

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

UNITED STATES OF AMERICA,)	
)	
v.)	Criminal No. 1:07CR209 (TSE)
)	
WILLIAM J. JEFFERSON,)	
)	
Defendant.)	

**REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE
(LETTER ROGATORY)**

The United States District Court for the Eastern District of Virginia, in the United States of America, presents its compliments to the appropriate judicial authority of the Federal Republic of Nigeria and requests international judicial assistance to obtain evidence to be used in a criminal proceeding before this Court in the captioned matter.

This Court requests the assistance described herein as necessary in the interests of justice. The assistance requested is that the appropriate judicial authority of the Federal Republic of Nigeria compel the appearance of the below named individuals to give evidence, under oath, as to their knowledge of the facts that are relevant to the issues in this case.

A. Identity and Addresses of Persons to Be Examined

The names and addresses of those to be examined are:

1. Suleiman Yahyah
c/o Alh. Abdullahi Ibrahim
Abdullahi Ibrahim & Co.
#45, Haile Selassie Street
Garki, Abuja – Nigeria

2. Atiku Abubakar
Abuja, Nigeria

B. Nature and Purpose of the Proceedings and Summary of the Facts

1. The Pending Criminal Proceeding

This Request for International Judicial Assistance relates to a criminal proceeding currently pending against William J. Jefferson in the United States District Court for the Eastern District of Virginia. Mr. Jefferson was indicted on June 4, 2007. The 16-count indictment charges Mr. Jefferson with conspiracy, bribery, wire fraud, violation of the Foreign Corrupt Practices Act (“FCPA”) (15 U.S.C. § 78dd-2(a)), racketeering and other offenses. The charges relate to dealings with an American company called iGate, Inc., a Nigerian company called W2-IBBS, and other companies seeking to do business in Africa.

As particularly relevant to this request for assistance, the indictment alleges that Mr. Jefferson conspired to bribe foreign officials in violation of the FCPA and that he agreed or offered to pay a bribe in violation of the FCPA. The indictment alleges that bribes were to be paid to Mr. Atiku Abubakar, then the Vice President of Nigeria, and to unnamed lower ranking Nigerian government officials. The indictment alleges that the purpose of the bribes was to cause the officials to intercede with NITEL so that NITEL would allow a Nigerian joint venture formed by W2-IBBS and Rosecom to provide high speed internet and other telecommunications services over existing telephone lines in Nigeria, using iGate technology. The indictment alleges that Suleiman Yahyah, the president of Rosecom, was a participant in the bribery conspiracy and was to be responsible for paying bribes to lower ranking government officials.

Mr. Jefferson denies the allegations in the indictment and intends to defend against them at trial. The previously-scheduled trial date has been postponed because of a pending interlocutory appeal. No new trial date has been set.

2. Knowledge of Persons to be Examined

In order to defend himself in this case, Mr. Jefferson needs to obtain the testimony of persons who have knowledge of the relevant events, including those that are the basis for the allegations of conspiracy to bribe foreign officials. Because the persons described below have knowledge of these matters, the interests of justice will be furthered if these persons are deposed, under oath, as to their knowledge of the facts.

Atiku Abubakar, the former vice president of Nigeria, was allegedly a direct participant in the bribery conspiracy. The indictment against Mr. Jefferson alleges that Mr. Jefferson and Mr. Abubakar had a private meeting in which Mr. Jefferson offered to pay a bribe to Mr. Abubakar. The prosecutors in the criminal proceeding have disclosed to Mr. Jefferson that Mr. Abubakar has made statements, either through his lawyers, to the media or to Nigerian authorities, denying any role in accepting bribes in relation to the charges in this case.

Suleiman Yahyah was the president of Rosecom, a Nigerian company that was a participant in the joint venture seeking to provide high speed internet and other telecommunications services using iGate technology in Nigeria. Mr. Yahyah has knowledge about Rosecom's role in the joint venture and about the activities of the other participants, including W2-IBBS and Lori Mody. The indictment alleges that Mr. Yahyah participated in discussions about bribing Nigerian officials and that he was to be responsible for bribing unnamed lower ranking Nigerian officials. The prosecutors have disclosed to Mr. Jefferson that Mr. Yahyah has made statements, either through his lawyers, to the media or to Nigerian authorities, denying any role in paying bribes in relation to the charges in this case.

C. Evidence to Be Obtained

The evidence to be obtained consists of testimony for use in the trial of the criminal proceeding against William J. Jefferson. This Court respectfully requests that a Nigerian judicial authority compel the persons identified above to appear and be deposed, under oath, as to their knowledge of the facts that are relevant to the issues in this case.

1. Questions to Be Asked of Suleiman Yahyah

1. Describe the role of Rosecom in the joint venture with W2-IBBS for the provision of high speed internet and other telecommunications services in Nigeria, and describe the activities that Rosecom was to undertake as part of the joint venture.

2. How did you and Rosecom become aware of iGate and the possibility of a joint venture with iGate or W2-IBBS?

3. Describe any conversations or other communications you may have had with William Jefferson regarding obtaining the assistance of Nigerian government officials for the W2-IBBS/Rosecom joint venture.

4. Describe any conversations or other communications you may have had with William Jefferson regarding the payment of money or things of value to Nigerian government officials in exchange for their assistance to the W2-IBBS/Rosecom joint venture.

5. State whether you ever agreed with William Jefferson that you would arrange for the payment of money or things of value to Nigerian government officials in exchange for their use of their influence or positions to obtain commitments from NITEL for the benefit of the W2-IBBS/Rosecom joint venture.

6. State whether you ever agreed with William Jefferson that money or other things of value should be paid to Atiku Abubakar in exchange for his use of his influence or position to obtain commitments from NITEL for the benefit of the W2-IBBS/Rosecom joint venture.

7. State whether you ever paid money or other things of value to any Nigerian government officials in exchange for their providing assistance to the Rosecom/W2-IBBS joint venture.

8. On or about June 9, 2005, you placed a telephone call to Vernon Jackson concerning the negotiations with NITEL and possible communication between Mr. Jefferson and Atiku Abubakar. What if anything did you expect Mr. Jefferson to do? Did you have any direct communication with Mr. Jefferson about the problem?

9. Did you provide a handwritten statement to the Nigerian Economic and Financial Crimes Commission relating to iGate and Mr. Jefferson? Is this document, marked with the identifying numbers MLAT-N01474 through MLAT-N01482 (copy attached as Exhibit A; to be shown to Mr. Yahyah at the deposition) an accurate copy of that statement? Are the matters set forth in this statement true?

2. Questions to Be Asked of Atiku Abubakar

1. Describe any conversations or other communications you may have had with William Jefferson regarding the joint venture between W2-IBBS and Rosecom for the provision of high speed internet and other telecommunications services in Nigeria.

2. Describe any conversations or other communications you may have had with William Jefferson regarding the payment of money or other things of value to you or to someone designated by you in exchange for your assistance to the W2-IBBS/Rosecom joint venture.

3. Describe any conversations or other communications you may have had with any other persons regarding the payment of money or other things of value to you in exchange for your assistance to the W2-IBBS/Rosecom joint venture.

4. State whether William Jefferson ever offered to pay to you, or to some other person or entity of your choosing, money or other things of value in return for your use of your influence or position to obtain commitments from NITEL for the benefit of the W2-IBBS/Rosecom joint venture.

5. State whether William Jefferson ever paid to you, or to some other person or entity of your choosing, money or other things of value in return for your use of your influence or position to obtain commitments from NITEL for the benefit of the W2-IBBS/Rosecom joint venture.

6. Describe in detail the meeting that took place on or about July 18, 2005 between you and Mr. Jefferson at your Potomac, Maryland home, including but not limited to:

- How did the meeting come to be arranged?
- What did you know about the purpose of the meeting before July 18, 2005?
- What did you know about the Nigerian telecommunications venture before July 18, 2005?
- What did Mr. Jefferson tell you when the two of you met privately on July 18, 2005?
- Did Mr. Jefferson request your assistance?
- What if anything did he ask you to do?
- What was your response?
- On July 18, 2005, or at any time before or after, did Mr. Jefferson offer to provide you with anything of value in exchange for your assistance with the telecommunications venture?
- On July 18, 2005, or at any time before or after, did Mr. Jefferson offer to provide

your wife, Jennifer Douglas Abubakar, or any organization with which she was associated, anything of value in exchange for your assistance with the telecommunications venture?

- On July 18, 2005, or at any time before or after, did you agree to receive anything of value in exchange for your assistance with the telecommunications venture?
- On July 18, 2005, or at any time before or after, did you or Mrs. Abubakar receive anything of value from Mr. Jefferson?

7. On July 31, 2005, or at any time before or after, did you or Mrs. Abubakar receive anything of value from Mr. Jefferson?

8. Describe in detail the meeting that took place in or about August 2003 at your Potomac, Maryland home involving Mr. Jefferson and representatives of Netlink Digital Television, including but not limited to:

- Did you know Mr. Jefferson prior to the meeting?
- What were you told about the telecommunications venture?
- Were you asked to provide any form of assistance to the venture at that time?

D. Special Procedures

This Court respectfully requests the appropriate judicial authority of the Federal Republic of Nigeria to follow the following special procedures.

1. Requirements That the Evidence Be Given on Oath or Affirmation and Specific Form to Be Used.

The examinations of the persons listed above should be taken under oath before (1) a secretary of embassy, consul general, vice-consul or consular agent of the United States of America or any officer authorized to administer oaths under the laws of the United States or of the Federal Republic of Nigeria, or (2) before a person appointed by the court and empowered to administer oaths and take testimony.

This Court further requests that you require that the testimony given during the depositions be given under the following oath: “I, [name of deponent], do swear (or affirm) that the testimony that I am about to give is the truth, the whole truth, and nothing but the truth, so help me God.”

In the event that the law of Nigeria does not permit the swearing of an oath by particular witnesses, the duly appointed officer shall make inquiry of such witness to ensure that he/she understands the gravity of the procedure and affirms that his/her statement will be true and correct in all respects.

2. Other Special Methods or Procedures to be Followed

Except to the extent that such rules are incompatible with the internal laws of the Federal Republic of Nigeria, the examinations shall be taken under the Federal Rules of Civil Procedure, provided, however, that the scope and manner of the examination and cross-examination at the deposition shall be in accordance with the Federal Rules of Evidence as would apply during trial in a United States court.

The examination shall be taken before a commercial stenographer and a verbatim transcript shall be produced.

The Court further requests that counsel for defendant William J. Jefferson and for the United States of America be notified of the date, time and place of each of the depositions and that they be allowed to appear at each of the depositions and to participate by asking questions of the deponents. If the laws of the Federal Republic of Nigeria do not allow foreign attorneys to appear before the appropriate judicial body of the Federal Republic of Nigeria, this Court requests that local counsel in the Federal Republic of Nigeria be allowed to appear at each of the depositions and to participate by asking questions of the deponents.

E. Request for Notification of the Time and Place for Examination of the Witnesses

This Court respectfully requests that the following individuals be notified of the time and place of the examination of the witnesses and supplies the identity and address of the persons to be notified.

Please send notice of the time and place of the examination of the witnesses to:

Honorable T.S. Ellis, III
United States District Judge
United States District Court for the
Eastern District of Virginia
Alexandria Division
401 Courthouse Square
Alexandria, VA 22314
U.S.A.

Robert P. Trout
Trout Cacheris, PLLC
1350 Connecticut Avenue, N.W.
Suite 300
Washington, D.C. 20036
U.S.A.

Mark D. Lytle, AUSA
United States Attorney's Office
2100 Jamieson Avenue
Alexandria, VA 22314
U.S.A.

Please also send the original verbatim transcripts of the depositions to:

Clerk of the Court
United States District Court for the
Eastern District of Virginia
Alexandria Division
401 Courthouse Square
Alexandria, VA 22314
U.S.A.

F. Reciprocity

This Court appreciates the appropriate judicial authority's assistance in obtaining evidence in this matter. This Court is willing to provide similar assistance to judicial authorities in the Federal Republic of Nigeria should a judicial authority in the Federal Republic of Nigeria so require.

G. Reimbursement of Fees and Costs

This Court is willing to reimburse the appropriate judicial authority of the Federal Republic of Nigeria for costs incurred in executing this letter rogatory.

Honorable T.S. Ellis, III
United States District Court for the Eastern
District of Virginia
Alexandria, Virginia, United States of America

Dated: _____, 2008
Alexandria, Virginia

(SEAL OF COURT)

08033112456 - 0805571313

ECONOMIC AND FINANCIAL CRIMES COMMISSION
THE STATEMENT OF WITNESS/ACCUSED



Station EFCC ABUJA
Name SULEIMAN YAHYAH Nationality/Tribe NIGERIAN-FULANI
Age 43 YEARS Occupation ENTREPRENEUR Religion KLANY
Address NO 21B KAINJI STREET, MATAMA ABUJA

In case of accused person the formal caution will be administered.

I SULEIMAN YAHYAH having been duly cautioned in English language that I am not obliged to say anything unless I wish to do so but what I say will be taken down in writing and may be given in evidence. I freely and voluntarily elect to state as follows:-

Signed
6/7/06

I AM AN INDEGENE OF KATSINA STATE - RESIDENT IN KADUNA - I HAVE A MASTERS DEGREE IN ECONOMICS FROM CAMBRIDGE UNIVERSITY ENGLAND, PRIOR TO THAT I GRADUATED FIRST CLASS IN ECONOMICS FROM BAUCHO UNIVERSITY KANO - I AM A CHARTERED STOCKBROKER/INVESTMENT BANKER AND ENTREPRENEUR - I AM A MEMBER OF THE INVESTMENT AND SECURITIES TRIBUNAL (IST). I WORKED WITH CONTINENTAL MERCHANT BANK (CHASE) BETWEEN 1987 AND 1992. RESIGNED AND SET UP EMPIRE GROUP IN 1992 - RESIGNED IN 1997 AND SET UP ROSEHILL GROUP AND TALA FEN PARTNERS. IN 1999, I ESTABLISHED ROSECOM.NET LTD WHICH I CHAIR. ^{I AM} FORMER BANK DIRECTOR IN FCMB AND NUB - RESIGNED AS A RESULT OF CONSOLIDATION IN NUB AND CONFLICT OF INTEREST AT FCMB. ROSECOM.NET IS AN INTERNET SERVICE PROVIDER. ^{AS} AN ISP WE HAVE A CONTINUING BUSINESS RELATIONSHIP WITH NITEL PLC, WHICH COMMENCED WITH DIAL-UP/EEI SERVICES IN 1999. THE ADSL (ASYMMETRICAL DIGITAL SUBSCRIBER LINE) RELATIONSHIP COMMENCED ON NOVEMBER 5TH 2003 WHEN WE

MLAT-N 01474

EXHIBIT A

MLAT-N01474

REQUESTED FOR A MEETING TO EXPLORE JOINT VENTURE OPPORTUNITIES ON BROAD BAND INTERNET FOLLOWING THE COLLAPSE OF WIRELESS SERVICE OCCASIONED BY THE FCC RE-REGULATION OF 2003. THE MINUTES OF THE MEETING AND SUBSEQUENT MEETINGS ARE AS APPENDIXED - 1 DELIVERED TO YOU. UNFORTUNATELY THE ADSL RELATIONSHIP DID NOT TAKE OFF - WITH THE PENTASCOPE MANAGEMENT SUPERVISOR'S ISSUES OF EQUIPMENTS / FUNDING ETC. HOWEVER THE FRAME WORK AND BASIC PRINCIPLES WERE AT AN ADVANCED STAGE. THE FEDERAL GOVERNMENT TERMINATED PENTASCOPE'S CONTRACT ON FEB. 2, 2005 (SEE THIS DAY). THE NEW MANAGEMENT UNDER ALBERT ALASHI OFFERED THE CONTRACT ON 29-04-2005. AS CONTAINED IN THE AFFIDAVIT S3B. AFTER SIGNING AND ACCEPTING THE CONTRACT ON MAY 11, 2005 - NITEL GAVE US ANOTHER CONTRACT WHICH WAS DIFFERENT FROM THE FIRST ON JUNE 3, 2005. THIS NEW CONTRACT CREATED DISCOMFORT WITH OUR PROPOSED TECHNOLOGY PARTNERS (GATE/WZBBZ), LEADING TO THEIR LETTER TO VICE PRESIDENT ATIKV ET AL - COPY ATTACHED - EVEN THOUGH THERE WERE SERIES OF MEETING AND DISAGREEMENT, ROSECOM PERSISTED ON THE RELATIONSHIP WITH NITEL LEADING TO OUR PIONEERING TAKE-OFF OF THE ADSL - IN DECEMBER 2005. VARIOUS CORRESPONDENCE WITH NITEL ARE ATTACHED. THE RELATIONSHIP WITH GATE COMMENCED SOMETIME IN JUNE 2004. I WAS A MEMBER OF A DELEGATION THAT VISITED THE

Interpreted by me:

Interpreted by me:

[Signature]
Signature/Mark of Witness/Accused

Signed:.....

Date:.....

This statement was taken in..... Language, read over and translated to the Accused/Witness in..... Language in my presence and hearing.

Recorded by: *SULEIMAN YAHYAH*

Date: *JULY 6, 2006*

Time taking of statement commenced.....

Time taking of statement completed.....

MLAT-N 01475

ECONOMIC AND FINANCIAL CRIMES COMMISSION
THE STATEMENT OF WITNESS/ACCUSED



ABUJA Station
Name SULEMAN YAHYAH Nationality/Tribe NIGERIAN-FULANI
Age 43 YEARS Occupation ENTREPRENEUR Religion ISLAM
Address No 218 KAINJI STREET, MAITAMA ABUJA.

In case of accused person the formal caution will be administered.

UNITED KINGDOM AND THE U.S UNDER THE SPONSORSHIP OF THE INVESTMENT AND SECURITIES TRIBUNAL TO EXPLAIN TO CONGRESSMEN THE US SEC, ATTORNEY GENERAL OFFICE, THE UK FSA, VAT TRIBUNAL ETC - ON THE ESTABLISHMENT OF IST IN NIGERIA TO FAST TRACK-DISTRICT RESOLUTION IN THE CAPITAL MARKET AS A COMPLEMENT TO EFCC AND ICPC - CONGRESSMAN WILLIAM JEFFERSON RECEIVED US IN HIS OFFICE. WE MET THREE OTHER CONGRESSMEN - WE WERE INTRODUCED TO EACH-OTHER AS A NEW EXECUTIVE DIRECTOR OF TRIBUNAL - HE ASKED WHAT I DO, AND I GAVE HIM MY ROSECOM CARD, HE IMMEDIATELY REQUESTED TO MEET ME AFTER THE OFFICIAL COURTESY CALL, ~~IN THE PRESENCE OF THIS REQUEST WAS MADE IN~~ THE PRESENCE OF THE CHAIRMAN OF THE IST AND OTHER MEMBERS OF THE IST DELEGATION. I OBLIGED.

A MEETING WAS HELD NEXT DAY IN DC WHERE HE INFORMED ~~ME~~ ^{OF} THE EXISTENCE OF IGate-INC - A US COMPANY LOOKING FOR BROADBAND BUSINESS IN NIGERIA AND THAT THEY HAVE HAD UNFRUITFUL DEALINGS WITH OTHER NIGERIAN COMPANIES INTRODUCED TO THEM BY THE PRESIDENT BUT NOTHING CAME UP, SO I AGREED IN PRINCIPLE TO MEET IGate AND SEE THEIR TECHNICAL PROPOSAL - A PRESENTATION WAS DONE ^{TO ME} AND I REQUESTED MY TECHNICAL PEOPLE TO CONDUCT DUE DILIGENCE, AS CONTAINED IN

THE VARIOUS AFFIDAVITS ATTACHED. IGate ^{AS PER} ~~IS~~ PROPOSED INITIALLY TO SELL ~~ADSL~~ ADSL MODEMS. (FOR) ^{AS PER} THEIR PROPOSALS OF (FOIA) (OED) JUNE 2005. WHEN WE FAXED THEM THE OFFER WE HAD WITH MITEL OF APRIL 2005 - THEY REQUESTED FOR A PARTNERSHIP AGREEMENT THROUGH JVC-

MLAT-N 01476

BASED ON NITEL PROPOSAL OF APRIL 2005.
WE CONSULTED IGATE AND THE PROPOSAL
WAS ACCEPTED BY ROSECOM - TO NITEL ON MAY 11
2005 NITEL RESPONDED WITH A COUNTER PROPOSAL

OF - REJECTING OUR REQUIREMENT FOR
COLLOCATION OF DSLAM AT THEIR VARIOUS
EXCHANGES. THE ~~THE~~ PROPOSAL OF APRIL 29, REQUESTED
US TO SPECIFY OUR COLLOCATION REQUIREMENT,
WHICH WE DID IN OUR ACCEPTANCE, LETTER
DATED MAY 11, 2005. THE COLLOCATION REQUIREMENT
IS THE MAIN REASON WHY IGATE WANTED TO
ENLARGE THE BUSINESS TO JOINT VENTURE
STATUS WITH US, SO ~~THE~~ ^{THAT} THEIR SO CALLED PATENTED
TECHNOLOGY COULD BE REPLOYED AT NITEL'S
EXCHANGES ACROSS THE COUNTRY ON THE BACK
OF ROSECOM'S LICENCE. WHEN NITEL, PROPOSED
AS PER THEIR JUNE, LETTER, IMPLICITLY REJECTING
THE COLLOCATION, THE J.V. PROPOSAL WAS -
ALMOST KILLED. THATS WHEN THE ATIKU
LETTER CAME UP - AND THE VARIOUS INVESTI-
GATIONS ET AL - MEANWHILE WE UNDERSTOOD
THAT NITEL HAS OBTAINED DSLAM EQUIPMENT
FROM ZTE IN CHINA - THUS FOR US TO BE
IN THE GAME, ~~WE~~ ^{WE} ALSO SIGNED AGREEMENT
WITH ZTE - AND ORDERED

Interpreted by me:

Interpreted by me:

MOSEMS IMMEDIATELY

Signature/Mark of Witness/Accused

Signed:.....

Date:.....

This statement was taken in..... ENGLISH..... Language, read over and

translated to the Accused/Witness in..... ENGLISH..... Language in my presence and

hearing.

Recorded by: SULEMAN YAHIAH

Date: July 16th, 2006

Time taking of statement commenced.....

Time taking of statement completed.....

MLAT-N 01477

ECONOMIC AND FINANCIAL CRIMES COMMISSION



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THE STATEMENT OF WITNESS/ACCUSED

Station EFCC Lagos
 Name SULEIMAN YAHYAH Nationality/Tribe NIGERIAN-FULANI
 Age 43 years Occupation ENTREPRENEUR Religion ISLAM
 Address NO 21B KAINJI STREET, MAITAMA.

In case of accused person the formal caution will be administered.

I, SULEIMAN YAHYAH having been duly cautioned in English language that I am not obliged to say anything unless I wish to do so but whatever I say will be taken down in writing and may be given in evidence, I freely and voluntarily elect to state as follows: - Shymony 7/7/06

STILL ON THE FAILED PROPOSAL WITH IGATE/W2. FROM WHAT WE KNOW NOW, IE THE AFFIDAVITS IN US COURTS - (COPIES ATTACHED) THE NEWSPAPER PUBLICATIONS COPIES ATTACHED, IT APPEARS THE IGATE PROPOSAL WAS A PYRAMID-SCHEME. BECAUSE, WHEN THEY PROPOSED TO SELL MODEMS/DESKPHONES TO US IN THE JUNE OFFER, OUR DUE DILIGENCE REVEALED THAT THE SAID EQUIPMENTS/TECHNOLOGY DID NOT OBTAIN THE UNITED STATES FEDERAL COMMUNICATIONS COMMISSION APPROVAL. US FCC. THIS APPROVAL IS REQUIRED HERE IN NIGERIA FOR NCC TYPE APPROVAL. WE COMMUNICATED THIS TO IGATE. THE RESPONSE WAS APPROVAL WAS PENDING. WE THEN SOUGHT FOR REFERENCE/REFERRALS, SAME WAS NOT FORTH COMING. THEN THEY CHANGED THE OFFER TO A JOINT VENTURE PROPOSAL ON THE BASIS OF 60/40 EQUITY IN THEIR FAVOUR WHILE 40% WAS FOR ROSECOM. THIS GAVE US SMALL COMFORT INVESTORS TO CONTINUE NEGOTIATION, SINCE THEY WILL BE CO-INVESTORS. THE PROPOSED JVC WAS VETTED BY OUR LAWYERS IN THE UNITED STATES - JOHN DE MAIO AND THREE NIGERIAN LAWYERS - JB DAUDDI & CO - SAN, BIODUN, AND MASIR. SEPARATELY AND AMENDMENTS WERE MADE - WHEN IT WAS CONSIDERED OK TO SIGN IN MAY 2005, WE SIGNED. THEY FAILED TO SIGN ON THE EFFECTIVE DATE. THUS NULIFYING IT. DERNON JACKSON ~~THE~~ PRESIDENT OF IGATE MAILED US TO PAY APPROX \$350,000 (THREE HUNDRED & FIFTY THOUSAND TO IGATE ACCOUNT AS A PORTION OF OUR INVESTMENT IN THE PROPOSED JOINT VENTURE. WE REFUSED TO PAY BECAUSE

MLAT-N 01478

THEY DID NOT SIGN THE AGREEMENT. SECONDLY THE AGREEMENT ^(COLLAPSED) ~~(CALLED)~~ FOR A JOINT VENTURE ESCROW ACCOUNT FOR JOINT FUNDING - THIS WAS NOT OPENED. THIRDLY, WE COULD NOT PAY ADVANCE MONEY. AS FAR AS ROSECOM IS CONCERNED, WE DO NOT HAVE ANY CONTRACT, OR RELATIONSHIP WITH IGATE - OUTSIDE THE PROPOSED JOINT VENTURE, WHICH COLLAPSED IN MAY 2005. WE HAVE NO ~~RELATIONSHIP~~ RELATIONSHIP WITH ANY PARTY - OUTSIDE THE PROPOSED BUSINESS. (CIVIL) WE NOTICED THAT IGATE/US WAS A WASTE OF TIME AND RESOURCES HAVING EXPENDED ON LEGAL FEES AND TRAVELS FOR ONE YEAR NOTHING WAS FORTHCOMING - SO WE DECIDED TO OPT OUT AND DEAL WITH THE CHINESE COMP.

ZTE. THE ZTE OFFERED US A CHEAPER ALTERNATIVE. WE THEN ORDERED EQUIPMENTS (MODEMS) FROM ZTE AND PROCEEDED TO LAUNCH THE ADSL SERVICE IN DECEMBER 2005 - JOINTLY WITH NITEL. OUR RELATIONSHIP WITH NITEL IS A DIFFICULT ONE BUT IT IS CORDIAL AND TRANSPARENT. THE FBI OFFICER, EDWARD COOPER CALLED ME ON 26/JAN 2006, AND TOLD ME, THAT THEY ARE INVESTIGATING IGATE AND OTHERS. THAT ROSECOM IS NOT A TARGET OF THEIR INVESTIGATION AND THAT IF WE HAVE ANY INFORMATION WE CAN AVAIL THEM. WE PROMISED TO ASSIST THEM, AND WE DID THROUGH OUR LAWYERS IN THE UNITED STATES AND HEREBY HAVE GIVEN FCC ALL DOCUMENTS OVER 400 PAGES TO ASSIST WITH THEIR INVESTIGATION.

ROSECOM OPERATES USING HIGHEST CORPORATE GOVERNANCE AND ETHICS. WE DID NOT HAVE ANYTHING TO DO WITH IGATE OTHER RELATIONSHIPS. THANK YOU.

Signed: [Signature]
Date: 7/7/06
This statement was taken in ENGLISH Language, read over and translated to the Accused/Witness in ENGLISH Language in my presence and hearing.

Recorded by: SULEIMAN YAHYAH
Date: 7/7/06
Time taking of statement commenced.....
Time taking of statement completed.....

ECONOMIC AND FINANCIAL CRIMES COMMISSION
THE STATEMENT OF WITNESS/ACCUSED



3

Station LAGOS
Name SULEIMAN YAHYAH Nationality/Tribe NIGERIAN-FULANI
Age 43 years Occupation Interpreter Religion ISLAM
Address 21-B KAINJI STREET, MAITAMA ABUJA

In case of accused person the formal caution will be administered.

ON YOUR QUESTION OF THE MEETINGS IN ^{NEW JERSEY} ~~(LAGOS)~~ ^(NEW JERSEY) IN ~~(DATE)~~ ^(DATE) AUGUST 2004, THE PURPOSE WAS TO INTRODUCE THE PROPOSED JOINT VENTURE PARTNERS IE, IGATE, REPRESENTED BY VERNON JACKSON & LORI MODI - THE IGATE INVESTOR, SULEIMAN YAHYAH ROSECOM CHAIRMAN, BRETT PFEFFER AND WILLIAM JEFFERSON - CONGRESSMAN. THE MEETING WAS HELD AT THE LAW OFFICE JONES WALKER, IN NEW ORLEANS. JAMILA JEFFERSON REPRESENTED IGATE - AS ATTORNEY. OUR ATTORNEY JOHN DE-MAIB FROM NEW YORK - WAS ON TELEPHONE CONFERENCE THROUGH OUT THE MEETING. THE PROPOSED JV WAS REVIEWED IN DETAIL. WE MADE INPUTS - AND OUR LAWYERS AGREED TO PREPARE CLEAN COPY OF THE MEMORANDUM OF UNDERSTANDING FOR SIGNATURE THE FOLLOWING MORNING. THE MOU WAS NOT SIGNED THE NEXT DAY, AS I WAS INFORMED THAT LORI MODI HAD AN EMERGENCY SHE HAD TO ATTEND TO. THUS THE ~~AGREE~~ DRAFT MOU WAS FORWARDED TO US BY DHL COPIES ATTACHED - THE SAME AGREEMENT WAS AGAIN VETTED BY OUR SOLICITORS IN NIGERIA AND COMMENTS WERE AGAIN MADE AND FORWARDED TO THEM FOR A FINAL COPY - THE FINAL COPY WAS TO BE SIGNED EFFECTIVE MAY 20 2005. ROSECOM SIGNED ITS PART, IGATE/WJZ NEVER SIGNED. SO THE MOU/DRAFT AGREEMENT FAILED. NOTHING OUTSIDE THE AGREEMENT WAS DISCUSSED AT THE MEETING OF AUGUST 20. IN NEW JERSEY. IN ~~(DATE)~~ ^(DATE) APRIL 2005, I VISITED THE US TO ATTEND THE OIL & GAS CONFERENCE IN HOUSTON TEXAS, WHEN I CALLED IGATE AND INFORMED THEM THAT

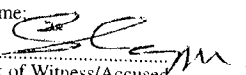
MLAT-N 01480

(4)

I WAS AT THE US - THEY INVITED ME TO KENTUCKY TO ATTEND A MEETING AND WATCH THE FAMOUS KENTUCKY DERBY. ON THE 5TH MAY - TO 7TH MAY - I AGREED AND FLEW TO KENTUCKY WHERE I MET WILLIAM JEFFERSON GOVERNOR JACKSON - THE NEED TO SIGN THE DRAFT MOU AND FAST TRACK THE ADSL IMPLEMENTATION WAS DISCUSSED IN DETAIL. I PROMISED TO SIGN AS SOON AS THE LAWYERS FINALISE ^{THE} VETTING AND I INDEED DID SIGN UPON MY RETURN TO NIGERIA ~~IN (2005)~~ MAY. AGAIN THEY DID NOT SIGN - IN EFFECT FURTHER WASTING OUR TIME. ON THE QUESTION OF NITEL'S FIRST AND SECOND PROPOSALS, MY RESPONSE IS - AS FOLLOWS - WHEN WE MET IGATE - THEIR FIRST PROPOSAL WAS TO SIMPLY SELL ~~MODERN~~ TV RIGHTS TO ROSECOM AT APPROX. \$1-7 MILLION US. ~~9/2~~ WHEN I RETURNED TO NIGERIA AND FAXED THEM THE NITEL APRIL 29 - PROPOSAL - FOR IP WHOLESALE AND THE QUESTIONS ON TYPE/FCC APPROVAL, THEY JUMPED AT THE PROPOSAL, AND WE JOINTLY AGREED TO ACCEPT THE PROPOSAL - AS IT IS, AND ADD THE REQUIREMENT FOR COLLOCATION OF DSLAM'S AT VARIOUS EXCHANGES TO BE SUPPLIED BY IGATE AS PART OF THE EQUITY CONTRIBUTION. ~~VIDE~~ THEIR EMAIL OF MAY 12, 2005. BASED ON IGATE OUR ACCEPTANCE WE WROTE NITEL IN OUR LETTER OF MAY 11, 2005 ACCEPTING. THEN NITEL RESPONDED OFFERING A DIFFERENT PROPOSAL ON JUNE 3, 2005. THIS PROPOSAL DID NOT INCLUDE DSLAM'S.

Interpreted by me:

Interpreted by me:


Signature/Mark of Witness/Accused
7/7/06

Signed:.....

Date:.....

This statement was taken in.....Language, read over and translated to the Accused/Witness in.....Language in my presence and hearing.

Recorded by: SULEIMAN YAHYAH

Date: 7/7/06

Time taking of statement commenced.....

Time taking of statement completed.....

MLAT-N 01481

ECONOMIC AND FINANCIAL CRIMES COMMISSION
THE STATEMENT OF WITNESS/ACCUSED



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Name EFCC Station Lagos EFCC
Name SUEIMAY YAHYAH Nationality/Tribe NIGERIAN - FULANI
Age 43 years Occupation ENTREPRENEUR Religion ISLAM
Address 21 B KAINTI STREET MAITAMA ABUJA.

In case of accused person the formal caution will be administered.

IT WAS A PROPOSAL FOR ADSL AS OPPOSED TO THE WHOLESALE IP AND THE ARCHITECTURE NOW MAKES ISPs RESSELLERS. IGATE PROTESTED THAT WAS BOUND TO ACCEPT OUR ACCEPTANCE WITHOUT MODIFICATION, OTHERWISE THEY WILL ^{NOT} CONTINUE WITH THE PROPOSED JV. BECAUSE, WITHOUT COLLOCATING DSLAM THE TOTAL INVESTMENT IS TOO SMALL FOR THEIR CONSIDERATION. IGATE WAS FULLY INFORMED AND WAS PARTY TO THE AND PROVIDED INPUTS AS PER THEIR EMAILS IN MOST OF THE CORRESPONDENCE BETWEEN ROSECOM AND NITEL AS REGARDS THE IP WHOLESALE PROPOSAL, OUR RESPONSE/ACCEPTANCE AND ADSL PROPOSAL OF JUNE 2005. ON YOUR QUESTION OF JAMILLA JEFFERSON, SHE INFORMED US THAT SHE WORKS FOR LAW FIRM OF JONES WALKER, AND SIGNED ALL LEGAL CORRESPONDENCE BETWEEN JONES WALKER AND ROSECOM WITH RESPECT TO THE MOU. SHE LIAISED WITH OUR LAWYERS JOHN PE MAIO OF NEW YORK, TO VET THE AGREEMENT. ON THE WILLIAM JEFFERSON LETTER TO VICE PRESIDENT ATIKU, I CALLED VERNON JACKSON SOMETIMES IN MID 2005, AND HE INFORMED THAT CONGRESSMAN WILLIAM JEFFERSON WAS VISITING GHANA AND HE HAS A WRITTEN A LETTER TO THE N2 TO ~~INTERVENE~~ INTERVENE AND RESCUE THE ROSECOM/NITEL PROPOSAL, SO THAT NITEL CAN AGREE TO COLLOCATE DSLAM. I ASKED HIM TO FAX THE LETTER AND HE DID. WHEN I READ THE LETTER I RAISED TWO OBJECTIONS, FIRST WE WERE NOT CONSULTED AND SECONDLY WE WERE REFERRED TO AS A SMALL COMPANY - AND I SAID WE ARE THE LEADING ISP IN ABUJA AND WHEN I VISITED KENTUCKY HE DID NOT SHOW ME HIS OFFICE (IGATE) SO WHY CALL US A SMALL COMPANY.

MLAT-N 01482