148:23 176:16 178:6 trying 8:18,19 9:2,4,5 11:12 12:3,7,12,21 17:25 18:5 19:4 26:21 31:17,23 34:17 46:12 50:18 53:12,14 55:1 56:7 57:1 60:16,23 62:11 63:19 74:6 78:19,24 79:15 90:21 93:19 105:1 107:19 108:1 108:10,13 113:8 119:5 121:16,17 123:24 126:7,8 140:4 143:22</p>	<p>144:10 157:24 162:7 170:13 tungsten 109:10 tunnel 152:5 tunnelling 141:19 tunnels 36:5 155:3 turn 4:7 21:6 28:20 93:23,23 115:9 127:22 131:6 turned 174:21 turnover 35:12,16 38:12,12 twenty 35:11 twice 42:1 99:3 192:22 two 2:14 18:13,23 33:24 35:6 36:1,4 38:4,5,10 55:9,14 58:10,15 60:1,20 64:10 67:14 69:12 70:4 82:19 83:14 85:7 86:2 95:16 100:9 107:13 109:5 109:7,21 110:21 129:14 134:9 141:25 154:24 158:1 169:9,11 170:19 176:15 two-camera 65:5 two-hour 4:18 type 84:19 87:2 112:1 types 55:2 138:3,4,5 typical 50:24 52:23 95:18 typically 52:17</p> <hr/> <p style="text-align: center;">U</p> <p>ultimately 50:19 102:18 107:1,18 111:11 135:6 Umhlaba 133:22,23 134:23 UN 69:12 unable 9:3 unbelievable 177:19 uncertain 143:22 undecided 21:2 30:5 under 1:1 8:13,25 11:24 18:17 19:2,17 24:12 28:11,15 67:7 71:13,20,25 77:12 96:18,20 98:11 104:9 105:24 107:11 131:20 134:5,12,22 138:14 138:17 139:12 160:12 185:15 186:19 187:7 188:18 underground 141:20 understand 1:17 5:19 8:22 19:10 26:15 55:6 58:19 62:11 65:2,8 68:6 69:25 70:1 75:8,20 94:20 103:15,22 104:25 123:15 125:3 132:3 132:7 133:3 136:5</p>	<p>137:8 138:25 163:24 164:1 178:13 180:22 190:20 understandable 103:24 understanding 14:4 35:14 44:17 47:5,10 51:22 90:15 102:17 109:13 119:11 132:4,5 134:17,20 148:1 150:17 162:7 189:7 understands 127:12 understood 11:2,6 23:3 39:13 43:21 59:21 67:16 68:23 68:24 75:24 84:14 84:20 95:15,22 102:25 108:2 126:4 126:20 140:16 underway 65:9 unexplored 96:3 unfair 7:3 8:5 16:11 116:7 unfortunately 15:23 unhappy 114:7 unilaterally 21:24 United 2:11,12,13,14 2:15,16 87:12,18,20 87:21,23 132:18 133:4 universe 33:6 University 117:5 unless 4:20 64:6 130:23 unlike 18:6 98:9 115:22 unlikely 40:11 171:8 unmute 127:23 128:14 Unmuted 128:15 unnecessary 83:21 unnumbered 96:20 97:15 unprofessional 157:2 unrealistic 23:12 unreasonable 115:19 unsigned 32:12 until 3:19 4:12 19:7 29:6,13 30:15 39:19 53:8 110:4 119:20 146:12,13 156:14 169:8 181:11 182:15 187:12 191:23 194:4,7 untrue 8:10 28:5 31:6 172:3 173:11,17 176:9 unusual 46:19 98:21 101:21 103:16 unwillingness 18:13 18:23 updated 3:23 upgrade 110:22 151:20 upgrading 63:11 upload 1:9</p>	<p>upset 17:14 upsetting 16:16 17:11 USAID 42:4,15,20 USD 153:9,22 use 3:20 9:4 76:22 113:3,4 127:17 136:3 used 3:6 13:14 14:19 45:7 50:10,22,23 53:14 62:20 70:3 74:19 79:7 88:19,21 102:5 112:24,25 118:14 151:20,21 156:4 using 19:7,7 45:11 61:17 70:7 102:10 104:16 156:3 170:17 usual 152:3 US\$20,000 184:10</p> <hr/> <p style="text-align: center;">V</p> <p>v 1:17 vacate 170:2,3,10,12 170:15 vacating 31:19 valid 183:11 189:6 valuable 170:15 value 72:5 75:7,12 valued 24:18 various 24:4 30:18 45:17 54:21 55:1 130:21 143:23 168:7 Vaughn 1:24 vein 138:7 veins 53:25 venture 181:11,16 ventures 192:2 verbal 16:9 version 101:21 versus 35:19 very 2:8 5:25 14:10 16:11 17:14 30:20 30:21,24,25 31:11 31:21 32:10,13,15 33:12,12 34:18 35:2 36:15 38:2 42:3 43:5 45:12 47:18,18 47:20 49:11,11 51:12,13,13 52:25 53:3 56:21,21 59:9 60:3 64:13 69:19 71:7 84:22,22 85:21 87:3 101:7,13 103:16 104:10 108:4,8 109:8,12 116:2,4 117:12 118:25 119:1 121:6 122:20,24 127:15 130:21,25 138:10 139:7,18 143:14 144:11 151:10 154:13,19 155:20 156:11 157:2 163:19 169:13 170:25 173:12,18</p>	<p>176:10 178:2,23 179:1 180:2 181:1 189:6 192:5 193:18 194:3 via 1:5 163:21 164:10 victims 85:18 video 1:5 1:12 view 1:15 2:4 19:17,19 70:5,6,15,17 73:19 73:20,23 74:18,24 75:25 76:3 77:23 78:1,13,14,21 82:10 87:1,8 98:17 99:5 viewing 127:19 views 99:11 villages 14:17 virtual 163:18 virtually 25:17 27:1 46:4 53:21 112:21 visa 185:11,12,14 visit 192:10 visited 158:11 173:25 174:10,21 visiting 192:13,15 vital 52:8 volume 106:5</p> <hr/> <p style="text-align: center;">W</p> <p>wait 2:12 3:1 4:7,7 47:23 108:16 144:23 waited 18:4,4 waiting 2:1 65:2,4,14 127:8,9 143:12 144:22 148:10,14 169:24 waiving 75:25 walk 94:4 139:8 walked 36:8 51:13 want 3:16 5:14 6:15 6:16 11:1 23:2 33:22 34:9,11 38:21 47:23 53:15 54:11 54:16 59:6 60:3,24 69:24 79:16 80:15 80:18,23,25 82:4 86:20 88:15 92:13 94:7 96:6,13 98:6 101:5,14 108:15 116:11 117:10 118:20 119:22 123:14 130:20 139:18,21,22,23 141:11 144:25 159:16 165:10 169:17 171:19 wanted 1:25 13:15 23:24 25:10 31:21 35:13 68:16 74:14 94:4,4 95:5 104:11 108:5 116:2 117:9 178:4 wants 136:5 war 45:13 47:15,17 warehouse 139:22 warehouses 36:1,4 warning 182:23</p>	<p>warrant 138:4 warranties 16:21 wars 69:8 wary 69:19 washing 155:24 wasn't 23:4 30:15 31:18 40:7 53:12 78:14 79:13 80:24 85:3 86:10 90:14 126:23 133:21 138:21 139:13 140:11 155:15 156:17 164:11 183:16 191:17 water 46:18 156:7 WATKINS 2:22 6:2 65:20 119:25 127:11,16,22 128:9 128:16 143:15 144:22 145:2 179:9 way 4:24 12:24 17:13 26:1,9,23 28:1 39:16 41:11 63:8 79:8,10 91:22 98:16 98:25 109:13 113:19 114:22 136:17 137:6 138:12 148:8 161:16 167:20 175:2 178:22,22 185:10,12 189:9 191:13 weak 190:2 website 185:22 week 31:1 42:1,2 43:11 59:14 91:4 104:13 121:7 125:22 165:9 weeks 60:1 170:19 welcome 34:3 128:20 177:8 179:11 well 1:5 3:15 4:23 5:14 5:25 6:21 8:24 11:4 11:10 15:1,13 17:5 18:10 19:4 25:25 26:15 33:3 34:19 36:2 38:15 40:3,20 41:15 42:20 46:11 47:11 48:7 49:6,14 49:25 56:15 64:6,8 64:13 65:18 66:3 68:21 69:3,25 71:2 72:15,22 73:11 74:5 74:18 76:24 77:21 78:18 87:16 89:16 99:2 101:20 107:13 108:6 114:1 117:2 127:10,15 130:5 132:6 133:2,14,16 134:20,25 140:9,19 143:14 144:25 149:22 152:15 158:24 161:20 163:5 164:5 166:9 167:2,14,17 169:13 170:3 176:1 180:6 183:17 186:8 189:3</p>
--	--	--	---	---	--

<p>191:15 Welle 85:8,20 went 17:7 22:17 30:1 44:9 47:21 49:24 51:7 52:2 53:19 57:12 60:21 63:7 71:14 86:8 95:19 98:8 107:2 123:10 130:3,4 146:9 159:9 160:2 175:25 weren't 11:7 13:10 15:3 36:3 39:3 49:8 56:7 72:15 79:21 113:19 133:10 140:14 150:11,19 151:1 163:22 165:20 166:20 167:2 west 35:25 154:23 western 173:23 we'll 5:17 57:16 59:2,3 64:13 116:18 120:12 144:2,16 148:12 we're 1:13 2:4 5:10 16:16,17 43:15 49:19 57:22 80:9 81:2 96:16 105:5 114:4 127:16 143:15,23,25 193:21 we've 1:8 6:21 23:12 23:14,15 58:2 63:2 110:21 141:23,24 173:2 whatsoever 115:4 while 2:5 3:14 24:11 66:20 72:6 151:24 whilst 30:23 whole 30:1 55:17 63:14 79:9 92:9 93:3 101:13 113:4 129:3 145:13 179:25 185:8 wholly 16:23 22:9 37:21 wild 102:22 103:2 170:19 Williams 42:13,25 43:4 44:8,10 willing 16:16,17 32:24 58:17 79:19,20 117:9 147:21 win/win 162:1 wish 33:16 withdrew 29:25 withhold 12:15 witness 1:18 2:3 6:2 13:21 24:2,3 25:14 25:21 26:2 33:18 35:21 36:20,23,25 39:8 40:23 41:3,4 65:20,25 66:13 79:18 84:7 86:9 119:25 120:4 121:20 128:15,21 128:23 129:1,14,17</p>	<p>129:20 130:17 131:14 132:14 143:8 144:4,22 145:4,10,12 148:25 149:2,16,22 151:13 152:7,11,12,15,19 152:24 156:11 157:7,9 169:5 171:22 172:11 175:1 177:14 179:7 179:12,15,19,21,24 181:21 185:17 186:9,17,19,25 187:2,4 193:20,23 194:2 witnesses 2:5 9:9 143:23 witness's 107:16 WOLFENSTEIN 2:19 wolframite 111:10,20 111:24 wonder 64:8 107:14 128:21 word 23:8 50:23,23 115:10 words 56:11 61:14 74:11 107:9 162:22 174:11 189:22 work 5:23 15:11 17:4 24:22 25:12 44:23 44:24 57:21 89:13 111:19 117:8 127:2 129:9 136:14 147:3 147:24,25 148:13 148:16 150:21 152:1 159:13,16 178:5 189:14 190:5 190:12 191:8 workaround 3:5 worked 37:3 49:24 52:20 91:6 95:25 110:19 111:5 132:21 146:23,24 147:14 190:11 192:5 workers 56:11 61:4 workforce 153:16 working 13:20 43:19 71:22 84:21 102:1,4 106:5 110:20 111:5 118:21 126:2 132:25 138:13 143:25 146:17 147:5 148:5 153:7 158:6 159:12 182:15 189:16 works 4:1 26:9 49:12 94:22 112:15 137:15 138:12 175:4 world 51:20 136:14 world's 193:3 world-leading 117:4 worried 4:17 worry 149:4 worst 32:1</p>	<p>wouldn't 7:16 25:21 40:13 91:3 133:24 175:4 wound 120:18 wow 141:23 write 46:17 56:16 72:13 81:19 114:19 130:20 183:17 write-off 66:14 writing 45:10 58:25 67:1 116:17 192:15 written 19:14 46:3,8 46:23 52:14 66:19 67:5 183:25 wrong 11:12 36:21 58:14,15 90:4,6 93:18 108:9 wrote 72:13,14 81:6 93:18 115:15 123:4 190:16 191:7</p> <hr/> <p style="text-align: center;">X</p> <p>X 115:20 138:8 XRF 155:21 156:2,8</p> <hr/> <p style="text-align: center;">Y</p> <p>Yahoo 94:10 102:5,11 Yahoo.com 45:5 Yankulije 157:15 Yasin 167:7,11,21 168:19 year 17:20,24 20:6,11 35:10 38:13 60:5,9 66:6 80:5 97:17 134:7,9 153:15 154:5,6,7 181:9,25 186:14,15 188:16 192:22 193:11 years 9:5 19:7 23:20 27:1 49:3 54:1 56:23 58:11,16 97:5 97:12 106:14,18,20 115:23 140:2,19,21 140:21 141:25 142:6 181:13 189:6 189:15 191:12,24 yelling 120:8 yesterday 1:21 2:3 17:7 youngsters 26:7</p> <hr/> <p style="text-align: center;">Z</p> <p>Zarnacks 39:11,16 52:7 107:25 109:20 Zoom 1:5 Zuzana 3:16 18:4 25:11 30:16,17 58:25 133:2 145:6 145:24 146:5,7 148:17 171:13 176:3</p> <hr/> <p style="text-align: center;">\$</p> <p>\$1 38:5,6 \$1-2 70:2 \$14 139:9</p>	<p>\$20 153:9 \$30,000 158:20,24 159:2,3,4,5,7 \$39 105:20 110:1 \$39.5 106:8 107:2 109:19 110:8 \$4 153:22 \$800 38:12 \$800,000 156:21</p> <hr/> <p style="text-align: center;">1</p> <p>1 3:3 17:18 18:20 19:14 159:20 1,042 153:16 154:4 1.20 100:5 1.42 64:16 10 105:7 121:7 144:17 10th 122:3 10% 142:18,20 10.00 100:4 100 54:1 11 130:18,19 12 194:7 12th 43:13,15 44:13 12.01 1:3 120,000 58:3 128 3:10 129 3:11 13 13:22 13th 93:13 99:3 131 3:12 132 3:13 140,000 58:3 141 3:14 142 3:15 145 3:16,17 148 3:18 15 184:23 15% 167:8,12,15,19 168:5,10 182:8,10 185:4 15-minute 179:2 16 24:3 36:22,22,23 152:7 184:24 16th 29:4 17 190:19 191:11 17th 181:15 177 3:19 179 3:20 18 20:5 180 3:21 181 3:22 19 131:14 132:4 19th 15:5 27:11,24 29:16 193 3:23 1955 141:14 1995 153:15</p> <hr/> <p style="text-align: center;">2</p> <p>2 132:14 134:22 139:12 164:23 2.13 64:18 20 35:15 20% 69:11 20-tonne 110:14 200 35:9</p>	<p>2003 43:8 44:15 45:13 69:4,8 180:12 2005 32:13 41:24 2006 21:24 43:14,15 44:13,16 106:22 109:20 153:17 180:25 181:14 187:19,21 2007 68:1,2 106:14 134:9 153:15 181:15,15,15 186:20 187:7,10,14 187:19,20,23,24 188:9,10 2008 39:2,3,11 57:22 134:8 150:13,14 153:12,21 187:14 187:20 2009/2010 181:17 2010 25:2 39:18 55:12 57:23 59:13,22 60:4 60:10 68:2 104:21 104:22 106:4,11,23 106:25 182:11 2011 37:8 58:2 59:10 59:15 61:7,25 62:19 66:6 93:13 104:5,13 104:16 106:14 107:2,11 114:9 130:3 146:9 153:16 153:17 154:3 165:5 172:24 2012 82:22 120:17,18 122:3 130:4,6,21 131:10 133:6 139:3 140:22 142:3 153:13,21 155:2 2013 34:5,17 124:4,7 124:15 125:13,17 125:21,21 126:10 186:13 189:15 2014 20:14 32:13 39:20,20 40:6 58:21 62:24 63:20 130:12 140:17 157:15,18 158:4,9 159:9,10,20 160:14 164:22,25 165:8,20,21,24 167:6 182:15 183:1 183:16 188:19 189:8 190:6 193:3 193:10 2015 15:5 21:4 24:11 27:15 28:10,14 30:9 130:14,16 140:20 147:4,11,15,23 150:21 169:1 170:2 187:14 2016 19:8 28:22 29:1,7 29:13 169:8 171:25 178:9 2017 173:25 2018 146:13 2021 1:7 1:1 142:24 21st 125:13 22 30:9 169:5 22nd 30:15 125:19,21</p>	<p>126:10 23 19:12,18 157:15 177:14 23rd 59:12 24 157:18 159:10 24th 1:7 1:1 41:24 25 158:1 159:9 176:7 189:6 25th 17:17 26 157:8,10,13 158:1 171:22 26th 165:21 27 158:4 159:8 173:22 28 27:1 38:23 160:13 29 38:23 29th 130:14,16</p> <hr/> <p style="text-align: center;">3</p> <p>3 19:21 3rd 120:17 3(B) 96:17 3,000 33:10 153:17 154:5 3.46 119:19 30 116:3 119:18 30th 124:4,7,15 125:16,21 30-year 98:11,12,13 30-33 39:15,17 300 33:11 103:22 153:16 191:21,25 33 160:10 35-year 137:22 36 54:14 360 3:6 65:8 127:18 39.5 106:14</p> <hr/> <p style="text-align: center;">4</p> <p>4 2:6,6 96:18,20 184:21 4.15 119:20 4.17 119:21 40 3:6 33:18 192:7</p> <hr/> <p style="text-align: center;">5</p> <p>5 21:10 33:22 34:23 66:9 130:18 186:17 186:25 187:3 5% 154:8 5.00 144:19 5.12 144:21 50% 162:5,22 193:3 193:10,12 50/50 161:25 500 56:15,16,17 51% 182:9 525 191:23,24 58 152:11,12,17</p> <hr/> <p style="text-align: center;">6</p> <p>6 3:4,5 5:18 72:12 73:4 148:24 149:2 6.00 2:10 6.04 179:4 6.19 179:6 6.50 194:6</p>
--	--	---	---	---	--

<p>60 20:2 62 154:7 68 3:7</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 34:24,25 150:23 7.00 2:7 73 3:8 74 35:21 36:10,20,21 75 115:23 76 3:9</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8 105:24,25 150:23 8th 104:14,16 8.00 158:4 80 141:19 83 153:14 85% 185:9 89 99:15</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9 105:7 90 93:9,25 99:3 90% 38:14 142:18 91 96:10,12 93 96:16 95% 38:13</p>					
--	--	--	--	--	--