

IN THE MATTER OF AN ARBITRATION

**UNDER THE RULES OF ARBITRATION OF THE INTERNATIONAL
CENTRE FOR THE SETTLEMENT OF INVESTMENT DISPUTES**

ICSID CASE No ARB/14/22

BETWEEN:

(1) BSG RESOURCES LIMITED

(2) BSG RESOURCES (GUINEA) LIMITED

(3) BSG RESOURCES (GUINEA) SÀRL

Claimants

- v -

THE REPUBLIC OF GUINEA

Respondent

First Witness Statement

PATRICK SAADA

I, **PATRICK SAADA**, of Mevo Ayam, 46920, Arsouf, Israel, with date of birth 24 August 1964, will state as follows:

INTRODUCTION

1. I have 22 years' experience in the diamond industry where I have acquired extensive technical and commercial knowledge. In 2007 I became the Vice Chairman and Chief Marketing Officer of Ocea Ltd, a diamond company with mineral interests in the Republic of Sierra Leone. Ocea Ltd is a subsidiary of BSGR. I held this position until December 2013. One of my responsibilities included the development of the Koidu project, a kimberlitic diamond mine in Sierra Leone.
2. I was not involved in the mining project in Guinea. I did, however, sometimes travel to Guinea, if an opportunity for diamond mining came up.

3. I would like to testify with respect to the allegations Mamadie Touré makes in her Affidavit dated 2 December 2013, on which the Republic of Guinea relied in its report dated 21 March 2014.

MAMADIE TOURE'S ALLEGATIONS

4. During my work in Sierra Leone, I travelled to Guinea probably three times, all of which related to an opportunity in the diamond sector. I had nothing to do with the iron ore mining project in Guinea. This was Marc Struik's and Asher Avidan's responsibility.
5. In paragraph 13 of her Affidavit,¹ Ms Touré states that I was at a meeting with the President of Guinea, Lansana Conté, where among other BSGR people, Beny Steinmetz was apparently present. This is not true. I never attended a meeting with President Conté at which Beny Steinmetz was present.
6. I can, however, confirm that I was at a meeting with President Conté in 2006, after BSGR had been granted the exploration permits in Simandou North and South. This was an official event, where the BSGR team presented itself to the President. I joined this meeting because I had been told by Roy Oron, then CEO of BSGR, of a potential diamond mining opportunity in Guinea. Mr Oron said that it would be good for me to be introduced to the President as well. What I can recall about the meeting is that it took place outside and that the President received us with a woman standing next to him. This may have been Ms Touré, but I am not sure. The President did not introduce her to us. She just stood there and did not say anything. There were also other people present including journalists. As I said, it was all very official. I cannot recall who invited BSGR nor do I know who organized the meeting. I do know that Mr Steinmetz was definitely not at this event.
7. In paragraph 14 of her Affidavit² Ms Touré says that I visited her together with Mr Steinmetz, Michael Noy, Mr Avidan, Frédéric Cilins, Ibrahima Touré, Issiaga Bangoura and Mr Struik in Dubréka after the meeting she refers to in paragraph 13. This is not true. I never attended such a meeting and I did not even know that Dubréka existed until I read this allegation in her Affidavit.


¹ Affidavit of Mamadie Touré dated 2 December 2013 (Exhibit C-0086) para 13.

² *Ibid.*, para 14.



8. In paragraph 17 of her Affidavit³ Ms Touré refers to a meeting that apparently took place on 20 June 2007 which I, together with Mr Steinmetz, Mr Avidan, Mr Struik, Mr Touré and Mr Bangoura, attended. Again, this is not true. I was certainly not present at that meeting, if it indeed took place. I never witnessed the signing of any contract between BSGR Guinea and a company called Matinda.
9. In 2009 I helped Mr Noy to get a visa for a visit to Sierra Leone. As I was the Vice Chairman of Octea Ltd and project manager at the kimberlitic diamond mine at the time, I was able to provide him with the required invitation. I did not know anything about the purpose of his visit and stay in Sierra Leone. Once he had arrived in Freetown, out of courtesy I wanted to meet with him quickly, say hello and ask him if he needed anything else. I met him for ten minutes in the hotel where he was staying and it was there that I was introduced to Ms Touré. I was certainly often in Freetown, but I met Ms Touré there only once, on this occasion with Mr Noy. Ms Touré suggests in paragraph 37 of her Affidavit⁴ that I had visited her several times with Mr Noy and that I had been there when she apparently signed "undated documents" with Mr Noy. This is simply not true. I have no idea what she is talking about and I have certainly not been part of any deals Mr Noy might have had with Ms Touré.

I confirm this statement is true to the best of my knowledge and belief.


.....
Patrick Saada

29/02/2016
.....

Date

³ *Ibid.*, para 17.

⁴ *Ibid.*, para 37.