

IN THE HIGH COURT OF SIERRA LEONE
(COMMERCIAL AND ADMIRALTY DIVISION)

IN THE MATTER OF THE MINES AND MINERALS ACT (2009)

AND

IN THE MATTER OF THE COMPANIES ACT 2009

AND

IN THE MATTER OF THE 2010 MINING LEASE AGREEMENT BETWEEN THE REPUBLIC OF SIERRA LEONE ON THE ONE HAND AND KOIDU HOLDINGS S.A NOW KNOWN AS KOINDU LIMITED ON THE OTHER HAND

AND

IN THE MATTTTER RELATING, TOUCHING AND CONCERNING OCTEA LIMITED AND ITS SUBSIDIARY COMPANIES OCTEA DIAMOND LIMITED, OCTEA MINING LIMITED, OCTEA SERVICES LTD, AND OCTEA FOUNDATION LIMITED

AND

IN THE MATTER OF THE KOIDU HOLDINGS (SA) KOIDU KIMBERLITE PROJECT, EXTENDED AREA SETTLEMENT PLAN OF JUNE 2012

AND

IN THE MATTER OF THE HIGH COURT RULES 2007

AND

IN THE MATTER OF AN APPLICATION OF THE MARGINALISED AFFECTED PROPERTY OWNERS (LG)

BETWEEN:

MARGINALISED AFFECTED PROPERTY OWNERS (MAPO)(LG)
19 GBENSE NGUMBU STREET
KOIDU CITY

PLAINTIFFS

AND

- | | |
|--|-----------------------------|
| 1. OCTEA LIMITED | 1 st DEFENDANT |
| 2. THE MANAGING DIRECTOR OCTEA LIMITED | 2 nd DEFENDANT |
| 3. OCTEAD DIAMOND LTD | 3 rd DEFENDANT |
| 4. THE MANAGING DIRECTOR OCTEA DIAMOND LIMITED | 4 th DEFENDANT |
| 5. OCTEA MINING LIMITED | 5 th DEFENDANT |
| 6. THE MANAGING DIRECTOR OCTEA MINING LIMITED | 6 th DEFENDANT |
| 7. OCTEA SERVICES LIMITED | 7 th DEFENDANT |
| 8. THE MANAGING DIRECTOR OCTEA SERVICES LIMITED | 8 th DEFENDANT |
| 9. OCTEA FOUNDATION LIMITED | 9 th DEFENDANT |
| 10. THE MANAGING DIRECTOR OCTEA FOUNDATION LIMITED | 10 th DEFENDANT |
| 11. KOIDU LIMITED | 11 th DEFENDANT |
| 12. THE MANAGING DIRECTOR KOIDU LIMITED | 12 th DEFENDANTS |

ALL OF 84 WILLKINSON ROAD FREETOWN SIERRA LEONE

AFFIDAVITS IN SUPPORT OF ORIGINATING SUMMONS

I, TAMBA PRINCE BOIMA of 19 Gbesen Ngumbu Street Tankoro Kono District in the Eastern Province of the Republic of Sierra Leone Chairman of the Marginalized Affected Property Owners Make an **OATH** and say as follows:

1. That the facts deposed to herein are unless otherwise stated are within my knowledge and capacity as Chairman of the Marginalized Affected Property Owners and are based on documents and information that have come into my custody and possession in that capacity.
2. That the Plaintiff at all material times is a Company Limited by Guarantee Registered in Sierra Leone pursuant to the Companies Act, 2009. Copy of the Registration Certificate is shown to me marked exhibit TPB1,
3. That the Plaintiff has more than 76 marginalized and affected households within the Tankoro and Gbense Chiefdoms particularly Saquee Town, Number Nine, Sokogbeh, Yormandu, New Sembahun, Majamadu Communities and Tripoli, Bengazi, New London, Diamond Star Area Resettlements Communities in the Tankoro and Gbense Chiefdoms in the Kono District that are adversely affected by the mining activities of the 1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th and 12th Defendants. A copy of the list of household members registered with the Plaintiff is produced and shown to me marked TPB2
4. That at all material time the 1st Defendant created the , 3rd, 5th 7th 9th and 11th Defendants with mining operations in Sierra Leone .A copy of news briefings, publications and 11th defendant mining license are shown to me marked exhibits TPB3-----
5. That the 1st Defendant created the 3rd, 5th Defendant and through the 7th Defendant instructed the 9th Defendant to register the 11th Defendant in Sierra Leone as a Mining Company with its registered address at 84, Wilkinson Road Freetown Sierra Leone. A copy of the Registration Certificate of the 11th Defendant is shown to me marked exhibit TPB4.
6. That the Plaintiff's Solicitors conducted several searches to identify the addresses of the 1st, 2nd, 3rd 4th 5th 6th 7th 8th 9th 10th Defendants within and or outside the jurisdiction of this Honorable Court without success.
7. That by an email dated xx sent to the 11th Defendants, the Plaintiff's Solicitors requested the 11th Defendant to disclose the addresses of the 1st, 2nd 3rd 4th 5th 6th 7th 8th 9th and 10th Defendants. A copy of the said email is produced to me marked as exhibit TPB5.
8. That the 11th Defendant willfully refused and/or neglected to disclose the known addresses of the 1st, 2nd 3rd 4th 5th 6th 7th 8th 9th and 10th Defendants.

9. That in 2010 the 11th Defendant entered into a Mining Lease Agreement relating to the Mining and Commercial Exploration of the Koidu Kimberlites in a project to be Known as“ The Koidu Kimberlite Project” with the Government of Sierra Leone for and on behalf 3rd 5th 7th 9th Defendants . A copy of the said Mining Lease Agreement and Corporate Structure Annexed is shown to me marked Exhibit TPB6.
10. That the 1st 2nd 3rd 4th 5th 6th 7th 8th 9th and 10th Defendants, in June 2012 instructed the 11th and 12th Defendants to Produce the KOIDU KIMBERLITE EXTENDED AFFECTED AREA RESETTLEMENT ACTION PLAN. A copy of the said Action Plan is produced marked exhibit TPB7.
11. That in 2017, the 1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th Defendants instructed the 11th and 12th Defendant to enter into a COMMUNITY DEVELOPMENT AGREEMENT WITH “ The Primary Host Communities of Tankoro and Gbense Chiefdoms. A copy of the said agreement is shown to marked TPB8
12. That it is in the interest of Justice that this honorable Court grant the orders prayed in the Originating Summons.
13. That the contents of this affidavit are true to the best of my Knowledge, Information and Belief.

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Deponent

Sworn to at the Law Court Building, Mena Hills

Makeni on this day of 2019 at

O’ clock in the forenoon

BEFORE ME

A COMMISIONER FOR OATHS

This affidavits is filed by C &J Partners for and on behalf of the Plaintiff/ Applicant herein

2019

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ALL OF 84 WILLKINSON ROAD FREETOWN SIERRA LEONE

AFFIDAVIT IN SUPPORT

C&J PARTNERS1 JALLOH TERRACE,

MAKENI-KABALA HIGH WAYMAKENI