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BUA RESPONDS TO DANGOTE

It's with a profound sense of responsibility and a heavy heart that we address the claims and very cheap attempts at blackmail levelled against BUA by Aliko Dangote in a recent 7-page editorial following months of sponsored campaigns of calumny against us using third-party platforms. To put things in perspective, it's imperative to revisit history—a history not of rivalry but of resilience; not of enmity, but of endurance.

In August 1991, a young BUA was doing its commodities trading business just as Nigeria faced a scarcity of sugar. As sugar was scarce, BUA was lucky to be one of the few with any stock for sale, and we stood prepared to supply the nation's needs as best as our stock could. It was during this period Aliko Dangote approached us to purchase sugar. If only we knew he was setting the first of many traps in our business history. He gave us a Societe Generale Bank of Nigeria Cheque, which bounced upon presentation to the bank. Unbeknown to us, this was a ruse that would lead to a court-sanctioned freeze of our assets orchestrated by Dangote. For three agonising months, our accounts were garnisheed, warehouses shuttered, and our spirit tested. Yet, from the ashes of deceit, BUA survived. (see attached court order)

Fast forward a few years later, we decided that since we were making good progress in our various businesses, we should open a sugar refinery. We approached one Usman Dantata (now late), Aliko Dangote's uncle, and leased his NPA waterfront land (4.5 hectares) at the Tincan Island port, 'Polo House'. We took the land, signed an agreement with the consent of NPA, and paid all applicable dues. Dangote waited until our contractors and equipment had been mobilised to the site, then he went to former President Obasanjo. President Obasanjo had the land revoked entirely and gave the lease to Dangote. As a result, even his uncle lost the land. BUA was only given 24 hours to vacate the land.

It took us over a year to get another land. How?

Our survival as a business especially our Lagos sugar refinery is a legacy handed to us by a loving father who, seeing his son's distress, did what only the noblest and kindest of hearts could do. With unwavering faith, our Chairman's late father—may his soul rest in eternal peace—handed him the land on which our Lagos Sugar Refinery stands today. This land was the location of one of his thriving businesses with a warehouse, which he shut down and

handed to us without asking for compensation. He just saw the pain of our chairman, Abdul Samad Rabiou, called him one day and handed him the papers to the land. His gesture was a beacon of hope in one of our darkest hours. And so, BUA survived again another Dangote trap. Today, we are now the largest Sugar refining concern in West Africa.

Our businesses continued to surge forward amid several other attempts, too many to mention now. In 2007, under President Yar'Adua's visionary mandate to broaden Nigeria's cement industry and break the monopoly in the sector, BUA was among the six companies selected and granted licenses. Our approach was unconventional but effective: we introduced a floating terminal – 'BUA CEMENT I', which is a cement factory built into a large ship, as a stopgap while we were working on securing our land-based cement plant.

What followed, however, was another act intended to drive us out of business. Our application to dock the floating terminal in Lagos met with resistance. We then decided to berth the ship at the terminal we owned in Port Harcourt. Despite this, we faced considerable pushback and it took the decisive intervention of late President Yar Adua, who directed that the Minister of Transport and the Chairman of NPA honour our right to contribute to the nation's growth.

But the hurdles didn't end there. The drama intensified when Orwell Brown, a Deputy Comptroller General who was also an older brother to a Dangote Staff, launched a sudden strike, attempting to deport our vessel's entire expatriate crew. It was a Friday that is forever seared into our memory—the shock of our expatriates rounded up, their confusion as they were shepherded onto a Dangote-funded one-way local flight from Port Harcourt to Lagos en-route Asia via Emirates.

Upon hearing of what had happened, we reached out to Tanimu Yakubu, the then Chief Economic Adviser, who acted with the urgency that the situation demanded. His call to the CG of Immigration was a lifeline, and our expatriate team was brought back from the Emirates aircraft and not deported. The aftermath was swift action by the President, who ensured that such a misuse of power would not go unchecked. DCG Brown, caught in a tangle of undue influence, admitted what he did to the Minister, and he was later dismissed.

Through all these tribulations, BUA's resolve has only strengthened. These events narrate not just the trials of a company but the resolve of its people, bound together by a shared vision and an unwavering belief in justice and fairness.

We also know what transpired whilst we were building our Edo Cement Plant. Everyone knows the issues we faced. The plant we are operating in Edo would not have been operating and contributing immensely to the economy, if not for the former President Buhari who had to intervene by calling Governor Obaseki that no staff must lose their jobs and the plant must not be shut down, no matter what happens. We cannot say more as the matter is currently sub-judice - and is at the Supreme Court. During that time, Edwin Devakumar and Sunday Esan (two long-time and current staff of Dangote) were caught in leaked emails, whose content were not limited to sending thugs to foment trouble, close our factory as well as pushing bad press against us (See emails attached).

Same thing happened again with our Port Harcourt sugar refinery – the only sugar refinery in Nigeria that is outside Lagos. Dangote utilized every means possible to ensure the refinery did not take off and we raised the alarm. At some point, the terminal was taken away from us and was to have been given to someone else at the behest of Dangote. There had to be a presidential intervention again for NPA to do the right thing. Yet, we survived.

For over 32 years, we have been cast as the antagonists in a narrative woven with malice. We have not just survived; we have thrived, expanding our operations and contributing to Nigeria's economy without resorting to subterfuge.

To Mr. Dangote and the Dangote Group, we say: Let us build, not belittle. Let us cultivate, not conquer. While we may share the marketplace, we need not share malice. We have nothing to do with your self-inflicted issues. Blame no one but yourself.

In closing, we at BUA remain committed to our ethos of innovation, integrity, and inclusiveness. Our history is not one of being handed anything on a silver platter. We will continue to serve our beloved country and its people with the diligence and honour they deserve. Our past, present, and future activities are rooted in the prosperity of Nigeria, undeterred by the winds of unfounded criticism. We remain focused on building and developing Nigeria.

Signed:

Management

BUA - RESPONSE TO DANGOTE



**IN THE HIGH COURT OF LAGOS STATE
IN THE IKEJA JUDICIAL DIVISION
HOLDEN AT HIGH COURT NO. 14, IKEJA
BEFORE THE HON. JUSTICE UMIDUN E. AKANDE-JUDGE
FRIDAY THE 16TH OF AUGUST, 1991**

SUIT NO. ID/1632/91

BETWEEN
DANGOTE NIGERIA LTD - PLAINTIFF/APPLICANT
AND
BUA INTERNATIONAL LTD - DEFENDANT/RESPONDENT

ENROLMENT OF ORDER

**MOTION EXPARTE BROUGHT UNDER ORDER 39 RULE 12
AND ORDER 40 RULE 9 OF THE LAGOS STATE HIGH COURT
(CIVIL PROCEDURE) RULES 1972, AND SECTION 18 OF
THE HIGH COURT LAW (CAP. 52) LAWS OF LAGOS STATE**

UPON THE MOTION EXPARTE coming up before this Honourable Court,

UPON READING the affidavit in support and affidavit of urgency of one Hamman Obels, male, Nigeian and a company executive of No. 41, Creek Road, Apapa, Lagos State both sworn to and filed at Ikeja High Court Registry on the 15th day of August, 1991.

AND AFTER HEARING Bankole Aluko, Esq. of Counsel for the Plaintiff/Applicant in support of the application for an Interim Injunction against the Defendant/Respondent etc.

U. Akande
UMIDUN E. AKANDE
(JUDGE)

IT IS HEREBY ORDERED as follows:-

- (1) THAT the Plaintiff/Applicant shall give and file a Written Undertaking forthwith in this Court that he shall compensate the Defendant/Respondent in damages for any injury he may likely suffer as a result of the Court granting this Order.
- (2) THAT leave be and is hereby granted to the Plaintiff/Applicant to serve the Writ of Summons along with the Motion on Notice already filed in this Court on the Defendant/Respondent.
- (3) AN INTERIM ORDER is hereby granted directing and authorising the Chief Registrar of this Honourable Court and/or one Mr. Bankole Aluko (the Plaintiff's Solicitor) to enter upon the warehouses of BUA

the jurisdiction of this Honourable Court), the said warehouses being presently in the possession, and under the custody and control of the Defendant/Respondent for the purposes of inspecting and taking stock and inventory of the remainder of 45,600 bags of sugar, the subject matter of this action.

- (4) AN INTERIM ORDER is hereby granted directing the Defendant/Respondent (either by itself, or by all its Directors, employees, servants, agents, workmen, privies, or by whomsoever and howsoever otherwise) to deliver up and surrender custody of the remainder of the 45,600 bags of sugar the subject matter of this matter of this action, still in its possession, custody and control at the warehouses of BUA INTERNATIONAL LTD at Tin-Can Island, or at any other place wheresoever else to the custody possession and control of Chief Registrar of this Honourable Court and or of the said Mr. Bankole Aluko (the Plaintiff's Solicitor) forthwith.
- (5) AN ORDER OF INTERIM INJUNCTION is hereby granted restraining the Defendant/Respondent (either by itself or by all/any of its Directors, employees, servants, agents, workmen, privies or by whomsoever and howsoever otherwise) from selling, negotiating for the sale of, disposing of, parting with possession of, or howsoever dealing with the 45,600 bags of sugar the subject matter of this action (or the remainder, or whatever quantity of same is still in the possession, custody and control of the Defendant) pending the hearing and determination of the Motion on Notice already filed in this Court.
- (6) AN INTERIM "ANTON PILLER" Order is hereby granted directing the Defendant/Respondent to permit and authorise the Chief Registrar of this Honourable Court and or the said Mr. Bankole Aluko (the Plaintiff/Applicant's Solicitor) to enter upon the premises of the Defendant/Respondent's offices at No. 27, Duale Road, and at their warehouses known as BUA INTERNATIONAL LTD warehouses at Tin-Can Island (Apapa, Lagos) within the jurisdiction of this Honourable Court) for the purposes of searching for, seizing, inspecting and taking custody of all documents and

45,600 (or 120,000) bags of sugar the subject matter of this action pending the hearing and determination of the Motion on Notice already filed.

(7) THAT AN ORDER for the Interim Custody, detention and preservation of the sugar the subject matter of this action shall be and is hereby made upon the terms conditions contained in Orders 3, 4, 5 and 6 above pending the hearing and determination of the Motion on Notice already filed in this Court.

(8) THAT AN ORDER of Interim Injunction is hereby granted restraining the following persons namely:-

- (a) Union Bank of Nigeria Ltd
- (b) Tropical Commercial Bank Ltd
- (c) Habib (Nigeria) Bank Ltd
- (d) Liberty Merchant Bank Ltd

both at their Head office branches and at the branches at the places named in the SCHEDULE at the foot of this Order from permitting any debits or withdrawals to be made from the Defendant/Respondent's bank accounts kept either at the branches named in the SCHEDULE at the foot of this Order or at any other branch while this Order of Injunction remains in force, or until further Order.

(9) THAT AN ORDER is hereby granted that the said banks (both at their Head office branches, and at their branches at the places named in the SCHEDULE at the foot of this Order) shall (within three (3) days of the date of service of this Order upon them) file in this Honourable Court and serve upon the Plaintiff/Applicant's Solicitor duly certified copies (verified by the affidavit of a partner or officer of the bank) of the Defendant/Respondent's "Statements of Account" kept either at the branches named in the SCHEDULE at the foot of this Order or at any other branch showing all credit and debit entries from the said account (and the beneficiaries and depositors of all such payment) over the period 17th day of May 1991 to this date of the Court Order herein.

SCHEDULE at the foot of this Order) are to be at liberty to apply to this Honourable Court to discharge or vary this Order upon giving 48 hours notice to the Plaintiff/Applicant's Solicitor of their intention to do so pending the hearing and determination of the Motion on Notice already filed in this Court.

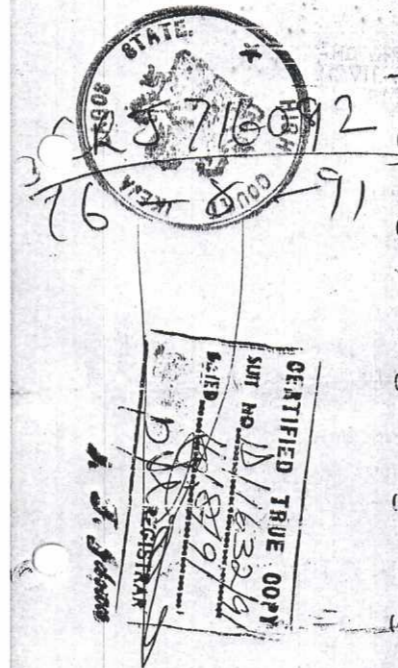
(11) THAT AN ORDER is hereby granted to the Plaintiff/Applicant to serve the various/several interim Orders granted herein upon the persons named in the SCHEDULE at the foot of this Order forthwith.

- SCHEDULE
- (a) The Divisional Police Officer, Tin-Can Island Police Station (Tin-Can Island, Lagos).
 - (b) Union Bank of Nigeria Ltd
Head office branch
No. 40 Marina,
Lagos.
 - (c) Tropical Commercial Bank Ltd
No. 22 Warehouse Road Branch
Apapa, Lagos.
 - (d) Habib (Nigeria) Bank Ltd
No. 18/20 Commercial Road Branch,
Apapa, Lagos.
 - (e) Liberty Merchant Bank Ltd
Plot 1663 Oyin Jolayemi Street Branch,
Victoria Island - Lagos.

(12) AND THAT Return date shall be the 20th day of August, 1991.

CASE is adjourned till the 20th day of August, 1991

Dated at Ikeja this 16th day of August 1991.



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Mawu...

BUA - RESPONSE TO DANGOTE



EMAILS FROM DANGOTE STAFF TO TRADITIONAL AND ONLINE MEDIA TO CAUSE REPUTATIONAL LOSS TO BUA

----- Forwarded message -----

From: "Adedamola Adeniyi [HQ]" <Adedamola.Adeniyi@dangote.com>
Date: Dec 6, 2017 3:15 PM
Subject: BUA using militia, soldiers to mine site allocated to Dangote – Ministry
To: "Adedamola Adeniyi [HQ]" <Adedamola.Adeniyi@dangote.com>
Cc:

Good day,

We hope you had a great day.

We kindly request your help in sharing this material.

Thank you for your help as always. BUA using militia, soldiers to mine site allocated to Dangote – Ministry

The management of BUA Group has been using armed militia, soldiers and policemen to mine marble and limestone in mining sites allocated to the Dangote Group, the Ministry of Mines and Steel Development has alleged.

In a statement signed by the ministry's Permanent Secretary, Mohammed Abass, and made available to our correspondent, the ministry said the company had been using a combination of armed militia, soldiers and policemen to obstruct the ministry's team from executing the stop work order issued to the company in October.

The ministry's statement was in response to an open letter to President Muhammadu Buhari by the company alleging that a minister was involved in sabotaging its operations.

Abass said that the in the records of the Ministry of Mines and Steel Development and the Nigerian Mining Cadastre Office, the BUA Group did not have a mining lease over the contentious site (No. 2541ML) and was therefore engaged in illegal mining.

He stated, "The ministry stands by the stop work order issued to the BUA Group and signed by the Permanent Secretary dated 17th of October, 2017." The letter was issued after thorough investigation confirmed that the BUA Group was indeed engaging in illegal mining of marble/limestone at a mine pit located on geographical coordinates N070 21' 47.4" E0060 26' 51.8", while the run-of-mine is stockpiled at an area with geographical coordinates N070 21' 48.4"; E0060 26'37.2".

Clarification provided by the Mining Cadastre Office shows that the coordinates of the mine pit and RoM stockpile area fall wholly within the area of mining Lease No 2541ML belonging to Messrs Dangote Industries Limited.

Abass added, "The ministry had earlier in 2015 issued a stop work order on this same disputed site but the BUA Group disregarded the order and went ahead with its illegal mining activities, under heavy cover of armed soldiers, policemen and men of the Nigeria Security and Civil Defence Corps.

The management of BUA also resisted the enforcement of the latest stop work order issued on October 17, 2017 using a combination of armed militia, soldiers and policemen to obstruct the team from the ministry in effecting the stop work order.

He added that the ministry would not compromise due process in its commitment to promote local and global investments in the Nigerian mining sector. This message contains confidential information and is intended only for the intended recipients. If you are not the named addressee you should not disseminate, distribute or copy this e-mail.

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Dangote Industries Limited and subsidiaries, Union Marble House, 1 Alfred Rewane Road, Falomo Ikoyi, Lagos, Nigeria

www.dangote.com

Good day,

We kindly request your help in pushing the material below.

Thank you

From: ESAN SUNDAY <esansunday@yahoo.co.uk>
Sent: Friday, December 22, 2017 6:57 PM

FG orders BUA to vacate and stop mining on Mining Lease No 2541ML

FG orders BUA to vacate and stop mining on disputed Mines site Federal Government has directed the Management of BUA Group to vacate and stop mining activities in the disputed location within Mining Lease No 2541ML.

The order, which was exclusively made available to our correspondent, was conveyed in a letter from the Federal Ministry of Mines and Steel Development with Reference number: MMSD/MID/OP/RS.71/1/ and addressed to BUA's Chairman and Chief Executive Officer.

The letter revealed that the outcome of the FG's investigation confirms that BUA is indeed engaging in illegal mining of marble/limestone at the site and that "clarification provided by the Mining Cadastre Office (MCO) shows that the coordinates of the Mine pit and ROM stockpile area fall wholly within the area of Mining Lease No.2541ML belonging to Messrs Dangote Industries Limited"

The letter further stated that: "The investigation further confirms that your company is carrying out the mining activities at the locality without any valid mining lease granted by this Ministry under the watch of armed military officers and men of the Nigerian Security and Civil Defence Corps (NSCDC).

Recalling that a similar letter of such had earlier been written to the company in December 2015 with reference number: MMSD/MID/OP/754/1 without compliance, the Ministry insisted that the stop order now issued must be obeyed.

Consequently upon the foregoing therefore, your company is hereby ordered to immediately stop all mining activities at the identified spot and any other part of the area of the 2541ML, evacuate all your mining machineries/equipment and vacate the mine site. This order is issued in accordance with the provisions of section 146(4) of the Act.

It would be recalled that the Management of Dangote Group recently accused BUA of engaging in illegal mining of limestone deposited in its Mining Lease No. 2541. Dangote's Executive Director, Mr. Devakumar Edwin, who then addressed the Press frowned at the media war, instigated by BUA against the Dangote Group, over a matter which is already pending before the Federal High Court, Benin Division

Edwin revealed that: "Dangote Group validly acquired its interest and mining title in the disputed Mining Lease No. 2541 from AICO Ado Ibrahim & Company Ltd sometime in 2014. AICO itself had applied to the Mining Cadastre Office and Ministry of Mines and Steel Development for the said Mining Lease No. 2541 located in a boundary town of Oguda/Ubo in Okene Kogi State in 2007. The Ministry in exercise of its power under the Nigerian Minerals and Mining Act, 2007 granted and issued to AICO ML. No. 2541 for the renewable period of 25 years effective from 1st February 2008 and to expire on 31 January, 2033. Thus AICO by virtue of the said grant, became vested with the legal title over ML. No. 2541. In 2014, the Dangote Group approached AICO and indicated interest in acquiring AICO's stake in ML No. 2541. In 2014, AICO in exercise of its right under the Mining Act, applied to the Ministry for the transfer of its title in the ML No. 2541 to Dangote Group. AICO and Dangote Group equally paid all the transfer and statutory fees demanded by the Ministry.

He further explained that: "By a letter dated 05 February 2016, the Ministry wrote to the Managing Director of the Dangote Group to convey the approval of the Ministry for the Transfer/Assignment of ML No. 2541 from AICO to Dangote Group with effect from 03 February 2016. Following the successful transfer of ML. NO. 2541 to Dangote Group, the Group became the holder of the Mining Lease No. 2541.

Edwin said: "It is therefore appalling that BUA Group in the midst of these overwhelming facts, is still accusing us of waging a campaign of calumny against its company. The Chairman of BUA, Samad Rabiu is simply a lachrymose- a man who sheds pretentious tears like crocodile. This action of his is most laughable and a total distraction from BUA's continuous illegal activities within Dangote's ML 2541 aimed at depleting and exhausting the limestone reserves in order to sabotage Dangote Group's legitimate investment." He said even BUA in its process in Court acknowledged that these illegal mining leases which it claimed were granted in 1997 were temporary mining leases.

Edwin also recalled that the then Minister for Solid Minerals under Olusegun Obasanjo's regime, Dr Oby Ezekwesili sometime in 2006 waded into the dispute and invited the managements of Edo Cement Company Limited and AICO Ado Ibrahim & Company Limited for a meeting and that in the course of the meeting the then Minister again queried the legality of Mining Lease Nos 18912 and 18913 and the power of the Governor of Edo State to grant such mining leases.

At the end of the Meeting, the Minister declared the Edo Cement's Mining Leases Nos. 18912 and 18913 illegal and declared the mining site open for interested investors. Given that AICO's then existing Mining Lease No. 17825 was yet to be renewed even though application for renewal was pending, AICO in 2007 (under the Mining Act, 2007) applied for the fresh Mining Lease No. 2541 and the Ministry granted it in 2008 without any objection from Edo Cement Company.

Edwin said AICO, who sold the right to Dangote, continued its mining operations in the Mining Lease No. 2541 undisturbed until BUA Group acquired Edo Cement Company Limited and resuscitated the dispute again. Edwin further revealed that it was the attempt by BUA to encroach on AICO's mining title in Mining Lease No. 2541 that prompted AICO to write to the Ministry in 2015 complaining of BUA's encroachment.

He said: "The Ministry after investigation in the same 2015 by the letter dated 21 January 2015 wrote to the Chairman of BUA Group directing BUA to stop mining within the ML. No. 2541. It was this same letter from the Ministry that prompted BUA to file a Suit at the Federal High Court Benin in 2016."

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BUA - RESPONSE TO DANGOTE



EMAILS FROM A DANGOTE MANAGEMENT EXECUTIVE, EDWIN, SEEKING TO USE THUGS AND UNORTHODOX MEANS TO TAKE OVER AND DISRUPT BUA OPERATIONS

ANNEXURE 2

From: "D.V.G. Edwin" <dvg.edwin@dangote-group.com>
To: "Prince Nazir Ado-Ibrahim" <nazirado@yahoo.com>

On Apr 18, 2015, at 10:05 PM, D.V.G. Edwin <dvg.edwin@dangote-group.com> wrote:

I am informed by my staff today , that the team is not willing to take possession of the site you sold to us . To say the least , I am deeply disappointed .

You must be aware that I am operating factories in Boko Haram infested areas like Adamawa State and I have Regional Sales Offices and depots all over North East including Maiduguri. I personally visit these locations and I have even expatriate staff in Adamawa State. We are NOT AFRAID of going anywhere and doing anything. If we are cowards, we would not be where we are.

The ONLY reason I wanted to work with you was due to the fact that you sold a property to us which was in possession of somebody, albeit illegally and you have an obligation to hand over possession of the property without any legal or illegal occupants. Now, I have been pushed to a situation where I have lost all confidence in the ability of your team to take over the place. Truthfully, I don't know whether it is fear or some other reason but the job is not getting done.

Hence, if your team is unable to take possession of the place tomorrow, please return all the tools and equipment to me and I know how to take over the place. Surely it will take time for me to set up another team from Edo State BUT, setting up a team with the capability to take possession of the property is certainly not an issue of concern for me. We are more than capable.

Chief Tony Anenih has assisted me in the past in giving me the right contacts for setting up such a team at Agenebode and I will have to approach him if you are going to let down our Group. I still entertain some faint hope that, having come this far, we won't be let down by you but, I am getting my company prepared for alternative options.

Edwin .

ANNEXURE 3

From: Prince Nazir <nazirado@yahoo.com>

Date: April 19, 2015 at 11:33:17 AM WAT

To: "dvg.edwin@dangote-group.com" <dvg.edwin@dangote-group.com>

Subject: Re: URGENT REQUEST

Mr. Edwin

I just saw your mail this morning and take it in deep surprise.....I feel you have gone too far saying so much.

Your men were present with me before the vigilante group and accepted their plea that we move in from 6am Tomorrow morning (Monday 20th). We all agreed to this slight adjustment based on human considerations.

Your men obviously never communicated this to you ; now it appears AICO or the Group are dilly dallying. This is an inaccurate portrayal of events to you.

Nevertheless, we are calling on all members to meet earlier this afternoon with the intent of an effective movement early evening your men are here with us ! I am sure you are being briefed accordingly.

Prince Nazir.

ANNEXURE 4

Re: URGENT REQUEST

Sunday, April 19, 2015 12:30 PM

From: "D.V.G. Edwin" <dvg.edwin@dangote-group.com>
To: "Prince Nazir Ado-Ibrahim" <nazirado@yahoo.com>

Prince ,

My staff can't decide on my behalf to delay the effective date . I am now cutting a sorry figure in front of my President , having given several dates and not being able to keep up any of them . My President is also losing face with the COAS since , after he spoke with him , now the COAS is calling him almost every alternative day and asking him whether we have moved in . This is humiliating and we can't take it .

Hence , if your team is unwilling to move in today , please return my tools and equipment today itself . I have already initiated my back-up arrangement and I am confident of moving in next week with my back-up plan .

Edwin .

Group Executive Director , Dangote Industries Ltd., 1 , Marble House , Kingsway , Ikoyi , Lagos , Nigeria . Sent from my BlackBerry wireless device .