				Drocondings 2020
				Proceedings 2830
		2828	1	(Defendant enters the courtroom.)
	UNITED STATES	DISTRICT COURT	2	THE COURT: Good morning, Mr. Boustani. Welcome
	EASTERN DISTRI	CT OF NEW YORK	3	back.
	UNITED STATES OF AMERICA,	: 18-CR-681(WFK)	4	THE DEFENDANT: Good morning, Your Honor.
		: :	5	THE COURT: I hope you had a nice ride today, please
	-against-	: United States Courthouse : Brooklyn, New York	6	be seated.
		:	7	MR. DiSANTO: Good morning, Your Honor.
	JEAN BOUSTANI,	: Wednesday, November 6, 2019 : 9:30 a.m.	8	Philip DiSanto on behalf of Mr. Boustani.
	Defendant.	:	9	THE COURT: Good morning, please be seated, sir.
	X		10	MS. DONNELLY: Good morning, Your Honor.
	TRANSCRIPT OF CRIMINAL	. CAUSE FOR JURY TRIAL	11	Casey Donnelly on behalf of Mr. Boustani.
	BEFORE THE HONORABLE United States DISTRICT	WILLIAM F. KUNTZ, II COURT JUDGE, and a Jury	12	THE COURT: Good morning, please be seated.
	APPEAR	ANCES:	13	MR. McLEOD: Good morning, Your Honor.
	For the Government: RICHARD P	. DONOGHUE, U.S. ATTORNEY ISTRICT OF New York	14	Ray McLeod on behalf of Mr. Boustani.
	271 Ca	dman Plaza East yn, New York 11201	15	THE COURT: Good morning, Mr. McLeod, please be
	BY: MARK E	É BINI, ESQ. D. MEHTA, ESQ.	16	seated.
		T OF JUSTICE	17	All right, the defendant is present. All Counsel of
		DIVISION lew York Avenue lgton, D.C. 20001	18	record are present. Do we have any issues to address in the
	BY: MARGAR	EET MOESER, ESQ. RINE NIELSEN, ESQ.	19	presence of the defendant on the record with all Counsel of
	For the Defendant: WILLKIE F	ARR & GALLAGHER LLP	20	record present and before we bring the jury in?
	New Yo	venth Avenue ork, New York 10019	21	MR. BINI: Not for the Government, may we put the
	CASEY	F. DISANTO, ESQ. E. DONNELLY, ESQ. L. W. JACKSON, ESQ.	22	witness back on the stand?
	RAYMON	ID MCLEOD, ESQ. IL S. SCHACHTER, ESQ.	23	THE COURT: One moment.
			24	MR. BINI: Sure.
	235 Cad-VB 00	CR CRR	25	MR. JACKSON: No, from the defendant.
	Z25 Ladman Piaza Las VButlerR Proceedings recorded by mechanical stenography; t	CR CRR t / Brooklyn, NY 11201 PR@aol.com ranscript produced by Computer-Aided Transcription.		VB OCR CRR
	Proceed	ings 2829		Proceedings 2831
1	(In open court.)		1	THE COURT: Yes, you may.
2	, , ,	NTZ, II enters the courtroom.)	2	MR. BINI: Thank you, Your Honor.
3	, -	outside the presence of the	3	Mr. Jackson, would you go get the jury.
4	jury.)	outside the presence of the	4	MS. NIELSEN: May I resume the podium?
5	THE COURTROOM DEP	HTV: All rice	5	THE COURT: Certainly.
6			6	(Witness resumes stand.)
		F. Kuntz, II presiding.		
7		al, Docket Number 18-CR-681,	7	THE WITNESS: Good morning, Your Honor.
8	United States versus Boustani.		8	THE COURTS Good morning, sir.
9		your appearances for the	9	THE COURTROOM DEPUTY: All rise.
10	record.		10	(Jury enters.)
11	·	Hiral Mehta, Margaret Moeser,	11	THE COURT: Good morning, ladies and gentlemen.
12	Lillian DiNardo, Katherine Niels	en, Special Agent Angela	12	Again, thank you for your promptness and your patience and
13	Tassone for the United States.		13	remember, I do not know where you are going to be on Monday,
14	Good morning, Your H		14	but it will not be here. So, please have a seat, thank you.
15	THE COURT: Good mo	-	15	Please be seated, sir.
16	We have the spellings		16	And as I said, Mr. Singh, I was going to ask you the
17	-	of the public, you may be	17	question: Have you spoken with anyone about your testimony
18	seated.		18	since leaving the witness stand yes yesterday.
19	MR. JACKSON: Randa	ll Jackson on behalf of	19	THE WITNESS: No, I have not, Your Honor.
20	Mr. Boustani.		20	THE COURT: Thank you, sir.
21	Good morning, Your H	onor.	21	You may continue, Counsel.
22	THE COURT: Good mo	orning, sir, please be seated.	22	MS. NIELSEN: Thank you, Your Honor.
23	MR. SCHACHTER: Goo	od morning, Your Honor.	23	Good morning.
24	Michael Schachter on	behalf of Mr. Boustani.	24	And good morning, Mr. Singh.
25	THE COURT: Good mo	orning, sir, please be seated.	25	THE WITNESS: Good morning.
	VB OCR	CRR		VB OCR CRR

	Singh - direct - Nielsen 2832		Singh - direct - Nielsen 2834
1	SURJAN SINGH,	1	A Yes, ma'am, the other primary committee was the credit
2	called as a witness, having been previously duly	2	risk management committee.
3	sworn, was examined and testified as follows:	3	Q And what was the role of the credit risk management
4	DIRECT EXAMINATION (Continuing)	4	committee in the Proindicus transaction?
5	BY MS. NIELSEN:	5	A Ma'am, they would determine how much of the loan can be
6	MS. NIELSEN: Ms. DiNardo, would you please pull up	6	provided by Credit Suisse. They would opine on the
7	2153 in evidence.	7	appropriate maturity of the loan, the key economic risk of the
8	(Exhibit published.)	8	loan that Credit Suisse could accept, they would approve that.
9	Q And Mr. Singh, I believe when we left off yesterday	9	Q Okay. And when you say how much of the loan Credit
10	evening we were looking at this document; is that correct?	10	Suisse could extend, what do you mean?
11	A Yes, ma'am, I believe so.	11	A So, by way of example, in the e-mails we've seen,
12	Q And what was the information that you were soliciting,	12	\$350 million is the project amount which is being discussed
13	that Credit Suisse was soliciting from the defendant in this	13	and it's referred to in these e-mails that the amount of money
14	document?	14	that would be provided by Credit Suisse as an investor will be
15	A This e-mail refers to the CEO and director names in	15	in the range of 150 to \$200 million.
16	relation to the project company Proindicus.	16	So, they will determine how much money we can give.
17	Q And why was Credit Suisse collecting this information at	17	We cannot give the full \$350 million from Credit Suisse and
18	this time?	18	keep it.
19	A Because it's part of our due diligence for our internal	19	Q Do you know if the defendant was familiar with the fact
20	approval process.	20	that Credit Suisse was doing due diligence on the Proindicus
21	Q And did Credit Suisse have another name for due	21	deal?
22	diligence?	22	A Yes, ma'am, he was familiar.
23	A Yes, so, often people refer to this particular process in	23	Q And how do you know that?
24	the DD as client ID or KYC, know your client.	24	A Because he was a key point-person in the transaction
25	Q And how did Credit Suisse conduct this kind of due	25	between Credit Suisse, the Government of Mozambique, the
	VB OCR CRR		VB OCR CRR
	Singh - direct - Nielsen 2833		Singh - direct - Nielsen 2835
1	diligence?	1	project company and he would procure lots of DD, lots of
2	A So, we would collate information from the client or	2	information for us. And banks tell clients why they need it,
3	stakeholders in the transaction, we would put it together in	3	they need it for their internal approval processes.
4	memos or e-mails and submit to the relevant approval process.	4	Q Did Credit Suisse do client ID on Privinvest?
5	Q And how did the deal team collect this information?	5	A Yes, they did, ma'am.
6	A So, this information is being collected from	6	Q And why was that?
7	Mr. Boustani.	7	A Because the subvention fee that was earlier referred to
8	Q Were there other ways that the deal team collected this	8	where Privinvest will pay a fee to Credit Suisse, Credit
9	information?	9	Suisse cannot accept money from anyone without going,
10 11	A Yes, so, one would meet in person, it could be by e-mail	10	undertaking the full client ID process.  Q And Mr. Singh, I'm going to ask you a few yes or no
12	or conference call. There are various ways in which we would calculate information.	12	• And Mr. Singh, I'm going to ask you a few yes or no questions at this point in time.
13	Q And from whom in Credit Suisse was this information	13	Do you understand?
14	collected?	14	A Okay, ma'am.
15	A This was for our compliance team, which deals with client	15	Q Did Credit Suisse have concerns regarding Privinvest's
16	ID in particular, which then would roll up into the broader	16	founder
17	approval process of reputational risk.	17	MR. JACKSON: Objection.
18	Q And what was the role of reputational risk in the	18	Q Iskandar Safa?
19	Proindicus transaction?	19	THE COURT: You know, I am going to sustain that
20	A Ma'am, it was to assess if Credit Suisse wanted to be	20	objection.
21	associated with a particular transaction, a particular project	21	So, the way you do it, rather than lead, which is
22	and key stakeholders in those transactions.	22	not proper, is to say: What concerns, if any, did Credit
23	Q And was there any other committee at Credit Suisse that	23	Suisse have. And then you will not get an objection because
24	required this information that you collected through due	24	you have put in the what, if any, they had. If you do get an
25	diligence?	25	objection to that form, I will overrule it. But if you say, I
	VB OCR CRR		VB OCR CRR
11/0	5/2019 05:06:04 PM Page 2832 to	2835	of 2993 2 of 67 sheets

	Singh - direct - Nielsen 2836		Singh - direct - Nielsen 2838
1	am going to ask you yes or no questions on direct, you are	1	<b>Q</b> Why was it important to the defendant?
2	just begging for experienced Counsel to object to the form	2	A Because passing client ID at a large investment bank is
3	because you are leading and, as a traditional Judge, bound by	3	not an easy process. Banks are careful in who they select as
4	the rules of evidence, it is going to be sustained.	4	a client and for Privinvest Group to be passed and approved as
5	So, the way you ask the question is to say: What,	5	a client at Credit Suisse was not an easy process. It took a
6	if any, concerns. And then, continue in that fashion. Who,	6	long time and it was important in the sense that we were
7	what, where, when, how, describe, explain is how you ask	7	clearly a bank that could work with and deal with Privinvest
8	nonleading questions and if you want to establish the basis,	8	Group, whereas it was unclear to me if many other banks could
9	you say, if any.	9	do that, deal with Privinvest Group.
10	So, yes, I did used to teach evidence, too, and I $$	10	THE WITNESS: Sorry, I will bring the mic closer.
11	was much tougher on my students than I am on this experienced	11	<b>Q</b> And why was it unclear to you if other banks would be
12	Counsel now.	12	able to do that?
13	But objection sustained. Try it my way and then I	13	A Because it was a difficult approval process at Credit
14	will overrule the objections, if you get any.	14	Suisse and so, I could see maybe more conservative banks
15	Go ahead.	15	having a different result.
16	MS. NIELSEN: Thank you, Your Honor.	16	Q And how do you know that this was important to the
17	THE COURT: You are welcome.	17	defendant, Mr. Singh?
18	BY MS. NIELSEN:	18	A Because that information was relayed to me by Andrew
19	Q What, if any, issues did Credit Suisse encounter in	19	Pearse. At a later stage.
20	client ID related to Privinvest?	20	Q Do you believe that the defendant understood the
21	A So, ma'am, in relation to Privinvest, there were	21	importance of due diligence to Credit Suisse agreeing to the
22	allegations of corruption in relation to its founder and that	22	loan, the Proindicus loan?
23	is something that Credit Suisse had concerns about and had to	23	A Yes, ma'am. It was clear that without information and
24	deal with.	24	without us relaying that information for approvals, there
25	Q And who was the founder of Privinvest?	25	would be no loan.
	VB OCR CRR		VB OCR CRR
	Singh - direct - Nielsen 2837		Singh - direct - Nielsen 2839
1	A It was Mr. Iskandar Safa.	1	Who from Credit Suisse participated in the due diligence
2	Q And were those concerns raised to the rep risk committee?	2	for Proindicus?
3	A Yes, they were, ma'am.	3	A Ma'am, the deal team comprised Andrew Pearse my
4	Q And was that in relation to the Proindicus and EMATUM	4	then-boss, myself, and a lady Detelina Subeva that was in the
5	transactions?	5	GFG team I referred to earlier.
6	A Yes, ma'am.	6	Q Were there due diligence trips that Credit Suisse took to
7	Q Did the committee ultimately decide to execute the	7	Mozambique in relation to the Proindicus Ioan?
8	Proindicus and EMATUM transactions despite this information?	8	A Yes, there were, ma'am.
9	A Yes, ma'am.	9	Q Did you attend?
10	Q What did the reputational risk committee do in terms of	10	A Yes, I did, ma'am.
11	additional DD, if any, to resolve the issues regarding	11	Q Did the defendant attend?
12	Iskandar Safa?	12	A Yes, he did, ma'am.
13	A So, the due diligence I referred to earlier in this	13	Q And who did you meet when you on these due diligence
14	process is much more by where we will go to the clients and	14	trips in Mozambique?
15		15	
16	ask them for information and then they will give it to us	16	
17	directly.	17	remember myself in particular, I met with Teo Nhangumele the
	The reputational risk committee and the compliance		gentleman referred to in some e-mails yesterday. We met with
18 19	department, they commissioned external reports or research	18	the Minister of Finance and we met with the relevant persons
	firms which look into clients and we often call that enhanced	19	at the Proindicus project company.
20	due diligence, but maybe the way to think of it is external	20	Q And was the due diligence successfully completed on the
21	due diligence. So, they commissioned a report along those	21	Proindicus loan?
22 23	lines.	22	A It was successfully completed, yes, ma'am.
1.7.5	Q Do you know if the fact that Privinvest had passed client	23	Q Did Credit Suisse enter into a loan agreement with
		24	Proindicus?
24	ID at Credit Suisse was important to the defendant?		A Vac there all a made
	A Yes, it was.  VB OCR CRR	25	A Yes, they did, ma'am.  VB OCR CRR

	Singh - direct - Nielsen 2840		Singh - direct - Nielsen 2842
1	Q Approximately when was that?	1	ability to give the entire loan. And for that reason, there
2	A That was right at the end of February. I think,	2	is an agent that organizations amongst lenders for their
3	February 28th. 2012, sorry.	3	payments, for their voting, for any things that can happen in
4	2013, Lapologize.	4	the future. It's like a small admin agent for them.
5	Q Were you involved in that process, Mr. Singh?	5	And the third capacity is the original lender
6	A Yes, ma'am, I was.	6	because Credit Suisse is going to lend the money initially and
7	MS. NIELSEN: Your Honor sorry.	7	then, seek investors to come in and participate and take over
8	Ms. DiNardo, if you would please pull up	8	their lending.
9	Government's Exhibit 4 in evidence.	9	<b>Q</b> And you mentioned with respect to the arranger that
10	(Exhibit published.)	10	Credit Suisse International was the arranger.
11	Q Mr. Singh, do you recognize this document?	11	Who is the facility agent entity?
12	A Yes, ma'am, I do.	12	A Ma'am, that's an entity Credit Suisse AG London branch.
13	Q And what is it?	13	Q And then the original lender?
14	A This is the loan agreement that Credit Suisse provided to	14	A It's Credit Suisse International.
15	the project company Proindicus.	15	Q And how are you able to sign for all of these?
16	Q And what is the date on it?	16	A I was an authorized signatory for those two legal
17	A It is the 28th of February, 2013, ma'am.	17	entities.
18	Q And how much was the loan for?	18	Q And what entity of Credit Suisse did you work for again,
19	A The amount is \$372 million.	19	Mr. Singh?
20	Q And who is the borrower in this case?	20	A Ma'am, my employer was Credit Suisse Securities Europe
21	A The borrower is Proindicus SA, which is a state company	21	Limited.
22	in Mozambique.	22	MS. NIELSEN: Ms. DiNardo, if you would scroll back
23	Q And the lender?	23	to the other page 96.
24	A The lender is, it's detailed in the back, but I believe	24	(Exhibit published.)
25	it was Credit Suisse International, the legal entity that is	25	Q Mr. Singh, who signed the loan agreement on behalf of
	VB OCR CRR		VB OCR CRR
	Singh - direct - Nielsen 2841		Singh - direct - Nielsen 2843
1	the lender.	1	Proindicus?
2	MS. NIELSEN: And Ms. DiNardo if you would please	2	A Ma'am, it is signed by two people, one the CEO as
3	scroll to page 96.	3	referred to in the earlier e-mail, Mr. Eugenio Henrique
4	(Exhibit published.)	4	Matlaba.
5	MS. NIELSEN: The other page 96, it should be one	5	THE COURT: Would you spell that for the reporter,
6	over.	6	please.
7	(Exhibit published.)	7	THE WITNESS: Of course, Your Honor.
8	<b>Q</b> Mr. Singh, who signed this document on behalf of Credit	8	Eugenio E-U-G-E-N-I-O, Henrique
9	Suisse?	9	H-E-N-R-I-Q-U-E, zed, as in initial. And M-A-T-L-O-B-A
10	A Ma'am, I signed it, in addition to a CS colleague of	10	sorry. M-A-T-L-A-B-A Matlaba.
11	mine.	11	Q And the other signature, Mr. Singh?
12	<b>Q</b> And how many times did you sign it?	12	A The other signature is from a gentleman called Antonio
13	A I signed it three times, ma'am.	13	Carlos do Rosario.
14	<b>Q</b> What were the different signatures for?	14	<b>Q</b> And are you familiar with Mr. do Rosario?
15	A They were different legal roles within the financing	15	A Yes, I am, ma'am.
16	agreement. So, there's three roles that Credit Suisse played	16	Q And who was he?
17		17	<b>A</b> He was a director in Proindicus and he is later also CEO
	in the loan and I signed on behalf of those three roles.		
18	Q And what were the roles?	18	of the next project financing that Credit Suisse works for,
19	-	19	of the next project financing that Credit Suisse works for, which is the EMATUM transaction.
19 20	Q And what were the roles?	19 20	
19 20 21	<ul><li>Q And what were the roles?</li><li>A The roles were as arranger, where I signed as Credit</li></ul>	19 20 21	which is the EMATUM transaction.
19 20 21 22	<ul> <li>Q And what were the roles?</li> <li>A The roles were as arranger, where I signed as Credit</li> <li>Suisse International. The arranger is the person that puts</li> </ul>	19 20 21 22	which is the EMATUM transaction.  Q Did Mr. do Rosario have any other position with the Mozambique Government that you know of?  A Yes, I believe he worked in the security services.
19 20 21 22 23	<ul> <li>Q And what were the roles?</li> <li>A The roles were as arranger, where I signed as Credit</li> <li>Suisse International. The arranger is the person that puts</li> <li>together the transaction, collates the due diligence, agrees</li> </ul>	19 20 21 22 23	which is the EMATUM transaction.  Q Did Mr. do Rosario have any other position with the Mozambique Government that you know of?  A Yes, I believe he worked in the security services.  Q And how familiar you are you with this agreement in
19 20 21 22 23 24	<ul> <li>Q And what were the roles?</li> <li>A The roles were as arranger, where I signed as Credit Suisse International. The arranger is the person that puts together the transaction, collates the due diligence, agrees documents.</li> </ul>	19 20 21 22 23 24	which is the EMATUM transaction.  Q Did Mr. do Rosario have any other position with the Mozambique Government that you know of?  A Yes, I believe he worked in the security services.
19 20 21 22 23	Q And what were the roles? A The roles were as arranger, where I signed as Credit Suisse International. The arranger is the person that puts together the transaction, collates the due diligence, agrees documents.  Then there is the facility agent. So, this is in this being a syndicated loan, there's going to be lots of lenders that come in because Credit Suisse doesn't have the	19 20 21 22 23	which is the EMATUM transaction.  Q Did Mr. do Rosario have any other position with the Mozambique Government that you know of?  A Yes, I believe he worked in the security services.  Q And how familiar you are you with this agreement in total, Mr. Singh?  A I'm quite familiar with this agreement, ma'am.
19 20 21 22 23 24 25	A The roles were as arranger, where I signed as Credit Suisse International. The arranger is the person that puts together the transaction, collates the due diligence, agrees documents.  Then there is the facility agent. So, this is in this being a syndicated loan, there's going to be lots of	19 20 21 22 23 24 25	which is the EMATUM transaction.  Q Did Mr. do Rosario have any other position with the Mozambique Government that you know of?  A Yes, I believe he worked in the security services.  Q And how familiar you are you with this agreement in total, Mr. Singh?  A I'm quite familiar with this agreement, ma'am.  VB OCR CRR

	Singh - direct - Nielsen 2844		Singh - direct - Nielsen 2846
1	Q Under this agreement, what were the funds that Credit	1	A No, ma'am.
2	Suisse was paying out on the behalf of the borrower supposed	2	Q Why not?
3	to be used for?	3	A Because this agreement states that there are still
4	A They're supposed to be used for only for the EEZ project,	4	internal approvals to be completed at Credit Suisse before any
5	which is the security, surveillance of the national waters of	5	such funds can be disbursed.
6	Mozambique.	6	Q And what were those internal approvals?
7	Q And what does this loan agreement say about whether any	7	A They are the two key approvals of credit risk management
8	funds from the loan proceeds were supposed to be used to pay	8	and reputational risk approval.
9	kickbacks or bribes?	9	Q And when were those conditions met that led to the
10	A It's prohibited, ma'am.	10	disbursal of funds?
11	MS. NIELSEN: Ms. DiNardo, would you please bring up	11	A I believe that those were met late in March, on or after
12	Government's Exhibit 5 in evidence.	12	the 21st of March, 2013.
13	(Exhibit published.)	13	Q And what specifically had to be done in order to complete
14	Q Mr. Singh, do you recognize this document?	14	these conditions precedent?
15	A Yes, I do I do, ma'am.	15	A So, there needed to be a completion of the client ID and
16	Q What is it?	16	reputational risk review, specifically in relation to
17	A So, the loan agreement that we just reviewed was a loan	17	Mozambique and the Privinvest Group.
18	from Credit Suisse to a project company. And so that we would	18	Q And did that ultimately happen?
19	be confident at Credit Suisse to be repaid the money under the	19	A Yes, ma'am, it did.
20	loan, there was a guarantor, which was the Government of	20	Q Does the loan agreement that we just reviewed refer to
21	Mozambique as guarantee to the transaction and its repayment.	21	the subvention fee to be paid by Privinvest to Credit Suisse?
22	And this is the guarantee agreement.	22	A Yes, it does, ma'am.
23	MS. NIELSEN: Ms. DiNardo, would you scroll to	23	Q Did it indicate the amount of the subvention fee in the
24	page 20.	24	loan document that we just looked at?
25	(Exhibit published.)	25	A No, I don't believe it details the amount in the loan
	VB OCR CRR		VB OCR CRR
	Singh - direct - Nielsen 2845		Singh - direct - Nielsen 2847
1	MS. NIELSEN: I think there's another 20.	1	agreement.
2	(Exhibit published.)	2	Q How did Credit Suisse memorialize the subvention fee?
3	Q Mr. Singh, who signed this document on behalf of Credit	3	A There was a separate agreement for that.
4	Suisse?	4	MS. NIELSEN: Ms. DiNardo, if you would please pull
5	A Ma'am, I signed this document on behalf of Credit Suisse,	5	up Government's Exhibit 9 in evidence.
6	along with the CS colleague.	6	(Exhibit published.)
7	MS. NIELSEN: And Ms. DiNardo, if we could go back	7	Q Mr. Singh, what is this document?
8	to the other page 20.	8	A Ma'am, this is the agreement which detailed the
9	(Exhibit published.)	9	subvention fee. It's called the contractor fee letter.
10	Q And Mr. Singh, can you see who signed the document on	10	Q And who is this agreement between?
11	behalf of the Republic of Mozambique?	11	A This agreement is between Credit Suisse and Privinvest
12	A Yes, ma'am. It's signed by the Minister of Finance	12	Group.
13	called Mr. Manual Chang.	13	MS. NIELSEN: And Ms. DiNardo, if you could go back
14	<b>Q</b> Were you familiar with Mr. Chang at this point?	14	to the document.
15	A I was familiar with the name of the minister. I can't	15	(Exhibit published.)
16	recall if I've met him at this stage, but I know that I do	16	<b>Q</b> Mr. Singh, can you see the date of this document?
17	meet him on the EMATUM transaction.	17	A Yes, ma'am, it's the 21st of March, 2013.
18	THE COURT: Were you familiar with his signature?	18	MS. NIELSEN: And Ms. DiNardo if we could go to
19	THE WITNESS: Yes, sir.	19	page 3, please.
20	THE COURT: Is that his signature?	20	(Exhibit published.)
21	THE WITNESS: Yes, Your Honor.	21	Q Mr. Singh, who signed this document on behalf of Credit
22	THE COURT: Go ahead.	22	Suisse?
23	MS. NIELSEN: Thank you, Your Honor.	23	A Ma'am, it's signed by my then-boss Mr. Andrew Pearse with
24	Q So, after these documents were signed, Mr. Singh, were	24	a CS colleague.
25	the funds immediately distributed?	25	Q And can you see who signed this document on behalf of
	VB OCR CRR		VB OCR CRR of 2993 11/06/2019 05:06:04 PM

	Singh - direct - Nielsen 2848			Singh - direct - Nielsen 2850
1	Privinvest Ship Building?	1	sec	ond page, please.
2	A Yes, ma'am. It is Boulos Hankach.	2		(Exhibit published.)
3	THE COURT: Would you spell that for the court	3	Q	Mr. Singh, can you tell if this document is signed?
4	reporter, please.	4	Α	Yes, ma'am, it is signed.
5	THE WITNESS: Of course, Your Honor.	5	Q	And who is it signed by?
6	Boulos B-O-U-L-O-S, Hankach H-A-N-K-A-C-H.	6	Α	It is signed by Eugenio Henrique Matlaba and Antonio
7	And Mr. Jean Boustani.	7	Car	los do Rosario.
8	MS. NIELSEN: Thank you.	8	Q	And who are they?
9	Ms. DiNardo, could you Kroll back to page 1.	9	Α	They are directors of Proindicus.
10	(Exhibit published.)	10	Q	And by signing this document, were these individuals
11	MS. NIELSEN: And if you could, blow up the	11	agr	eeing that the proceeds of the loan could be paid?
12	contractor fee portion in the middle.	12	Α	Yes, ma'am.
13	Q Mr. Singh, what is the amount of the subvention fee	13	Q	And where were they going to be paid to?
14	indicated in the contractor fee letter?	14	Α	They were going to be paid directly to the contractor,
15	A It is \$28 million, ma'am.	15	wh	ich is Privinvest Group.
16	Q And who was supposed to pay this subvention fee?	16	Q	And did Credit Suisse hold back the fees that we just
17	A It was Privinvest Group.	17	talk	ed about, the subvention fee out of that amount?
18	Q And who were they paying it to?	18	Α	Yes.
19	A To Credit Suisse.	19		MR. JACKSON: Objection.
20	Q And mechanically, how did Credit Suisse obtain the	20		THE COURT: Overruled.
21	subvention fee?	21		You may answer.
22	A So, the agreement under the loan was to disburse the	22	Α	Yes, they did hold back the fees.
23	funds, not directly to Proindicus the state company, but on	23	Q	Now Mr. Singh, was there any negotiation about the
24	their behalf to the end recipient of the funds, which is going	24	sub	vention fee in relation to this initial Proindicus loan?
25	to be Privinvest Group.	25	Α	Yes, there was, ma'am.
	VB OCR CRR			VB OCR CRR
	Singh - direct - Nielsen 2849			Singh - direct - Nielsen 2851
1	So, the agreement was that rather than pay them the	1	Q	When was that?
2	full loan amount and ask for a feedback from them, we would	2	Α	So, just before the agreement is signed on the 28th of
3	disburse the net amount to Privinvest Group, net after	3	Feb	oruary, my then-boss Andrew Pearse highlights that there is
4	withholding the subvention fee.	4	sor	ne ongoing discussion about the subvention fee. That's
5	MS. NIELSEN: Ms. DiNardo I'm sorry.	5	for	mally what he tells everyone at Credit Suisse.
6	Your Honor, at this time the Government would like	6	Q	And if you recall, what was the original subvention fee
7	to admit Government's Exhibit 6.	7	•	posed to be?
8	THE COURT: Any objection to Government's Exhibit 6?	8	A	It was \$49 million, ma'am.
9	MR. JACKSON: No objection, Your Honor.	9	Q	And about when was that established?
10	THE COURT: Admitted. You may publish.	10	A	That's approximately when the term sheet and the key
11	(Government's Exhibit 6 received in evidence.)	11	ter	ms are agreed in September 2012.
12 13	(Exhibit published.)	12 13		(Continued on following page)
14	THE COURT: Let's go off the record for a second.  (Pause in the proceedings.)	14		(Continued on following page.)
15	THE COURT: Back on the record.	15		
16	Go ahead.	16		
17	Q Mr. Singh, do you recognize this document?	17		
18	A Yes, ma'am, I do.	18		
19	Q And what is it?	19		
20	A It is a utilization request which is a formal letter we	20		
21	require from a borrower. So, even after a loan agreement is	21		
22	signed and completed, we require a letter from the borrower to	22		
23	state that they wish to draw down the funds and they want the	23		
24	money from us. And this is that letter.	24		
25	MS. NIELSEN: Ms. DiNardo, if you could show us the	25		
	VB OCR CRR			VB OCR CRR

	Singh - direct - Nielsen 2852		Singh - direct - Nielsen 2854
1	EXAMINATION CONTINUES	1	directly, to put this proposal or need for a fee reduction to
2	BY MS. NIELSEN:	2	the coverage or the relationship officer, that is the
3	Q So what did Mr. Pearse negotiate in relation to the	3	gentleman called Adel Afiouni.
4	subvention fee that you just mentioned?	4	THE COURT: Would you spell that for the reporter?
5	A So my boss, Andrew Pearse, when we were traveling	5	THE WITNESS: I will try from memory, Your Honor.
6	together, after the I'm sorry, are you asking me the	6	THE COURT: Phonetically, please.
7	specific number?	7	THE WITNESS: Adel, first name, A-D-E-L. Afiouni,
8	Q I'm asking about the circumstances of the negotiation.	8	A-F-I-O-N-I I'm sorry, I-O-U-N-I.
9	A Circumstances, understood.	9	THE COURT: Continue.
10	So, my boss, Andrew Pearse, as I said, is	10	THE WITNESS: Thank you, Your Honor.
11	highlighted	11	A So, Mr. Pearse asks Mr. Boustani to contact the
12	THE COURT: Whoa, slow it down. Lord Vader, not	12	relationship manager to ask for this reduction. The reason
13	Chris Rock. Okay, slow it down, keep your voice up.	13	being that it will look more arm's length, more above board,
14	THE WITNESS: My apologies.	14	so not all the discussions are being between Mr. Boustani and
15	THE COURT: Put the question again and then we will	15	Mr. Pearse.
16	have the answer so we have a clean record.	16	Andrew tells me that Mr. Boustani calls Mr. Afiouni,
17	Counsel, put the question; and then, sir, answer it.	17	Adel Afiouni, in relation to requesting this reduction in
18	Slowly.	18	fees, and to his surprise Mr. Adel Afiouni makes a similar
19	BY MS. NIELSEN:	19	proposal to what Mr. Andrew Pearse has made, meaning that
20	<b>Q</b> Mr. Singh, what were the circumstances of the negotiation	20	Mr. Afiouni is asking Mr. Boustani that: I will reduce the
21	of the subvention fee that you're aware of?	21	fees that you need to pay for a private payment to
22	A So after the loan agreement is signed at the end of	22	Mr. Afiouni.
23	February, there is some ongoing discussion about the	23	Mr. Boustani refuses the request of Mr. Afiouni, as
24	subvention fee, what the final number would be.	24	he's already made the agreement with my boss, Andrew Pearse,
25	I am traveling with my boss, Andrew Pearse, for	25	and he knows that my boss Andrew Pearse is the decision-maker
	SAM OCR RMR CRR RPR		SAM OCR RMR CRR RPR
	Singh - direct - Nielsen 2853		Singh - direct - Nielsen 2855
1	business abroad. I overhear him having a conversation with	1	in this matter.
	the state of the s	2	
2	someone, which is clearly about the Proindicus transaction.	2	And Andrew was laughing at the time, I remember,
3	When he puts the phone down I ask him what's going on, and he	3	And Andrew was laughing at the time, I remember, because he found it amusing that he got there first, prior to
3 4	When he puts the phone down I ask him what's going on, and he reveals to me what he has been discussing in relation to the	3 4	And Andrew was laughing at the time, I remember, because he found it amusing that he got there first, prior to Mr. Afiouni, in cutting a side deal or a private payment in
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	When he puts the phone down I ask him what's going on, and he reveals to me what he has been discussing in relation to the subvention fee.  He tells me the background is that at some stage he has been traveling with Mr. Jean Boustani and they are in a hotel pool together at wherever they're traveling, and Mr. Andrew Pearse approaches Mr. Boustani whilst they're in the pool and states that Mr. Boustani had not negotiated well with him. As Mr. Pearse told me he expected Mr. Boustani, who is an avid negotiator, to come back and discuss the point with him. And whilst they're still there together in the pool, Mr. Boustani asks Mr. Pearse what could he have done better, what has he done that's wrong as a negotiator. And my then boss, Andrew Pearse, puts forward to him a proposal by which they can reduce the subvention fee, the fee that Privinvest has to pay, for a side payment or a portion of that to be paid directly to Andrew Pearse.  So, Andrew at the time tells me that he is expecting to reduce the fee by about \$5 million, and he thinks he will get somewhere in the region of \$2 million as a side payment made to him personally.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	And Andrew was laughing at the time, I remember, because he found it amusing that he got there first, prior to Mr. Afiouni, in cutting a side deal or a private payment in relation to the reduction of these fees.  Q And, Mr. Singh, when was all of that related to you by Mr. Pearse?  A That was after the loan agreement is signed on the 20th of February. I recall it being the first half of March.  Q And was it all in one conversation after the phone call that you overheard?  A Yes.  Q Do you recall who the call was with?  A I do not recall who exactly the call was with.  Q And had there been discussions between you and Andrew Pearse about the possibility of reducing the subvention fee prior to that call in March?  A Yes, ma'am.  Q And what were those discussions?  A There were calculations, scenarios. Within Credit Suisse there are certain rules, policies or guidelines as to what we should be charging a client in relation to fees. There are certain calculations you can do. And I was supporting Andrew

	Singh - direct - Nielsen 2856		Singh - direct - Nielsen 2858
1	Q And when you say "the fees," did that include the	1	THE COURT: Why didn't you tell your boss' boss when
2	subvention fee?	2	you heard this?
3	A I mean I specifically mean the subvention fee.	3	THE WITNESS: Sir, I had worked for Mr. Pearse for
4	<b>Q</b> And when were you doing these calculations for	4	probably the better half of 15 years sorry, the better part
5	Mr. Pearse, approximately?	5	of 15 years. I was very loyal to him, probably too loyal.
6	A This is around the time that the loan agreement is is	. 6	THE COURT: But why didn't you tell your boss' boss?
7	signed.	7	I understand you were loyal to
8	<b>Q</b> Do you know if the defendant actually paid Andrew Pearse	8	THE WITNESS: Yes, sir.
9	the promised fee?	9	THE COURT: your boss, but if you knew it was
10	A I do not know, ma'am.	10	, , , ,
11	MS. NIELSEN: Now, Ms. DiNardo, if you could pull	11	THE WITNESS: Sir, I made a mistake.
12	up, please, Government's Exhibit 9 in evidence.	12	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
13	(Exhibit published.)	13	3
14	MS. NIELSEN: And can you highlight the middle part	14	, J ,
15	that shows the contractor fee?	15	
16	BY MS. NIELSEN:	16	, ,
17	Q So, Mr. Singh, what was the contractor fee, again, that	17	
18 19	was agreed on for the subvention fee?	18	
20	A The final contractor fee is \$38 million.  Q And what was it originally?	20	
21	<ul><li>Q And what was it originally?</li><li>A I recall that in around September 2012 it was originall</li></ul>		, , , , , , , , , , , , , , , , , , , ,
22	detailed at \$49 million.	22	
23	Q So what was the reduction in fee related to those	23	. ,
24	numbers?	24	
25	A That is \$11 million difference, ma'am.	25	
	SAM OCR RMR CRR RPR		SAM OCR RMR CRR RPR
	Singh - direct - Nielsen 2857		Singh - direct - Nielsen 2859
1	Q Did Andrew Pearse offer you any part of the subvention	1	A There's an anti-corruption policy that I recall.
2	fee reduction that he had negotiated?	2	l Q In your experience at Credit Suisse, would it have been
3	A No, ma'am, he did not.	3	important for Credit Suisse to know that Jean Boustani had
4	Q Did you ever discuss with him getting a part of that?	4	agreed to pay Andrew Pearse a kickback?
5	A No, ma'am, we did not.	5	A Yes, ma'am.
6	Q Did you tell anyone at Credit Suisse about this	6	, , , ,
7	conversation that you had had with Mr. Pearse?	7	
8	A No, ma'am, I did not.	8	
9	Q Should you have told anyone at Credit Suisse about this	9	
10	conversation?	10	
11 12	A Yes, ma'am, I should have.  Q Whom should you have told at Credit Suisse?	11	
13	A I should have normally in these situations, the	13	
14	escalation point at Credit Suisse is to tell your boss, but as	14	, , , , , , , , , , , , , , , , , , , ,
15	this matter was in relation to my boss, I probably should ha		, , , , , , , , , , , , , , , , , , , ,
16	told my boss' boss.	16	
17	And further than that, in relation to the actual	17	BY MS. NIELSEN:
18	transactions, themselves, I should have informed the relev	ant <b>18</b>	Q Why did you keep it a secret when you knew that it was a
19	committees of senior management that were making the de	ecision, 19	breach of Credit Suisse policy?
20	being Credit Risk Management and Reputational Risk Mana	gement 20	A Because there was an understanding between us that this
21	because, obviously, the fact that a client of Credit Suisse, a	21	was clearly an inappropriate payment. Andrew knew I'm
22	potential client of Credit Suisse is willing to pay a kickback	22	sorry, Mr. Pearse knew that I was loyal to him and that I
23	to banker is a material point and a point that would be	23	would keep this discreet and secret.
24	relevant to them in making a decision if they want to deal	24	<b>Q</b> After Credit Suisse paid the proceeds of the Proindicus
25	with that type of client.	25	loan to Privinvest, what did Credit Suisse do with the loan?
1			

	Singh - direct - Nielsen 2860		Singh - direct - Nielsen 2862
1	A So, ma'am, the loan amount that we advanced at the time	1	A Ma'am, this e-mail is from Dominic Schultens to myself,
2	is the full \$372 million. And, as I said, Credit Risk	2	Andrew Pearse and Detelina Subeva.
3	Management did not allow us to keep on our books all	3	Q And what is date on it?
4	\$372 million. It's it's a very large sum of money for one	4	A It is the 26th of April, 2013.
5	loan, and so we start to syndicate the loan to investors, that	5	Q And what is the subject of this e-mail?
6	means find investors to buy the loan from us.	6	A It is "Mozambique - syndication status."
7	Q And how did Credit Suisse go about syndicating the loan?	7	Q And what do you understand Mr. Schultens to be explaining
8	A So, within the GFG team we had what is called a syndicate	8	in this e-mail?
9	person. So that's an individual that organizes or works with	9	A So Mr. Schultens is summarizing conversations with
10	sales teams throughout Credit Suisse. Those sales teams have	10	various investors and the degree to which they are prepared to
11	relationships with end investors that want to invest their	11	enter the transaction.
12	money in transactions like this. And so, the syndicate was	12	So, for example, at the top "committed" means that
13	working with the sales team globally to find investors for	13	it is they are ready. They have signed documents to be
14	this project.	14	able to participate in the transaction. And as you go down
15	Q And who was the person that was doing that, that the	15	the page, it's decreasing levels of commitment at this time,
16	sales of the syndication in this case?	16	more discussion.
17	A At the time it was a gentleman called Dominic Schultens.	17	MS. NIELSEN: And, Ms. DiNardo, if you could scroll
18	Q Did the defendant, Jean Boustani, know that Credit Suisse	18	down so the witness can view this, and onto the second page as
19	was going to syndicate this loan and sell it to investors	19	well.
20	globally?	20	BY MS. NIELSEN:
21	A Yes, ma'am.	21	Q Does this document indicate any potential investors in
22	Q And how do you know that?	22	the United States?
23	A Because it's in all the documents that we've provided;	23	A Yes, ma'am, it does.
24	the term sheet, the highly interested letter. It's also	24	Q Which ones?
25	referred to in conversations of points by him to kind of	25	A I recall that the investors Gryelock and TCW are linked
	SAM OCR RMR CRR RPR		SAM OCR RMR CRR RPR
1	Singh - direct - Nielsen 2861	4	Singh - direct - Nielsen 2863
2	encourage us to do the transaction. That there's going to be banks from Mozambique that will participate in the	1 2	to the U.S. However, I know specifically that ICE Canyon are based in the U.S.
3	transaction. There will be banks from the Middle East that	3	Q How do you know that ICE Canyon is located in the U.S.?
4	will participate in the transaction that he expects to be able	4	A Because I've spoken to them in relation to this
5	to kind of bring along or encourage. So it's clear there's	5	transaction.
6	going to be a syndicated role.	6	Q And who at ICE Canyon did you communicate with?
7	MS. NIELSEN: At this time, Your Honor, the	7	A There was a gentleman called Aneesh Pratap that used to
8	Government would ask to admit Government's Exhibit 2292.	8	deal with this at ICE Canyon.
9	THE COURT: Publish it to your adversary and the	9	THE COURT: Would you spell that, please?
10	Court.	10	THE WITNESS: I'll spell it from memory, Your Honor.
11	Any objection to this document being admitted?	11	It is A-N-E-E-S-H; second name Pratap, P-R-A-T-A-P.
12	MR. JACKSON: No objection, Your Honor.	12	THE COURT: Did you know that he was in the United
13	THE COURT: It's admitted.	13	States when you spoke with him?
14	(Government's Exhibit 2292 was received in	14	THE WITNESS: Yes, I did, Your Honor.
15	evidence.)	15	THE COURT: Did you speak with ICE Canyon people in
16	THE COURT: You may publish it to the jury.	16 17	Ireland or other places outside of the United States?
17 18	MS. NIELSEN: Thank you, Your Honor.	18	THE COURT. So the only dealings you had with ICE
19	(Exhibit published.) BY MS. NIELSEN:	19	THE COURT: So the only dealings you had with ICE Canyon were with ICE Canyon U.S. employees, is that your
20	Q Mr. Singh, what is this document?	20	testimony?
21	A Ma'am, this is an e-mail chain I was on when I was at	21	THE WITNESS: Yes, that is right, Your Honor.
22	Credit Suisse.	22	THE COURT: Go ahead.
23	MS. NIELSEN: And, Ms. DiNardo, yes, if you could	23	MS. NIELSEN: Thank you, Your Honor.
24	blow up this, the second e-mail on the first page.	24	BY MS. NIELSEN:
25	Q And, Mr. Singh, who is this e-mail from?	25	Q And how did you know that they were located in the United
	SAM OCR RMR CRR RPR		SAM OCR RMR CRR RPR
9 of 6	57 sheets Page 2860 to	2863	of 2993 11/06/2019 05:06:04 PM

	Singh - direct - Nielsen 2864		Singh - direct - Nielsen 2866
1	States when you communicated with them?	1	Q Was it during the same timeframe as the Proindicus loan
2	A Because to they were covered by a New York	2	was being negotiated?
3	salesperson. They were based in Los Angeles, which	3	A Yes, it's similar.
4	unfortunately meant, given the time difference when I was in	4	Q Why was Mr. Pearse discussing this opportunity with you?
5	London, that I would have to stay in the office very late to	5	A Because he wasn't familiar with funds. We were debt
6	make phone calls with them because there's a I can't	6	people, we were loans people. We were very familiar with
7	remember what it is now, but seven, eight hours' difference.	7	that. He wanted another pair of eyes to help him think
8	And obviously, kind of, his phone number, his details, his	8	through and look through the structure of funds and how funds
9	e-mail signature. I recall specifically, I think he was based	9	worked, and I was that other pair of eyes.
10	in Los Angeles.	10	Q What did you do specifically for him in relation to
11	Q Mr. Singh, did ICE Canyon actually invest in the	11	looking at this investment fund?
12	Proindicus Ioan?	12	A So, Mr. Pearse got together some documents from lawyers,
13	A Yes, they did.	13	some overviews. I reviewed those. I helped him a little bit
14	Q When was the initial Proindicus loan completed?	14	in understanding the oil and gas sector because we weren't
15	A The disbursement sorry, ma'am, do you mean when was	15	really oil and gas people. I I went on a trip to
16	the loan agreement signed or when the funds were given to the	16	Liechtenstein with him to review a fund that was potentially a
17	borrower?	17	vehicle he could use.
18	Q When the funds were given, roughly.	18	Q Approximately when was this trip?
19	A That was approximately the 21st of March, or shortly	19	A It was the end of March 2013.
20	thereafter.	20	Q And did you actually take this trip to Liechtenstein?
21	Q And how much of the Proindicus loan, if any, was kept on	21	A Yes, ma'am.
22	Credit Suisse's books?	22	Q And who did you go with?
23	A I recall it was around \$200 million of the 372 was kept	23	A I went with Mr. Pearse and a gentleman called Markus
24	by Credit Suisse.	24	Kroll that we both knew.
25	Q And was that debt reflected on the books of the GFG?	25	Q And who was Markus Kroll?
	SAM OCR RMR CRR RPR		SAM OCR RMR CRR RPR
	Singh - direct - Nielsen 2865		Singh - direct - Nielsen 2867
1	A Yes, it was, ma'am.	1	A Markus Kroll, by profession, was a Swiss lawyer and he is
2	Q And that's your unit at Credit Suisse, correct?	2	someone that myself and Andrew had worked with before when we
3	A That's right.	3	were at Credit Suisse.
4	Q And was that debt also rolled up to the parent company of	4	Q And do you recall what the fund was that you were going
5	Credit Suisse?	5	to look at?
6	A Yes.	6	A Yes, ma'am. It was called Palomar I think Palomar
7	Q And does that mean that it was also reflected on the	7	Capital Advisors.
8	books and accounting records of Credit Suisse Group?	8	Q And did Markus Kroll have any relationship to this fund?
9	A Yes, ma'am.	9	A He owned that fund.
10	Q At any point during the development of the Proindicus	10	Q And why were you going to Liechtenstein to look at this
11 12	loan, did Andrew Pearse discuss with you other business	12	fund?  A To review it, to see if Andrew wanted to proceed or use
13	opportunities outside of Credit Suisse?  A Yes, ma'am.	13	A To review it, to see if Andrew wanted to proceed or use this vehicle for his fund idea.
14	Q What type of opportunities?	14	Q Were you going to be involved with him with this fund
15	A So, Mr. Pearse was interested in a fund idea, a concept.	15	after providing some initial eyes-on services?
16	So, we had worked in emerging markets, the particular emerging	16	A No, ma'am.
17	markets being central Eastern Europe, middle Eastern Africa.	17	Q Were you going to be an investor in any way?
18	And Andrew had an idea by which being as the head of GFG, he	18	A No, ma'am.
19	had met many rich individuals, high net worth clients as they	19	Q Were you going to be an employee of the fund if he got it
20	were called. And he had an idea to create a fund by taking	20	up and running?
21	investments from those types of people and investing it in	21	A No, ma'am.
22	emerging market opportunities, mainly commodity-based.	22	Q When you went to Liechtenstein on the trip, what did you
23	Q And he discussed this opportunity with you around when?	23	learn about the fund?
24	A I I remember the discussions starting around	24	A So, I recall we met some administrators in in a fund
25	mid-February 2012, ma'am. Sorry, 2013, I apologize.	25	there are lots of administrators that you need to operate this
L	SAM OCR RMR CRR RPR		SAM OCR RMR CRR RPR
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	Singh - direct - Nielsen 2868		Singh - direct - Nielsen 2870
1	type of vehicle. And so we met some of those, and we met some	1	A I don't know, but I don't think so.
2	people from Palomar Capital Advisors, as well.	2	Q Mr. Singh, what other business, if any, were you involved
3	Q What was the result of the trip in relation to the	3	in with Proindicus after the initial \$372 million loan?
4	opportunity to purchase Palomar?	4	A So, after the initial amount of the loan is disbursed,
5	A I I mean I can't recall what Andrew's decision was in	5	the 372 million, there were increases or upsizes of that
6	the end or what his whether his view was to proceed or not,	6	transaction that come after.
7	but I recall that it was very expensive to run this fund. I	7	Q How many upsizes?
8	mean, it cost a lot on an annual basis to just have this	8	A Ma'am, there were three upsizes of the Proindicus
9	vehicle and run it. The main reason being if you have a very	9	transaction. Two were completed by Credit Suisse, and a third
10	large public fund where you can attract lots of investors	10	one was completed by another bank, a Russian bank called VTB.
11	that's regulated and it's registered, there's lots of costs	11	Q And about when did you first hear about Proindicus
12	involved in that.	12	wanting an upsize?
13	Q So after the trip to Liechtenstein, did Mr. Pearse	13	A It was shortly after the loan closed. So if the loan
14	continue to discuss with you the idea of purchasing this fund?	14	closed on the 21st of March, around the end of around the
15	A I mean there were some some discussions further than	15	end of March there was talk of an upsize that was conveyed by
16	that, but not much.	16	my boss, Andrew Pearse.
17	Q What do you know about any further plans that Mr. Pearse	17	MS. NIELSEN: Your Honor, at this time the
18	had related to Palomar?	18	Government would ask to admit Government Exhibits's 2263?
19	A I can't recall at the time now what his specific decision	19	THE COURT: Publish to your adversary and the Court.
20	was in relation to Palomar Capital Advisors.	20	Any objection?
21	Q Did you ever hear that Andrew Pearse was associated with	21	MR. JACKSON: No objection, Your Honor.
22	Palomar Capital Advisors after this trip?	22	THE COURT: Admitted.
23	A Yes, I do know he was.	23	(Government's Exhibit 2263 was received in
24	Q And in what way?	24	evidence.)
25	A So, at some stage when Andrew leaves Credit Suisse, that	25	THE COURT: You may publish.
	SAM OCR RMR CRR RPR		SAM OCR RMR CRR RPR
	Singh - direct - Nielsen 2869		Singh - direct - Nielsen 2871
1	I haven't talked about yet, but at some stage when he leaves	1	MS. NIELSEN: Thank you, Your Honor.
2	Credit Suisse he reappears in around 2014 and it is clear that	2	(Exhibit published.)
3	he has a business card with Palomar Capital Advisors on it.	3	MS. NIELSEN: Ms. DiNardo, can you scroll down to
4	<b>Q</b> And is that the same Palomar Capital Advisors that you	4	the e-mail at the bottom of page 2?
5	looked at in Liechtenstein?	5	BY MS. NIELSEN:
6	A I believe so, but I can't be certain.	6	Q Mr. Singh, who is this e-mail from?
7	Q You mentioned earlier when we were talking about the	7	A Ma'am, this e-mail is from Andrew Pearse to myself,
8	services you were providing to Andrew Pearse related to this	8	Detelina Subeva and Dominic Schultens, and some other CS
9	fund that you assisted him in looking at an oil and gas	9	colleagues.
10	matter; is that correct?	10	Q And what's the date of the e-mail?
11	A That is right, ma'am.	11	A It is the 28th of March, 2013.
12	Q Was there any particular reason you were looking at oil	12	Q And what does Mr. Pearse convey to you in this e-mail?
13	and gas?	13	<b>A</b> Ma'am, it's being conveyed that Mozambique are asking if
14	A Oil and gas was the main opportunity in emerging markets.	14	they can increase the transaction by 200 to \$250 million.
15	In countries that we were looking at, oil and gas is very	15	<b>Q</b> And about how long after the first Proindicus loan closed
16	prevalent in emerging markets. So it was a typical investment	16	is this e-mail dated?
17	that people would make there.	17	A This is about a week after.
18	Q Was there any particular investment related to oil and	18	<b>Q</b> If I could direct your attention to the e-mail at the top
19	gas contemplated in relation to this fund at the time?	19	of page 1. Actually, I think it will be the second e-mail on
20	A Yes, ma'am. Andrew was looking at sorry, Mr. Pearse	20	page 1, on the top.
21	was looking at the specific investment in a Mozambique	21	Who is this e-mail from, Mr. Singh?
22	offshore gas field. And in that opportunity, potential	22	A Ma'am, this e-mail is from Dominic Schultens, who is our
23	investors included Mr. Boustani and Mr. Iskandar Safa and	23	head of syndicate to myself and Andrew Pearse.
24	Andrew Pearse.	24	Q And I believe that he mentioned something about something
25	<b>Q</b> Do you know if that project ever came to fruition?	25	called Debtdomain in this e-mail.
	SAM OCR RMR CRR RPR	İ	SAM OCR RMR CRR RPR

	Singh - direct - Nielsen 2872		Singh - direct - Nielsen 2874
1	Can you tell us what Debtdomain is?	1	Q So was it Mr. Boustani's company that was going to be the
2	A Yes, ma'am. Debtdomain is a software platform that	2	recipient of the funds from the upsizes?
3	investor banks and syndicate heads, such as Dominic, use.	3	A Yes, ma'am.
4	It's a convenient platform by which you could market a loan	4	Q Was Mr. Boustani also involved in the second upsize?
5	transaction to investors, give them documentation, and also	5	A Yes, ma'am.
6	receive their commitment.	6	Q In the same capacity?
7	Q And is that a source that would be used in relation to	7	A Yes.
8	the Proindicus upsize?	8	Q Do you recall roughly when the second upsize occurred?
9	A Yes, I believe so, ma'am.	9	A The second upsize occurs around mid-August 2013 and the
10	Q And what type of documents would be loaded to Debtdomain?	10	amount is \$32 million.
11	A So they would include the loan agreement, the guarantee	11	Q What internal authorizations did Credit Suisse require
12	agreement, and a memo that provides an overview of the	12	for these upsizes?
13	transaction and the structure, which would be put together by	13	A Ma'am, so similar to the original transactions for the
14	Credit Suisse.	14	upsize, we need credit risk management approval and
15		15	reputational risk approval.
16	(Continued on the following page.)	16	Q What, if anything, concerned the deal team about getting
17		17	these approvals in the relation to the upsizes?
18		18	A So we had to review the transactions to see why there was
19		19	such a substantive upsize so soon after the original
20		20	transaction had occurred. The original transaction was meant
21		21	to be a whole project and so there are often concerns that has
22		22	the money been, one, misspent, have there been issues in the
23		23	project with overspending, was it a badly planned project, or
24		24	is it for a genuine growth or expansion of the project. So
25		25	those were all concerns you have to address at the time.
	SAM OCR RMR CRR RPR		MDL RPR CRR CSR
	Singh - direct - Nielsen 2873		Singh - direct - Nielsen 2875
1	DIRECT EXAMINATION	1	<b>Q</b> And who would provide that information to the CRM
2	BY MS. NIELSEN: (Continuing)	2	committee and the reputational risk committee?
3	Q And these are the original loan agreement and guarantee	3	A So the deal team would provide that information, the deal
4	for Dualing lights that you direct magnition and	4	30 the deal team would provide that information, the deal
	for Proindicus that you just mentioned?	*	team being myself, Andrew Pearse, and Detelina Subeva on
5	A That's right, ma'am.	5	
5 6		l _	team being myself, Andrew Pearse, and Detelina Subeva on
6 7	A That's right, ma'am.	5	team being myself, Andrew Pearse, and Detelina Subeva on information provided to us by Mr. Boustani and Mozambique.
6 7 8	A That's right, ma'am.  Q Did any of those documents contain information about the defendant agreeing to pay Andrew Pearse a portion of the reduction of the subvention fee?	5 6 7 8	team being myself, Andrew Pearse, and Detelina Subeva on information provided to us by Mr. Boustani and Mozambique.  Q During this time, did anyone at Credit Suisse besides you and Andrew Pearse know about the payment that Jean Boustani in relation to the subvention fee reduction for the initial
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	B # 0076	1	Objects 12 ( AU )
	Proceedings 2876	_	Singh - direct - Nielsen 2878
1	THE COURT: You may step down, sir.	1	I am going to ask you, as I said I would before the
2	THE WITNESS: Thank you.	2	break, have you spoken with anyone about your testimony during
3	THE COURT: Leave the courtroom, please. Ladies and	3	the break?
4	gentlemen, you may be seated, members of the public. The jury	4	THE WITNESS: No, Your Honor.
5	has left the courtroom. The witness has left the stand and is	5	THE COURT: Thank you, sir. Please continue,
6	leaving the courtroom.	6	counsel.
7	Do we have any procedural issues to address in the	7	MS. NIELSEN: Thank you, Your Honor.
8	presence of the defendant outside of the presence of the jury?	8	BY MS. NIELSEN:
9	From the Government?	9	<b>Q</b> Mr. Singh, when we left, I believe we were discussing the
10	MR. BINI: No, Your Honor.	10	committee approval process for the Proindicus?
11	THE COURT: Defense?	11	A Okay, ma'am.
12	MR. JACKSON: No, Your Honor. Thank you.	12	<b>Q</b> In your experience, do you believe that Credit Suisse
13	THE COURT: All right. We will take our 15-minute	13	would have approved the upsizes if they had known about the
14	break and we will see you back.	14	kickback that Jean Boustani had agreed to pay Andrew Pearse in
15	MR. BINI: Thank you, Judge.	15	relation to the initial Proindicus Ioan?
16	THE COURT: Thanks.	16	A Ma'am, in my experience that is highly, highly unlikely.
17	(Recess taken.) .	17	And in my experience, it has never ever happened.
18	THE COURTROOM DEPUTY: All rise. Judge Kuntz	18	Q Mr. Singh, technically, how were the upsize proceeds paid
19	presiding.	19	out from Credit Suisse?
20	THE COURT: We have the appearances. Please have	20	A Ma'am, they were paid in a fashion exactly similar to the
21	the defendant produced.	21	original transaction. So the loan was from Credit Suisse to
22	And do we have any procedural issues to address	22	Proindicus and the proceeds were distributed from Credit
23	before we bring the jury back?	23	Suisse directly to Privinvest, who was going to be the end
24	MR. BINI: Not for the Government, thank you, Your	24	recipient of the funds.
25	Honor.	25	Q Now, in the original Proindicus loan, you testified that
	MDL RPR CRR CSR		MDL RPR CRR CSR
	Dan and diam. 0077		21 1 11 1 11 1 2 2 2 2 2 2 2 2 2 2 2 2
	Proceedings 2877		Singh - direct - Nielsen 2879
1	J	1	3
1 2	MR. JACKSON: No, thank you, Your Honor.	1 2	there was a subvention fee paid by Privinvest to Credit
_	MR. JACKSON: No, thank you, Your Honor.  THE COURT: Thank you. The defendant is here.	_	there was a subvention fee paid by Privinvest to Credit Suisse. Was there a similar arrangement in relation to the
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	Singh - direct - Nielsen 2880		Singh - direct - Nielsen 2882
1	A Yes, ma'am.	1	Suisse and that would have ramifications for him.
2	Q Which ones?	2	Q What did he tell that he was worried about?
3	<b>A</b> Sorry, which investors?	3	A So, at a later stage, Andrew Pearse informs me that he is
4	Q Yes.	4	going to be working for Jean Boustani at Privinvest in helping
5	A So, as I saw the list previously that Dominic Shultens	5	them raise capital and monies and he is concerned that if
6	had provided we marked in the States primarily through a	6	Credit Suisse find outs that he is working for these persons,
7	salesperson called Dan Jurkowitz, who was based here in New	7	then the stock or deferred bonus that he is still due to be
8	York City. One of the key investors that I recall were ICE	8	paid by Credit Suisse will probably be cancelled and he is
9	Canyon, but there were others that I believe were linked to	9	concerned about that.
10	the States, such as TCW and Greylock.	10	<b>Q</b> So you mentioned just now that Mr. Pearse was
11	Q How do you know that Credit Suisse marketed ICE Canyon	11	contemplating going to work for the defendant Jean Boustani;
12	and these others?	12	is that correct?
13	<b>A</b> We were dealing with a salesperson, Dominic Shultens	13	A That is right.
14	would sit next to me. So, outside of the e-mail, there were	14	Q When did he tell you about this?
15	realtime discussions every five minutes about how much was	15	A So, after the 25th of June, when Andrew Pearse, as I have
16	selling and what we were doing.	16	said physically I keep say physically because technically
17	Q Did Credit Suisse successfully sell the portions of the	17	he is still employed at Credit Suisse has left, he invited
18	upsizes to these U.S. investors?	18	me to his house to catch up. As I said, we were very good
19	A Yes, ma'am.	19	friends. I traveled down to his house and I meet him in short
20	Q At the time of the Proindicus upsizes, was Andrew Pearse	20	proximity to after him leaving.
21	still working at Credit Suisse?	21	Q And what did you discuss when you met him at his house?
22	A Ma'am, Andrew Pearse was working at Credit Suisse up to	22 23	A So, I meet Andrew at his house. He lives outside of
24	the first upsize, so I believe that upsize of \$100 million	24	London. So it's a journey. It's the first time I've been
25	closed around the 25th of June. So up until then Andrew	25	there. I meet people. I see his place. And there is an
23	Pearce was physically still at Credit Suisse.  MDL RPR CRR CSR	23	ex-colleague there already, a gentleman called Antanas  MDL RPR CRR CSR
			WIDE REN ORN CON
			Singh direct Nielson 2993
1	Singh - direct - Nielsen 2881  O And what happened after that?	1	Singh - direct - Nielsen 2883
1 2	Q And what happened after that?	1 2	Petrosius.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	And what happened after that? A So after that, he had announced that he was leaving Credit Suisse, so he physically left Credit Suisse. Q Was he still technically working for Credit Suisse for some period of time after he left the office physically? A Yes, ma'am. Q Do you know for how long? A It's a material period of time given his seniority. I don't know the exact time period, but there's a notice period and further restrictions when you leave Credit Suisse and they are not short. Q Roughly, would it have been weeks or months? A It would have been months. I submit somewhere between at least three to six months. Q Are you aware of any restrictions that were placed on Andrew Pearse in relation to his work with Credit Suisse as he was not physically in the office but still technically working for Credit Suisse? A Yes, ma'am, I'm aware. Q What were those restrictions? A So Andrew Pearse I didn't read his contract, but Andrew Pearse informed me himself that he was subject to certain restrictions, and at a later stage when he informs me that he is working for someone else, he is very concerned that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	THE COURT: Would you spell that for the reporter, please?  THE WITNESS: I will from memory, Your Honor. Antanas, A-N-T-A-N-A-S. Petrosius, P-E-T-R-O-S-I-U-S.  THE COURT: Thank you. Please continue, sir.  THE WITNESS: Yes, Your Honor.  A So, there is a colleague there, Antanas Petrosius already present. Andrew was a bit of an iron man, keep fit crazy type guy, so he suggests we go for a run. I was the completely opposite of him, so I wasn't this type of keep fit crazy guy. But in any case, he persuades me to go for a short run. There is a forest near him. I borrowed some kit. By kit I mean trainers and trackie bottoms. We go to this forest near his house. At the forest we are joined by Detelina Subeva, who is still working at Credit Suisse at that stage. So we go for a short run and it's short because I'm not that fit. And at some stage Andrew says he wants a private word with me. And, so, Antanas Petrosius and Detelina part ways and I have a private conversation with Andrew. There he informs me that any fund I obviously had have been delayed and that he is going to be working for Jean Boustani and Privinvest, and his role is going to be help them raise money and capital. He is not an engineer, he is not a maritime or shipping guy. So
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A So after that, he had announced that he was leaving Credit Suisse, so he physically left Credit Suisse.  Q Was he still technically working for Credit Suisse for some period of time after he left the office physically?  A Yes, ma'am.  Q Do you know for how long?  A It's a material period of time given his seniority. I don't know the exact time period, but there's a notice period and further restrictions when you leave Credit Suisse and they are not short.  Q Roughly, would it have been weeks or months?  A It would have been months. I submit somewhere between at least three to six months.  Q Are you aware of any restrictions that were placed on Andrew Pearse in relation to his work with Credit Suisse as he was not physically in the office but still technically working for Credit Suisse?  A Yes, ma'am, I'm aware.  Q What were those restrictions?  A So Andrew Pearse I didn't read his contract, but Andrew Pearse informed me himself that he was subject to certain restrictions, and at a later stage when he informs me	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE COURT: Would you spell that for the reporter, please?  THE WITNESS: I will from memory, Your Honor.  Antanas, A-N-T-A-N-A-S. Petrosius, P-E-T-R-O-S-I-U-S.  THE COURT: Thank you. Please continue, sir.  THE WITNESS: Yes, Your Honor.  A So, there is a colleague there, Antanas Petrosius already present. Andrew was a bit of an iron man, keep fit crazy type guy, so he suggests we go for a run. I was the completely opposite of him, so I wasn't this type of keep fit crazy guy.  But in any case, he persuades me to go for a short run. There is a forest near him. I borrowed some kit. By kit I mean trainers and trackie bottoms. We go to this forest near his house. At the forest we are joined by Detelina Subeva, who is still working at Credit Suisse at that stage. So we go for a short run and it's short because I'm not that fit. And at some stage Andrew says he wants a private word with me. And, so, Antanas Petrosius and Detelina part ways and I have a private conversation with Andrew. There he informs me that any fund I obviously had have been delayed and that he is going to be working for Jean Boustani and Privinvest, and his role is going to be help them raise money and capital. He is

	Singh - direct - Nielsen 2884		Singh - direct - Nielsen 2886
1	value add.	1	A Yes, ma'am. This was clearly a private or side payment
2	They want my support in continually raising money	2	that was going to be paid to me, a kickback, if you like.
3	for Privinvest Group and he mentioned further upsizes or	3	Andrew expresses to me that payments will be made to me and
4	increases to the Proindicus transaction that are to come and	4	Jean Boustani will support. Further things that we discussed
5	they want my support with those transactions.	5	on the day, his concern that he does not want to be in the
6	<b>Q</b> What did you understand him to mean when he said they	6	forefront or in the public view.
7	wanted your support?	7	THE COURT: Whose concern?
8	A So, Andrew makes it clear that the contractor, Jean	8	THE WITNESS: I'm sorry, Mr. Andrew Pearse's concern
9	Boustani, will look after me. He will pay me money. It will	9	is that if he is found to be working for Privinvest and Jean
10	be for the upsizes in the region of \$1 to \$2 million that they	10	Boustani that this will breach his agreement with Credit
11	will pay me.	11	Suisse and his employment terms and that would lead to a loss
12	Further than that, they also mention another	12	of bonuses or deferred stock that he is expecting to receive.
13	transaction, a transaction that Credit Suisse has not done.	13	So he wants to deep it very discreet.
14	It is later termed the EMATUM transaction. It is meant to be	14	Q And did you agree to keep it secret?
15	a very large transaction of somewhere between \$500 million to	15	A I did, ma'am.
16	a billion and further they want me to help support all that	16	Q Did you keep the agreement to receive kickbacks from Jean
17	under the clear understanding that Mr. Boustani will look	17	Boustani in relation to getting the transactions from Credit
18	after me also for that transaction.	18	Suisse a secret yourself from Credit Suisse?
19	Q Now, when you say they wanted your support, what	19	A Yes, ma'am. I never disclosed it to Credit Suisse.
20	specifically were you going to do for them in return for them	20	What, if anything, did you know about the current plans
21 22	looking after you?	21 22	of Detelina Subeva at this time?
23	A Ma'am, I was going to lobby for the transaction	23	A At this stage, I did not know that she was going to
24	internally, I was going to allocate resources to make sure it was expedited. I was going to basically support it in its	24	leave. She announces her departure from Credit Suisse at a
25	approval process internally.	25	later stage.  Q And did she, in fact, depart from Credit Suisse?
-	MDL RPR CRR CSR		MDL RPR CRR CSR
	Singh - direct - Nielsen 2885		Singh - direct - Nielsen 2887
1	THE COURT: Internally where?	1	A Yes, ma'am, she did.
2	THE WITNESS: Apologies, Your Honor. Internally at	2	Q Approximately when was that?
3	Credit Suisse.	3	A I recall it being the end of July 2013.
4	THE COURT: Go ahead.	4	Q And do you know where she was going to work after that?
5	Q And when they when you mentioned that you were told	5	A Yes, ma'am, I did.
6	that Andrew Pearse and the defendant would look after you,	6	Q And where was that?
7	what specifically was that going to entail?	7	A She was going to leave Credit Suisse and she was going to
8	A That was monetary support. So, specifically, I am told	8	join Andrew Pearse to work for him for Jean Boustani.
9	for the Proindicus upsizes that are envisioned at that time,	9	Q What did you know about Andrew Pearse and Detelina Subeva
10	it would be \$1 to \$2 million that would be paid to me. The	10	relationship at this point in time?
11	EMATUM transaction, which was just mentioned, there is no	11	A When Andrew Pearse tells me that he is going to leave
12	specific number discussed at that time because it's a	12	Credit Suisse, he also reveals to me that he and Ms. Subeva
13	brand-new transaction, but it is clear that there will be	13	have been having an affair.
14	monetary support for that as well.	14	Q Now, you mentioned Ms. Subeva was on the run with you
15	Q Was Andrew Pearse still working for Credit Suisse at the	15 16	that you just discussed a moment ago in the forest?
16 17	time that you took this run?	17	A That is correct, ma'am.
18	<ul><li>A Yes, ma'am.</li><li>Q Did you agree to this offer?</li></ul>	18	Q Did you have any discussion with her about the information that you and Mr. Pearse discussed?
19		19	A No, ma'am.
20	A Unfortunately, yes, ma'am. In poor judgment, I did agree.	20	Q In relation to the money that you expected to receive,
21	Q Now, were the payments that you were going to receive	21	that Mr. Pearse had told you you would receive for supporting
22	from for your work supporting the Proindicus upsizes and	22	the Proindicus upsize and the EMATUM transaction, who did you
23	the EMATUM transaction, was that going to be paid outside of	23	understand would be paying you?
24	your bonuses and salary from Credit Suisse for bringing in	24	A Jean Boustani.
25	these deals?	25	Q And why did you think that?
	MDL RPR CRR CSR		MDL RPR CRR CSR
15 of	67 sheets Page 2884 to	2887	of 2993 11/06/2019 05:06:04 PM

	Singh - direct - Nielsen 2888		Singh - direct - Nielsen 2890
1	A Because that's what was discussed and the beneficiary of	1	Q And at this point you did not have either, is that
2	these transactions is Jean Boustani and his company	2	A That is correct, ma'am.
3	Privinvest.	3	MS. NIELSEN: Your Honor, at this time the
4	THE COURT: Discussed with whom?	4	Government would ask to admit Government Exhibit 3205.
5	THE WITNESS: Sorry, Your Honor. That is what I	5	THE COURT: Publish to your adversaries and to the
6	discussed with Andrew Pearse on this date.	6	Court.
7	THE COURT: Did you discuss it with Mr. Boustani	7	Any objection?
8	directly?	8	MR. JACKSON: No objection, Your Honor.
9	THE WITNESS: No, sir, I did not.	9	THE COURT: Admitted.
10	THE COURT: Did you ever discuss it directly with	10	(Government's Exhibit 3205 received in evidence.)
11	Mr. Boustani?	11	THE COURT: You may publish.
12	THE WITNESS: I do meet Mr. Boustani subsequently	12	MS. NIELSEN: Ms. DiNardo, can you blow it up a
13	after this meeting in Abu Dhabi where we discuss my creation	13	little. It is very small. Thank you.
14	of a bank account by which the payments will be received to	14	Q Mr. Singh, can you see this?
15	me.	15	A Yes, ma'am.
16	THE COURT: Go ahead, counsel.	16	Q What is it?
17	MS. NIELSEN: Thank you, Your Honor.	17	A This is an e-mail chain that I was on when I was at
18	Q So you mentioned that your role in this scheme would be	18	Credit Suisse, although this is not my Credit Suisse e-mail
19	to support the transactions at Credit Suisse. Did Andrew	19	account.
20	Pearse say why they needed you to provide this assistance with	20	Q Which e-mail account on this document is yours or the one
21	the transactions?	21	you are using?
22	A Because there was a concern that Privinvest Group client	22	A It is the one referred to as the
23	ideal, client approval is a difficult process for them given	23	dilawarpropertylimited@gmail.com.
24	prior negative news or allegations that had come out. There	24	THE COURT: Would you spell that for the reporter,
25	is concern from them that if they don't do these transactions	25	please.
	MDL RPR CRR CSR		MDL RPR CRR CSR
	Singh - direct - Nielsen 2889		Singh - direct - Nielsen 2891
1	at Credit Suisse that maybe they will not be able to engage	1	THE WITNESS: Of course, Your Honor. That is
2	other banks to be able to complete these transactions. So the	2	D-I-L-A-W-A-R-P-R-O-P-E-R-T-Y L-T-D at G-M-A-I-L dot C-O-M.
3	fact that client ideas have been successfully completed at	3	THE COURT: Thank you. Continue.
4	Credit Suisse is very important for them. And, thus, they	4	MS. NIELSEN: Yes, Ms. DiNardo, if we can go down to
5	want to have greater confidence that the transactions will be	5	the first e-mail in the chain, please. Can you make it even
6	completed at Credit Suisse.	6	bigger.
7	Q And why can't Andrew Pearse do this himself at this point	7	Q Can you read that, Mr. Singh?
8	in time?	8	A I'm sorry. I'm sorry, I think the end may be cut off.
9	A Andrew Pearse has left Credit Suisse at this stage.	9	MS. NIELSEN: Ms. DiNardo, if we can go back to the
10	Q So after you agree to accept these kickbacks from the	10	address and the date.
11	defendant for helping him to obtain the Proindicus upsizes,	11	Q Mr. Singh, can you tell from this who sent this first
12	did anybody ask you to do anything to facilitate the payments?	12	e-mail?
13	A Yes, ma'am. I was directed to open an offshore bank	13	A Ma'am, this e-mail is sent by Mr. Jean Boustani to a
14	account in Abu Dhabi. That's a state in the country of the	14	gentleman called Naji Allam.
15	United Arab Emirates. I was directed to a specific bank to	15	Q What is the date on the e-mail?
16	open it and I was given instructions as to what I needed to	16	A The date is the 4th of July, 2013.
17	open a bank account.	17	Q And what was Mr. Jean Boustani explaining to Mr. Naji
18	<b>Q</b> And who told you all of this?	18	Allam?
19	A This was told to me by Andrew Pearse.	19	A So, Mr. Naji Allam is a CFO in the Privinvest Group and
20	<b>Q</b> And what did you have to do in order to open the bank	20	Mr. Boustani is instructing him to get me a UAE residency. He
21	account?	21	refers to on Logistics, which I later understand is the
22	<b>A</b> To open a bank account within Abu Dhabi, you need to have	22	company in the Privinvest Group that will employ me, or
23	a residency permit. And to have a residency permit, you need	23	provide me a fake employment, and he further instructs that
24	to have, sounds obvious, but a residence and employment within	24	Mr. Allam should coordinate with Andrew, and that I will be
25	Abu Dhabi. So I needed a job and a house.	25	arriving next week.
	MDL RPR CRR CSR		MDL RPR CRR CSR

	Singh - direct - Nielsen 2892		Singh - direct - Nielsen 2894
1	Q Where were you going to be arriving the next week?	1	MS. NIELSEN: And Ms. DiNardo if we could scroll up
2	A Ma'am, in Abu Dhabi for the process of this residency	2	to the rest of the e-mail.
3	visa.	3	(Exhibit published.)
4	MS. NIELSEN: Ms. DiNardo, if we can scroll up to	4	MS. NIELSEN: Sorry the next e-mail in the chain,
5	the next e-mail.	5	Ms. DiNardo. I know this one is very small.
6	Q Can you see the next e-mail on the bottom? I think it's	6	(Exhibit published.)
7	the bottom two lines.	7	Q Who is this e-mail from?
8	A Yes, ma'am.	8	A Ma'am, this e-mail is from Mr. Naji Allam to
9	Q Who is that e-mail from?	9	Andrew Pearse and copying Mr. Jean Boustani.
10	A Ma'am, the e-mail is from Naji Allam.	10	Q And what did Mr. Allam say?
11	Q Who is it to?	11	A Sorry could you is it possible to have the
12	A It is to Mr. Boustani and Andrew Pearse.	12	MS. NIELSEN: Can we provide a hardcopy, Your Honor?
13	Q And what e-mail address is Mr. Pearse using at this time?	13	THE COURT: Yes, we can do that.
14	A Ma'am, he is using a personal or informal e-mail address,	14	Mr. Jackson, would you get the hardcopy please and
15	a Hotmail account.	15	provide it to the witness so he can see it.
16	(Continued on following page.)	16	Also, even though it is smaller, can you at least
17	(Continued on following page.)	17	have it so the jury, as finders of the facts, can see it all.
18		18	I apologize, ladies and gentlemen, we could give you
19		19	a hardcopy and pass the book old-school, but it takes a bit
20		20	longer.
21		21	THE WITNESS: Thank you.
22		22	THE COURTROOM DEPUTY: You are welcome.
23		23	MS. NIELSEN: Ms. DiNardo, if you could just scroll
24		24	as the witness reads.
25		25	
25	MDL RPR CRR CSR	23	THE COURT: It's a fairly short paragraph, this one.  VB OCR CRR
	Singh - direct - Nielsen 2893		
	Olligii - dilect - Niciscii 2000		
1	(Continuing)	1	Singh - direct - Nielsen 2895  Why don't you have him read it out loud so we can keen things
1 2	(Continuing)  O And what's the date on this e-mail?	1 2	Why don't you have him read it out loud so we can keep things
2	Q And what's the date on this e-mail?	2	Why don't you have him read it out loud so we can keep things rolling.
3	Q And what's the date on this e-mail? A It is the 4th of July, 2013.	_	Why don't you have him read it out loud so we can keep things rolling.  MS. NIELSEN: Yes, Your Honor.
3 4	<ul> <li>Q And what's the date on this e-mail?</li> <li>A It is the 4th of July, 2013.</li> <li>Q And at this time, was he still working for Credit Suisse?</li> </ul>	2 3 4	Why don't you have him read it out loud so we can keep things rolling.  MS. NIELSEN: Yes, Your Honor.  THE COURT: Go ahead.
2 3 4 5	Q And what's the date on this e-mail? A It is the 4th of July, 2013. Q And at this time, was he still working for Credit Suisse? A Yes, ma'am.	2 3 4 5	Why don't you have him read it out loud so we can keep things rolling.  MS. NIELSEN: Yes, Your Honor.  THE COURT: Go ahead.  Q Mr. Singh, if you could read Mr. Allam's response.
2 3 4 5 6	Q And what's the date on this e-mail? A It is the 4th of July, 2013. Q And at this time, was he still working for Credit Suisse? A Yes, ma'am. Q Was he still in the office at this time or was he only	2 3 4 5 6	Why don't you have him read it out loud so we can keep things rolling.  MS. NIELSEN: Yes, Your Honor.  THE COURT: Go ahead.  Q Mr. Singh, if you could read Mr. Allam's response.  THE COURT: Slowly.
2 3 4 5 6 7	Q And what's the date on this e-mail? A It is the 4th of July, 2013. Q And at this time, was he still working for Credit Suisse? A Yes, ma'am. Q Was he still in the office at this time or was he only technically working for Credit Suisse?	2 3 4 5 6 7	Why don't you have him read it out loud so we can keep things rolling.  MS. NIELSEN: Yes, Your Honor.  THE COURT: Go ahead.  Q Mr. Singh, if you could read Mr. Allam's response.  THE COURT: Slowly.  THE WITNESS: Of course, Your Honor.
2 3 4 5 6 7 8	Q And what's the date on this e-mail? A It is the 4th of July, 2013. Q And at this time, was he still working for Credit Suisse? A Yes, ma'am. Q Was he still in the office at this time or was he only technically working for Credit Suisse? A No, ma'am, he was not physically in the office at this	2 3 4 5 6 7 8	Why don't you have him read it out loud so we can keep things rolling.  MS. NIELSEN: Yes, Your Honor.  THE COURT: Go ahead.  Q Mr. Singh, if you could read Mr. Allam's response.  THE COURT: Slowly.  THE WITNESS: Of course, Your Honor.  A Yes, I will inform them at the office to do the necessary
2 3 4 5 6 7 8 9	Q And what's the date on this e-mail?  A It is the 4th of July, 2013.  Q And at this time, was he still working for Credit Suisse?  A Yes, ma'am.  Q Was he still in the office at this time or was he only technically working for Credit Suisse?  A No, ma'am, he was not physically in the office at this stage.	2 3 4 5 6 7 8 9	Why don't you have him read it out loud so we can keep things rolling.  MS. NIELSEN: Yes, Your Honor.  THE COURT: Go ahead.  Q Mr. Singh, if you could read Mr. Allam's response.  THE COURT: Slowly.  THE WITNESS: Of course, Your Honor.  A Yes, I will inform them at the office to do the necessary since I will not be in Abu Dhabi. To speed things up, if you
2 3 4 5 6 7 8 9	Q And what's the date on this e-mail?  A It is the 4th of July, 2013.  Q And at this time, was he still working for Credit Suisse?  A Yes, ma'am.  Q Was he still in the office at this time or was he only technically working for Credit Suisse?  A No, ma'am, he was not physically in the office at this stage.  Q But still technically working for them?	2 3 4 5 6 7 8 9	Why don't you have him read it out loud so we can keep things rolling.  MS. NIELSEN: Yes, Your Honor.  THE COURT: Go ahead.  Q Mr. Singh, if you could read Mr. Allam's response.  THE COURT: Slowly.  THE WITNESS: Of course, Your Honor.  A Yes, I will inform them at the office to do the necessary since I will not be in Abu Dhabi. To speed things up, if you can send me a scan of his passport and a scan of a
2 3 4 5 6 7 8 9 10	Q And what's the date on this e-mail? A It is the 4th of July, 2013. Q And at this time, was he still working for Credit Suisse? A Yes, ma'am. Q Was he still in the office at this time or was he only technically working for Credit Suisse? A No, ma'am, he was not physically in the office at this stage. Q But still technically working for them? A Yes.	2 3 4 5 6 7 8 9 10	Why don't you have him read it out loud so we can keep things rolling.  MS. NIELSEN: Yes, Your Honor.  THE COURT: Go ahead.  Q Mr. Singh, if you could read Mr. Allam's response.  THE COURT: Slowly.  THE WITNESS: Of course, Your Honor.  A Yes, I will inform them at the office to do the necessary since I will not be in Abu Dhabi. To speed things up, if you can send me a scan of his passport and a scan of a passport-sized photo and let him bring all original passport
2 3 4 5 6 7 8 9 10 11	Q And what's the date on this e-mail? A It is the 4th of July, 2013. Q And at this time, was he still working for Credit Suisse? A Yes, ma'am. Q Was he still in the office at this time or was he only technically working for Credit Suisse? A No, ma'am, he was not physically in the office at this stage. Q But still technically working for them? A Yes. Q And what did Mr. Allam tell Mr. Boustani?	2 3 4 5 6 7 8 9 10 11	Why don't you have him read it out loud so we can keep things rolling.  MS. NIELSEN: Yes, Your Honor.  THE COURT: Go ahead.  Q Mr. Singh, if you could read Mr. Allam's response.  THE COURT: Slowly.  THE WITNESS: Of course, Your Honor.  A Yes, I will inform them at the office to do the necessary since I will not be in Abu Dhabi. To speed things up, if you can send me a scan of his passport and a scan of a passport-sized photo and let him bring all original passport size photos.
2 3 4 5 6 7 8 9 10 11 12 13	Q And what's the date on this e-mail? A It is the 4th of July, 2013. Q And at this time, was he still working for Credit Suisse? A Yes, ma'am. Q Was he still in the office at this time or was he only technically working for Credit Suisse? A No, ma'am, he was not physically in the office at this stage. Q But still technically working for them? A Yes. Q And what did Mr. Allam tell Mr. Boustani? A Mr. Allam says: Okay and yes on logistics.	2 3 4 5 6 7 8 9 10	Why don't you have him read it out loud so we can keep things rolling.  MS. NIELSEN: Yes, Your Honor.  THE COURT: Go ahead.  Mr. Singh, if you could read Mr. Allam's response.  THE COURT: Slowly.  THE WITNESS: Of course, Your Honor.  A Yes, I will inform them at the office to do the necessary since I will not be in Abu Dhabi. To speed things up, if you can send me a scan of his passport and a scan of a passport-sized photo and let him bring all original passport size photos.  Q And in this e-mail, Mr. Singh, what did you understand
2 3 4 5 6 7 8 9 10 11 12 13 14	Q And what's the date on this e-mail? A It is the 4th of July, 2013. Q And at this time, was he still working for Credit Suisse? A Yes, ma'am. Q Was he still in the office at this time or was he only technically working for Credit Suisse? A No, ma'am, he was not physically in the office at this stage. Q But still technically working for them? A Yes. Q And what did Mr. Allam tell Mr. Boustani? A Mr. Allam says: Okay and yes on logistics. Q What did you understand that to mean?	2 3 4 5 6 7 8 9 10 11 12 13 14	Why don't you have him read it out loud so we can keep things rolling.  MS. NIELSEN: Yes, Your Honor.  THE COURT: Go ahead.  Q Mr. Singh, if you could read Mr. Allam's response.  THE COURT: Slowly.  THE WITNESS: Of course, Your Honor.  A Yes, I will inform them at the office to do the necessary since I will not be in Abu Dhabi. To speed things up, if you can send me a scan of his passport and a scan of a passport-sized photo and let him bring all original passport size photos.  Q And in this e-mail, Mr. Singh, what did you understand Mr. Allam to mean when he said: To do the necessary?
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	Singh - direct - Nielsen 2896		Singh - direct - Nielsen 2898
1	Q And what did you do?	1	Q And is this the residency that you obtained when you met
2	A So, I met Mr. Boustani. We left their offices with his	2	Mr. Boustani in the UAE?
3	driver who took us to a residency center within Abu Dhabi.	3	A That is correct, ma'am.
4	And there's a large, it's almost like a processing	4	<b>Q</b> And if we look at the bottom right-hand corner, on the
5	center, called migrant or residency permits. So, we entered	5	right-hand side, there is an indication of a sponsor?
6	there. The majority of people there were for typical	6	A Yes, ma'am.
7	labor-type jobs, so to fit in more I removed my jacket and tie	7	Q What does that mean, sponsor?
8	to be a bit more casual. Once in there, there are a number of	8	A Sponsor means employer. And that's Privinvest Holding
9	queues or processes by which you complete the residency	9	Abu Dhabi.
10	requirements, one of which was a blood test. I recall that as	10	Q And what did this residency visa indicate is your
11	I don't like needles.	11	profession?
12	And it took, we arrived there probably mid-morning,	12	A It indicates that I am an archives clerk, ma'am.
13	and Mr. Boustani took me through all these processes, and we	13	Q Were you working for Privinvest as an archives clerk at
14	probably finished early afternoon or late early evening.	14	this time?
15	Q And why did you need to obtain this residency in the UAE	15	A No, ma'am.
16	again?	16	Q Why did the residency card say that you were an archives
17	A Because I needed to have this residency permit to be able	17	clerk for Privinvest?
18	to open a bank account in the UAE.	18	A Ma'am, it's a fake job to allow me to get a UAE
19	Q And did you perceive that the defendant understood that	19	residency.
20	this was the reason that he was helping you to get this	20	THE COURT: Why say archives clerk? Why not say
21	permit?	21	airplane pilot?
22	MR. JACKSON: Objection.	22	THE WITNESS: I, it was facilitated by Privinvest
23	THE COURT: Overruled.	23	Group and Mr. Boustani. I couldn't answer that question,
24	Asking for his perception.	24	Your Honor.
25	THE WITNESS: Sorry.	25	THE COURT: You did not pick the name archives
	VB OCR CRR		VB OCR CRR
	Singh - direct - Nielsen 2897		Singh - direct - Nielsen 2899
	Singil direct Neisen 2007		Singh - direct - Nielsen 2899
1	A Yes, absolutely.	1	clerk.
1 2	<b>3</b>	1 2	3
1 2 3	A Yes, absolutely.		clerk.
_	A Yes, absolutely.  Q Why did you think that?	2	clerk.  THE WITNESS: No, Your Honor, I didn't.
3 4 5	<ul><li>A Yes, absolutely.</li><li>Q Why did you think that?</li><li>A Because as we are leaving the center we're standing</li></ul>	2 3 4 5	clerk.  THE WITNESS: No, Your Honor, I didn't.  THE COURT: All right, go ahead.
3 4 5 6	A Yes, absolutely.  Q Why did you think that?  A Because as we are leaving the center we're standing outside, Mr. Boustani's driver is pulling up his car to take us in. Me and Mr. Boustani are chatting, we are alone. The residency center is very busy so we can't really talk inside.	2 3 4 5 6	clerk.  THE WITNESS: No, Your Honor, I didn't.  THE COURT: All right, go ahead.  Q Who provided you with that position?  A I t was Mr. Boustani.  Q Where were you, in fact, working at the time that you got
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	Singh - direct - Nielsen 2900			Singh - direct - Nielsen 2902
1	EXAMINATION CONTINUES	1	occi	urs in September.
2	BY MS. NIELSEN:	2	Q	And what was the specific type of financing that was
3	Q Did you, in fact, open the bank account that you	3	bein	g considered?
4	mentioned on the same trip when you went to obtain this	4	Α	Ma'am, it was a capital markets transaction.
5	residency visa?	5	Q	What does that mean?
6	A Not the same trip, ma'am, there's a subsequent trip.	6	Α	That means that it is a debt security, but it is a
7	<b>Q</b> After this trip to the United Arab Emirates, was there	7	diffe	erent from a loan, in that it is a debt which is created
8	another occasion during the summer of 2013 when you spoke with	8	to b	e publicly traded by investors in the open market.
9	Andrew Pearse about the kickbacks?	9	Q	And who was the borrower going to be?
10	A Yes, there was, ma'am.	10	Α	The borrower was going to be a different project vehicle
11	<b>Q</b> What were the circumstances?	11	that	had the short name EMATUM, and they were going to be the
12	A So, at this stage Andrew Pearse has left Credit Suisse,	12	borr	rower for the financing. And they were going to purchase
13	at least technically sorry, physically, he's left, but	13	goo	ds and services, primarily tuna fishing boats, from
14	technically or contractually he's still working for Credit	14	Priv	invest Group; and Credit Suisse would lend the money for
15	Suisse. There was a team bonding event that had been planned	15	that	and benefit from a government guarantee.
16	a while back. It was a long weekend in Spain where myself and	16		So, it was a similar structure to the Proindicus
17	probably twenty other CS colleagues were going for a team	17	tran	saction; however, the underlying project was different and
18	bonding kind of fun time. Everyone had paid for their own	18	rath	er than a loan, it was a debt security that would be
19	tickets from personal money. And that included Andrew Pearse,	19	pub	licly traded.
20	he had paid for his own tickets a while ago. And so, he	20	Q	Was there an aspect of the financing that was a loan?
21	attended this bonding event. It was in Spain. It was mid	21	Α	Yes, there was, ma'am.
22	July, so approximately a week after this. And at that event I	22	Q	And what was that?
23	had some alone-time with Andrew and the opportunity to talk to	23	Α	So, the securities were issued to capital markets
24	him.	24		estors, and the proceeds of those securities were used to
25	Q And what did you talk about?	25	adv	ance a loan to the project company.
	SAM OCR RMR CRR RPR			SAM OCR RMR CRR RPR
1	Singh - direct - Nielsen 2901	1	_	Singh - direct - Nielsen 2903
2	A So, I asked Andrew if he was sure that he really wanted to leave Credit Suisse. It seemed like a bold move to leave	2	Q	Now, you just mentioned that EMATUM was the project pany.
3	and join Privinvest Group. He told me yes, that he was	3	COIII	Who owned EMATUM?
4	financially secure. He was due stock from Credit Suisse over	4	Α	EMATUM was owned by the Republic of Mozambique.
5	the years. He was obviously, due money from Mr. Boustani in	5	Q	Do you recall how much money EMATUM wanted to borrow?
6	relation to the Proindicus deal he had done.	6	A	They wanted to borrow \$850 million.
7	And, further, he indicated to me other transactions	7	Q	How much of that was Credit Suisse to participate in?
8	by which he had procured a side or a private payment for	8	A	Credit Suisse was willing to do, and got approvals for,
9	himself.	9	\$50	0 million of the 850 million.
10	Q These are other transactions that he worked on while he	10	Q	What role did the defendant have in the EMATUM project?
11	was on the Credit Suisse?	11	Α	So, it was similar to the Proindicus project, in that
12	A That is correct, ma'am.	12	Mr.	Boustani was the point person for providing diligence,
13	Q Did you and Mr. Pearse discuss the possibility of you	13	arra	nging diligence meetings, and, obviously, providing
14	joining him to work with Jean Boustani at Privinvest on this	14	info	rmation himself about what the monies were to be spent on
15	trip?	15	at P	rivinvest Group, i.e., what ships Privinvest Group would
16	A No, ma'am.	16	deli	ver for the monies.
17	<b>Q</b> Now, when we were discussing the UAE trip that you took,	17	Q	And what was your role to the Privinvest Group in
18	you mentioned EMATUM.	18	relat	ion to the EMATUM transaction?
19	What was the EMATUM project?	19	Α	So as the EMATUM transaction was a comprised a loan
20	<b>A</b> Ma'am, the EMATUM project was a another project within	20	and	a debt security, this transaction was undertaken by two
21	Mozambique, and that project was to create a national tuna	21	tear	ms at Credit Suisse. One being my team, which was the
22	fishing fleet for the Government of Mozambique.	22	Glok	oal Financing Group, of which at this stage I am now the
23	Q And approximately when was Credit Suisse considering the	23		d, given Andrew has left. And another team called the Debt
24	EMATUM financing project?	24		ital Markets team, who deal with the capital markets
25	A This is during July and August, and the transaction	25	aspe	ects of this deal.
	SAM OCR RMR CRR RPR	2000		SAM OCR RMR CRR RPR
19 of	67 sheets Page 2900 to	2903	of 299	93 11/06/2019 05:06:04 PN

	Singh - direct - Nielsen 2904		Singh - direct - Nielsen 2906
1	Q You mentioned a few minutes ago that Mr. Boustani wanted	1	DilawarPropertyLtd@gmail.com.
2	your support on the EMATUM project and that he would take care	2	Q And what e-mail addresses did Mr. Pearse and Ms. Subeva
3	of you?	3	use?
4	A That is correct, ma'am.	4	A They also used informal e-mail addresses like Hotmail and
5	Q What did the defendant want you to do for him on the	5	Gmail, et cetera.
6	EMATUM project?	6	<b>Q</b> What did you understand the defendant knew about the need
7	MR. JACKSON: Objection.	7	to keep Andrew Pearse and Detelina Subeva's role a secret from
8	THE COURT: If you know. Overruled.	8	Credit Suisse?
9	You may answer.	9	MR. JACKSON: Objection.
10	A So, it was similar to the my approach on the	10	THE COURT: Overruled.
11	Proindicus transaction, the Proindicus upsizes, that I would	11	You may answer.
12	lobby for the transactions. I would allocate resources. I	12	A I understood that he clearly knew that they should not be
13	would support the transactions internally.	13	revealed or shown in any way, shape or form. There was no
14	<b>Q</b> And what would the defendant give you in return for this	14	communication that Mr. Boustani ever sent to my Credit Suisse
15	support?	15	e-mail address that ever included them by name, reference or
16	A Money.	16	copied or forward. They were never included.
17	Q And how was Andrew Pearse involved in this, if at all?	17	Q But at the time did you know that he was working with
18	A So, Mr. Andrew Pearse at this stage has physically left	18	them?
19	Credit Suisse. He is working with Mr. Boustani in the	19	A Yes.
20	background at Privinvest Group, and he is working with him on	20	MS. NIELSEN: At this time, Your Honor, the
21	putting together the project, I guess aspects of materials	21	Government would ask to admit Government's Exhibit 2378 and
22	that are going to be supplied. And he's working with	22	2378-A.
23	Mr. Boustani in the background.	23	THE COURT: Publish to your adversaries.
24	Q What did Credit Suisse know about Andrew Pearse's	24	Any objection?
25	involvement at this point in time?	25	MR. JACKSON: No objection, Your Honor.
	SAM OCR RMR CRR RPR		SAM OCR RMR CRR RPR
	Singh - direct - Nielsen 2905		Singh - direct - Nielsen 2907
1	A They did not know, ma'am.	1	THE COURT: Admitted.
2	Q Was anyone else who used to work at Credit Suisse	2	(Government's Exhibits 2378 and 2378-A were received
3	involved in the EMATUM project?	3	in evidence.)
4	A Yes, ma'am. Detelina Subeva, once she leaves Credit	4	THE COURT: You may publish.
6	Suisse, as I recall at the end of July 2013, she joins Andrew  Pearse to work for Mr. Boustani.	5	(Exhibit published.)
7	Q Did anyone at Credit Suisse know about her involvement in	7	MS. NIELSEN: Ms. DiNardo, can we pull up 2378 first? Thank you.
8	the project after she had left Credit Suisse physically?	8	BY MS. NIELSEN:
9	A I knew, ma'am.	9	Q And, Mr. Singh, what is this document?
10	Q Other than you?	10	A Ma'am, this is an e-mail chain I was on when I was at
11	A Other than myself, I don't believe anyone knew.	11	Credit Suisse.
12	Q Did you agree to keep Andrew Pearse and Detelina Subeva's	12	Q And what's the date?
13	roles a secret?	13	A The date is the 31st of July, 2013.
14	A Yes, I did, ma'am.	14	Q And what is the subject?
15	Q And what did you do to keep it a secret?	15	A The subject is: "Mozambique LPN heads-up memo."
16	A I didn't reveal to anyone that I was aware that they were	16	Q And what is an LPN?
17	working with Mr. Boustani. And they consequently made sure	17	A An LPN is a loan participation note, and that is the
18	that they were not on any e-mails or any correspondence to my	18	acronym or the loan title as well for the type of debt
19	Credit Suisse e-mail account.	19	security that was issued by EMATUM.
20	<b>Q</b> But did you, in fact, have e-mail with Andrew Pearse and	20	<b>Q</b> And was this a type of debt security that you mentioned
21	Detelina Subeva during this time?	21	the Capital Markets Group that you worked with would work on?
22	A I did, ma'am, yes.	22	A Yes, ma'am.
23	<b>Q</b> And how did you what e-mail addresses did you use?	23	Q And what is a heads-up memo?
24	A It was I recall it was a private e-mail address that I	24	A A heads-up memo is a memo that the deal teams put
	·		
25	just we'd just seen on screen a minute ago, called  SAM OCR RMR CRR RPR	25	together. It is preliminarily or early stage, and it is

	Singh - direct - Nielsen 2908		Singh - direct - Nielsen 2910
1	submitted to people that we will be seeking approvals from, so	1	DIRECT EXAMINATION
2	that they have the opportunity to start to think about the	2	BY MS. NIELSEN: (Continuing)
3	transaction and help us thinking through any questions or	3	Q From the front of this memo, who was it written for?
4	areas we need to specifically look at.	4	A It was written for EMEA Credit Risk Management, so the
5	MS. NIELSEN: And, Ms. DiNardo, if you would pull up	5	CRM approval that I referred to. However, the head of this
6	Government's 2378-A in evidence.	6	group, which is a Mr. Peter Stevens, was also head of, co-head
7	(Exhibit published.)	7	of the reputational risk committee. So this heads-up memo
8	BY MS. NIELSEN:	8	served a dual purpose of giving a heads up to Credit Risk
9	Q Mr. Singh, what is this?	9	Management and the reputational risk committee.
10	A So, ma'am, in the previous e-mail there's reference to an	10	Q And what generally is described in the memo?
11	attachment, a heads-up memo, and this is that.	11	A Ma'am, it's an overview of the transaction, the
12	Q Who drafted this?	12	structure, the key stakeholders in the transaction and also
13	A So this is drafted by the teams that are detailed on the	13	how we will distribute the transaction.
14	front. So there we call ourselves Senior Financing Group, but	14	Q And was there any kind of a guarantee involved in this
15	we are GFG or Global Financing Group. That is a team headed	15	transaction, similar to the Proindicus transaction?
16	by myself. There is the EMEA Capital Markets team, which is a	16	A Yes, ma'am. Credit Suisse is to provide a loan to the
17	team headed by Mr. Chris Tuffey, and they look after the	17	project company called EMATUM and the Government of Mozambique
18	capital markets aspects of the deal. And there is the Middle	18	will provide a guarantee to that loan to ensure that if the
19	East coverage team, which is headed by a gentleman Adel	19	project cannot repay Credit Suisse that the Government will
20	Afiouni.	20	have to repay Credit Suisse.
21	THE COURT: Would you spell that for the reporter,	21	MS. NIELSEN: Ms. DiNardo, if we can scroll to page
22	please?	22	5, I'm sorry, page 8.
23	THE WITNESS: Sorry, Mr all the names, sir?	23	Q If we can look at this project overview. If we look at
24	THE COURT: No, just the last two, Adel.	24	the fourth paragraph down.
25	THE WITNESS: I'm so sorry. So Adel is spelled,	25	A Yes, ma'am.
	SAM OCR RMR CRR RPR		MDL RPR CRR CSR
	Singh - direct - Nielsen 2909		Singh - direct - Nielsen 2911
1	A-D-E-L, and second name Afiouni, A-F-I-O-U-N-I.	1	Q What does the memo indicate that the loan proceeds are to
2	THE COURT: And the other name below it?	2	be used for?
3	THE WITNESS: Apologies, sir. And Said Freiha,	3	A They're to be used to procure 22 vessels and related
4	first name I also spelled S-A-I-D; second name spelled	4	infrastructure for the tuna fishing fleet.
5	F-R-E-I-H-A.	5	Q And, Mr. Singh, do you recall who were the investors in
6	THE COURT: Thank you. Please continue, counsel.	6	the LPNs?
7	MS. NIELSEN: Thank you, Your Honor.	7	A I don't recall the specific investors as I wasn't deeply
8		8	involved in the capital market side of the transaction because
9	(Continued on the following page.)	9	there was in the Proindicus transaction I'm far more
10		10	involved with investors, but here there is a capital markets
11		11	team to do that.
12		12	Q Do you recall generally where the investors were going to
13		13	be located?
14		14	A Yes, there was a global reach.
15		15	Q Does Credit Suisse ultimately hold some of the LPN's from
16		16	the EMATUM issuance?
17		17	A Yes, they did initially.
18		18	What fees, if any, was Credit Suisse going to obtain for
19 20		19 20	engaging in the EMATUM financing?
21		21	A So there was an arranger fee that was to be paid by the
22		22	project company EMATUM. There was a subvention fee, similar
			to what was paid in the Proindicus transaction where
23		/ / 3	Privingest Group was going to pay a fee to Credit Suisse and
23		23	Privinvest Group was going to pay a fee to Credit Suisse, and  for the securities that Credit Suisse held, we would earn
24		24	for the securities that Credit Suisse held, we would earn
	SAM OCR RMR CRR RPR		

	O'colo d'oct Nicher	1	O'colo Pood Nichola O
1	Singh - direct - Nielsen 2912	1	Singh - direct - Nielsen 2914
2	Q What did you understand that Jean Boustani knew about the	2	, , , , , , , , , , , , , , , , , , ,
	type of financing that the EMATUM project was?	_	3
3	A He understood the financing and the structure of it.	3	
4	Q What did he understand about what investors would be	4	The date is the met of Adgust 20 for
5	investing in the project?	5	
6	A He understood that it would be international capital	6	g
7	markets investors in the transaction.	7	arriving in Maputo, which is the capital of Mozambique, for
8	Q And how do you know that?	8	g g
9	A One of the requirements for this transaction from one of	9	and I'm asking him to kindly arrange meetings with the
10	the approval committees we had internally at CS was that I had	10	
11	to inform the Minister of Finance, then Mr. Manuel Chang, that	11	
12	there would be a public capital markets transaction and	12	
13	international investors would participate. The reason this	13	,
14	was important at Credit Suisse is that in this type of	14	
15	transaction we don't want the client or the Government to be	15	
16 	surprised that there is a security out there with their name	16	
17	on it. We want them to be aware of it and embrace that. So a	17	
18	specific requirement was that I meet with the minister and	18	
19	inform him that there will be international investors in a	19	· · · · · · · · · · · · · · · · · · ·
20	capital markets transaction. And I did so and Mr. Boustani	20	
21	was also present at that meeting and I discussed this matter	21	company, EMATUM. Those are the key people I remember.
22	with him prior to that meeting as well.	22	
23	Q Who was the Minister of Finance at this time?	23	
24 25	A It was a Mr. Manuel Chang.	24	
25	Q And where did the meeting take place?	25	
	MDL RPR CRR CSR		MDL RPR CRR CSR
	Singh - direct - Nielsen 2913		Singh - direct - Nielsen 2915
1	A In Maputo, in the offices of the Ministry of Finance.	1	if there was anyone else from the Government of Mozambique who
2	Maputo is the capital of Mozambique.	2	,
3	Q Now, you mentioned that this memo that we have just been	3	, , , , , , , , , , , , , , , , , , ,
4	looking at was designed to go to the CRM and rep risk heads;	4	
5	is that correct?	5	
6	A That is correct, ma'am.	6	think she attended, if not that, then other meetings she
7	Q Were there other internal approvals that were required	7	
8	for Credit Suisse to complete the EMATUM transaction?	8	3 · p
9	A There were, ma'am. There was a key approval was the	9	
10 11	EIBC, the European Investment Banking Committee. That was an	10 11	5,
11 12	approval specific to this transaction because it was a capital		· · · · · · · · · · · · · · · · · · ·
	markets transaction. Proindicus did not need their approval	12	
13	as it was a loan transaction.	13	'
14 15	MS. NIELSEN: Your Honor, at this time the	14	
15	Government would ask to admit Government Exhibit 2380.	15	
16	THE COURT: Any objection to 2380? Please show it	16	,
		17	
17	to your adversary and the Court.	40	<b>Q</b> And who is this e-mail from?
17 18	to your adversary and the Court.  MR. JACKSON: No objection, Your Honor.	18	
17 18 19	to your adversary and the Court.  MR. JACKSON: No objection, Your Honor.  THE COURT: You may publish.	19	A It is from Detelina Subeva to me, copying Andrew Pearse.
17 18 19 20	to your adversary and the Court.  MR. JACKSON: No objection, Your Honor.  THE COURT: You may publish.  (Government's Exhibit 2380 received in evidence.)	19 20	<ul><li>A It is from Detelina Subeva to me, copying Andrew Pearse.</li><li>Q And what kind of e-mail account is Ms. Subeva using at</li></ul>
17 18 19 20 21	to your adversary and the Court.  MR. JACKSON: No objection, Your Honor.  THE COURT: You may publish.  (Government's Exhibit 2380 received in evidence.)  (Exhibit published.)	19 20 21	<ul> <li>A It is from Detelina Subeva to me, copying Andrew Pearse.</li> <li>Q And what kind of e-mail account is Ms. Subeva using at this time?</li> </ul>
17 18 19 20 21 22	to your adversary and the Court.  MR. JACKSON: No objection, Your Honor.  THE COURT: You may publish.  (Government's Exhibit 2380 received in evidence.)  (Exhibit published.)  Q Mr. Singh, what is this?	19 20 21 22	<ul> <li>A It is from Detelina Subeva to me, copying Andrew Pearse.</li> <li>Q And what kind of e-mail account is Ms. Subeva using at this time?</li> <li>A She is using a G-mail account.</li> </ul>
17 18 19 20 21 22 23	to your adversary and the Court.  MR. JACKSON: No objection, Your Honor.  THE COURT: You may publish.  (Government's Exhibit 2380 received in evidence.)  (Exhibit published.)  Q Mr. Singh, what is this?  A So, ma'am, this is an e-mail chain I was on when I was at	19 20 21 22 23	<ul> <li>A It is from Detelina Subeva to me, copying Andrew Pearse.</li> <li>Q And what kind of e-mail account is Ms. Subeva using at this time?</li> <li>A She is using a G-mail account.</li> <li>Q What's the date of this e-mail?</li> </ul>
16 17 18 19 20 21 22 23 24	to your adversary and the Court.  MR. JACKSON: No objection, Your Honor.  THE COURT: You may publish.  (Government's Exhibit 2380 received in evidence.)  (Exhibit published.)  Q Mr. Singh, what is this?  A So, ma'am, this is an e-mail chain I was on when I was at Credit Suisse.	19 20 21 22 23 24	<ul> <li>A It is from Detelina Subeva to me, copying Andrew Pearse.</li> <li>Q And what kind of e-mail account is Ms. Subeva using at this time?</li> <li>A She is using a G-mail account.</li> <li>Q What's the date of this e-mail?</li> <li>A Ma'am, it is the 5th of August.</li> </ul>
17 18 19 20 21 22 23	to your adversary and the Court.  MR. JACKSON: No objection, Your Honor.  THE COURT: You may publish.  (Government's Exhibit 2380 received in evidence.)  (Exhibit published.)  Q Mr. Singh, what is this?  A So, ma'am, this is an e-mail chain I was on when I was at	19 20 21 22 23	<ul> <li>A It is from Detelina Subeva to me, copying Andrew Pearse.</li> <li>Q And what kind of e-mail account is Ms. Subeva using at this time?</li> <li>A She is using a G-mail account.</li> <li>Q What's the date of this e-mail?</li> <li>A Ma'am, it is the 5th of August.</li> </ul>

	Singh - direct - Nielsen 2916	Singh - direct - Nielsen 2918
1	(Continuing)	1 that I recollect Galina Barakova was also there. By "we" I
2	Q And what is Ms. Subeva explaining in this e-mail chain?	<b>2</b> mean the Credit Suisse team.
3	A Ms. Subeva is going through some Q and A or preparation	3 Q And do you recall any other contractors that
4	work that she had been doing with people in Mozambique in	4 Mr. do Rosario told you had submitted for the EMATUM
5	relation to the DD the due diligence, sorry.	5 transaction?
6	Q And based on the date of this e-mail, is this due	<b>6</b> A Yes. The one I recall is Fincanteri.
7	diligence that would have been related to the trip that you	<b>7</b> THE COURT: Spell it, please.
8	took to Maputo where you met with Mr. Manuel Chang?	8 THE WITNESS: It is F-I-N-C-A-N-T-E-R-I, from
9	A Yes, ma'am.	9 memory.
0	Q And why was Ms. Subeva using a personal e-mail at this	<b>10 Q</b> Were there more than just the one bid?
1	time to talk to you about the due diligence?	11 A Yes, there were, ma'am.
2	A Because they they, being Ms. Subeva and	12 Q Do you remember how many?
3	Andrew Pearse want to conceal their involvement from Credit	t 13 A I think there were, in total, including Abu Dhabi MAR,
4	Suisse.	14 which is the subsidiary and credit in Privinvest Group
5	Q So, when you took this trip to Maputo to have to meet	15 which is supplying the vessels, including them there were
6	with the Minister of Finance and the other Mozambican	16 three to four bids, I believe.
7	officials, did you also mention that you met with	17 Q Did Mr. do Rosario show you any paperwork or any
3	Mr. do Rosario?	18 presentations when he explained the other bids to you?
9	A Yes, I did, ma'am.	19 A No, he did not, ma'am.
0	Q And what did you discuss with Mr. do Rosario on this	20 Q And when you and the Credit Suisse team had finished
1	trip?	21 making the table of the bids, did you show it to
2	A So, Mr. do Rosario was the CEO of the project company, so	22 Mr. do Rosario?
3	we discussed with him various details in relation to the	23 A Yes, we did, ma'am.
4	project itself, including technical aspects, operational	24 Q And did he confirm those bids?
5	aspects and how Privinvest Group was selected for the project.	25 A Yes, he did.
	VB OCR CRR	VB OCR CRR
	Singh - direct - Nielsen 2917	Singh - direct - Nielsen 2919
1	Q Where did you meet with Mr. do Rosario?	1 Q Other than the meeting with the Minister of Finance that
2	A We met him at a hotel lobby. It was the hotel Polana.	2 you've already described, did you spend any other time with
3	Q And you said "we" just now.	3 Jean Boustani in Maputo or in other meetings on this trip?
4	Who, along with you, met with Mr. do Rosario?	4 A Mr. Boustani was at the meetings in this due diligence
5	A There was myself, there was another CS colleague called	<b>5</b> trip, yes. He was there.
6	Edward Kelly and I can't recall, because we were coming on	6 Q Did you spend any other time with him, other than at the
7	different flights, if another colleague called Galina Barakova	7 meetings?
8	also attended.	8 A I don't I mean, maybe in the evenings together as a
9	Q And what did you discuss with Mr. do Rosario, if	9 team, but nothing private that I recall.
0	anything, about how the government had chosen Privinvest as a	10 MS. NIELSEN: At this time, Your Honor, the
1	contractor in the EMATUM transaction?	11 Government would ask to admit Government's Exhibit 6040 and
2	A So, we had asked Mr. Antonio how they had been selected	<b>12</b> 6040-A.
3	and Mr. do Rosario replied with details of other offers that	13 THE COURT: Any objection to 6040 and 6040-A?
4	they had received for the project. The offers were slightly	14 Show it to your adversary.
5	different in terms of pricing and amount of infrastructure	15 MR. JACKSON: No objection, Your Honor.
6	sorry and by infrastructure, what I really mean are number	<b>16</b> THE COURT: Admitted. You may publish.
7	of vessels for the tuna fishing fleet.	17 (Government's Exhibits 6040 and 6040-A received in
В	So, he had expressed this to us verbally. We took	18 evidence.)
9	those details, and for communication purposes and comparison	19 MS. NIELSEN: Thank you, Your Honor.
0	purposes, we put it into a table that we then confirmed with	20 (Exhibit published.)
1	Mr. do Rosario reflected what he had told us, and he had	21 Q And Mr. Singh, what is the document you are looking at?
2	confirmed this?	22 A This is an e-mail chain I was on when I was at Credit
3	Q And when you say "we," who do you mean?	23 Suisse.
4	When you say "we" had put it into a table?	24 Q And what is the date?
	A Oh. I mean myself, Edward Kelly and, I'm pretty sure	<b>25</b> A The date is the 13th of August, 2013.
5	A on. Thearthyself, Edward Keny and, Thi pretty sare	•

	Singh - direct - Nielsen 2920		Proceedings 2922
1	Q And who is it from?	1	AFTERNOON SESSION:
2	A It is from Galina Barakova, who is a colleague of mine	2	(In open court.)
3	within the GFG team, to the ELBC committee.	3	(Judge WILLIAM F. KUNTZ, II enters the courtroom.)
4	Q And are you on this, are you copied on this e-mail?	4	THE COURTROOM DEPUTY: All rise.
5	A I am, ma'am, yes.	5	Judge Kuntz presiding.
6	Q And is Galina Barakova the Credit Suisse employee that	6	THE COURT: Thank you.
7	you've indicated may have traveled with you to Maputo on the	7	We have the appearances, can we have the defendant
8	due diligence trip we just discussed?	8	back.
9	A Yes, ma'am. She definitely traveled on the due diligence	9	(Defendant enters the courtroom.)
10	trip. I just can't remember if she was at the meeting with	10	THE COURT: Mr. Boustani.
11	Mr. do Rosario.	11	Do we have any procedural issues to address before
12	Q And what is the subject of the e-mail?	12	we bring the jury in?
13	A It is RE Mozambique repack EIBC booking form.	13	MR. BINI: Not for the Government, Your Honor.
14	Q And is there an attachment to this e-mail?	14	MR. JACKSON: No, Your Honor.
15	A Yes, there is, ma'am.	15	THE COURT: Okay.
16	MS. NIELSEN: Your Honor, I'm going to go through	16	We can have the witness restored to the witness
17	this memo, but noting it's 2:00 o'clock, I wondered if you	17	stand.
18	wanted to take a stop.	18	(Witness resumes stand.)
19	THE COURT: I do. And so do the Members of the	19	THE COURT: You may take the he podium.
20	Jury. So, we will resume with the memo, which is in evidence.	20	MS. NIELSEN: Thank you, Your Honor.
21	And again, ladies and gentlemen, do not talk with	21	THE COURT: Mr. Jackson, would you bring in the
22	anyone about the case during the lunch recess.	22	jury.
23	Do not talk about your testimony with anyone, sir.	23	THE COURTROOM DEPUTY: Yes, Judge.
24	We will resume at 3:00 o'clock. Maybe 3:10 p.m.,	24	(Jury enters.)
25	okay?	25	THE COURT: Thank you Ladies and Gentlemen of the
	, VB OCR CRR		VB OCR CRR
	Objects affected Affect		0' 1 1' 1 1' 1
	Singh - direct - Nielsen 2921		Singh - direct - Nielsen 2923
1	Singh - direct - Nielsen 2921 Thank you.	1	Jury, again for your promptness. Please be seated. We really
1 2		1 2	
_	Thank you.	_	Jury, again for your promptness. Please be seated. We really
2	Thank you.  THE COURTROOM DEPUTY: All rise.	2	Jury, again for your promptness. Please be seated. We really appreciate it.
3	Thank you. THE COURTROOM DEPUTY: All rise. (Jury exits.)	3	Jury, again for your promptness. Please be seated. We really appreciate it.  Please be seated, sir. I am going to ask you as I
2 3 4	Thank you.  THE COURTROOM DEPUTY: All rise.  (Jury exits.)  (In open court; outside the presence of the jury.)	2 3 4	Jury, again for your promptness. Please be seated. We really appreciate it.  Please be seated, sir. I am going to ask you as I said I would: Have you spoken with anyone about your
2 3 4 5	Thank you.  THE COURTROOM DEPUTY: All rise.  (Jury exits.)  (In open court; outside the presence of the jury.)  THE COURT: You may step down, sir, and leave the	2 3 4 5	Jury, again for your promptness. Please be seated. We really appreciate it.  Please be seated, sir. I am going to ask you as I said I would: Have you spoken with anyone about your testimony during the break?
2 3 4 5 6	Thank you.  THE COURTROOM DEPUTY: All rise.  (Jury exits.)  (In open court; outside the presence of the jury.)  THE COURT: You may step down, sir, and leave the courtroom, thank you.	2 3 4 5 6	Jury, again for your promptness. Please be seated. We really appreciate it.  Please be seated, sir. I am going to ask you as I said I would: Have you spoken with anyone about your testimony during the break?  THE WITNESS: No, I have not, Your Honor.
2 3 4 5 6 7	Thank you.  THE COURTROOM DEPUTY: All rise.  (Jury exits.)  (In open court; outside the presence of the jury.)  THE COURT: You may step down, sir, and leave the courtroom, thank you.  The jury has left the courtroom, the witness is in	2 3 4 5 6 7	Jury, again for your promptness. Please be seated. We really appreciate it.  Please be seated, sir. I am going to ask you as I said I would: Have you spoken with anyone about your testimony during the break?  THE WITNESS: No, I have not, Your Honor.  THE COURT: Thank you.
2 3 4 5 6 7 8	Thank you.  THE COURTROOM DEPUTY: All rise.  (Jury exits.)  (In open court; outside the presence of the jury.)  THE COURT: You may step down, sir, and leave the courtroom, thank you.  The jury has left the courtroom, the witness is in the process of leaving the courtroom.	2 3 4 5 6 7 8	Jury, again for your promptness. Please be seated. We really appreciate it.  Please be seated, sir. I am going to ask you as I said I would: Have you spoken with anyone about your testimony during the break?  THE WITNESS: No, I have not, Your Honor.  THE COURT: Thank you.  You may continue your inquiry, Counsel.
2 3 4 5 6 7 8 9	Thank you.  THE COURTROOM DEPUTY: All rise.  (Jury exits.)  (In open court; outside the presence of the jury.)  THE COURT: You may step down, sir, and leave the courtroom, thank you.  The jury has left the courtroom, the witness is in the process of leaving the courtroom.  (Witness excused.)	2 3 4 5 6 7 8 9	Jury, again for your promptness. Please be seated. We really appreciate it.  Please be seated, sir. I am going to ask you as I said I would: Have you spoken with anyone about your testimony during the break?  THE WITNESS: No, I have not, Your Honor.  THE COURT: Thank you.  You may continue your inquiry, Counsel.  MS. NIELSEN: Thank you, Your Honor.
2 3 4 5 6 7 8 9	Thank you.  THE COURTROOM DEPUTY: All rise.  (Jury exits.)  (In open court; outside the presence of the jury.)  THE COURT: You may step down, sir, and leave the courtroom, thank you.  The jury has left the courtroom, the witness is in the process of leaving the courtroom.  (Witness excused.)  THE COURT: Ladies and gentlemen of the public, you	2 3 4 5 6 7 8 9	Jury, again for your promptness. Please be seated. We really appreciate it.  Please be seated, sir. I am going to ask you as I said I would: Have you spoken with anyone about your testimony during the break?  THE WITNESS: No, I have not, Your Honor.  THE COURT: Thank you.  You may continue your inquiry, Counsel.  MS. NIELSEN: Thank you, Your Honor.  DIRECT EXAMINATION (Continuing)
2 3 4 5 6 7 8 9 10	Thank you.  THE COURTROOM DEPUTY: All rise.  (Jury exits.)  (In open court; outside the presence of the jury.)  THE COURT: You may step down, sir, and leave the courtroom, thank you.  The jury has left the courtroom, the witness is in the process of leaving the courtroom.  (Witness excused.)  THE COURT: Ladies and gentlemen of the public, you may be seated.	2 3 4 5 6 7 8 9 10	Jury, again for your promptness. Please be seated. We really appreciate it.  Please be seated, sir. I am going to ask you as I said I would: Have you spoken with anyone about your testimony during the break?  THE WITNESS: No, I have not, Your Honor.  THE COURT: Thank you.  You may continue your inquiry, Counsel.  MS. NIELSEN: Thank you, Your Honor.  DIRECT EXAMINATION (Continuing)  BY MS. NIELSEN:
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	Singh - direct - Nielsen 2924		Singh - direct - Nielsen 2926
1	Q And, in fact, is that your name under the EMG Financing?	1	anti-bribery compliance manual and each member acknowledges
2	A Yes, ma'am.	2	that it has complied with the requirements set forth therein.
3	Q What does EMG Financing stand for?	3	Q Had everyone complied with the anti-bribery compliance
4	A EMG Financing is another name by which our team was	4	manual in relation to this memo at this point?
5	known, which is GFG Finance.	5	A No, ma'am.
6	Q Is it an acronym, EMG?	6	Q And why is that?
7	A Yes, ma'am.	7	A I had not complied with this, ma'am.
8	Q What does it stand for?	8	Q And why is that?
9	A Emerging markets.	9	A Because I had been promised kickbacks and I had agreed to
10	THE COURT: And the G stands for group?	10	receive them.
11	THE WITNESS: Yes, sir.	11	<b>Q</b> And is that in violation of the global anti-bribery
12	THE COURT: Okay.	12	compliance manual?
13	Let's move it along. The jury gets it.	13	A Yes, it is, ma'am.
14	<b>Q</b> Mr. Singh, what's the purpose of the EIBC memo?	14	Q In your experience at Credit Suisse do you believe the
15	A To gain approval from the EIBC committee.	15	committee would have approved the EMATUM transaction if they
16	Q And was that approval necessary in order to proceed with	16	had known about the kickbacks?
17	the EMATUM transaction?	17	A I think it's highly, highly, unlikely, ma'am, and it's
18	A Yes, ma'am. Because the EMATUM transaction is a capital	18	never happened in my experience.
19	markets transaction, the EIBC committee's approval is required	19	Q In addition to the EIBC committee approval, were there
20	for all capital markets transactions.	20	other approvals required for the EMATUM transaction internally
21 22	And what's generally included in this memo, Mr. Singh?	21	at Credit Suisse?
23	A So, there will be an overview of the transaction, a	23	A Yes, ma'am, the approvals are reputational risk committee
24	summary of the key parties, a summary of why Credit Suisse wants to do the deal, a list of due diligence meetings. It's	24	and credit risk management were required.  Q Did all of these committees ultimately approve the EMATUM
25	quite a detailed memo.	25	transaction?
	VB OCR CRR		VB OCR CRR
	Singh - direct - Nielsen 2925		Singh - direct - Nielsen 2927
1	Q And is the memo designed to provide the information that	1	A Yes, they did.
2	the committee would need to make its decision?	2	MS. NIELSEN: Your Honor, at this time the
3	A Yes, ma'am.	3	Government asks to admit Government's Exhibit 206.
4	<b>Q</b> And what in this memo described the agreement made	4	THE COURT: Publish it to your adversary.
5	between you and the defendant regarding the kickbacks that you	5	Any objection?
6	were going to receive in relation to this deal?	6	MR. JACKSON: No objection, Your Honor.
7	A There is nothing in this memo, ma'am.	7	THE COURT: Admitted. You may publish.
8	Q What about in anything in relation to the kickbacks	8	(Government's Exhibit 206 received in evidence.)
9	that you were going to receive in relation to the Proindicus	9	(Exhibit published.)
10	upsize?	10	MS. NIELSEN: Ms. DiNardo, would you scroll to
11	A There is nothing in this memo, ma'am, regarding that.	11	page 3.
12	MS. NIELSEN: Ms. DiNardo, would you please scroll	12	(Exhibit published.)
13	to page 37.	13	Q Mr. Singh, what is this document?
14	(Exhibit published.)	14	A Ma'am, in the in relation to the EMATUM transaction,
15	MS. NIELSEN: And would you please blow up	15	this is the loan agreement that was signed.
16 17	number 10, compliance.	16 17	<ul><li>Q And what's the date of the agreement?</li><li>A It is the 30th of August. 2013.</li></ul>
18	<ul><li>Q And Mr. Singh, what is compliance?</li><li>A Ma'am, compliance is a control function within Credit</li></ul>	18	
19	A Ma'am, compliance is a control function within Credit  Suisse. It deals with various policies which relate to client	19	MS. NIELSEN: Ms. DiNardo, if you would turn to page 99, please.
20	ID, reputational risk.	20	(Exhibit published.)
21	Q And do you see what's indicated under the anti-bribery	21	Q And Mr. Singh who signed this document on behalf of
22	compliance section of the memo here?	22	Credit Suisse?
23	A Yes, ma'am.	23	A Ma'am, I signed it with another CS colleague.
24	Q What is it?	24	MS. NIELSEN: Ms. DiNardo, if you would scroll back
25	A The deal team is familiar with Credit Suisse's global	25	to page 98.
	VB OCR CRR		VB OCR CRR
25 of	f 67 sheets Page 2924 t	2927	of 2993 11/06/2019 05:06:04 PM

	Singh - direct - Nielsen 2928		Singh - direct - Nielsen 2930
1	(Exhibit published.)	1	Q And this is the same minister that you had a meeting with
2	Q Mr. Singh, can you tell who signed on behalf of EMATUM?	2	in Maputo regarding the public transaction?
3	A Yes, ma'am. Antonio Carlos do Rosario as CEO has signed.	3	A Yes, ma'am.
4	In addition to Henrique Alvaro I'm having some difficulty	4	Q And again, Mr. Singh, is this document substantially
5	reading the remainder of the name.	5	similar to the Proindicus guarantees?
6	Q That's fine. Mr. Singh, you mentioned before that this	6	A Yes, it is.
7	document memorialized part of the EMATUM transaction.	7	Q Under the EMATUM loan agreement, who did Credit Suisse
8	Could you elaborate?	8	send the proceeds of the loan to?
9	A So, ma'am, what this agreement describes is the loan that	9	A So, under the agreement the loan is from Credit Suisse to
10	is provided to the state company EMATUM.	10	the state company EMATUM and Credit Suisse sends the money,
11	The remainder of the transaction are securities that	11	rather than to EMATUM, on EMATUM's behalf to the Privinvest
12	will be issued to capital markets investors and the proceeds	12	Group.
13	of those securities, that have been raised through investors,	13	MS. NIELSEN: Your Honor, at this time the
14	will be used to purchase or fund this loan.	14	Government seeks to admit Government's Exhibit 2446.
15	Q So, in relation to this agreement, the term facility	15	THE COURT: Any objection?
16	agreement, what similarities are there, if any, between this	16	Publish to your adversary and the Court.
17	loan agreement and the Proindicus loan agreement in relation	17	MS. NIELSEN: If we can scroll back up.
18	to bribery and corruption?	18	MR. JACKSON: No objection, Your Honor.
19	A They are, they are similar in that respect.	19	THE COURT: Admitted. You may publish.
20	Q And in what way are they similar?	20	(Government's Exhibit 2446 received in evidence.)
21	A In the sense that it's prohibited. Corruption or corrupt	21	(Exhibit published.)
22	payments are prohibited.	22	MS. NIELSEN: Thank you.
23	MS. NIELSEN: Your Honor, at this time the	23	Q Mr. Singh, do you recommend this document?
24	Government would ask to admit Government's Exhibit 208.	24	A Yes, ma'am.
25	THE COURT: Any objection to 208?	25	Q And what is it?
	VB OCR CRR		VB OCR CRR
	Singh - direct - Nielsen 2929		Singh - direct - Nielsen 2931
1	Publish it to your adversary and the Court.	1	A This is an e-mail chain I was on when I was at Credit
2	MR. JACKSON: No objection, Your Honor.	2	Suisse.
3	THE COURT: Admitted. You may publish.	3	Q And who is it from?
4	(Government's Exhibit 208 received in evidence.)	4	A It is an e-mail from Mr. Jean Boustani to myself and
5	(Exhibit published.)	5	other CS colleagues, copying Naji Allam from Privinvest.
6	MS. NIELSEN: Thank you, Your Honor.	6	Q And what's the date on this document?
7	Q Mr. Singh, what is this document?	7	A It's the 6th of September, 2013.
8	A Ma'am, this is a guarantee from the Republic of	8	Q And how close in proximity is that to the loan closing
9	Mozambique provided in respect of the EMATUM loan.	9	for EMATUM?
10	Q And is it similar to the guarantee provided for the	10	A It's about a week after.
11	Proindicus transaction?	11	Q What information is the defendant providing in this
12	A Yes, it is, ma'am.	12	e-mail?
13	MS. NIELSEN: Ms. DiNardo if you could scroll to	13	A Ma'am, these are bank account details for where the
14	page 18, please.	14	proceeds of the EMATUM transaction should be sent.
15	(Exhibit published.)	15	MS. NIELSEN: And Ms. DiNardo, if you could scroll
16	<b>Q</b> Mr. Singh, who signed this document on behalf of Credit	16	down to the bottom of this page.
17	Suisse?	17	Q What is the bank that the proceeds were going to be sent
18	A I signed it, ma'am, with a CS colleague.	18	to?
19	MS. NIELSEN: Ms. DiNardo, if you would scroll to	19	A It is First Gulf Bank.
20	the other page 18.	20	Q And whose bank account is that?
21	(Exhibit published.)	21	A That is a bank account of Abu Dhabi MAR.  And is that the contractor in this case?
22	Q And Mr. Singh, who signed on behalf of the Republic of	22	Q And is that the contractor in this case?
23	Mozambique?	23	A Yes, ma'am.
24 25	A It's been signed by the Minister of Finance, Mr. Manuel Chang.	24 25	MS. NIELSEN: Ms. DiNardo, if you would scroll up, please.
23	VB OCR CRR	23	VB OCR CRR
11/0	5/2019 05:06:04 PM Page 2928 to	2021	

	Singh - direct - Nielsen 2932		Singh - direct - Nielsen 2934
1	Q In the e-mail that's now at the top of the page from	1	and the LPNs, what materials did Credit Suisse use to market
2	Galina Barakova, can you tell me what's indicated in that	2	them?
3	e-mail?	3	A There was an offering circular, ma'am, which is official
4	A Ms. Barakova is asking Mr. Boustani to confirm the	4	memorandum which describes the transaction and has attached to
5	correspondent bank in relation to the transfer of the monies	5	it the key transaction documents which are the loan agreement
6	for the loan.	6	and the guarantee, which we have just seen recently.
7	Q And what is the correspondent bank?	7	MS. NIELSEN: And, Your Honor, at this time the
8	A The correspondent bank is The Bank of New York, New York.	8	Government would seek to admit Government's Exhibit 2460 and
9	Q And what do you understand the correspondent bank to be?	9	2460-A and B.
10	A The correspondent bank, to my understanding, is the bank	10	THE COURT: Any objection?
11	through which the monies are transferred.	11	Publish to your adversary.
12	MS. NIELSEN: Ms. DiNardo, if you could scroll up,	12	MR. JACKSON: No objection, Your Honor.
13	please.	13	THE COURT: Admitted. You may publish.
14	Q What did Mr. Boustani respond?	14	(Government's Exhibits 2460, 2460-A and B received
15	A Mr. Boustani confirms that that is the right bank and	15	in evidence.)
16	that's the same correspondent bank that was used in the	16	(Exhibit published.)
17	Proindicus transaction.	17	Q Showing you what's been marked as Government's
18	Q Mr. Singh, did Credit Suisse wire the money to the	18	Exhibit 2460.
19	Abu Dhabi MAR account after this?	19	What is this document, Mr. Singh?
20	A Yes, they did, ma'am.	20	A Ma'am, this is an e-mail chain I was on when I was at
21	Q And how much of the loan did they send to this bank	21	Credit Suisse.
22	account, if you know?	22	Q An who is it from?
23	A It was the entire amount of the loan, minus the arranger	23	A The top e-mail is from myself to Mr. Boustani.
24	fees from EMATUM and minus the subvention fee equivalent that	24	Q What's the date?
25	would have been agreed on this transaction.	25	A It's the 14th of September, 2013.
	VB OCR CRR		VB OCR CRR
	Singh - direct - Nielsen 2933		Singh - direct - Nielsen 2935
1	Q Was the loan amount reflected on the books and records of	1	Q And what's the subject?
2	Credit Suisse when the loan money was paid to Abu Dhabi MAR?	2	A The subject is forward OC, which stands for offering
3	A Yes, ma'am, it was.	3	circular.
4 5	Q You mentioned the other part of this transaction was the	5	Q And is there an attachment?
6	LPNs; is that right?	6	A Yes, ma'am.
7	A That is correct, ma'am.  Q Where was Credit Suisse marketing the LPNs?	7	MS. NIELSEN: Ms. DiNardo can you pull up  Government's Exhibit 2460-B in evidence, please.
8		8	
9	A They would be marketed by the capital markets group globally.	9	(Exhibit published.)  Q And Mr. Singh, what is this?
10	Q Did any U.S. investors participate to your knowledge?	10	A Ma'am, this is the offering circular for the EMATUM
11	A My understanding is they did, yes.	11	transaction that Credit Suisse completed.
12	Q Do you know of any particular investors that	12	Q And this is the attachment to the e-mail that you sent to
13	participated?	13	Jean Boustani?
14	A I recall that I ce Canyon, the investor that I had spoken	14	A That is correct, ma'am.
15	to on the previous transaction, the Proindicus deal, they	15	Q And why did you send this to the defendant?
16	participated. In the EMATUM transaction.	16	A Because I recall he requested it at the time.
17	Q Do you recall when Credit Suisse began marketing the	17	Q Mr. Singh, do you know who created the offering circular?
18	EMATUM LPNs?	18	A The offering circular was drafted by Clifford Chance, our
19	A It was around this time, in the first two weeks of	19	Counsel at Credit Suisse for this deal.
20	September. Maybe a little bit after the second week of	20	Q And did Clifford Chance know that the defendant was
21	September.	21	paying you kickbacks in relation to this deal?
22	Q Do you recall if Credit Suisse began to market these	22	A No, ma'am.
23	prior to the closing of the loan?	23	Q And why not?
	A I can't recall if it's officially marketed before.	24	A Because I hadn't told anyone.
24	real treeal in it 3 officially marketed before.		
	Q When Credit Suisse did start to market to the investors	25	Q Where in the offering circular does it say that you are

	Singh - direct - Nielsen 2936		Singh - direct - Nielsen 2938
1	receiving kickbacks from the defendant on the proceeds of the	1	\$500 million that is in his offering circular.
2	Ioan Credit Suisse paid to the defendant's company?	2	Q And how did you understand that the payments would be
3	A It does not.	3	structured at this time?
4	Q And why doesn't it say that?	4	A So, I was informed by Andrew Pearse that the payments
5	A Because no one knew because I hadn't informed them.	5	would be paid in installments rather than one lump sum. And
6	Q Now, Mr. Singh, you mentioned before when we were talking	6	the reason for installments is that so that they do not
7	about the trip that you took to the UAE to meet the defendant	7	attract too much attention. They go under the radar.
8	that he indicated that you would be taken care of related to	8	Q And while you and the defendant had agreed on the amount
9	the EMATUM loan; is that correct?	9	of kickbacks he'd pay you, had you actually received a payment
10	A Yes, ma'am.	10	prior to the signing of the EMATUM loan agreement?
11	<b>Q</b> How much did you expect to be paid by the defendant for	11	A No.
12	the EMATUM project?	12	Q Why not?
13	A I expected to be paid for the Proindicus upsizes and the	13	A Because the bank account was not opened yet. And I
14	EMATUM transaction that was just completed in this offering	14	hadn't done the transaction.
15	circular, \$5 million.	15	MS. NIELSEN: Ms. DiNardo, would you bring up
16	Q And when did you settle on this amount?	16	Government's Exhibit 5083 in evidence.
17	A the time when the EMATUM transaction is completed,	17	(Exhibit published.)
18	around the second week of September, I received a phone call	18	Q Mr. Singh, what is this?
19	from Andrew Pearse. I recall that I was at home and the	19	A Ma'am, this is an e-mail chain I was on during my
20	transaction's been committed to or disbursed at this stage.	20	employment at Credit Suisse, but it's a private e-mail chain.
21	Andrew Pearse conveys to me that the contractor Jean	21	Q And who are you e-mailing with?
22	Boustani is very happy with the transaction, they were very	22	A So, I am e-mailing with Mr. Andrew Pearse.
23	pleased it was completed and he asks me what I want. So, I	23	Q And what's the date?
24	recall that I had been indicated one to \$2 million for the	24	A It is the 11th of September, 2013.
25	Proindicus upsizes and so I told him that I wanted five, for	25	MS. NIELSEN: Ms. DiNardo, if you can go out of the
	VB OCR CRR		VB OCR CRR
1	Singh - direct - Nielsen 2937 the aggregate of the Proindicus upsizes, plus the EMATUM	1	Singh - direct - Nielsen 2939 blow up.
2	transaction that I had completed.	2	Q What are you discussing with Mr. Pearse in this e-mail?
3	Q Five what?	3	Ma'am, I'm discussing the final logistics of opening the
4	A Sorry. \$5 million.	4	bank account within Abu Dhabi where I'm expecting to receive
5	He tells me, okay, hold on. I need to check with	5	payments from Mr. Boustani.
6	Jean.	6	Q And if we look down to the second e-mail down.
7	So, he puts the phone down and within a reasonable	7	Who is that e-mail from?
8	short period of time, maybe within an hour of that, I get a	8	A It is from Pauline Kamal to Andrew Pearse.
9	call back and Andrew Pearse confirms to me that Mr. Boustani's	9	Q And who is Pauline Kamal?
10	confirmed that \$5 million is okay and his logic as to why it's	10	A Pauline Kamal is the relationship banker at the Abu Dhabi
11	okay is that the subvention fee	11	bank. Abu Dhabi Commercial Bank.
12	THE COURT: Who is "his?"	12	Q Is this the relationship banker that you mentioned
13	THE WITNESS: Apologies, Your Honor.	13	Mr. Boustani was joking about on your trip to the UAE?
14	A Mr. Boustani's logic.	14	A Yes, that's correct.
15	THE COURT: Go ahead.	15	Q And what did Ms. Kamal write to Andrew Pearse?
16	A As to why the \$5 million is okay is that in the	16	A Ms. Kamal is requesting a copy of my passport and
17	subvention fee that Credit Suisse was charging to Privinvest	17	importantly, my emirates ID, which is the residency visa.
18	Group, there was a rebate or a reduction, depending on how	18	
19	well the transaction did. And that rebate or reduction that	19	(Continued on following page.)
20	Mr. Boustani was not expecting to receive anything for was a	20	
21	material amount of money which net/net, in his view,	21 22	
22	significantly reduced what he was paying me.	22	
23 24	Q And what was the \$5 million in return for?  A The \$5 million was in return for the Proindicus uncize	23	
24 25	A The \$5 million was in return for the Proindicus upsize	24 25	
23	that I had completed, plus the EMATUM transaction. The  VB OCR CRR		VB OCR CRR
11/06	7/2019 05:06:04 PM Page 2936 to	2030	

	Singh - direct - Nielsen 2940		Singh - direct - Nielsen 2942
1	EXAMINATION CONTINUES	1	A It was not my address, no.
2	BY MS. NIELSEN:	2	Q Did you open up the account while you were in Abu Dhabi
3	Q And why does she need that?	3	on that trip?
4	<b>A</b> Because without that, you cannot open the bank account.	4	A Yes, although logistically I can't remember if it's
5	<b>Q</b> Why is Andrew Pearse on this e-mail?	5	officially opened a day later, but that is the meeting to open
6	A Because he already has a bank account there, and he's	6	the account.
7	helping me with the logistics of opening this bank account.	7	MS. NIELSEN: And, Ms. DiNardo, could you pull up
8	MS. NIELSEN: Now, please scroll down to the second	8	Government's Exhibit 1843 in evidence, please?
9	e-mail from the bottom, please, Ms. DiNardo. That's the one,	9	(Exhibit published.)
10	thank you.	10	BY MS. NIELSEN:
11	BY MS. NIELSEN:	11	Q Mr. Singh, what is this?
12	<b>Q</b> What does Andrew Pearse write to Ms. Kamel?	12	A This is a bank statement in relation to the account that
13	<b>A</b> So, Mr. Pearse is informing Ms. Kamel that I will be	13	I'd opened in Abu Dhabi.
14	introduced to her on Monday.	14	<b>Q</b> And what is the bank, if you look at the top right-hand
15	Q So will you	15	corner?
16	A couple days subsequent to this e-mail.	16	A The acronym ADCB stands for Abu Dhabi Commercial Bank.
17	<b>Q</b> Were you planning on going to Abu Dhabi to open a bank	17	Q And do you see your name and address indicated on the
18	account around that time?	18	left-hand side?
19	A Yes, ma'am.	19	A I do, ma'am.
20	Q And did anyone go with you?	20	Q Is that the address that you were provided?
21	A I recall Andrew Pearse was with me.	21	A Yes, ma'am.
22	Q And you, in fact, took this trip?	22	Q And who provided that you address?
23	A Yes, ma'am.	23	A Mr. Boustani.
24	Q And what did you do when you got to Abu Dhabi?	24	Q And that address is is that an accurate address for
25	A So, we went to the bank's headquarters where the account	25	you?
	SAM OCR RMR CRR RPR  Singh - direct - Nielsen 2941		SAM OCR RMR CRR RPR  Singh - direct - Nielsen 2943
1	Singh - direct - Nielsen 2941 was to be opened. I met with Ms. Kamel. We filled out some	1	3
2	paper work and logistics required for the account. And I	2	A I have never I'm sorry, I don't know what that address is exactly or where. I've never lived at that address.
3	recall Andrew also had some admin that he needed to do with	3	MS. NIELSEN: Ms. DiNardo, can we switch to page 2,
4	the bank in relation to his own account.	4	please?
5	Q Did the defendant go with you on this trip?	5	(Exhibit published.)
6	A No, ma'am.	6	MS. NIELSEN: And if you could blow up the second
7	Q Did you meet with him at all while you were in Abu Dhabi?	7	box. Thank you.
8	A No, I do not recall that.	8	BY MS. NIELSEN:
9	Q What information did you have to provide to open up the	9	Q Mr. Singh, do you see the transaction on the first line
10	account?	10	of this ledger?
11	A I can't recall the specifics of what was provided, but	11	A I do, ma'am.
12	there is an address that they have for me and e-mail	12	Q Can you see the date?
13	communication, which I received later. So certainly those two	13	A Yes, ma'am. It's the 18th of September, 2013.
14	vehicles were provided.	14	THE COURT: Blow it up a little bit, please, for the
15	<b>Q</b> And this is in addition to your Abu Dhabi or your UAE	15	jury, it will be easier to read.
16	residency?	16	BY MS. NIELSEN:
17	A And my passport, yes, ma'am.	17	<b>Q</b> Is that close in time to the date that you went to meet
18	<b>Q</b> And where did you get the address that you provided to	18	with Ms. Kamel at the bank?
19	the bank?	19	A Yes, ma'am.
20	<b>A</b> It was provided to me by Mr. Boustani.	20	<b>Q</b> And at this point is the bank account open?
21	Q Was it your address?	21	A Yes, ma'am.
22	A No, ma'am.	22	MS. NIELSEN: And, Ms. DiNardo, I see you've got it
23	Q Do you know what address it was?	23	there.
24	A I think it relates to some Privinvest address.	24	Q So what is this first transaction?
25	Q But it was not your address?	25	A It's a deposit in my account of \$1 million.
20 1	SAM OCR RMR CRR RPR	20.45	SAM OCR RMR CRR RPR
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	Singh - direct - Nielsen 2944		Singh - direct - Nielsen 2946
1	Q And what was this deposit for?	1	Q But not any more than that?
2	A This deposit was the first installment of the \$5 million	2	A No more than that.
3	that I'd been promised.	3	Q And if you look at bullet or paragraph number 1 there,
4	Q And if you can see under the "Description" heading, what	4	what does Mr. Boustani say about the EMATUM bond?
5	do you understand that to mean?	5	A He refers that the EMATUM bond is public and their
6	A It was funds transferred from a specific account.	6	prospectus clearly highlights 850 as the project value.
7	Q Do you know whose account that is?	7	Q And
8	A Mr. Jean Boustani's.	8	A Sorry.
9	Q Is that what you thought at the time?	9	Q Go ahead.
10	A Yes, ma'am.	10	A And they have been approached, sorry, "they" being the
11	Q Have you ever had any reason to doubt that it was from	11	Mozambican Ministry of Finance have been approached by lots of
12	Jean Boustani?	12	banks and financial institutions for interest in completing
13	A No.	13	the remainder of the bond.
14	THE COURT: Why do you think it was from Boustani?	14	Q And you mentioned that the subject of this e-mail was an
15	THE WITNESS: Because, sir, that's who had promised	15	additional 350 million to be loaned under the EMATUM
16	me the money.	16	transaction, is that correct?
17	THE COURT: Go ahead.	17	A That is correct, ma'am.
18	MS. NIELSEN: Your Honor, may I have a moment?	18	Q And you also indicated that Credit Suisse had not yet
19	THE COURT: You may.	19	participated in that?
20	(Pause.)	20	A That is correct, ma'am.
21	MS. NIELSEN: Your Honor, at this time the	21	<b>Q</b> Were they going to consider participating in this
22	Government would seek to admit Government's Exhibit 2475.	22	350-million-dollar upsize I'm sorry, in the additional
23	THE COURT: Any objection?	23	money?
24	Publish it to your adversary and the Court.	24	THE COURT: Put another question.
25	MR. JACKSON: No objection, Your Honor.	25	BY MS. NIELSEN:
	SAM OCR RMR CRR RPR		SAM OCR RMR CRR RPR
	Singh - direct - Nielsen 2945		Singh - direct - Nielsen 2947
1	THE COURT: Admitted.	1	Q Did Credit Suisse participate in the 350-million-dollar
2	(Government's Exhibit 2475 was received in	2	additional issuance?
3	evidence.)	3	A No, they did not, ma'am.
4	THE COURT: Publish.	4	Q And why not?
5	(Exhibit published.)	5	A Because the \$500 million that we had advanced was not
6	BY MS. NIELSEN:	6	selling as well to investors as we had hoped, so the objective
7	Q Now, Mr. Singh, what is this?	7	in the 500-million-dollar transaction was to underwrite or
8	A Ma'am, this is an e-mail chain I was on when I was at	8	promise the monies to Mozambique and sell it all to investors.
9	Credit Suisse.	9	But the sale to investors was not going as well as Credit
10	Q What's the date of the e-mail?	10	Suisse had hoped and we still had some bonds left on our books
11	A It is the 22nd of September, 2013.	11	and records, which we were not permitted to have within our
12	Q And who is it from?	12	CRM limits.
13	A It is from Mr. Jean Boustani to myself, and he is copying	13	<b>Q</b> Do you know why the defendant wanted an additional
14	CS colleagues Adel Afiouni and Said Freiha, and a gentleman	14	350 million so quickly after the initial 500 million?
15	which is not from Credit Suisse called Abboud Makram, who I	15	A No, I'm not sure why it was so quickly required.
16	recall is from a bank called VTB.	16	<b>Q</b> What did you do, if anything, to help Jean Boustani
17	<b>Q</b> And what is the e-mail about?	17	obtain the additional 350 million?
18	A The e-mail I recall is about the remaining \$350 million	18	A So, I worked with the teams internally at Credit Suisse
19	for the EMATUM transaction. So, initially the project size is	19	to think about a solution, which could help Credit Suisse and
20	\$850 million. Credit Suisse provides \$500 million and has the	20	could allow the client to proceed, "the client" being, sorry,
21	exclusive right to provide the \$350 million remaining at a	21	Mozambique and Privinvest Group to proceed with their
22	later stage within a certain number of months.	22	350-million-dollar additional financing. And a solution was
23	<b>Q</b> So on this date has Credit Suisse already paid the	23	sought by which because Credit Suisse did not want to do
24	500 million?	24	the \$350 million, that there was a solution with VTB by which
25	A Yes, ma'am.	25	VTB would take some of our remaining bonds and, thus, complete
	SAM OCR RMR CRR RPR		SAM OCR RMR CRR RPR
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	Singh - direct - Nielsen 2948		Singh - direct - Nielsen 2950
1	our requirement to sell the bonds and we would release our	1	(Off the record.)
2	right to do the upsize and give it to VTB.	2	THE COURT: Let's go back on the record.
3	Q And when you say "we," you mean Credit Suisse?	3	Can we have the question back, please?
4	A Sorry, ma'am, yes, to be clear I mean Credit Suisse.	4	(Question read.)
5	Q And did VTB ultimately issue the \$350 million additional	5	A Yes, that kind of money came from Mr. Jean Boustani.
6	money?	6	Q Now, looking at the second transaction on October 27th
7	A Yes, they did.	7	I'm sorry, October 27th, yes?
8	MS. NIELSEN: Now, Ms. DiNardo, could you please	8	A Yes, ma'am.
9	bring up Government's Exhibit 1843 in evidence again?	9	Q Where did that come from?
10	So after the first and I'm sorry, yes.	10	A That also came from Mr. Jean Boustani.
11	BY MS. NIELSEN:	11	Q Do you know if that account number is Mr. Jean Boustani's
12	Q Mr. Singh, what is this document again?	12	account?
13	A This is a bank statement in relation to my Abu Dhabi bank	13	A No, I don't.
14	account.	14	Q So what makes you think that it came from Mr. Boustani?
15	Q And is it the one we just looked at a few minutes ago?	15	A Because the monies were promised to me by Mr. Jean
16	A Yes, ma'am.	16	Boustani.
17	Q Now, after that first payment of \$1 million that we	17	Q Did you ever have any opportunity in the ensuing years to
18	looked at, in the succeeding months did you receive additional	18	question whether or not that had directly come from Jean
19	· · · · · · · · · · · · · · · · · · ·	19	Boustani?
20	payments from the defendant?  A Yes, I did, ma'am.	20	
21		21	A I know in relation to the indictments and the pleas that
22	Q Do you recall how many?	22	have come later, there has been some detail that Andrew Pearse
	A Including this payment, there were seven payments. So	23	was linked to some of the accounts. I don't know exactly
23	six further payments.		how sorry, some of the transfers, I don't know exactly how.
24	Q Six further payments.	24	But my understanding is clear, I was promised the money from
25	MS. NIELSEN: And, Ms. DiNardo, if you would please	25	Mr. Boustani. It was paid from Mr. Boustani.
	SAM OCR RMR CRR RPR		SAM OCR RMR CRR RPR
4	Singh - direct - Nielsen 2949	4	Singh - direct - Nielsen 2951
1	go to page 5. To the bottom box, please. One more column.	1 2	Q So even if it came through Andrew Pearse, you believe it
3	BY MS. NIELSEN:	3	came from Mr. Boustani?
4	Q Do you see any of those payments in this ledger?	4	A Yes, ma'am.
1 -	A Yes, ma'am, I see two payments.		MS. NIELSEN: Ms. DiNardo, could we go to page 8,
5 6	Q And what are they?  A The first nowment is on the 24th of October 1t is	6	please? And the bottom box, please.
7	A The first payment is on the 24th of October. It is		(Exhibit published.) BY MS. NIELSEN:
	description B/O Logistic International SAL Offshore AUH for a	7	
8	deposit in my account of \$800,000.	8	Q Do you see an additional transfer of money that you
9	And the second payment is on the 27th of October,	9	believed was from the defendant on this ledger?
10	2013, funds transfer from an account number for \$1 million.	10	A Yes, ma'am.
11	Q So looking at the first transfer of \$800,000 under the	11	Q Which one?
12	description you said that it indicated Logistics International	12 13	A On the 28th of November, 2013, the one that has B/O
13	SAL?		Logistics International SAL Offshore AUH, there is \$800,000
14	A Yes, ma'am.	14	which is deposited in my account.
15	Q What do you understand that to be?	15	Q And, again, what is the reason that you believe that that
16	A I recall from the client ID process at Credit Suisse that	16	came to you from the defendant?
17	Logistics International SAL is a subsidiary within the	17	A Because that company name, one I recognize, is part of
18	Privinvest Group.	18	the Privinvest Group, but more importantly, I the monies
19	Q And so what was your understanding of the source of that	19	were promised to me by Mr. Boustani and they're being paid.
20	\$800,000?	20	MS. NIELSEN: Ms. DiNardo, can we now look at
21	A That it's Privinvest Group.	21	page 11? And the third box.
22	Q Did you believe that that money came to you from the	22	(Exhibit published.)
23	defendant?	23	BY MS. NIELSEN:
24	THE COURT: Hold on one second.	24	Q Mr. Singh, do you see an additional payment that you
25	Do we have off the record.	25	believe came from the defendant?
	SAM OCR RMR CRR RPR		SAM OCR RMR CRR RPR
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	Singh - direct - Nielsen 2952		Singh - direct - Nielsen 2954
1	A Yes, ma'am.	1	Q So how much more than that did you actually receive?
2	Q Which one?	2	A Approximately just under 700,000 was paid extra into the
3	A The payment on the 24th of December, 2013. Description	3	account.
4	B/O Logistics International SAL Offshore AUH. \$800,000 being	4	Q Do you know why you were given the extra 700,000?
5	deposited into my account.	5	A I think it was an error on their part.
6	MS. NIELSEN: And, Ms. DiNardo, if we can now go to	6	THE COURT: "Their part" being?
7	page 14. Sorry, the top box. You.	7	THE WITNESS: Apologies, sorry. Mr. Boustani and
8	BY MS. NIELSEN:	8	Privinvest.
9	<b>Q</b> Mr. Singh, do you see an additional payment from the	9	BY MS. NIELSEN:
10	defendant in this ledger?	10	<b>Q</b> Did you tell anyone that you'd been overpaid?
11	A Yes, ma'am.	11	A No.
12	Q Which one?	12	Q Did you offer to give it back?
13	A On the 29th of January, 2014, description B/O Logistics	13	A No, ma'am, I didn't.
14	International SAL Offshore AUH. There is a deposit of	14	Q Why not?
15	\$799,960.	15	A I guess I was greedy at the time, ma'am.
16	MS. NIELSEN: And, Ms. DiNardo, if we can go to	16	THE COURT: Did you report any of this largess to
17	page 17. And the third box.	17	any taxing authorities?
18 19	(Exhibit published.)	18 19	THE COURT: Co sheet
20	BY MS. NIELSEN:	20	THE COURT: Go ahead.  BY MS. NIELSEN:
21	Q Mr. Singh, do you see an additional payment from the defendant in this ledger?	21	Q Mr. Singh, when did Andrew Pearse make it public that he
22	A Yes, I do, ma'am.	22	was working for another company after leaving Credit Suisse?
23	Q Which one?	23	A I recall it to be in the year 2014, sometime during then.
24	A On the first of March, 2014, description B/O Logistics	24	Q Do you recall what company it was?
25	International SAL Offshore AUH, there is a deposit in my	25	A It was he had a business card for Palomar Capital
	SAM OCR RMR CRR RPR		SAM OCR RMR CRR RPR
	Singh - direct - Nielsen 2953		Singh - direct - Nielsen 2955
1	account of \$500,000.	1	Advisors.
2	Q And, Mr. Singh, all together, how much did you receive	2	Q And is that the same Palomar Capital Advisors that we
3	from the defendant?	3	talked about earlier today in relation to the fund you saw in
4	A I received just under \$5.7 million.	4	Liechtenstein?
5	Q And what were these payments for?	5	A I think it is, but I can't confirm.
6	A These payments were for my support in the Proindicus	6	Q And how did Andrew Pearse's work at Palomar relate, if at
7	upsize transaction and the EMATUM \$500 million that Credit	7	all, to the defendant, Jean Boustani?
8	Suisse did.	8	A I didn't from my perspective I didn't see any
9	Q Were any of these payments or any part of these payments	9	distinction between Palomar and Privinvest. They were one a
10	a loan from Jean Boustani or from Privinvest to you?	10	the same as a group.
11 12	<ul><li>A No, ma'am.</li><li>Q What amount, if any, of these payments was to entice you</li></ul>	11 12	Q Mr. Singh, in October of 2014 were you planning a trip to
13		13	the United States?  A Sorry, when?
14	to come and work for Jean Boustani or any of his related entities?	14	A Sorry, when?  THE COURT: In October of 2014 were you planning a
15	A Zero, ma'am.	15	trip to the United States?
16	Q Did you understand that any amount of these payments was	16	THE WITNESS: Yes, I was.
17	to entice you to come and work for Andrew Pearse?	17	BY MS. NIELSEN:
18	A No, ma'am.	18	Q And where were you going?
19	Q Mr. Singh, were you receiving any of these monies as a	19	A I was going to Washington, ma'am.
20	salary from Privinvest?	20	Q Did you discuss this trip with anyone before you left?
21	A No, ma'am.	21	A Yes, ma'am, I discussed it with Andrew Pearse before I
22	<b>Q</b> So I believe that you testified that you had agreed to	22	left.
23	kickbacks of \$5 million for the Proindicus and EMATUM	23	Q And where were you when you discussed this?
24	transactions, is that right?	24	A I was in London.
25	A That is correct, ma'am.	25	Q And what did you discuss with him?
	SAM OCR RMR CRR RPR		SAM OCR RMR CRR RPR
11/06	5/2019 05:06:04 PM Page 2952 to	2955	of 2993 32 of 67 sh

	Singh - direct - Nielsen 2956		Singh - direct - Nielsen 2958
1	A That I was going to Washington. He was meant to be in	1	Honor.
2	New York at the time and I was gonna meet him in New York as I	2	THE COURT: Go ahead.
3	passed through to Washington.	3	BY MS. NIELSEN:
4	<b>Q</b> And did you, in fact, meet with Mr. Pearse in New York?	4	Q Mr. Singh, were you involved in any further
5	A Yes, I did, ma'am.	5	THE COURT: No.
6	<b>Q</b> Where did you meet him?	6	What do you remember generally about discussing it?
7	A I met him in Manhattan. I recall it was a bar/restaurant	7	That is why I am asking the question.
8	where I met him.	8	I understand you don't remember specifically, you
9	<b>Q</b> I'm sorry, what was the purpose of your trip to	9	say you have a general recollection. Please tell the jury
10	Washington, D.C.?	10	what your general recollection is as best you recall it. They
11	<b>A</b> They have annual meetings of the IMF, the International	11	are entitled to the evidence, so tell them.
12	Monetary Fund. We have a very significant gathering of	12	THE WITNESS: Understood, Your Honor.
13	clients of Credit Suisse, of governments, and it's a very	13	Your Honor, I recall that in a short period of time
14	convenient forum to meet people there.	14	after this meeting we start discussing an extension of the
15	Q And why were you going?	15	Proindicus transaction, and I generally remember discussion
16	A To meet people on behalf of Credit Suisse.	16	about that at this meeting.
17	Q And was Andrew Pearse going with you?	17	THE COURT: Next question.
18	A I don't recall, no. I don't think so.	18	MS. NIELSEN: Thank you, Your Honor.
19	Q So what did you discuss with Mr. Pearse when you met him	19	THE COURT: You're welcome.
20	at the bar in Manhattan?	20	
21	A I don't recall specifically what I discussed. It was	21	(Continued on the following page.)
22	more a social context from what I recall. But other than	22	
23	meeting him, I can't remember what I discussed with him.	23	
24	Q Did you discuss any of the Mozambique business that you	24	
25	had been working on with him?	25	
	SAM OCR RMR CRR RPR		SAM OCR RMR CRR RPR
	Singh - direct - Nielsen 2957		Singh - direct - Nielsen 2959
1	MR. JACKSON: Objection.	1	by MS. NIELSEN: (Continuing.)
2	THE COURT: Overruled.	2	Q I'm sorry, you mentioned that you were involved in an
3	A It's possible, ma'am, but I can't remember specifically.	3	extension
4	THE COURT: Do you remember generally?	4	A Yes, ma'am.
5	THE WITNESS: Yes, sir, I remember meeting with him	5	<b>Q</b> following this meeting.
6	in Manhattan specifically. I was traveling with colleagues, I	6	What was the extension?
7	think they may have met him as well.	7	A Ma'am, the Proindicus transaction had, I recall, an
8	THE COURT: Do you remember generally the subject of	8	original maturity date of six years from when it was completed
9	Mozambique coming up?	9	in 2013 and there was a request from the government of
10	You said you don't remember specifically, I'm asking	10	Mozambique to extend the maturity date so that repayment of
11	you if you remember generally if that topic came up when you	11	the loan could be delayed.
12	met with Mr. Pearse in Manhattan at this time. Either you do	12	Q And why did Proindicus need this extension?
13	or you don't.	13	A Because the Proindicus project, which was meant to
14	THE WITNESS: I don't recall specifically, Your	14	generate revenues, meant to generate U.S. dollars in profit,
15	Honor.	15	it had not commenced and it was not generating any real
16	THE COURT: Do you remember generally is what I am	16	revenues or profit to be able to pay for the loan itself.
17	asking you, not specifically. You keep saying specifically	17	<b>Q</b> Do you recall when the payments were due on the
18	THE WITNESS: Apologies.	18	Proindicus loan?
19	THE COURT: and I am asking you generally, which	19	A Yes, ma'am. They were due each year in March. So, the
20	is a different question.	20	next payment would be due in March 2015.
21	Do you remember generally whether you talked about	21	MS. NI ELSEN: Your Honor the government would seek
22	Mozambique when you met with Pearse in Manhattan, either you	22	to admit Government Exhibit 2813.
23	do remember that generally or you do not remember that	23	THE COURT: Any objection to 2813?
24	generally?	24	Publish it to your adversary and the Court.
25	THE WITNESS: I do remember that generally, Your	25	MR. JACKSON: No objection, Your Honor.
	SAM OCR RMR CRR RPR		SN OCR RPR

1 Merc Admitted. 2 (Government Exhibit 2813 received in evidence.) 3 THE COURT: Publish. 4 (Exhibit published.) 5 BY MS. NIELSEN: 6 A Mr. Singh, what is this document? 7 A Ma'am, this is an e-mail chain that I was on when I was a Credit Suisse. 8 at Credit Suisse. 9 A And who are you e-mailing with in this e-mail chain? 10 A This is an e-mail - the last e-mail is to me from 11 Antonio Carlos de Rosario who is the CEO of the EMATUM. 11 A Antonio Carlos de Rosario who is the CEO of the EMATUM. 12 A And director, sorry, of Proindicus. 13 A And director, sorry, of Proindicus. 14 THE COURT: All right, all right. 15 BY MS. NIELSEN: 16 Interruption. The record will be a mess otherwise. 17 BY MS. NIELSEN: 18 A Ma'am, this e-mail is from Antonio Carlos de Rosario to me. 19 A Ma'am, this e-mail is from Antonio Carlos de Rosario to me. 21 Q Are you looking at the e-mail - no, sorry. I was referring to the second e-mail (abm?) 22 A Previous form Mr. de Rosario to you; is that correct? 23 A I was referring to the top e-mail - no, sorry. I was referring to the second e-mail at the top or the e-mail - 2981 1 A That's correct. 2 Q And what's the date on the e-mail? 3 A 25th of November 2014. 4 Q And what are you and Mr. de Rosario discussing in this e-mail on the extension of the Proindicus transaction. 3 A 25th of November 2014. 4 Q And what are you and Mr. de Rosario discussing in this e-mail on the extension of the Proindicus transaction. 3 MS. NIELSEN: And, Ms. DiNardo, if we could scroll of own a little bit to the first e-mail on the second page.  10 Thank you.
3 Credit Suisse going to try and get the extension done? 4 (Exhibit published.) 5 BY MS. NIELSEN: 6 Q Mr. Singh, what is this document? 7 A Ma'am, this is an e-mail chain that I was on when I was at Credit Suisse. 8 at Credit Suisse. 9 Q And who are you e-malling with in this e-mail chain? 10 A This is an e-mail the last e-mail is to me from 11 Antonio Carlos de Rosario who is the CEO of the EMATUM. 11 A That is an e-mail the last e-mail is to me from 11 Antonio Carlos de Rosario who is the CEO of the EMATUM. 12 Q And what's the date on the e-mail the last e-mail is to me from 12 Q and what's the date on the e-mail the last e-mail is to me from 13 A And director, sorry, of Proindicus. 14 THE COURT: All right, all right. Put the question 15 again, pause, and give a complete answer without the 16 interruption. The record will be a mess otherwise. 16 interruption. The record will be a mess otherwise. 17 BY MS. NIELSEN: 18 Q Mr. Singh, who is this e-mail from? 19 A Ma'am, this e-mail is from Antonio Carlos de Rosario to 020 me. 21 Q Are you looking at the e-mail at the top or the e-mail 22 the second e-mail down? 22 the second e-mail down? 23 A I was referring to the second e-mail. I apologize. 24 Transaction, including Credit Suisse. 25 Q That's from Mr. de Rosario day ou; is that correct? 26 Q That's from Mr. de Rosario day ou; is that correct? 27 SN OCR RPR 28 Singh- direct - Niesen 2961 29 A And what are you and Mr. de Rosario discussing in this e-mail? 3 A 25th of November 2014. 4 Q And what are you and Mr. de Rosario discussing in this e-mail? 5 C A Mr. de Rosario is chasing up or following up with me in relation to the extension of the Proindicus transaction.  8 MS. NIELSEN: A Mr. Singh, and the extension of the Proindicus transaction.  9 Q And what are so in the extension of the proindicus transaction.  17 Q And Credit Suisse on the extension done?  18 A Yes, rat'am, the devention from the extension done?  19 Q And what are you and Mr. de Rosario discussing in this e-mail?  20 A A Mr. de Rosa
4 A Yes, ma'am, they were. 5 Q Mr. Singh, what is this document? 7 A Ma'am, this is an e-mail chain that I was on when I was at Credit Suisse. 9 Q And who are you e-mailing with in this e-mail chain? 10 A This is an e-mail — the last e-mail is to me from 11 Antonio Carlos de Rosario who is the CEO of the EMATUM. 12 Q And what's the date of the e-mail? 13 A And director, sorry, of Proindicus. 14 THE COURT: All right, all right. Put the question again, pause, and give a complete answer without the interruption. The record will be a mess otherwise. 16 In your view. 17 PMS. NIELSEN: 18 Q Mr. Singh, who is this e-mail at the top or the e-mail — the second e-mail down? 19 A Ma'am, this e-mail is from Antonio Carlos de Rosario to me. 20 The second e-mail down? 21 Q Are you looking at the e-mail at the top or the e-mail — the second e-mail. I anopologize. 25 Q That's from Mr. de Rosario to you; is that correct? 26 Q And what's the date on the e-mail? 27 A Mr. Jackson is chasing up or following up with me in relation to the extension of the Proindicus transaction. 28 Ms. NIELSEN: And, Ms. Dilnardo, if we could soroll good wan a little bit to the first e-mail on the second page.
5 BY MS. NIELSEN: 6 Q Mr. Singh, what is this document? 7 A Ma'am, this is an e-mail chain that I was on when I was 8 at Credit Suisse. 9 Q And who are you e-mailing with in this e-mail chain? 10 A This is an e-mail - the last e-mail is to me from 11 Antonio Carlos de Rosario who is the CEO of the EMATUM. 12 Q And what's the date of the e-mail? 13 A And director, sorry, of Proindicus. 14 THE COURT: All right, all right. Put the question 15 again, pause, and give a complete answer without the 16 interruption. The record will be a mess otherwise. 16 MR. JACKSON: Objection. 17 BY MS. NIELSEN: 18 Q Mr. Singh, who is this e-mail from? 19 A Ma'am, this e-mail is from Antonio Carlos de Rosario to me. 20 me. 21 Q Are you looking at the e-mail at the top or the e-mail - 22 the second e-mail down? 22 A That's from Mr. de Rosario to you; is that correct? 23 A I was referring to the second e-mail. I apologize. 24 referring to the second e-mail. I apologize. 25 Q That's from Mr. de Rosario to you; is that correct? 26 A That's correct. 27 Q And what's the date on the e-mail? 38 A 25th of November 2014. 49 Q And what are you and Mr. de Rosario is chasing up or following up with me in 7 relation to the extension of the Proindicus transaction. 28 MS. NIELSEN: And, Ms. DiNardo, if we could scroll 9 down a little bit to the first e-mail on the second age.
6 Q Mr. Singh, what is this document? 7 A Ma'am, this is an e-mail chain that I was on when I was 8 at Credit Suisse. 9 Q And who are you e-mailing with in this e-mail chain? 10 A This is an e-mail the last e-mail is to me from 11 Antonio Carlos de Rosario who is the CEO of the EMATUM. 12 Q And what's the date of the e-mail? 13 A And director, sorry, of Proindicus. 14 THE COURT: All right, all right. Put the question 15 again, pause, and give a complete answer without the 16 interruption. The record will be a mess otherwise. 17 BY MS. NIELSEN: 18 Q Mr. Singh, who is this e-mail at the top or the e-mail 19 A Ma'am, this e-mail is from Antonio Carlos de Rosario to me. 21 Q Are you looking at the e-mail at the top or the e-mail 22 the second e-mail down? 23 A I was referring to the top e-mail no, sorry. I was 24 referring to the second e-mail. I apologize. 25 Q That's from Mr. de Rosario to you; is that correct? 26 Q And what's the date on the e-mail? 27 A That's correct. 28 Q And what are you and Mr. de Rosario discussing in this 29 e-mail? 20 And what are you and Mr. de Rosario discussing in this 30 A Son For RPR 31 A Cordit Suisse. 31 A Collar resources. And, so, by extending the loan, the government U.S. dollar resources. And, so, by extending the government and the project company breathing space to get the government and the project company breathing space to get the project back on track and start generating resources. And, so, by extending the loan, the logic was to give the government u.S. dollar resources. And, so, by extending the loan, the logic was to give the government and the project company breathing space to get the project back on track and start generating resources. And, so, by extending the loan, the logic was to give the government u.S. dollar resources. And, so, by extending the loan, the logic was to give the government u.S. dollar resources. And, so, by extending the loan, the logic was to give the government u.S. dollar resources. And, so, by extending the loan, the project b
7 A Ma'am, this is an e-mail chain that I was on when I was a Credit Suisse. 9 Q And who are you e-mailing with in this e-mail chain? 10 A This is an e-mail the last e-mail is to me from 11 Antonio Carlos de Rosario who is the CEO of the EMATUM. 12 Q And what's the date of the e-mail? 13 A And director, sorry, of Proindicus. 14 THE COURT: All right, all right. Put the question 15 again, pause, and give a complete answer without the 16 interruption. The record will be a mess otherwise. 17 BY MS. NIELSEN: 18 Q Mr. Singh, who is this e-mail from? 19 A Ma'am, this e-mail is from Antonio Carlos de Rosario to 20 me. 21 Q Are you looking at the e-mail at the top or the e-mail 22 the second e-mail down? 23 A I was referring to the second e-mail. I apologize. 25 Q That's from Mr. de Rosario to you; is that correct? 28 Singh -direct - Nielsen 29 Under the guarantee, it would be a strain on the 29 government U.S. dollar resources. And, so, by extending the 20 calling out the guarantee, it would be a strain on the 20 calling out the guarantee, it would be a strain on the 20 calling out the guarantee, it would be a strain on the 20 calling out the guarantee, it would be a strain on the 20 calling out the guarantee, it would be a strain on the 20 calling out the guarantee, it would be a strain on the 20 calling out the guarantee, it would be a strain on the 20 calling out the guarantee, it would be a strain on the 20 calling out the guarantee, it would be a strain on the 20 calling out the guarantee, it would be a strain on the 20 calling out the guarantee, it would be a strain on the 20 calling out the guarantee, it would be a strain on the 20 calling out the guarantee, it would be a strain on the 20 call in power the project back on track and 21 call investors story the project back on track and 22 story, or price the project back on track and 23 calling out the guarantee fits the project back on track and 24 start generating revenue. 25 of Proindicus didn't get the extension, the extension, the open invoked. 26 of P
8 calling out the guarantee, it would be a strain on the 9 government U.S. dollar resources. And, so, by extending the 10 A This is an e-mail the last e-mail is to me from 11 Antonio Carlos de Rosario who is the CEO of the EMATUM. 12 Q And what's the date of the e-mail? 13 A And director, sorry, of Proindicus. 14 THE COURT: All right, all right. Put the question 15 again, pause, and give a complete answer without the 16 interruption. The record will be a mess otherwise. 17 BY MS. NIELSEN: 18 Q Mr. Singh, who is this e-mail from? 19 A Ma'am, this e-mail is from Antonio Carlos de Rosario to 20 me. 21 Q Are you looking at the e-mail at the top or the e-mail 22 the second e-mail down? 23 A I was referring to the top e-mail no, sorry. I was 24 referring to the second e-mail. I apologize. 25 Q That's from Mr. de Rosario to you; is that correct? 29 And what are you and Mr. de Rosario discussing in this 5 e-mail? 6 A Mr. de Rosario is chasing up or following up with me in 7 relation to the extension of the Proindicus transaction. 8 MS. NIELSEN: A And Ma's about VTB?  8 calling out the guarantee, it would be a strain on the 9 government U.S. dollar resources. And, so, by extending the 10 loan, the logic was to give the government and the project 10 cam, the logic was to give the government and the project 11 company breathing space to get the project back on track and 12 campany breathing space to get the project back on track and 14 company breathing space to get the project back on track and 15 doan, the logic was to give the government and the project 16 company breathing space to get the project back on track and 18 does the project back on track and 19 campany breathing space to get the project back on track and 19 campany breathing space to get the project back on track and 19 campany breathing space to get the project back on track and 19 campany breathing space to get the project back on track and 19 campany breathing space to get the project back on track and 19 campany breathing space to get the proje
9 Q And who are you e-mailing with in this e-mail chain? 10 A This is an e-mail the last e-mail is to me from 11 Antonio Carlos de Rosario who is the CEO of the EMATUM. 12 Q And what's the date of the e-mail? 13 A And director, sorry, of Proindicus. 14 THE COURT: All right, all right. Put the question 15 again, pause, and give a complete answer without the 16 interruption. The record will be a mess otherwise. 17 BY MS. NIELSEN: 18 Q Mr. Singh, who is this e-mail at the top or the e-mail 20 me. 21 Q Are you looking at the e-mail at the top or the e-mail 22 the second e-mail down? 23 A I was referring to the socond e-mail. I apologize. 24 referring to the second e-mail. I apologize. 25 Q That's from Mr. de Rosario to you; is that correct? 28 Singh - direct - Nielsen 2961 21 A That's correct. 2 Q And what's the date on the e-mail? 3 A 2Sth of November 2014. 4 Q And what are you and Mr. de Rosario discussing in this 5 e-mail? 5 A Mr. de Rosario is chasing up or following up with me in relation to the extension of the Proindicus transaction. 8 MS. NIELSEN: And, Ms. DiNardo, if we could scroll 9 Q And what about VTB?  9 government U.S. dollar resources. And, so, by extending the loan, the logic was to give the government and the project company breathing space to get the project back on track and to company breathing space to get the project back on track and stored to perfect back on track and stored to get the project back on track and stored to perfect back on track and stored to get the project back on track and stored to get the project back on track and stored to get the project back on track and stored to get the project back on track and stored to get the project back on track and stored to get the project back on track and stored to get the project back on track and stored to get the project back on track and start generating revenue.  18 A Arc get the groupe use the extension, the project back on track and start generating revenue.  18 A Yes, it would definitely be invoked.  19 Q Nho else had to be
10 A This is an e-mail the last e-mail is to me from 11 Antonio Carlos de Rosario who is the CEO of the EMATUM. 12 Q And what's the date of the e-mail? 13 A And director, sorry, of Proindicus. 14 THE COURT: All right, all right. Put the question 15 again, pause, and give a complete answer without the 16 interruption. The record will be a mess otherwise. 16 interruption. The record will be a mess otherwise. 17 BY MS. NIELSEN: 18 Q Mr. Singh, who is this e-mail at the top or the e-mail 20 me. 21 Q Are you looking at the e-mail at the top or the e-mail 21 Q Are you looking at the e-mail. I apologize. 25 Q That's from Mr. de Rosario to you; is that correct? 28 N OCR RPR 29 And what's the date on the e-mail? 29 And what's the date on the e-mail? 30 A 25th of November 2014. 41 Q And what's the date on the e-mail? 42 Q And what's the date on the e-mail? 43 A 25th of November 2014. 44 Q And what's the date on the e-mail? 55 e-mail? 66 A Mr. de Rosario is chasing up or following up with me in relation to the extension of the Proindicus transaction. 56 A Mr. de Rosario is chasing up or following up with me in relation to the extension of the Proindicus transaction. 57 Relation to the extension of the Proindicus transaction. 58 MS. NIELSEN: And, Ms. DiNardo, if we could scroll 59 Q And what about VTB?
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12 Start generating revenue. 13 A And director, sorry, of Proindicus. 14 THE COURT: All right, all right. Put the question 15 again, pause, and give a complete answer without the 16 interruption. The record will be a mess otherwise. 17 BY MS. NIELSEN: 18 Q Mr. Singh, who is this e-mail from? 19 A Ma'am, this e-mail is from Antonio Carlos de Rosario to 20 me. 21 Q Are you looking at the e-mail at the top or the e-mail 22 the second e-mail down? 23 A I was referring to the top e-mail no, sorry. I was 24 referring to the second e-mail. I apologize. 25 Q That's from Mr. de Rosario to you; is that correct? 26 Q And what's the date on the e-mail? 27 A That's correct. 28 A That's correct. 29 And what's the date on the e-mail? 30 A So if Proindicus didn't get the extension, the government guarantee was going to have to be invoked? 40 And what are you and Mr. de Rosario is chasing up or following up with me in relation to the extension of the Proindicus transaction. 40 And what are you and Mr. de Rosario discussing in this e-mail from? 41 A THE COURT: Obertrude. 41 A Yes, it would definitely be invoked. 41 A Investor consent was required. 42 D wyou recall how many investors there were at the time? 43 A I think approximately 15 to 20 investors were in this transaction, including Credit Suisse. 44 I transaction, including Credit Suisse. 45 Q And what's the date on the e-mail? 46 A Mr. de Rosario is chasing up or following up with me in relation to the extension of the Proindicus transaction. 46 A Mr. de Rosario is chasing up or following up with me in relation to the extension of the Proindicus transaction. 47 Q And Credit Suisse was involved in the extension; correct? 48 A That is correct, ma'am. 49 Q And what about VTB?
13 A And director, sorry, of Proindicus. 14 THE COURT: All right, all right. Put the question 15 again, pause, and give a complete answer without the 16 interruption. The record will be a mess otherwise. 17 BY MS. NIELSEN: 18 Q Mr. Singh, who is this e-mail from? 19 A Ma'am, this e-mail is from Antonio Carlos de Rosario to 20 me. 21 Q Are you looking at the e-mail at the top or the e-mail 22 the second e-mail down? 23 A I was referring to the top e-mail no, sorry. I was 24 referring to the second e-mail. I apologize. 25 Q That's from Mr. de Rosario to you; is that correct?  SN OCR RPR  Singh - direct - Nielsen 2961 2 A That's correct. 2 Q And what's the date on the e-mail? 3 A 25th of November 2014. 4 Q And what are you and Mr. de Rosario discussing in this 5 e-mail? 6 A Mr. de Rosario is chasing up or following up with me in relation to the extension of the Proindicus transaction. 8 MS. NIELSEN: And, Ms. DiNardo, if we could scroll 9 Q So if Proindicus didn't get the extension, the government 14 guarantee was going to have to be invoked?  15 MR. JACKSON: Objection. 16 THE COURT: Overruled. 17 In your view. 18 A Yes, it would definitely be invoked. 19 Q Who else had to be consulted to push through this 20 extension? 21 A Investor consent was required. 22 Q Do you recall how many investors there were at the time? 23 A I think approximately 15 to 20 investors were in this 24 transaction, including Credit Suisse. 25 Q And what banks participated in the extension? 3 A 25th of November 2014. 4 Q And what are you and Mr. de Rosario discussing in this 5 e-mail? 5 terms of the financing and some new banks also entered into 6 the financing where other banks did not want to consent. 7 Q And Credit Suisse was involved in the extension; correct? 8 A That is correct, ma'am. 9 Q And what about VTB?
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10 Thank you. 10 A VTB was also a lender and they also gave consent to the
11 BY MS. NIELSEN: 11 extension.
12 Q Mr. Singh, who is this one from? 12 Q So you just mentioned right now giving consent for the
13 A This is an e-mail from Mr. de Rosario to me. 13 extension. Was consent required of the investors?
14 Q Does he say something about having a trip to Maputo in 14 A Yes, ma'am.
15 this e-mail? 15 Q Did they have to give a particular form of consent?
16 A Yes, ma'am. He is referencing that I've just visited 16 A It would have to be written consent.
17 Maputo and him, and that I have a good trip back. 17 Q Do you recall discussions regarding the extension with
18 Q And why were you in Maputo in November of 2014? 18 any particular investors about this extension?
19 A It was for due diligence in relation to the Proindicus 19 A Yes, ma'am, I do.
20 extension. 20 Q Which ones?
21 Q Did Andrew Pearse have any role in the Proindicus 21 A In particular I remember the discussions with the
22 extension? 22 investor, I ce Canyon, that was in the transaction and we were
23 A Yes, ma'am. Andrew Pearse and some other ex-colleagues 23 seeking their consent to extend the transaction.
24 of CS were working for Palomar Capital Advisors who was the 24 Q Why do you remember this one?
25 official advisor of Proindicus, the state company, and they 25 A The gentleman at Ice Canyon was a very good negotiator,
SN OCR RPR SN OCR RPR

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34 of 67 sheets

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	Singh - direct - Nielsen 2964		Singh - direct - Nielsen 2966
1	how do you call it, a tough cookie, and he received a very	1	different fees.
2	good fee transaction or fee deal from Credit Suisse to provide	2	Mr. Partap received the highest fees as a percentage
3	his consent.	3	of any lender to give consent. And, secondly, he insisted on
4	<b>Q</b> And who is the gentleman that you're discussing?	4	a clause which is often referred to as a most-favored nations
5	A A gentleman called Aneesh Partap.	5	clause which meant that if a similar transaction for
6	MS. NI ELSEN: Your Honor, at this time the	6	Mozambique comes to market and it pays more fees, we would be
7	government would ask to admit Government Exhibit 2826.	7	forced to pay him extra fees in addition to the ones he
8	THE COURT: Publish it to your adversary.	8	already received. He was pretty well-insulated from any
9	Is there any objection?	9	better deals coming into the market.
10	MR. JACKSON: No objection, Your Honor.	10	Q So, Mr. Singh, did this extension ultimately get
11	THE COURT: Admitted.	11	completed?
12	(Government Exhibit 2826 received in evidence.)	12	A Yes, it did, ma'am.
13	THE COURT: You may publish.	13	Q When was that?
14	MS. NIELSEN: Thank you.	14	<b>A</b> I remember it completes in mid-December 2014.
15	(Exhibit published.)	15	<b>Q</b> Were any of the investors in the extension told about the
16	BY MS. NIELSEN:	16	payments to you by the defendant before they gave consent for
17	<b>Q</b> Mr. Singh, what is this document?	17	the extension?
18	A This is an e-mail chain that I was on when I was at	18	A No, ma'am, they were not.
19	Credit Suisse.	19	Q Now, did all of the investors who approved of the
20	Q And who is it from?	20	extension I'm sorry, did all of the investors have to
21	A It is from Daniel Jurkowitz to myself and Dirk Hentschel.	21	approve the extension in order to get it done?
22	Mr. Jurkowitz is a salesperson based in New York and	22	A Yes, ma'am. All investors had to approve. Some
23	Mr. Hentschel is a syndicate person now within the GFT team.	23	investors would not agree to the consent and for those few
24	MS. NIELSEN: Ms. DiNardo, can you go to page ten of	24	investors substitute new lenders were found who would agree.
25	this e-mail, please? If you could make it just a little	25	Q And how did you bring in those new lenders?
	SN OCR RPR		SN OCR RPR
4	Singh - direct - Nielsen 2965	4	Singh - direct - Nielsen 2967
1 2	larger. BY MS. NIELSEN:	1 2	A They were marketed to, as all the transactions were, using the syndicate person in our team, plus the CS sales
3	Q Mr. Singh, who is this e-mail from and to?	3	force who would get in touch with investors.
4	A Ma'am, this is from Daniel Jurkowitz the CS salesperson	4	Q And where were they marketed to?
5	to Aneesh Partap at I ce Canyon and is copying Dirk Hentschel,	5	A They were free to market globally. There was no
6	the syndicate person that worked for me and my team.	6	restriction.
7	Q Is this the individual that you mentioned before?	7	Q Mr. Singh was there any upsize associated with this
8	A Yes, ma'am.	8	extension?
9	Q And what are you discussing what is Mr. Jurkowitz	9	A Yes ma'am there was.
10	discussing with Mr. Partap in this e-mail?	10	Q What was it?
11	A He Mr. Jurkowitz is requesting from Mr. Aneesh to	11	A So, Mozambique and their advisor insisted on some form of
12	hopefully complete the consent letter, the documentation we	12	upsize or ability to increase the transaction even further.
13	need for the consent as quickly as possible. He's reiterating	13	At this point, the transaction has a total amount of \$622
14	the fees that we're paying him which is substantive compared	14	million outstanding. So that's the \$372 million that we did
15	to other investors in the transaction.	15	initially, plus all the upsizes that have happened; but even
16	Q So, Mr. Singh, did you, yourself, deal directly with	16	at that stage there's a strong request from them to include an
17	Mr. Partap?	17	ability to upsize. So some form of upsize under conditions is
18	A Yes, I did, ma'am.	18	allowed.
19	Q And I think you indicated that Mr. Partap was a tough	19	Q Did Credit Suisse actually raise any additional money for
20	cookie, but what did it actually take for him to agree to the	20	Proindicus?
21	extension?  A So making there were two things he required which in	21 22	A No, we did not.
23	A So, ma'am, there were two things he required which in	23	Q Why not?
24	the loan market, the fees that are paid to lenders are based	24	A Because it wasn't feasible. This transaction is
25	on an individual basis. So each lender, depending on the situation, relationship with the borrower sometimes ask for	25	something which has entered into an extension. An extension for the reasons that the project has not been successful or on
	SN OCR RPR		SN OCR RPR
		1	2 00

	Singh - direct - Nielsen 2968		Singh - direct - Nielsen 2970
1	time, is not generating revenues and the guarantor has asked	1	Proindicus transaction.
2	for a supported that extension and not just paid	2	Q And did Mr. Pearse have a reaction to that that he shared
3	automatically under the guarantee.	3	with you?
4	So this has not left a positive feeling in the	4	A Yes, he did, ma'am.
5	market and most investors have consented to this because there	5	Q What was it?
6	are existing lenders in the transaction. So it's very	6	A I was in the office at Credit Suisse in London. I
7	unlikely with that negative sentiment in the market that any	7	received a call from Mr. Pearse. He was extremely angry and
8	new lender is going to come in.	8	frustrated. He was furious that although I had given very
9	Q What, if anything, discussions did you have with Andrew	9	clear feedback that it's not possible to raise any further
10	Pearse about upsizes for Proindicus around this time?	10	monies at Proindicus, that Mr. Afiouni had brought around
11	A Around this time, the discussions for upsize is when	11	someone as senior as Eraj Shrivini and had made these promises
12	you say around this time, do you mean once the extension has	12	that we will raise money for you; you being Proindicus
13	finished in mid-December prior to that or after that?	13	Privinvest. And he was mad because it made him look foolish.
14	Q Once the extension is finished.	14	It made him look as though he didn't know what he was talking
15	A Okay. In the following year, in 2015, I had discussions	15	about with his Palomar/Privinvest colleagues.
16	with Andrew Pearse where they are seeking to	16	Q And following that call with Andrew Pearse, did Jean
17	THE COURT: They?	17	Boustani or Andrew Pearse come to you with any additional
18	THE WITNESS: Sorry.	18	requests for assistance in relation to the Mozambique
19	THE COURT: Who is they in 2015 when you were	19	business?
20	talking with Pearse?	20	A Yes. They did. In 2015 subsequent to that, but I'm not
21	THE WITNESS: Proindicus.	21	entirely sure when in 2015.
22	THE COURT: Go ahead.	22	THE COURT: Don't mumble.
23	A Is seeking to raise further monies through this upsize	23	THE WITNESS: Apologies, sir.
24	ability they have in the financing. They are asking Credit	24	A So, in 2015, I'm approached by Andrew Pearse and Andrew
25	Suisse to see if they have investors or if Credit Suisse would	25	Pearse requests from me support in signing a document. The
	SN OCR RPR		SN OCR RPR
	Singh - direct - Nielsen 2969		Singh - direct - Nielsen 2971
1	like to give money and it is clear from my perspective that	1	document relates to an advisory fee that Palomar Capital
2	it's not possible at that stage for anyone to give money.	2	Advisors has been promised to be paid by Proindicus and that
3	Q And what was Andrew Pearse's role at this time in	3 4	advisory fee is to be paid in installments over time.
5	relation to Proindicus?	5	The team at Palomar have tried to sell these
6	A Andrew Pearse at this stage was at Palomar Capital Advisors and they were advisors to Proindicus.	6	installments to an investor. I understood it to be a German investor, who would buy this installment stream or annuity
7	Q And did you ever learn that anyone else in 2015 from	7	from them and pay them money up front. That investor needs
8	Credit Suisse had contracted you?	8	extra comfort that the guarantee from the Republic of
9	A Yes. In around February or March of 2015 there is a new	9	Mozambique covers or guarantees also the payment of those
10	head of emerging markets in the CS London team. That new head	10	installments.
11	is being	11	So Andrew Pearse requests from me to sign a document
12	THE COURT: Who is that new head? Name?	12	of sorts, it is not detailed what document, that will support
13	THE WITNESS: The gentleman's name is Eraj Shrivini.	13	the assertion that the guarantee covers these installments.
14	THE COURT: Spell it for the reporter.	14	And they want me to sign because I'm a signatory from Credit
15	THE WITNESS: E-R-A-J S-H-R-I-V-I-N-I.	15	Suisse.
16	THE COURT: Continue.	16	I refused to sign this document. Subsequent to my
17	A So the new head of emerging markets is being introduced	17	refusing to sign this document, I later discovered that the
18	to a number of clients of Credit Suisse to get a feel for his	18	investor has pulled out of purchasing these installments or
19	role and to meet clients and understand the market better.	19	these annuities and that has meant that Palomar Capital is not
20	And Mr. Afiouni, Adel Afiouni takes the new head of emerging	20	receiving monies that they were expecting to.
21	markets to Mr. Iskandar Safa's house in central London and	21	I meet with Mr. Pearse subsequent to that and it is
22	introduces Eraj Shrivini to Mr. Safa and they talk about new	22	conveyed to me that Mr. Boustani is extremely unhappy that I
23	business opportunities and what can be done together.	23	refused to sign this document and that he is extremely
24	And I understand at that meeting that Mr. Afiouni	24	frustrated. He believes that I should be supporting his
25	gives a lot of confidence that we can do upsizes in the	25	transactions continuously, given that he has paid me money. I
	SN OCR RPR		SN OCR RPR

	Singh - direct - Nielsen 2972		Singh - direct - Nielsen 2974
1	remind Mr. Pearse the specific tasks that I was given for	1	THE WITNESS: Yes, Your Honor.
2	those monies which was the Proindicus upsize plus the EMATUM	2	
3	\$500 million transaction.	3	·
4	But Mr. Pearse conveys to me that Mr. Boustani feels	4	Q Mr. Singh did the defendant in fact tell Credit Suisse or
5	that once you have taken his money that you are his partner	5	_
6	for life. There is no one transaction; I am working for	6	
7	Mr. Boustani. I maintained that I refused to sign and a	7	
8	follow-up meeting with Mr. Pearse, I am told that Mr. Boustani	8	,
9	wants his money back from me, the monies of \$5.7 million that	9	
10	had been paid to me because I refused to sign the letter. I	10	•
11	tell him that, no, I will not return these monies.	11	3
12	Mr. Boustani conveys through Andrew Pearse a threat	12	(Continued on the following page.)
13	to me to send a letter to my employer at Credit Suisse and	13	
14	that would detail that he had paid me monies	14	
15	THE COURT: He, who?	15	
16	THE WITNESS: That Mr. Boustani had paid me monies.	16	
17	THE COURT: Go ahead.	17	
18	A And it was inappropriate for me to take them and he would	18	
19	demand it back. I told Mr. Pearse that such a threat was not	19	
20	credible; that there is as much guilt on my side as there is	20	
21	with him. Him sending me a kickback Mr. Boustani sending	21	
22	me a kickback and me receiving the kickback from Mr. Boustani,	22	
23	and so I say that I'm not going to do this. He conveys to	23	
24	me	24	
25	THE COURT: He?	25	
	SN OCR RPR		SN OCR RPR
	Singh - direct - Nielsen 2973		Singh - direct - Nielsen 2975
1	<b>A</b> Mr. Pearse conveys to me that Mr. Boustani is extremely	1	(Continuing)
2	angry. It's a matter of principal, that he doesn't care, and	2	<b>Q</b> So, when was the series of conversations that we've just
3	he will go to Syria and live in Syria or Lebanon if need be.	3	discussed, that you just discussed?
4	I said that that's not credible and I refused to pay back the	4	A They were in 2015.
5	monies. Mr. Pearse advised me to be careful and think through	5	Q Did anything else happen in 2015 regarding the payments
6	what I'm doing. Mr. Pearse tells me, be careful; these are	6	that you'd received from Jean Boustani besides the
7	not good people.	7	conversations with Mr. Pearse that you just conveyed?
8	I read this to be	8	
9	MR. JACKSON: Objection.	9	
10	THE COURT: Overruled.	10	A I was approached again by Mr. Pearse, who had the idea
11	Finish your story.	11	for me and him to create a term sheet, which would describe
12	THE WITNESS: Thank you, Your Honor.	12	
13	A That is a personal threat or a threat against my personal	13	'
14	security that I take into consideration and I'm scared and I	14	Š
15	tell Mr. Pearse to tell Mr. Boustani that allow me to leave	15	
16	Credit Suisse, and once I leave Credit Suisse, I will sort	16	
17	something out with Mr. Boustani. And after that stage, he	17	
18	THE COURT: He?	18	•••
19	THE WITNESS: Sorry, Your Honor.	19	
20 21	A After that statement from me through Mr. Pearse to	20	
22	Mr. Boustani, the follow up or the frustration of Mr. Boustani	21 22	
23	is not conveyed to me further. They are waiting for me to	23	
	leave Credit Suisse and I will try to sort something out at that stage.	24	
2/	THE STATE		A Yes, I recall it as Mr. Boustani.
24 25	-	25	And how did you find out about this from Mr. Pearse?
24 25	THE COURT: Does that complete your answer?  SN OCR RPR	25	<b>Q</b> And how did you find out about this from Mr. Pearse?  VB OCR CRR

	Singh - direct - Nielsen 2976		Singh - direct - Nielsen 2978
1	A So, Mr. Pearse approached me with this idea. I went to	1	reduced.
2		2	
3	meet him in discussion regarding the discussion of this	3	Q What about your relationship with the defendant, Jean Boustani?
4	term sheet and the only time that he could meet with me THE COURT: He?	4	A Very similar to Mr. Pearse in that frequency of
5	THE WITNESS: Apologies, Your Honor.	5	discussion, meetings, basically reduced very significantly.
6	A The only time Mr. Pearse could meet with me was on the	6	Less than Andrew, in fact.
7	train that he was taking from London to Paris, the Eurostar.	7	THE COURT: How do you know Boustani knew about the
8	So, I accompanied Mr. Pearse on the train from	8	term sheet; that it wasn't just Pearse?
9	London to Paris and on this train journey, on his laptop, was	9	How do you know that?
10	typed up the term sheet that conveyed this fake investment	10	THE WITNESS: So, I don't know with certainty. I
11	with me.	11	only base my impression and awareness based on what
12	Q Do you recall what the amount of the investments	12	Andrew Pearse told me.
13	indicated on the term sheet was?	13	THE COURT: Go ahead.
14	A I don't recall the amount, but it was, it was, it was all	14	Q Mr. Singh, did there come a time when you learned of a
15	the monies that were paid to me. So, 5 or \$5.7 million.	15	need to restructure the EMATUM LPN?
16	Q And who typed up the term sheet?	16	A Yes, ma'am, there was.
17	A It was typed up on Andrew Pearse's laptop, by Andrew.	17	Q And when was that?
18	Q Mr. Singh, were there any actual investments related to	18	A This was around mid-2015.
19	this term sheet between you and Mr. Boustani?	19	Q And how did you learn about it?
20	A No.	20	A I was approached by Andrew Pearse and Dominick Schultens
21	Q So, what was the purpose of the term sheet?	21	both of which, obviously, previously from Credit Suisse and
22	A It was to disguise the payments that had been made to me.	22	now working at Palomar Capital Advisors.
23	Q Did you know who you were trying to disguise them from?	23	Q And why was it necessary to restructure the EMATUM LPN?
24	A There was no specific person identified. It was general	24	A Because the EMATUM project, similar to the Proindicus
25	concern and fear.	25	project, had not reached a stage where it was producing
	VB OCR CRR		VB OCR CRR
	Singh - direct - Nielsen 2977		Singh - direct - Nielsen 2979
1	Q And what happened after you took this train ride with	1	significant revenues or significant profits. Certainly not
2	Mr. Pearse and typed up the term sheet?	2	enough to repay any debt.
3	A So, the term sheet is near complete by the time we reach	3	Q And how were how was Palomar involved in this
4	Paris, the Gare du Nord station, and we finish off the term	4	transaction?
5	sheet in a cafe near the station. I say good-bye to Andrew,	5	A I understood Palomar to be an investor advisor to EMATUM.
6	he traveled on to where he needs to go and I take the next	6	Q And was Credit Suisse going to be involved in the
7	train back to London.	7	
8	train back to Editadii.		restructuring?
_	Q Did you execute the term sheet?	8	restructuring?  A Yes, it was, ma'am.
9		8 9	
_	Q Did you execute the term sheet?		A Yes, it was, ma'am.
9	<ul><li>Q Did you execute the term sheet?</li><li>A No. Andrew Pearse, a short while after, approaches me to</li></ul>	9	A Yes, it was, ma'am.  Q And what changes to the LPN financing terms was Credit
9 10 11 12	<ul> <li>Q Did you execute the term sheet?</li> <li>A No. Andrew Pearse, a short while after, approaches me to sign this term sheet.</li> </ul>	9 10 11 12	A Yes, it was, ma'am.  Q And what changes to the LPN financing terms was Credit Suisse considering?
9 10 11	<ul> <li>Q Did you execute the term sheet?</li> <li>A No. Andrew Pearse, a short while after, approaches me to sign this term sheet.</li> <li>I ask him, is Mr. Boustani prepared to sign the term</li> </ul>	9 10 11 12 13	A Yes, it was, ma'am.  Q And what changes to the LPN financing terms was Credit  Suisse considering?  A The main change was an extension of the maturity date.
9 10 11 12 13 14	Q Did you execute the term sheet? A No. Andrew Pearse, a short while after, approaches me to sign this term sheet. I ask him, is Mr. Boustani prepared to sign the term sheet as well?	9 10 11 12 13 14	A Yes, it was, ma'am.  Q And what changes to the LPN financing terms was Credit  Suisse considering?  A The main change was an extension of the maturity date.  So, making the financing longer so that the borrower would
9 10 11 12 13 14 15	Q Did you execute the term sheet?  A No. Andrew Pearse, a short while after, approaches me to sign this term sheet.  I ask him, is Mr. Boustani prepared to sign the term sheet as well?  Andrew Pearse informs me that no, he's not prepared to sign the term sheet.  And so, my response was that, well, in that case,	9 10 11 12 13 14 15	A Yes, it was, ma'am.  Q And what changes to the LPN financing terms was Credit  Suisse considering?  A The main change was an extension of the maturity date.  So, making the financing longer so that the borrower would have more time to repay over.  Q And who was going to help EMATUM do this restructuring, besides Credit Suisse?
9 10 11 12 13 14 15 16	Q Did you execute the term sheet? A No. Andrew Pearse, a short while after, approaches me to sign this term sheet.  I ask him, is Mr. Boustani prepared to sign the term sheet as well?  Andrew Pearse informs me that no, he's not prepared to sign the term sheet.	9 10 11 12 13 14 15 16	A Yes, it was, ma'am.  Q And what changes to the LPN financing terms was Credit  Suisse considering?  A The main change was an extension of the maturity date.  So, making the financing longer so that the borrower would have more time to repay over.  Q And who was going to help EMATUM do this restructuring,
9 10 11 12 13 14 15 16 17	Q Did you execute the term sheet? A No. Andrew Pearse, a short while after, approaches me to sign this term sheet.  I ask him, is Mr. Boustani prepared to sign the term sheet as well?  Andrew Pearse informs me that no, he's not prepared to sign the term sheet.  And so, my response was that, well, in that case, I'm not signing as well.  Q Did you know that did you understand that Jean	9 10 11 12 13 14 15 16 17	A Yes, it was, ma'am.  Q And what changes to the LPN financing terms was Credit  Suisse considering?  A The main change was an extension of the maturity date.  So, making the financing longer so that the borrower would have more time to repay over.  Q And who was going to help EMATUM do this restructuring, besides Credit Suisse?  A So, Credit Suisse and VTB, the other bank that arranged the further \$350 million of EMATUM, are both going to work
9 10 11 12 13 14 15 16 17	Q Did you execute the term sheet? A No. Andrew Pearse, a short while after, approaches me to sign this term sheet.  I ask him, is Mr. Boustani prepared to sign the term sheet as well?  Andrew Pearse informs me that no, he's not prepared to sign the term sheet.  And so, my response was that, well, in that case, I'm not signing as well.  Q Did you know that did you understand that Jean Boustani knew about the term sheet?	9 10 11 12 13 14 15 16 17 18	A Yes, it was, ma'am.  Q And what changes to the LPN financing terms was Credit  Suisse considering?  A The main change was an extension of the maturity date.  So, making the financing longer so that the borrower would have more time to repay over.  Q And who was going to help EMATUM do this restructuring, besides Credit Suisse?  A So, Credit Suisse and VTB, the other bank that arranged the further \$350 million of EMATUM, are both going to work together to arrange this change or extension to EMATUM.
9 10 11 12 13 14 15 16 17 18 19	<ul> <li>Q Did you execute the term sheet?</li> <li>A No. Andrew Pearse, a short while after, approaches me to sign this term sheet.         <ul> <li>I ask him, is Mr. Boustani prepared to sign the term sheet as well?</li> <li>Andrew Pearse informs me that no, he's not prepared to sign the term sheet.</li> <li>And so, my response was that, well, in that case,</li> <li>I'm not signing as well.</li> </ul> </li> <li>Q Did you know that did you understand that Jean Boustani knew about the term sheet?</li> <li>A Yes, given his refusal to sign, I understood that.</li> </ul>	9 10 11 12 13 14 15 16 17 18 19	A Yes, it was, ma'am.  Q And what changes to the LPN financing terms was Credit  Suisse considering?  A The main change was an extension of the maturity date.  So, making the financing longer so that the borrower would have more time to repay over.  Q And who was going to help EMATUM do this restructuring, besides Credit Suisse?  A So, Credit Suisse and VTB, the other bank that arranged the further \$350 million of EMATUM, are both going to work together to arrange this change or extension to EMATUM.  Q And what form was this restructuring going to take?
9 10 11 12 13 14 15 16 17 18 19 20	Q Did you execute the term sheet? A No. Andrew Pearse, a short while after, approaches me to sign this term sheet.  I ask him, is Mr. Boustani prepared to sign the term sheet as well?  Andrew Pearse informs me that no, he's not prepared to sign the term sheet.  And so, my response was that, well, in that case, I'm not signing as well.  Q Did you know that did you understand that Jean Boustani knew about the term sheet?  A Yes, given his refusal to sign, I understood that.  Q What happened to your relationship with Andrew Pearse	9 10 11 12 13 14 15 16 17 18 19 20	A Yes, it was, ma'am.  Q And what changes to the LPN financing terms was Credit  Suisse considering?  A The main change was an extension of the maturity date.  So, making the financing longer so that the borrower would have more time to repay over.  Q And who was going to help EMATUM do this restructuring, besides Credit Suisse?  A So, Credit Suisse and VTB, the other bank that arranged the further \$350 million of EMATUM, are both going to work together to arrange this change or extension to EMATUM.  Q And what form was this restructuring going to take?  A The restructuring takes the form of an exchange. An
9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>Q Did you execute the term sheet?</li> <li>A No. Andrew Pearse, a short while after, approaches me to sign this term sheet.         <ul> <li>I ask him, is Mr. Boustani prepared to sign the term sheet as well?</li> <li>Andrew Pearse informs me that no, he's not prepared to sign the term sheet.</li></ul></li></ul>	9 10 11 12 13 14 15 16 17 18 19 20 21	A Yes, it was, ma'am.  Q And what changes to the LPN financing terms was Credit  Suisse considering?  A The main change was an extension of the maturity date.  So, making the financing longer so that the borrower would have more time to repay over.  Q And who was going to help EMATUM do this restructuring, besides Credit Suisse?  A So, Credit Suisse and VTB, the other bank that arranged the further \$350 million of EMATUM, are both going to work together to arrange this change or extension to EMATUM.  Q And what form was this restructuring going to take?  A The restructuring takes the form of an exchange. An exchange is broadly where, rather than amending the contract
9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>Q Did you execute the term sheet?</li> <li>A No. Andrew Pearse, a short while after, approaches me to sign this term sheet.  I ask him, is Mr. Boustani prepared to sign the term sheet as well?  Andrew Pearse informs me that no, he's not prepared to sign the term sheet.  And so, my response was that, well, in that case, I'm not signing as well.</li> <li>Q Did you know that did you understand that Jean Boustani knew about the term sheet?</li> <li>A Yes, given his refusal to sign, I understood that.</li> <li>Q What happened to your relationship with Andrew Pearse after this point?</li> <li>A My relationship with Andrew Pearse throughout the course</li> </ul>	9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Yes, it was, ma'am.  Q And what changes to the LPN financing terms was Credit  Suisse considering?  A The main change was an extension of the maturity date.  So, making the financing longer so that the borrower would have more time to repay over.  Q And who was going to help EMATUM do this restructuring, besides Credit Suisse?  A So, Credit Suisse and VTB, the other bank that arranged the further \$350 million of EMATUM, are both going to work together to arrange this change or extension to EMATUM.  Q And what form was this restructuring going to take?  A The restructuring takes the form of an exchange. An exchange is broadly where, rather than amending the contract to say it had original maturity date of let's say the year
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	<ul> <li>Q Did you execute the term sheet?</li> <li>A No. Andrew Pearse, a short while after, approaches me to sign this term sheet.  I ask him, is Mr. Boustani prepared to sign the term sheet as well?  Andrew Pearse informs me that no, he's not prepared to sign the term sheet.  And so, my response was that, well, in that case,</li> <li>I'm not signing as well.</li> <li>Q Did you know that did you understand that Jean</li> <li>Boustani knew about the term sheet?</li> <li>A Yes, given his refusal to sign, I understood that.</li> <li>Q What happened to your relationship with Andrew Pearse after this point?</li> <li>A My relationship with Andrew Pearse throughout the course of 2015, and the three key events that I've described,</li> </ul>	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Yes, it was, ma'am.  Q And what changes to the LPN financing terms was Credit  Suisse considering?  A The main change was an extension of the maturity date.  So, making the financing longer so that the borrower would have more time to repay over.  Q And who was going to help EMATUM do this restructuring, besides Credit Suisse?  A So, Credit Suisse and VTB, the other bank that arranged the further \$350 million of EMATUM, are both going to work together to arrange this change or extension to EMATUM.  Q And what form was this restructuring going to take?  A The restructuring takes the form of an exchange. An exchange is broadly where, rather than amending the contract to say it had original maturity date of let's say the year 2020, and it is amended to 2023, that investors are given the
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<ul> <li>Q Did you execute the term sheet?</li> <li>A No. Andrew Pearse, a short while after, approaches me to sign this term sheet.  I ask him, is Mr. Boustani prepared to sign the term sheet as well?  Andrew Pearse informs me that no, he's not prepared to sign the term sheet.  And so, my response was that, well, in that case, I'm not signing as well.</li> <li>Q Did you know that did you understand that Jean Boustani knew about the term sheet?</li> <li>A Yes, given his refusal to sign, I understood that.</li> <li>Q What happened to your relationship with Andrew Pearse after this point?</li> <li>A My relationship with Andrew Pearse throughout the course of 2015, and the three key events that I've described, deteriorated significantly. We were still friends, but our</li> </ul>	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A Yes, it was, ma'am.  Q And what changes to the LPN financing terms was Credit  Suisse considering?  A The main change was an extension of the maturity date.  So, making the financing longer so that the borrower would have more time to repay over.  Q And who was going to help EMATUM do this restructuring, besides Credit Suisse?  A So, Credit Suisse and VTB, the other bank that arranged the further \$350 million of EMATUM, are both going to work together to arrange this change or extension to EMATUM.  Q And what form was this restructuring going to take?  A The restructuring takes the form of an exchange. An exchange is broadly where, rather than amending the contract to say it had original maturity date of let's say the year 2020, and it is amended to 2023, that investors are given the opportunity to give up their old security so, the EMATUM
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	<ul> <li>Q Did you execute the term sheet?</li> <li>A No. Andrew Pearse, a short while after, approaches me to sign this term sheet.  I ask him, is Mr. Boustani prepared to sign the term sheet as well?  Andrew Pearse informs me that no, he's not prepared to sign the term sheet.  And so, my response was that, well, in that case,</li> <li>I'm not signing as well.</li> <li>Q Did you know that did you understand that Jean</li> <li>Boustani knew about the term sheet?</li> <li>A Yes, given his refusal to sign, I understood that.</li> <li>Q What happened to your relationship with Andrew Pearse after this point?</li> <li>A My relationship with Andrew Pearse throughout the course of 2015, and the three key events that I've described,</li> </ul>	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Yes, it was, ma'am.  Q And what changes to the LPN financing terms was Credit  Suisse considering?  A The main change was an extension of the maturity date.  So, making the financing longer so that the borrower would have more time to repay over.  Q And who was going to help EMATUM do this restructuring, besides Credit Suisse?  A So, Credit Suisse and VTB, the other bank that arranged the further \$350 million of EMATUM, are both going to work together to arrange this change or extension to EMATUM.  Q And what form was this restructuring going to take?  A The restructuring takes the form of an exchange. An exchange is broadly where, rather than amending the contract to say it had original maturity date of let's say the year 2020, and it is amended to 2023, that investors are given the

	Singh - direct - Nielsen 2980		Singh - direct - Nielsen 2982
1	security. And this exchange route was the route that Credit	1	EXAMINATION CONTINUES
2	Suisse agreed to be pursued.	2	BY MS. NIELSEN:
3	Q And because there were pre-existing LPN holders, what	3	Q And, Mr. Singh, what was your role going to be in the
4	would EMATUM have to do well, EMATUM or Credit Suisse	4	exchange?
5	have to do about the existing LPN investors?	5	A I didn't have any specific role in the exchange. I had a
6	A They would have to give their consent.	6	lot of institutional history on the transaction, and so people
7	THE COURT: "They," being who?	7	would ask me for help or input where necessary.
8	THE WITNESS: Apologies, Your Honor.	8	Q Mr. Singh, roughly when did Credit Suisse get the mandate
9	<b>A</b> The investors, the EMATUM note holders, would have to	9	for the exchange of the LPNs to the new bond?
10	give their consent for any exchange or extension.	10	A I can't remember the specific date, ma'am. I think it
11	<b>Q</b> And who was going to be the borrower after the exchange?	11	was in the second half of 2015.
12	A After the exchange, the borrower was not going to be the	12	THE COURT: Of 2000?
13	project company EMATUM anymore. It was to be the Republic of	13	THE WITNESS: I'm sorry, yes, the second half of
14	Mozambique directly. So, the government itself.	14	2015.
15	Q And how was Credit Suisse going to participate?	15	BY MS. NIELSEN:
16	A Credit Suisse was going to arrange the exchange, so there	16	<b>Q</b> Do you recall when the exchange, itself, happened?
17	are two aspects to that.	17	A Yes, I do recall that.
18	One is the creation of a new security, a Eurobond,	18	Q And when was that?
19	which can be offered to the EMATUM note holders in an	19	A The exchange exercise is launched in the market in March
20	exchange.	20	2016, and it closes within one to two months after that.
21	And the second aspect is actually going forward and	21	And how was the defendant involved in the EMATUM
22	asking investors to exchange.	22	exchange, if at all?
23	Q And what's Credit Suisse was Credit Suisse going to	23	A I do not know how Mr. Boustani was involved in the
24	make a fee for these services?	24	exchange.
25	A Yes, they were, ma'am.	25	Q Did you interact with the defendant in relation to the
	VB OCR CRR Singh - direct - Nielsen 2981		SAM OCR RMR CRR RPR  Singh - direct - Nielsen 2983
1	Singh - direct - Nielsen 2981  Q Who at Credit Suisse was primarily dealing with the	1	Singh - direct - Nielsen 2983 EMATUM exchange?
2	EMATUM exchange?	2	A No, I did not, ma'am.
3	A It was primarily the debt capital markets team headed by	3	Q And what bribes or kickbacks did you receive in relation
4	a gentleman called Chris Tuffy. And there was a specialist	4	to the EMATUM exchange?
5	team that did exchanges. I think they were called liability	5	A I did not receive any, ma'am.
6	management, headed by a gentleman called Andrew Burton.	6	Q And why was that?
7	Q And was there a coverage person dealing with this	7	A Because I was not involved in the transaction.
8	exchange?	8	Q Was the exchange presented to Credit Suisse's control
9	A Yes, ma'am. The key relationship officer for Mozambique	9	functions or committees for approval?
10	was a gentleman called Mason Cranswick.	10	A Yes, it was, ma'am.
11		11	Q Which ones?
12	(Continued on following page.)	12	A So because this is a capital markets transaction, there
13		13	is the Banking Investment Committee, which needs to give
14		14	approval, and the two core approvals of Credit Risk
15		15	Management actually, apologies, let me take that back. I
16		16	am not sure about Credit Risk Management, but the Reputational
17		17	Risk needs to sign off the transaction.
18		18	<b>Q</b> What concerns, if any, are you aware that the control
19		19	functions at Credit Suisse had regarding this deal?
20		20	A So in the Reputational Risk Committee there was some
21		21	concern over the original EMATUM transaction, and that concern
22 23		22 23	was caused by the invoices that had been generated on delivery
24		24	of the vessels in the EMATUM transaction. So what I mean by
24 25		25	that is there are 27 vessels to be delivered under the EMATUM transaction by Privinvest to Mozambique, and for all the ships
23	VB OCR CRR		SAM OCR RMR CRR RPR
	67 sheets Page 2980 to	2002	

Singh - direct - Nielsen 2984	Singh - direct - Nielsen 2986
1 that have been delivered by Privinvest to Mozambique there is 1 E	BY MS. NIELSEN:
2 the same price per ship listed. The the fact that it's 2 0	And, Mr. Singh, I believe you also have a hard copy of
3 exactly the same price on all the invoices raised some 3 t	this?
4 concerns in the Reputational Risk Committee. 4 A	A Yes, I do, ma'am.
5 MS. NIELSEN: And, Your Honor, at this time the 5 0	And is this one of the attachments to that document that
<b>6</b> Government would ask to admit Government's Exhibits 2919 and <b>6</b> y	you just looked at?
7 its attachment, Government Exhibit 2923. 7	A It is, ma'am.
	Q And what are these documents?
	A So, this is a delivery invoice. So this is saying that
10 MR. JACKSON: No objection, Your Honor. 10 f	for a longliner tuna boat that was delivered by Privinvest
11 THE COURT: Admitted.	Group to Mozambique under the EMATUM transaction; one, it
12 (Government's Exhibits 2919 and 2923 were received 12 of	confirms it's been delivered, it gives some detail of the
13 in evidence.)	ships, and it details the unit price as being \$22,302,000.
14 THE COURT: Publish.	And, Mr. Singh, you have a packet of the rest of these in
15 (Exhibit published.) 15 f	front of you.
16 BY MS. NIELSEN: 16	How many invoices are in this exhibit?
17 Q Mr. Singh, what is this document?	MS. NIELSEN: And, Ms. DiNardo, if you could scroll
18 A This is an e-mail chain I was on when I was at Credit 18 t	through so the jury could see as well.
<b>19</b> Suisse. <b>19</b> A	A I count 18 invoices, ma'am.
20 Q And who is it from?	And what is the price on all of the invoices?
21 A It is from Mason Cranswick, who is now the coverage 21 A	A On each and every invoice the unit price listed is
22 officer for Mozambique. It is to myself and other CS 22 2	22-million-dollars-302-thousand.
23 colleagues.	And what type of ships are indicated in the invoices?
24 Q And what is the date?	And please feel free to go through it again.
25 A The date is the 23rd of October, 2015.	Sure. There are two types of ships indicated. One being
SAM OCR RMR CRR RPR	SAM OCR RMR CRR RPR
Singh - direct - Nielsen 2985	Singh - direct - Nielsen 2987
1 Q And what are you discussing in this e-mail with 1 a	a tuna boat longliner, so this is the main fishing boat in a
2 Mr. Cranswick? 2 t	tuna fleet. And another type of ship is a trawler boat or a
<b>3</b> A Sorry, to refresh my memory, is it okay if we just scroll <b>3</b> k	bait boat, and that type of ship is to carry around the bait
4 down the e-mail, please? 4 t	to support the main shipping vessels. So there's two
	different types of vessels.
6 MS. NIELSEN: Your Honor, may I provide a copy of	THE COURT: How many of each, can you tell?
7 the e-mail to the witness? 7	THE WITNESS: Yes, sir, just one second.
8 THE COURT: Yes, Mr. Jackson, would you take hard 8	(Pause.)
9 copy from counsel and present it to the witness? The document	
10 is in evidence.	(Continued on the following page.)
11 Take your time, sir, read through the e-mail and 11 12 then counsel will inquire. 12	
1	
1	
<ul> <li>15 A Yes, ma'am, sorry.</li> <li>16 Q What was the topic of discussion in the e-mail from</li> <li>16</li> </ul>	
17 Mr. Cranswick?	
18 A Ma'am, this e-mail is a note, an update note that has	
19 been prepared for people in Compliance in the Reputational 19	
20 Risk Department, and it's an update on the EMATUM transaction, 20	
21 what assets have been delivered and their financials.	
22 Q And are there attachments to this document?	
23 A Yes, there are, ma'am.	
24 MS. NIELSEN: And, Ms. DiNardo, if you would pull up 24	
25 Government's Exhibit 2923 in evidence. 25	
SAM OCR RMR CRR RPR	

	Proceedings 2988		Proceedings 2990
1	(continuing.)	1	MR. BINI: Thank you, Your Honor.
2	THE WITNESS: Your Honor, I can see 17 long liner	2	MR. SCHACHTER: With respect to that, Your Honor, we
3	tuna boats and three trawler boats.	3	do intend to submit a response and I was wondering if we could
4	THE COURT: And then it's up to 20, not 18, right?	4	advise the court tomorrow when we could submit our response.
5	You're the banker, but	5	THE COURT: Between now tomorrow morning at 9:27
6	THE WITNESS: I was a banker, sir, but you are	6	a.m. You have until 9:27 a.m. three minutes before I walk out
7	right.	7	here, to submit your response to their letter. That is the
8	THE COURT: Okay.	8	timetable because I am going to make a ruling with respect to
9	BY MS. NIELSEN:	9	it tomorrow.
10	Q Do you want to look one more time?	10	MR. SCHACHTER: Yes, Your Honor.
11	THE COURT: No. Maybe you want to take your 5	11	MR. JACKSON: Your Honor, this is very minor but we
12	o'clock break today at five minutes to 5 and take a look at it	12	just wondered if tomorrow I think the witness gets it, but
13	overnight and perhaps you will be in a position to tell the	13	I think with some of the witnesses Your Honor has emphasized
14	jury how many boats there were and of which type. Each one	14	that they're not to speak to anyone including their attorney.
15	had a total price of approximately \$22 million. Take a look	15	I wonder if tomorrow the Court could remind the witness that
16	at it and then tomorrow I'm sure counsel will begin by asking	16	that includes his attorney that he's not to speak to.
17	you if you've looked at the document overnight and what was	17	THE COURT: Absolutely.
18	the split between the long liners and the bait boats.	18	MR. JACKSON: Thank you, Judge. I always begin with
19	All right. Jury, do not talk about the case. Do	19	have you spoken with anyone about your testimony and anyone
20	not read about the case, do not think about the case. We will	20	means anyone, but then again I'm sold school, so. All right.
21	see you tomorrow morning at 9:30 a.m. and I will ask the	21	Is there anything else we need to talk about before we adjourn
22	witness other than looking at this document whether he has	22	for the day? From the Government?
23	spoken with anyone about the testimony.	23	MR. BINI: No, Your Honor.
24	Just look at the document so you can answer the	24	THE COURT: From defense counsel?
25	question. Thank you, have a good night. We are adjourned for	25	MR. JACKSON: No, judge.
	SN OCR RPR		SN OCR RPR
	Proceedings 2989		Proceedings 2991
1	the day.	1	THE COURT: Have a good evening, everyone.
2	(Jury exits.)	2	MR. BINI: Thank you, Judge.
3	THE COURT: The jury has left the courtroom. You	3	THE COURT: You're welcome.
4	may step down, sir.	4	
5	(Witness steps down.)	5	(Matter adjourned until Thursday, November 6, 2019
6	THE COURT: We will see you at 9:30 a.m. Do not	6	at 9:30 a.m.)
7	discuss your testimony with anyone. By all means take a look	7	
8	at that document and tell us which boats	8	
9	THE WITNESS: Should I take this?	9	- 00000 -
10	THE COURT: I think that would be a good idea.	10	
11	THE WITNESS: Thank you, sir.	11	
12	THE COURT: Be seated, ladies and gentlemen. Do we	12	
13	have any the witness is leaving the courtroom.	13	
14	Do we have any procedural issues that we need to	14	
15	discuss, anything from the Government.	15	
16	MR. BINI: Just very quickly.	16	
17	THE COURT: You may.	17	
18	MR. BINI: We filed this morning and I know Your	18	
19	Honor reads everything.	19	
20	THE COURT: I do not read everything, but I read	20	
21	that because that's my life these days. Go ahead.	21	
22	MR. BINI: We wanted to inquire if we should have	22	
23	Judge Susano come to the United States to be here for a charge	23	
24	conference.	24	
25	THE COURT: I will let you know tomorrow.	25	
	SN OCR RPR		SN OCR RPR

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3	WITNESS	PAGE	
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25	Government's Exhibit 2380  VB OCR CF	2913	
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