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SURJ AN SI NGH,
    called as a witness, having been previously duly
    sworn, was examined and testified as follows:
DIRECT EXAMINATION (Continuing)
BY MS. NIELSEN:
SURJ AN SI NGH
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    MS. NIELSEN: Ms. DiNardo, would you please pull up
    2153 in evidence.
(Exhibit published.)
Q And Mr. Singh, I believe when we left off yesterday
evening we were looking at this document; is that correct?
A Yes, ma'am, I believe so.
Q And what was the information that you were soliciting,
that Credit Suisse was soliciting from the defendant in this
document?
A This e-mail refers to the CEO and director names in
relation to the project company Proindicus.
Q And why was Credit Suisse collecting this information at
this time?
A Because it's part of our due diligence for our internal
approval process.
Q And did Credit Suisse have another name for due
diligence?
A Yes, so, often people refer to this particular process in
the DD as client ID or KYC, know your client.
Q And how did Credit Suisse conduct this kind of due
diligence?
A So, we would collate information from the client or
stakeholders in the transaction, we would put it together in
memos or e-mails and submit to the relevant approval process.
Q And how did the deal team collect this information?
A So, this information is being collected from
Mr. Boustani.
Q Were there other ways that the deal team collected this
information?
A Yes, so, one would meet in person, it could be by e-mail
or conference call. There are various ways in which we would
calculate information.
Q And from whom in Credit Suisse was this information
collected?
A This was for our compliance team, which deals with client
ID in particular, which then would roll up into the broader
approval process of reputational risk.
Q And what was the role of reputational risk in the
Proindicus transaction?
A Ma'am, it was to assess if Credit Suisse wanted to be
associated with a particular transaction, a particular project
and key stakeholders in those transactions.
Q And was there any other committee at Credit Suisse that
required this information that you collected through due
diligence?
VB OCR CRR
Singh - direct - Nielsen

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Singh - direct - Nielsen

A Yes, ma'am, the other primary committee was the credit risk management committee.
Q And what was the role of the credit risk management committee in the Proindicus transaction?
A Ma'am, they would determine how much of the loan can be provided by Credit Suisse. They would opine on the appropriate maturity of the loan, the key economic risk of the Ioan that Credit Suisse could accept, they would approve that.
Q Okay. And when you say how much of the Ioan Credit Suisse could extend, what do you mean?
A So, by way of example, in the e-mails we've seen, $\$ 350$ million is the project amount which is being discussed and it's referred to in these e-mails that the amount of money that would be provided by Credit Suisse as an investor will be in the range of $\mathbf{1 5 0}$ to $\$ \mathbf{2 0 0}$ million.

So, they will determine how much money we can give.
We cannot give the full $\$ 350$ million from Credit Suisse and keep it.
Q Do you know if the defendant was familiar with the fact that Credit Suisse was doing due diligence on the Proindicus deal?
A Yes, ma'am, he was familiar.
Q And how do you know that?
A Because he was a key point-person in the transaction
between Credit Suisse, the Government of Mozambique, the
VB OCR CRR

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project company and he would procure lots of DD, lots of information for us. And banks tell clients why they need it, they need it for their internal approval processes.
Q Did Credit Suisse do client ID on Privinvest?
A Yes, they did, ma'am.
Q And why was that?
A Because the subvention fee that was earlier referred to where Privinvest will pay a fee to Credit Suisse, Credit
Suisse cannot accept money from anyone without going, undertaking the full client ID process.
Q And Mr. Singh, I'm going to ask you a few yes or no questions at this point in time.

Do you understand?
A Okay, ma'am.
Q Did Credit Suisse have concerns regarding Privinvest's founder --

MR. JACKSON: Objection.
Q -- Iskandar Safa?
THE COURT: You know, I am going to sustain that objection.

So, the way you do it, rather than lead, which is not proper, is to say: What concerns, if any, did Credit Suisse have. And then you will not get an objection because you have put in the what, if any, they had. If you do get an objection to that form, I will overrule it. But if you say, I

VB OCR CRR
am going to ask you yes or no questions on direct, you are just begging for experienced Counsel to object to the form because you are leading and, as a traditional Judge, bound by the rules of evidence, it is going to be sustained.

So, the way you ask the question is to say: What, if any, concerns. And then, continue in that fashion. Who, what, where, when, how, describe, explain is how you ask nonleading questions and if you want to establish the basis,
you say, if any.
So, yes, I did used to teach evidence, too, and I was much tougher on my students than I am on this experienced Counsel now.

But objection sustained. Try it my way and then I
will overrule the objections, if you get any.
Go ahead.
MS. NIELSEN: Thank you, Your Honor.
THE COURT: You are welcome.
BY MS. NIELSEN:
Q What, if any, issues did Credit Suisse encounter in client ID related to Privinvest?
A So, ma'am, in relation to Privinvest, there were allegations of corruption in relation to its founder and that is something that Credit Suisse had concerns about and had to deal with.
Q And who was the founder of Privinvest?

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\hline \text { Singh - direct - Nielsen }
\end{array}
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A It was Mr. Iskandar Safa.
Q And were those concerns raised to the rep risk committee?
A Yes, they were, ma'am.
Q And was that in relation to the Proindicus and EMATUM transactions?
A Yes, ma'am.
Q Did the committee ultimately decide to execute the
Proindicus and EMATUM transactions despite this information?
A Yes, ma'am.
Q What did the reputational risk committee do in terms of additional DD, if any, to resolve the issues regarding Iskandar Safa?

A So, the due diligence I referred to earlier in this process is much more by where we will go to the clients and ask them for information and then they will give it to us directly.

The reputational risk committee and the compliance department, they commissioned external reports or research firms which look into clients and we often call that enhanced due diligence, but maybe the way to think of it is external due diligence. So, they commissioned a report along those lines.
Q Do you know if the fact that Privinvest had passed client ID at Credit Suisse was important to the defendant?
A Yes, it was.
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Q Did you attend?
A Yes, I did, ma'am.
Q Did the defendant attend?
A Yes, he did, ma'am.
Q And who did you meet when you on these due diligence trips in Mozambique?
A So, there are various people we would meet with. I remember myself in particular, I met with Teo Nhangumele the gentleman referred to in some e-mails yesterday. We met with the Minister of Finance and we met with the relevant persons at the Proindicus project company.
Q And was the due diligence successfully completed on the Proindicus loan?
A It was successfully completed, yes, ma'am.
Q Did Credit Suisse enter into a loan agreement with Proindicus?
A Yes, they did, ma'am.
VB OCR CRR

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Q Approximately when was that?
A That was right at the end of February. I think,
February 28th. 2012, sorry.
2013, I apologize.
Q Were you involved in that process, Mr. Singh?
A Yes, ma'am, I was.
    MS. NIELSEN: Your Honor -- sorry.
    Ms. DiNardo, if you would please pull up
Government's Exhibit 4 in evidence.
    (Exhibit published.)
Q Mr. Singh, do you recognize this document?
A Yes,ma'am, I do.
Q And what is it?
A This is the loan agreement that Credit Suisse provided to
the project company Proindicus.
Q And what is the date on it?
A It is the 28th of February, 2013, ma'am.
Q And how much was the loan for?
A The amount is $372 million.
Q And who is the borrower in this case?
A The borrower is Proindicus SA, which is a state company
in Mozambique.
Q And the lender?
A The lender is, it's detailed in the back, but I believe
it was Credit Suisse I nternational, the legal entity that is
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the lender.
MS. NIELSEN: And Ms. DiNardo if you would please
scroll to page 96.
(Exhibit published.)
MS. NIELSEN: The other page 96, it should be one
over.
(Exhibit published.)
Q Mr. Singh, who signed this document on behalf of Credit
Suisse?
A Ma'am, I signed it, in addition to a CS colleague of
mine.
Q And how many times did you sign it?
A I signed it three times, ma'am.
Q What were the different signatures for?
A They were different legal roles within the financing
agreement. So, there's three roles that Credit Suisse played
in the loan and I signed on behalf of those three roles.

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
Mr. Singh, who signed the loan agreement on behalf of
VB OCR CRR
Singh - direct - Nielsen


Proindicus?
A Ma'am, it is signed by two people, one the CEO as referred to in the earlier e-mail, Mr. Eugenio Henrique Matlaba.

THE COURT: Would you spell that for the reporter, please.

THE WITNESS: Of course, Your Honor.
Eugenio -- E-U-G-E-N-I-O, Henrique --
H-E-N-R-I-Q-U-E, zed, as in initial. And M-A-T-L-O-B-A --
sorry. M-A-T-L-A-B-A -- Matlaba.
Q And the other signature, Mr. Singh?
A The other signature is from a gentleman called Antonio
Carlos do Rosario.
Q And are you familiar with Mr. do Rosario?
A Yes, I am, ma'am.
Q And who was he?
A He was a director in Proindicus and he is later also CEO of the next project financing that Credit Suisse works for, 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.

Q Under this agreement, what were the funds that Credit Suisse was paying out on the behalf of the borrower supposed to be used for?
A They're supposed to be used for only for the EEZ project, which is the security, surveillance of the national waters of Mozambique.
Q And what does this loan agreement say about whether any funds from the loan proceeds were supposed to be used to pay kickbacks or bribes?
A It's prohibited, ma'am.
MS. NIELSEN: Ms. DiNardo, would you please bring up Government's Exhibit 5 in evidence.
(Exhibit published.)
Q Mr. Singh, do you recognize this document?
A Yes, I do I do, ma'am.
Q What is it?
A So, the loan agreement that we just reviewed was a loan
from Credit Suisse to a project company. And so that we would
be confident at Credit Suisse to be repaid the money under the loan, there was a guarantor, which was the Government of Mozambique as guarantee to the transaction and its repayment. And this is the guarantee agreement.

MS. NIELSEN: Ms. DiNardo, would you scroll to page 20.
(Exhibit published.)

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Singh - direct - Nielsen
MS. NIELSEN: I think there's another 20.
(Exhibit published.)

Q Mr. Singh, who signed this document on behalf of Credit
Suisse?
A Ma'am, I signed this document on behalf of Credit Suisse, along with the CS colleague.

MS. NIELSEN: And Ms. DiNardo, if we could go back to the other page 20.
(Exhibit published.)
Q And Mr. Singh, can you see who signed the document on behalf of the Republic of Mozambique?
A Yes, ma'am. It's signed by the Minister of Finance called Mr. Manual Chang.
Q Were you familiar with Mr. Chang at this point?
A I was familiar with the name of the minister. I can't recall if I've met him at this stage, but I know that I do meet him on the EMATUM transaction.

THE COURT: Were you familiar with his signature?
THE WITNESS: Yes, sir.
THE COURT: Is that his signature?
THE WITNESS: Yes, Your Honor.
THE COURT: Go ahead.
MS. NIELSEN: Thank you, Your Honor.
Q So, after these documents were signed, Mr. Singh, were the funds immediately distributed?
VB OCR CRR

A No, I don't believe it details the amount in the loan
VB OCR CRR
Singh - direct - Nielsen
agreement.
Q How did Credit Suisse memorialize the subvention fee?
A There was a separate agreement for that.
MS. NIELSEN: Ms. DiNardo, if you would please pullup Government's Exhibit 9 in evidence.
(Exhibit published.)
Q Mr. Singh, what is this document?
A Ma'am, this is the agreement which detailed the
subvention fee. It's called the contractor fee letter.

Q And who is this agreement between?
A This agreement is between Credit Suisse and Privinvest Group.

MS. NIELSEN: And Ms. DiNardo, if you could go back to the document.
(Exhibit published.)
Q Mr. Singh, can you see the date of this document?
A Yes, ma'am, it's the 21st of March, 2013.
MS. NIELSEN: And Ms. DiNardo if we could go to page 3, please.
(Exhibit published.)
Q Mr. Singh, who signed this document on behalf of Credit Suisse?

A Ma'am, it's signed by my then-boss Mr. Andrew Pearse with a CS colleague.
Q And can you see who signed this document on behalf of

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Privinvest Ship Building?
A Yes, ma'am. It is Boulos Hankach.
THE COURT: Would you spell that for the court reporter, please.

THE WITNESS: Of course, Your Honor.
Boulos -- B-O-U-L-O-S, Hankach -- H-A-N-K-A-C-H.
And Mr. Jean Boustani.
MS. NIELSEN: Thank you.
Ms. DiNardo, could you Kroll back to page 1.
(Exhibit published.)
MS. NIELSEN: And if you could, blow up the contractor fee portion in the middle.
Q Mr. Singh, what is the amount of the subvention fee indicated in the contractor fee letter?
A It is $\mathbf{\$ 2 8}$ million, ma'am.
Q And who was supposed to pay this subvention fee?
A It was Privinvest Group.
Q And who were they paying it to?
A To Credit Suisse.
Q And mechanically, how did Credit Suisse obtain the subvention fee?
A So, the agreement under the loan was to disburse the funds, not directly to Proindicus the state company, but on their behalf to the end recipient of the funds, which is going to be Privinvest Group.
VB OCR CRR
Singh - direct - Nielsen

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So, the agreement was that rather than pay them the full loan amount and ask for a feedback from them, we would disburse the net amount to Privinvest Group, net after withholding the subvention fee.

MS. NIELSEN: Ms. DiNardo -- I'm sorry.
Your Honor, at this time the Government would like to admit Government's Exhibit 6.

THE COURT: Any objection to Government's Exhibit 6?
MR. JACKSON: No objection, Your Honor.
THE COURT: Admitted. You may publish.
(Government's Exhibit 6 received in evidence.)
(Exhibit published.)
THE COURT: Let's go off the record for a second.
(Pause in the proceedings.)
THE COURT: Back on the record.
Go ahead.
Q Mr. Singh, do you recognize this document?
A Yes, ma'am, I do.
Q And what is it?
A It is a utilization request which is a formal letter we
require from a borrower. So, even after a loan agreement is signed and completed, we require a letter from the borrower to state that they wish to draw down the funds and they want the money from us. And this is that letter.

MS. NIELSEN: Ms. DiNardo, if you could show us the VB OCR CRR
second page, please.
(Exhibit published.)
Q Mr. Singh, can you tell if this document is signed?
A Yes, ma'am, it is signed.
Q And who is it signed by?
A It is signed by Eugenio Henrique Matlaba and Antonio
Carlos do Rosario.
Q And who are they?
A They are directors of Proindicus.
Q And by signing this document, were these individuals
agreeing that the proceeds of the loan could be paid?
A Yes, ma'am.
Q And where were they going to be paid to?
A They were going to be paid directly to the contractor, which is Privinvest Group.
Q And did Credit Suisse hold back the fees that we just
talked about, the subvention fee out of that amount?
A Yes.
MR. JACKSON: Objection.
THE COURT: Overruled.
You may answer.
A Yes, they did hold back the fees.
Q Now Mr. Singh, was there any negotiation about the subvention fee in relation to this initial Proindicus loan?

A Yes, there was, ma'am.
VB OCR CRR
Singh - direct - Nielsen
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Q
When was that?
A So, just before the agreement is signed on the 28th of February, my then-boss Andrew Pearse highlights that there is some ongoing discussion about the subvention fee. That's formally what he tells everyone at Credit Suisse.
Q And if you recall, what was the original subvention fee
supposed to be?
A It was $\$ 49$ million, ma'am.
Q And about when was that established?
A That's approximately when the term sheet and the key terms are agreed in September 2012.
(Continued on following page.)
VB OCR CRR

## EXAMINATION CONTINUES

 BY MS. NIELSEN:Q So what did Mr. Pearse negotiate in relation to the subvention fee that you just mentioned?
A So my boss, Andrew Pearse, when we were traveling together, after the -- I'm sorry, are you asking me the specific number?
Q I'm asking about the circumstances of the negotiation. A Circumstances, understood.

So, my boss, Andrew Pearse, as I said, is highlighted --

THE COURT: Whoa, slow it down. Lord Vader, not Chris Rock. Okay, slow it down, keep your voice up.

THE WITNESS: My apologies.
THE COURT: Put the question again and then we will have the answer so we have a clean record.

Counsel, put the question; and then, sir, answer it.
Slowly.
BY MS. NIELSEN:
Q Mr. Singh, what were the circumstances of the negotiation of the subvention fee that you're aware of?
A So after the loan agreement is signed at the end of February, there is some ongoing discussion about the subvention fee, what the final number would be.

I am traveling with my boss, Andrew Pearse, for
SAM OCR RMR CRR RPR

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business abroad. I overhear him having a conversation with someone, which is clearly about the Proindicus transaction. 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. J ean 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 $\mathbf{\$ 5}$ million, and he thinks he will get somewhere in the region of $\mathbf{\$ 2}$ million as a side payment made to him personally.

He agrees this with Mr. Boustani and he asks
Mr. Boustani to rather than negotiate or discuss this with him
SAM OCR RMR CRR RPR
directly, to put this proposal or need for a fee reduction to the coverage or the relationship officer, that is the gentleman called Adel Afiouni.

THE COURT: Would you spell that for the reporter? THE WITNESS: I will try from memory, Your Honor. THE COURT: Phonetically, please.
THE WITNESS: Adel, first name, A-D-E-L. Afiouni, A-F-I-O-N-I -- I'm sorry, I-O-U-N-I.

THE COURT: Continue.
THE WITNESS: Thank you, Your Honor.
A So, Mr. Pearse asks Mr. Boustani to contact the relationship manager to ask for this reduction. The reason being that it will look more arm's length, more above board, so not all the discussions are being between Mr. Boustani and Mr. Pearse.

Andrew tells me that Mr. Boustani calls Mr. Afiouni, Adel Afiouni, in relation to requesting this reduction in fees, and to his surprise Mr. Adel Afiouni makes a similar proposal to what Mr. Andrew Pearse has made, meaning that Mr. Afiouni is asking Mr. Boustani that: I will reduce the fees that you need to pay for a private payment to Mr. Afiouni.

Mr. Boustani refuses the request of Mr. Afiouni, as he's already made the agreement with my boss, Andrew Pearse, and he knows that my boss Andrew Pearse is the decision-maker

SAM OCR RMR CRR RPR
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in this matter.
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 with analysis on where he could negotiate and how low the fees could be.
SAM OCR RMR CRR RPR

Q And when you say "the fees," did that include the subvention fee?

3 A I mean -- I specifically mean the subvention fee.
4 Q And when were you doing these calculations for
$8 \mathbf{Q}$ Do you know if the defendant actually paid Andrew Pearse
the promised fee?
A I do not know, ma'am.
MS. NIELSEN: Now, Ms. DiNardo, if you could pull up, please, Government's Exhibit 9 in evidence.
(Exhibit published.)
MS. NIELSEN: And can you highlight the middle part
that shows the contractor fee?
BY MS. NIELSEN:
Q So, Mr. Singh, what was the contractor fee, again, that
was agreed on for the subvention fee?
A The final contractor fee is $\mathbf{\$ 3 8}$ million.
Q And what was it originally?
A I recall that in around September 2012 it was originally detailed at $\$ 49$ million.
Q So what was the reduction in fee related to those numbers?
A That is $\mathbf{\$ 1 1}$ million difference, ma'am.

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Q Did Andrew Pearse offer you any part of the subvention fee reduction that he had negotiated?
A No, ma'am, he did not.
Q Did you ever discuss with him getting a part of that?
A No, ma'am, we did not.
Q Did you tell anyone at Credit Suisse about this conversation that you had had with Mr. Pearse?
A No, ma'am, I did not.
9 Q Should you have told anyone at Credit Suisse about this
10 conversation?
11 A Yes, ma'am, I should have.
12 Q Whom should you have told at Credit Suisse?
13 A I should have -- normally in these situations, the
14 escalation point at Credit Suisse is to tell your boss, but as
15 this matter was in relation to my boss, I probably should have

20 being Credit Risk Management and Reputational Risk Management

THE COURT: Why didn't you tell your boss' boss when you heard this?

THE WITNESS: Sir, I had worked for Mr. Pearse for probably the better half of 15 years -- sorry, the better part of 15 years. I was very loyal to him, probably too loyal.

THE COURT: But why didn't you tell your boss' boss? I understand you were loyal to --
THE WITNESS: Yes, sir.
THE COURT: -- your boss, but if you knew it was wrong and you had an avenue, why didn't you do it?

THE WITNESS: Sir, I made a mistake.
THE COURT: Can you tell us why you made that
mistake? And then I'll let counsel go back to it.
THE WITNESS: Sir, I was -- I guess I mixed my loyalty to Credit Suisse with my loyalty to Andrew Pearse, who I had worked for, as I said, 15 years. I blurred the line between loyalty to my employer, my institution, and loyalty to my boss.

THE COURT: Go on, counsel.
MS. NIELSEN: Thank you, Your Honor.
BY MS. NIELSEN:
Q Mr. Singh, did it violate Credit Suisse policy for Andrew Pearse to accept a kickback from a client?
A Yes, it did, ma'am.
What policies?
SAM OCR RMR CRR RPR

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A There's an anti-corruption policy that I recall.
Q In your experience at Credit Suisse, would it have been
important for Credit Suisse to know that Jean Boustani had
agreed to pay Andrew Pearse a kickback?
A Yes, ma'am.
Q And is that in relation to what you just discussed about the importance to the Reputational Risk Committee?
A Yes, ma'am.
Q When Andrew Pearse shared the conversation that he had
with you after the phone call, did he ask you to keep the
information a secret from Credit Suisse?
A No, he did not explicitly ask me to do that.
THE COURT: Did he implicitly ask you to?
THE WITNESS: No, sir, he didn't implicitly ask me
to.
THE COURT: Go ahead.
BY MS. NIELSEN:
Q Why did you keep it a secret when you knew that it was a breach of Credit Suisse policy?
A Because there was anderstanding between us that this
was clearly an inappropriate payment. Andrew knew -- I'm sorry, Mr. Pearse knew that I was loyal to him and that I would keep this discreet and secret.
Q After Credit Suisse paid the proceeds of the Proindicus
Ioan to Privinvest, what did Credit Suisse do with the loan?
SAM OCR RMR CRR RPR

A So, ma'am, the loan amount that we advanced at the time is the full $\$ 372$ million. And, as I said, Credit Risk

8 A So, within the GFG team we had what is called a syndicate person. So that's an individual that organizes or works with sales teams throughout Credit Suisse. Those sales teams have relationships with end investors that want to invest their money in transactions like this. And so, the syndicate was working with the sales team globally to find investors for this project.
Q And who was the person that was doing that, that -- the sales of the syndication in this case?
A At the time it was a gentleman called Dominic Schultens.
Q Did the defendant, Jean Boustani, know that Credit Suisse was going to syndicate this loan and sell it to investors globally?

A Yes, ma'am.
Q And how do you know that?
A Because it's in all the documents that we've provided; the term sheet, the highly interested letter. It's also referred to in conversations of points by him to kind of

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encourage us to do the transaction. That there's going to be banks from Mozambique that will participate in the transaction. There will be banks from the Middle East that will participate in the transaction that he expects to be able to kind of bring along or encourage. So it's clear there's going to be a syndicated role.

MS. NIELSEN: At this time, Your Honor, the
Government would ask to admit Government's Exhibit 2292.
THE COURT: Publish it to your adversary and the
Court.
Any objection to this document being admitted?
MR. JACKSON: No objection, Your Honor.
THE COURT: It's admitted.
(Government's Exhibit 2292 was received in
evidence.)
THE COURT: You may publish it to the jury. MS. NIELSEN: Thank you, Your Honor. (Exhibit published.)
BY MS. NIELSEN:
Q Mr. Singh, what is this document?
A Ma'am, this is an e-mail chain I was on when I was at Credit Suisse.

MS. NIELSEN: And, Ms. DiNardo, yes, if you could blow up this, the second e-mail on the first page.
Q And, Mr. Singh, who is this e-mail from? SAM OCR RMR CRR RPR
A It is "Mozambique - syndication status."
Q And what do you understand Mr. Schultens to be explaining in this e-mail?
A So Mr. Schultens is summarizing conversations with various investors and the degree to which they are prepared to enter the transaction.

So, for example, at the top "committed" means that it is -- they are ready. They have signed documents to be able to participate in the transaction. And as you go down the page, it's decreasing levels of commitment at this time, more discussion.

MS. NIELSEN: And, Ms. DiNardo, if you could scroll down so the witness can view this, and onto the second page as well.
BY MS. NIELSEN:
Q Does this document indicate any potential investors in the United States?
A Yes, ma'am, it does.
Q Which ones?
A I recall that the investors Gryelock and TCW are linked
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to the U.S. However, I know specifically that ICE Canyon are based in the U.S.
Q How do you know that ICE Canyon is located in the U.S.?
A Because I've spoken to them in relation to this transaction.
Q And who at ICE Canyon did you communicate with?
A There was a gentleman called Aneesh Pratap that used to deal with this at ICE Canyon.

THE COURT: Would you spell that, please?
THE WITNESS: I'll spell it from memory, Your Honor.
It is A-N-E-E-S-H; second name Pratap, P-R-A-T-A-P.
THE COURT: Did you know that he was in the United
States when you spoke with him?
THE WITNESS: Yes, I did, Your Honor.
THE COURT: Did you speak with ICE Canyon people in
Ireland or other places outside of the United States?
THE WITNESS: No, I did not, Your Honor.
THE COURT: So the only dealings you had with ICE
Canyon were with ICE Canyon U.S. employees, is that your testimony?

THE WITNESS: Yes, that is right, Your Honor. THE COURT: Go ahead. MS. NIELSEN: Thank you, Your Honor.
BY MS. NIELSEN:
Q And how did you know that they were located in the United SAM OCR RMR CRR RPR

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## A Yes, it was, ma'am.

Q And that's your unit at Credit Suisse, correct?
A That's right.
Q And was that debt also rolled up to the parent company of
Credit Suisse?
A Yes.
Q And does that mean that it was also reflected on the books and accounting records of Credit Suisse Group?
A Yes, ma'am.
Q At any point during the development of the Proindicus
Ioan, did Andrew Pearse discuss with you other business opportunities outside of Credit Suisse?

A Yes, ma'am.
Q What type of opportunities?
A So, Mr. Pearse was interested in a fund idea, a concept.
So, we had worked in emerging markets, the particular emerging markets being central Eastern Europe, middle Eastern Africa.

And Andrew had an idea by which being as the head of GFG, he had met many rich individuals, high net worth clients as they were called. And he had an idea to create a fund by taking investments from those types of people and investing it in emerging market opportunities, mainly commodity-based.

Q And he discussed this opportunity with you around when?
A I -- I remember the discussions starting around
mid-February 2012, ma'am. Sorry, 2013, I apologize.
SAM OCR RMR CRR RPR

States when you communicated with them?
A Because to -- they were covered by a New York
salesperson. They were based in Los Angeles, which
unfortunately meant, given the time difference when I was in
London, that I would have to stay in the office very late to make phone calls with them because there's a -- I can't remember what it is now, but seven, eight hours' difference.
And obviously, kind of, his phone number, his details, his
e-mail signature. I recall specifically, I think he was based in Los Angeles.

Q Mr. Singh, did ICE Canyon actually invest in the Proindicus loan?
A Yes, they did.
Q When was the initial Proindicus loan completed?
A The disbursement -- sorry, ma'am, do you mean when was the loan agreement signed or when the funds were given to the borrower?
Q When the funds were given, roughly.
A That was approximately the 21st of March, or shortly thereafter.

Q And how much of the Proindicus loan, if any, was kept on Credit Suisse's books?

A I recall it was around $\mathbf{\$ 2 0 0}$ million of the $\mathbf{3 7 2}$ was kept by Credit Suisse.

Q And was that debt reflected on the books of the GFG?

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type of vehicle. And so we met some of those, and we met some people from Palomar Capital Advisors, as well.
Q What was the result of the trip in relation to the opportunity to purchase Palomar?
A I -- I mean I can't recall what Andrew's decision was in
the end or what his -- whether his view was to proceed or not, but I recall that it was very expensive to run this fund. I
mean, it cost a lot on an annual basis to just have this
vehicle and run it. The main reason being if you have a very
large public fund where you can attract lots of investors that's regulated and it's registered, there's lots of costs involved in that.

Q So after the trip to Liechtenstein, did Mr. Pearse
continue to discuss with you the idea of purchasing this fund?
A I mean there were some -- some discussions further than that, but not much.

Q What do you know about any further plans that Mr. Pearse had related to Palomar?
A I can't recall at the time now what his specific decision was in relation to Palomar Capital Advisors.

Q Did you ever hear that Andrew Pearse was associated with Palomar Capital Advisors after this trip?
A Yes, I do know he was.
Q And in what way?
A So, at some stage when Andrew leaves Credit Suisse, that SAM OCR RMR CRR RPR

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I haven't talked about yet, but at some stage when he leaves
Credit Suisse he reappears in around 2014 and it is clear that he has a business card with Palomar Capital Advisors on it.
Q And is that the same Palomar Capital Advisors that you looked at in Liechtenstein?
A I believe so, but I can't be certain.
Q You mentioned earlier when we were talking about the services you were providing to Andrew Pearse related to this fund that you assisted him in looking at an oil and gas matter; is that correct?
A That is right, ma'am.
Q Was there any particular reason you were looking at oil and gas?
A Oil and gas was the main opportunity in emerging markets.
In countries that we were looking at, oil and gas is very prevalent in emerging markets. So it was a typical investment that people would make there.

Q Was there any particular investment related to oil and gas contemplated in relation to this fund at the time?
A Yes, ma'am. Andrew was looking at -- sorry, Mr. Pearse was looking at the specific investment in a Mozambique offshore gas field. And in that opportunity, potential investors included Mr. Boustani and Mr. Iskandar Safa and Andrew Pearse.
25 Q Do you know if that project ever came to fruition? SAM OCR RMR CRR RPR

A I don't know, but I don't think so.
Q Mr. Singh, what other business, if any, were you involved in with Proindicus after the initial $\$ 372$ million loan?

A So, after the initial amount of the loan is disbursed, the $\mathbf{3 7 2}$ million, there were increases or upsizes of that transaction that come after.

Q How many upsizes?
A Ma'am, there were three upsizes of the Proindicus transaction. Two were completed by Credit Suisse, and a third one was completed by another bank, a Russian bank called VTB.

Q And about when did you first hear about Proindicus wanting an upsize?

A It was shortly after the loan closed. So if the loan closed on the 21 st of March, around the end of -- around the end of March there was talk of an upsize that was conveyed by my boss, Andrew Pearse.

MS. NIELSEN: Your Honor, at this time the
Government would ask to admit Government Exhibits's 2263?
THE COURT: Publish to your adversary and the Court.
Any objection?
MR. JACKSON: No objection, Your Honor.
THE COURT: Admitted.
(Government's Exhibit 2263 was received in
evidence.)
THE COURT: You may publish.
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MS. NIELSEN: Thank you, Your Honor.
(Exhibit published.)
MS. NIELSEN: Ms. DiNardo, can you scroll down to
the e-mail at the bottom of page 2 ?
BY MS. NIELSEN:
Q Mr. Singh, who is this e-mail from?
A Ma'am, this e-mail is from Andrew Pearse to myself,
Detelina Subeva and Dominic Schultens, and some other CS
colleagues.
Q And what's the date of the e-mail?
A It is the 28th of March, 2013.
Q And what does Mr. Pearse convey to you in this e-mail?
A Ma'am, it's being conveyed that Mozambique are asking if they can increase the transaction by $\mathbf{2 0 0}$ to $\mathbf{\$ 2 5 0}$ million.
Q And about how long after the first Proindicus loan closed
is this e-mail dated?
A This is about a week after.
Q If I could direct your attention to the e-mail at the top
of page 1. Actually, I think it will be the second e-mail on
page 1, on the top.
Who is this e-mail from, Mr. Singh?
A Ma'am, this e-mail is from Dominic Schultens, who is our head of syndicate to myself and Andrew Pearse.
Q And I believe that he mentioned something about something called Debtdomain in this e-mail.
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## DIRECT EXAMINATION

BY MS. NIELSEN: (Continuing)
Q And these are the original loan agreement and guarantee
for Proindicus that you just mentioned?
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?

A No, ma'am, they did not.
Q Did Credit Suisse actually extend an upsize to Proindicus following this e-mail?
A Yes. There are upsizes provided by Credit Suisse, ma'am. Q Roughly when did the first one occur?
A The first one occurs near the end of J une 2013, I believe around the $\mathbf{2 5 t h}$ of June. It is for $\mathbf{\$ 1 0 0}$ million.
Q Was Jean Boustani involved in this upsize?
A Yes, ma'am.
Q How was he involved?
A The key for providing an upsize to the loan is to determine the purpose for that upsize, so we would need details as to why the money was being spent. The reasons at the time were to grow the project, have a larger project, so more security, more surveillance, and, so, we would be given details of exactly what the money was to be spent on and the goods and services to be provided by Proindicus Group.
A Yes, ma'am. Debtdomain is a software platform that investor banks and syndicate heads, such as Dominic, use.
It's a convenient platform by which you could market a loan transaction to investors, give them documentation, and also receive their commitment.
Q And is that a source that would be used in relation to the Proindicus upsize?
A Yes, I believe so, ma'am.
Q And what type of documents would be loaded to Debtdomain?
A So they would include the loan agreement, the guarantee agreement, and a memo that provides an overview of the transaction and the structure, which would be put together by Credit Suisse.

> (Continued on the following page.)

THE COURT: Yes.
MS. NIELSEN: May I resume at the podium, Your
Honor?
THE COURT: Yes, please.
MS. NIELSEN: Thank you.
THE COURT: You may be seated, members of the public.

Please come forward, sir. We are having the jury brought back in.
(Witness resumes stand.)
THE COURT: Come up and stand until the jury comes in and then you can be seated.
(Jury enters the courtroom.)
THE COURT: Welcome back, ladies and gentlemen of the jury. Again, thank you for your promptness. Please take your time. Be seated.

You may be seated, sir. I am going to ask you, ladies and gentlemen of the public to be seated as well.

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Now, in the original Proindicus loan, you testified that MDL RPR CRR CSR

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there was a subvention fee paid by Privinvest to Credit
Suisse. Was there a similar arrangement in relation to the upsizes?
A Yes, there was, ma'am.
Q What other types of fees and revenues, if any, did Credit Suisse make in relation to the upsizes?
A So, in addition to the subvention fee, there was an arranger fee that was paid by the company, Proindicus, to Credit Suisse, and further, obviously by providing the loan and holding the loan, Credit Suisse received interest on the loan that was paid.
Q On the initial fees, were all of these taken out of the amount of money that was paid initially to Privinvest?
A Yes, ma'am. That is correct.
Q Did Credit Suisse record the debt for the upsizes on its books and accounting records?
A Yes, ma'am.
Q Were the upsizes also syndicated?
A Yes, they were, ma'am.
Q Where were the investors located to whom Credit Suisse was selling the upsizes?
A There was a global strategy. There were various locations at risk.
Q Did Credit Suisse market the upsizes to investors in the United States?

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A Yes, ma'am.
Q Which ones?
3 A Sorry, which investors?
4 Q Yes.
5 A So, as I saw the list previously that Dominic Shultens
6 had provided we marked in the States primarily through a
7 salesperson called Dan Jurkowitz, who was based here in New
8 York City. One of the key investors that I recall were ICE
9 Canyon, but there were others that I believe were linked to

19 A Yes, ma'am, I'm aware.
20 Q What were those restrictions?
21 A So Andrew Pearse -- I didn't read his contract, but
22 Andrew Pearse informed me himself that he was subject to
the States, such as TCW and Greylock.
Q How do you know that Credit Suisse marketed ICE Canyon
and these others?

A We were dealing with a salesperson, Dominic Shultens would sit next to me. So, outside of the e-mail, there were realtime discussions every five minutes about how much was selling and what we were doing.
Q Did Credit Suisse successfully sell the portions of the upsizes to these U.S. investors?
A Yes, ma'am.
Q At the time of the Proindicus upsizes, was Andrew Pearse still working at Credit Suisse?
A Ma'am, Andrew Pearse was working at Credit Suisse up to the first upsize, so I believe that upsize of $\$ \mathbf{1 0 0}$ million closed around the 25th of J une. So up until then Andrew Pearce was physically still at Credit Suisse.

Q And what happened - direct - Niel
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? certain restrictions, and at a later stage when he informs me that he is working for someone else, he is very concerned that would breach his agreement or his notice period for Credit

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Suisse and that would have ramifications for him.
Q What did he tell that he was worried about?
A So, at a later stage, Andrew Pearse informs me that he is going to be working for $J$ ean Boustani at Privinvest in helping them raise capital and monies and he is concerned that if Credit Suisse find outs that he is working for these persons, then the stock or deferred bonus that he is still due to be paid by Credit Suisse will probably be cancelled and he is concerned about that.
Q So you mentioned just now that Mr. Pearse was
contemplating going to work for the defendant Jean Boustani; is that correct?
A That is right.
Q When did he tell you about this?
A So, after the 25th of J une, when Andrew Pearse, as I have said physically -- I keep say physically because technically he is still employed at Credit Suisse -- has left, he invited me to his house to catch up. As I said, we were very good friends. I traveled down to his house and I meet him in short proximity to after him leaving.
Q And what did you discuss when you met him at his house? A So, I meet Andrew at his house. He lives outside of London. So it's a journey. It's the first time I've been there. I meet people. I see his place. And there is an ex-colleague there already, a gentleman called Antanas
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Petrosius.
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 he's only going to help them in raising money. And that's his MDL RPR CRR CSR
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value add.
They want my support in continually raising money for Privinvest Group and he mentioned further upsizes or increases to the Proindicus transaction that are to come and they want my support with those transactions.
Q What did you understand him to mean when he said they wanted your support?
A So, Andrew makes it clear that the contractor, J ean Boustani, will look after me. He will pay me money. It will be for the upsizes in the region of $\mathbf{\$ 1}$ to $\mathbf{\$ 2}$ million that they will pay me.

## Further than that, they also mention another

transaction, a transaction that Credit Suisse has not done.
It is later termed the EMATUM transaction. It is meant to be a very large transaction of somewhere between $\$ 500$ million to a billion and further they want me to help support all that under the clear understanding that Mr. Boustani will look after me also for that transaction.
Q Now, when you say they wanted your support, what specifically were you going to do for them in return for them looking after you?
A Ma'am, I was going to lobby for the transaction internally, I was going to allocate resources to make sure it was expedited. I was going to basically support it in its approval process internally.

Credit Suisse
THE COURT: Go ahead.
Q And when they -- when you mentioned that you were told that Andrew Pearse and the defendant would look after you, what specifically was that going to entail?

A That was monetary support. So, specifically, I am told for the Proindicus upsizes that are envisioned at that time, it would be $\mathbf{\$ 1}$ to $\mathbf{\$ 2}$ million that would be paid to me. The EMATUM transaction, which was just mentioned, there is no specific number discussed at that time because it's a brand-new transaction, but it is clear that there will be monetary support for that as well.
Q Was Andrew Pearse still working for Credit Suisse at the time that you took this run?

A Yes, ma'am.
Q Did you agree to this offer?
A Unfortunately, yes, ma'am. In poor judgment, I did agree.
Q Now, were the payments that you were going to receive from -- for your work supporting the Proindicus upsizes and the EMATUM transaction, was that going to be paid outside of your bonuses and salary from Credit Suisse for bringing in these deals?
-
Q And do you know where she was going to work after that?
A Yes, ma'am, I did.
Q And where was that?
A She was going to leave Credit Suisse and she was going to
join Andrew Pearse to work for him for Jean Boustani.
Q What did you know about Andrew Pearse and Detelina Subeva
relationship at this point in time?
A When Andrew Pearse tells me that he is going to leave
Credit Suisse, he also reveals to me that he and Ms. Subeva
have been having an affair.
Q Now, you mentioned Ms. Subeva was on the run with you
that you just discussed a moment ago in the forest?
A That is correct, ma'am.
Q Did you have any discussion with her about the
information that you and Mr. Pearse discussed?
A No, ma'am.
Q In relation to the money that you expected to receive,
that Mr. Pearse had told you you would receive for supporting
the Proindicus upsize and the EMATUM transaction, who did you
understand would be paying you?
A Jean Boustani.
Q And why did you think that?
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A Because that's what was discussed and the beneficiary of these transactions is Jean Boustani and his company Privinvest.

THE COURT: Discussed with whom?
THE WITNESS: Sorry, Your Honor. That is what I discussed with Andrew Pearse on this date.

THE COURT: Did you discuss it with Mr. Boustani directly?

THE WITNESS: No, sir, I did not.
THE COURT: Did you ever discuss it directly with
Mr. Boustani?
THE WITNESS: I do meet Mr. Boustani subsequently
after this meeting in Abu Dhabi where we discuss my creation
of a bank account by which the payments will be received to me.

THE COURT: Go ahead, counsel.
MS. NIELSEN: Thank you, Your Honor.
Q So you mentioned that your role in this scheme would be to support the transactions at Credit Suisse. Did Andrew Pearse say why they needed you to provide this assistance with the transactions?
A Because there was a concern that Privinvest Group client ideal, client approval is a difficult process for them given prior negative news or allegations that had come out. There is concern from them that if they don't do these transactions
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at Credit Suisse that maybe they will not be able to engage other banks to be able to complete these transactions. So the fact that client ideas have been successfully completed at Credit Suisse is very important for them. And, thus, they want to have greater confidence that the transactions will be completed at Credit Suisse.
Q And why can't Andrew Pearse do this himself at this point in time?

A Andrew Pearse has left Credit Suisse at this stage.
Q So after you agree to accept these kickbacks from the
defendant for helping him to obtain the Proindicus upsizes, did anybody ask you to do anything to facilitate the payments?
A Yes, ma'am. I was directed to open an offshore bank account in Abu Dhabi. That's a state in the country of the
United Arab Emirates. I was directed to a specific bank to open it and I was given instructions as to what I needed to open a bank account.
Q And who told you all of this?
A This was told to me by Andrew Pearse.
Q And what did you have to do in order to open the bank account?

A To open a bank account within Abu Dhabi, you need to have a residency permit. And to have a residency permit, you need to have, sounds obvious, but a residence and employment within Abu Dhabi. So I needed a job and a house.
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Q And at this point you did not have either, is that --
A That is correct, ma'am.
MS. NIELSEN: Your Honor, at this time the
Government would ask to admit Government Exhibit 3205.
THE COURT: Publish to your adversaries and to the Court.

## Any objection?

MR. JACKSON: No objection, Your Honor.
THE COURT: Admitted.
(Government's Exhibit 3205 received in evidence.)
THE COURT: You may publish.
MS. NIELSEN: Ms. DiNardo, can you blow it up a little. It is very small. Thank you.
Q Mr. Singh, can you see this?
A Yes, ma'am.
Q What is it?
A This is an e-mail chain that I was on when I was at Credit Suisse, although this is not my Credit Suisse e-mail account.

Q Which e-mail account on this document is yours or the one you are using?
A It is the one referred to as the
dilawarpropertylimited@gmail.com.
THE COURT: Would you spell that for the reporter, please.

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THE WITNESS: Of course, Your Honor. That is 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.

THE COURT: Thank you. Continue.
MS. NIELSEN: Yes, Ms. DiNardo, if we can go down to
the first e-mail in the chain, please. Can you make it even
bigger.
Q Can you read that, Mr. Singh?
A I'm sorry. I'm sorry, I think the end may be cut off.
MS. NIELSEN: Ms. DiNardo, if we can go back to the
address and the date.
Q Mr. Singh, can you tell from this who sent this first e-mail?

A Ma'am, this e-mail is sent by Mr. Jean Boustani to a gentleman called Naji Allam.
Q What is the date on the e-mail?
A The date is the 4th of July, 2013.
Q And what was Mr. Jean Boustani explaining to Mr. Naji Allam?
A So, Mr. Naji Allam is a CFO in the Privinvest Group and Mr. Boustani is instructing him to get me a UAE residency. He refers to on Logistics, which I later understand is the company in the Privinvest Group that will employ me, or provide me a fake employment, and he further instructs that Mr. Allam should coordinate with Andrew, and that I will be arriving next week.

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Q Where were you going to be arriving the next week?
A Ma'am, in Abu Dhabi for the process of this residency
visa.

MS. NIELSEN: Ms. DiNardo, if we can scroll up to the next e-mail.
Q Can you see the next e-mail on the bottom? I think it's
the bottom two lines.
A Yes, ma'am.
Q Who is that e-mail from?
10 A Ma'am, the e-mail is from Naji Allam.
11 Q Who is it to?
12 A It is to Mr. Boustani and Andrew Pearse.
13 Q And what e-mail address is Mr. Pearse using at this time?
14 A Ma'am, he is using a personal or informal e-mail address,
15 a Hotmail account.
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Q And what's the date on this e-mail?
A It is the 4th of July, 2013.
$4 \mathbf{Q}$ And at this time, was he still working for Credit Suisse?
5 A Yes, ma'am.
$6 \mathbf{Q}$ 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
9 stage.
10 Q But still technically working for them?
11 A Yes.
12 Q And what did Mr. Allam tell Mr. Boustani?
13 A Mr. Allam says: Okay and yes on logistics.
14 Q What did you understand that to mean?
15 A I understand that he's saying okay in terms of arranging
16 my residency and yes on the company that will give me the fake
17 employment.
18 Q And the e-mail, the response e-mail above, who is that
19 from?
20 A That is Andrew Pearse.
21 Q And who is it to?
22 A It is to Mr. Naji Allam.
23 Q And what did Mr. Pearse say?
24 A Thanks, Naji. Monday okay to do everything, question 25 mark.

MS. NIELSEN: And Ms. DiNardo if we could scroll up to the rest of the e-mail.
(Exhibit published.)
MS. NIELSEN: Sorry the next e-mail in the chain, Ms. DiNardo. I know this one is very small.
(Exhibit published.)
Q Who is this e-mail from?
A Ma'am, this e-mail is from Mr. Naji Allam to
Andrew Pearse and copying Mr. Jean Boustani.
Q And what did Mr. Allam say?
A Sorry could you... is it possible to have the...
MS. NIELSEN: Can we provide a hardcopy, Your Honor?
THE COURT: Yes, we can do that.
Mr. Jackson, would you get the hardcopy please and provide it to the witness so he can see it.

Also, even though it is smaller, can you at least
have it so the jury, as finders of the facts, can see it all.
I apologize, ladies and gentlemen, we could give you
a hardcopy and pass the book old-school, but it takes a bit longer.

THE WITNESS: Thank you.
THE COURTROOM DEPUTY: You are welcome.
MS. NIELSEN: Ms. DiNardo, if you could just scroll as the witness reads.

THE COURT: It's a fairly short paragraph, this one.
VB OCR CRR
Singh - direct - Nielsen

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?
A To open up my Abu Dhabi residency visa. These are logistics that he requires from me.
Q Did you, in fact, travel to the United Arab Emirates to obtain residency?
A Yes, I did, ma'am.
Q And when was that?
A It was a Monday. I believe it was the 7 th or the 8 th of July, 2013.
Q And did you meet anyone when you got there?
A Yes, ma'am. I, when I arrived, I met with Mr. Jean
Boustani at Privinvest offices in Abu Dhabi.

Q And what did you do?
A So, I met Mr. Boustani. We left their offices with his driver who took us to a residency center within Abu Dhabi.

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.
He expresses to me that the EMATUM transactions are incredibly important to him, that we need to get these done, he needs my support. Now that we've done this residency visa process we're brothers.

He gave me a hug. He told me he would look after me and he made jokes about the relationship banker that I was about to meet at the bank where I'm meant to open the bank account. So, he clearly knew the banker and the next steps that we were going through.
Q And why did you need to open up this bank account again?
A So that I could receive the kickback payments from
Mr. Jean Boustani.
MS. NIELSEN: Your Honor, at this time -- I'm sorry.
Ms. DiNardo, if you could bring up Government's
Exhibit 2458, which is already in evidence.
(Exhibit published.)
Q Mr. Singh, what is this?
A Ma'am, this is a residency visa. It's effectively a sticker within my passport on the passport page.

And there's a large, it's almost like a processing center, called migrant or residency permits. So, we entered there. The majority of people there were for typical labor-type jobs, so to fit in more I removed my jacket and tie to be a bit more casual. Once in there, there are a number of queues or processes by which you complete the residency requirements, one of which was a blood test. I recall that as I don't like needles.

And it took, we arrived there probably mid-morning, and Mr. Boustani took me through all these processes, and we probably finished early afternoon or late -- early evening. Q And why did you need to obtain this residency in the UAE again?
A Because I needed to have this residency permit to be able
to open a bank account in the UAE.
Q And did you perceive that the defendant understood that this was the reason that he was helping you to get this permit?

MR. JACKSON: Objection.
THE COURT: Overruled.
Asking for his perception.
THE WITNESS: Sorry.

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| Singh - direct - Nielsen | 2897 |

Q And is this the residency that you obtained when you met

## Mr. Boustani in the UAE?

A That is correct, ma'am.
Q And if we look at the bottom right-hand corner, on the right-hand side, there is an indication of a sponsor?
A Yes, ma'am.
Q What does that mean, sponsor?
A Sponsor means employer. And that's Privinvest Holding Abu Dhabi.
Q And what did this residency visa indicate is your profession?
A It indicates that I am an archives clerk, ma'am.
Q Were you working for Privinvest as an archives clerk at this time?
A No, ma'am.
Q Why did the residency card say that you were an archives clerk for Privinvest?
A Ma'am, it's a fake job to allow me to get a UAE residency.

THE COURT: Why say archives clerk? Why not say airplane pilot?

THE WITNESS: I, it was facilitated by Privinvest
Group and Mr. Boustani. I couldn't answer that question, Your Honor.

THE COURT: You did not pick the name archives
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clerk.

THE WITNESS: No, Your Honor, I didn't.
THE COURT: All right, go ahead.
Q Who provided you with that position?
A It was Mr. Boustani.
Q Where were you, in fact, working at the time that you got this residency card?
A Credit Suisse, ma'am.
Q Had you received any payments from the defendant before you received this card?
A No, ma'am.
Q Why not?
A Because it's only after this residency permit was created that I could create a bank account by which I could then receive payments.
Q Now you mentioned at the end of day when you were in the UAE obtaining this residency visa that Mr. Boustani had said that he would look after you?
A Yes, ma'am.
Q What did you understand that to mean?
A He would pay me money.
(Continued on following page.)

## EXAMINATION CONTINUES

BY MS. NIELSEN:
Q Did you, in fact, open the bank account that you
mentioned on the same trip when you went to obtain this residency visa?
A Not the same trip, ma'am, there's a subsequent trip.
Q After this trip to the United Arab Emirates, was there
another occasion during the summer of 2013 when you spoke with
Andrew Pearse about the kickbacks?
A Yes, there was, ma'am.
Q What were the circumstances?
A So, at this stage Andrew Pearse has left Credit Suisse, at least technically -- sorry, physically, he's left, but technically or contractually he's still working for Credit
Suisse. There was a team bonding event that had been planned a while back. It was a long weekend in Spain where myself and probably twenty other CS colleagues were going for a team bonding kind of fun time. Everyone had paid for their own tickets from personal money. And that included Andrew Pearse, he had paid for his own tickets a while ago. And so, he attended this bonding event. It was in Spain. It was mid July, so approximately a week after this. And at that event I had some alone-time with Andrew and the opportunity to talk to him.
Q And what did you talk about?

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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 and join Privinvest Group. He told me yes, that he was
financially secure. He was due stock from Credit Suisse over
the years. He was obviously, due money from Mr. Boustani in relation to the Proindicus deal he had done.

And, further, he indicated to me other transactions by which he had procured a side or a private payment for himself.
Q These are other transactions that he worked on while he was on the Credit Suisse?
A That is correct, ma'am.
Q Did you and Mr. Pearse discuss the possibility of you
joining him to work with Jean Boustani at Privinvest on this
trip?
A No, ma'am.
Q Now, when we were discussing the UAE trip that you took, you mentioned EMATUM.

What was the EMATUM project?
A Ma'am, the EMATUM project was a -- another project within
Mozambique, and that project was to create a national tuna fishing fleet for the Government of Mozambique.
Q And approximately when was Credit Suisse considering the EMATUM financing project?
A This is during July and August, and the transaction SAM OCR RMR CRR RPR

occurs in September.
Q And what was the specific type of financing that was being considered?
A Ma'am, it was a capital markets transaction.
Q What does that mean?
A That means that it is a debt security, but it is a -different from a loan, in that it is a debt which is created to be publicly traded by investors in the open market.
Q And who was the borrower going to be?
A The borrower was going to be a different project vehicle that had the short name EMATUM, and they were going to be the borrower for the financing. And they were going to purchase goods and services, primarily tuna fishing boats, from Privinvest Group; and Credit Suisse would lend the money for that and benefit from a government guarantee.

So, it was a similar structure to the Proindicus transaction; however, the underlying project was different and rather than a loan, it was a debt security that would be publicly traded.
Q Was there an aspect of the financing that was a loan?
A Yes, there was, ma'am.
Q And what was that?
A So, the securities were issued to capital markets investors, and the proceeds of those securities were used to advance a loan to the project company.
SAM OCR RMR CRR RPR
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2903
Q Now, you just mentioned that EMATUM was the project company.

## Who owned EMATUM?

 EMATUM was owned by the Republic of Mozambique. Do you recall how much money EMATUM wanted to borrow? They wanted to borrow $\mathbf{\$ 8 5 0}$ million.How much of that was Credit Suisse to participate in?
A Credit Suisse was willing to do, and got approvals for, $\$ \mathbf{5 0 0}$ million of the $\mathbf{8 5 0}$ million.
Q What role did the defendant have in the EMATUM project? A So, it was similar to the Proindicus project, in that Mr. Boustani was the point person for providing diligence, arranging diligence meetings, and, obviously, providing information himself about what the monies were to be spent on at Privinvest Group, i.e., what ships Privinvest Group would deliver for the monies.
Q And what was your role to the Privinvest Group in relation to the EMATUM transaction?
A So as the EMATUM transaction was a -- comprised a loan and a debt security, this transaction was undertaken by two teams at Credit Suisse. One being my team, which was the Global Financing Group, of which at this stage I am now the head, given Andrew has left. And another team called the Debt Capital Markets team, who deal with the capital markets aspects of this deal.

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Q You mentioned a few minutes ago that Mr. Boustani wanted your support on the EMATUM project and that he would take care of you?
A That is correct, ma'am.
Q What did the defendant want you to do for him on the EMATUM project?

MR. JACKSON: Objection.
THE COURT: If you know. Overruled. You may answer.
A So, it was similar to the -- my approach on the
Proindicus transaction, the Proindicus upsizes, that I would lobby for the transactions. I would allocate resources. I would support the transactions internally.
Q And what would the defendant give you in return for this support?
A Money.
Q And how was Andrew Pearse involved in this, if at all?
A So, Mr. Andrew Pearse at this stage has physically left Credit Suisse. He is working with Mr. Boustani in the background at Privinvest Group, and he is working with him on putting together the project, I guess aspects of materials that are going to be supplied. And he's working with
Mr. Boustani in the background.
Q What did Credit Suisse know about Andrew Pearse's involvement at this point in time?

\[

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A They did not know, ma'am.
Q Was anyone else who used to work at Credit Suisse involved in the EMATUM project?
A Yes, ma'am. Detelina Subeva, once she leaves Credit
Suisse, as I recall at the end of July 2013, she joins Andrew Pearse to work for Mr. Boustani.
Q Did anyone at Credit Suisse know about her involvement in the project after she had left Credit Suisse physically?
A I knew, ma'am.
Q Other than you?
A Other than myself, I don't believe anyone knew.
Q Did you agree to keep Andrew Pearse and Detelina Subeva's roles a secret?
A Yes, I did, ma'am.
Q And what did you do to keep it a secret?
A I didn't reveal to anyone that I was aware that they were working with Mr. Boustani. And they consequently made sure that they were not on any e-mails or any correspondence to my Credit Suisse e-mail account.
Q But did you, in fact, have e-mail with Andrew Pearse and Detelina Subeva during this time?
A I did, ma'am, yes.
Q And how did you -- what e-mail addresses did you use?
A It was -- I recall it was a private e-mail address that I
just -- we'd just seen on screen a minute ago, called
SAM OCR RMR CRR RPR

## DilawarPropertyLtd@gmail.com.

Q And what e-mail addresses did Mr. Pearse and Ms. Subeva use?
A They also used informal e-mail addresses like Hotmail and Gmail, et cetera.
Q What did you understand the defendant knew about the need to keep Andrew Pearse and Detelina Subeva's role a secret from Credit Suisse?

MR. JACKSON: Objection.
THE COURT: Overruled.
You may answer.
A I understood that he clearly knew that they should not be revealed or shown in any way, shape or form. There was no communication that Mr. Boustani ever sent to my Credit Suisse e-mail address that ever included them by name, reference or copied or forward. They were never included.
Q But at the time did you know that he was working with
them?
A Yes.
MS. NIELSEN: At this time, Your Honor, the
Government would ask to admit Government's Exhibit 2378 and 2378-A.

THE COURT: Publish to your adversaries.
Any objection?
MR. JACKSON: No objection, Your Honor.
SAM OCR RMR CRR RPR

Singh - direct - Nielsen 2907
THE COURT: Admitted.
(Government's Exhibits 2378 and 2378-A were received in evidence.)

THE COURT: You may publish.
(Exhibit published.)
MS. NIELSEN: Ms. DiNardo, can we pull up 2378
first? Thank you.
BY MS. NIELSEN:
Q And, Mr. Singh, what is this document?
A Ma'am, this is an e-mail chain I was on when I was at Credit Suisse.
Q And what's the date?
A The date is the 31st of July, 2013.
Q And what is the subject?
A The subject is: "Mozambique LPN heads-up memo."
Q And what is an LPN?
A An LPN is a loan participation note, and that is the acronym or the loan title as well for the type of debt security that was issued by EMATUM.
Q And was this a type of debt security that you mentioned the Capital Markets Group that you worked with would work on?
A Yes, ma'am.
Q And what is a heads-up memo?
A A heads-up memo is a memo that the deal teams put together. It is preliminarily or early stage, and it is SAM OCR RMR CRR RPR
submitted to people that we will be seeking approvals from, so that they have the opportunity to start to think about the transaction and help us thinking through any questions or areas we need to specifically look at.

MS. NIELSEN: And, Ms. DiNardo, if you would pull up Government's 2378-A in evidence.
(Exhibit published.)
BY MS. NIELSEN:
Q Mr. Singh, what is this?
A So, ma'am, in the previous e-mail there's reference to an attachment, a heads-up memo, and this is that.
Q Who drafted this?
A So this is drafted by the teams that are detailed on the front. So there we call ourselves Senior Financing Group, but we are GFG or Global Financing Group. That is a team headed by myself. There is the EMEA Capital Markets team, which is a team headed by Mr. Chris Tuffey, and they look after the capital markets aspects of the deal. And there is the Middle East coverage team, which is headed by a gentleman Adel Afiouni.

THE COURT: Would you spell that for the reporter, please?

THE WITNESS: Sorry, Mr. -- all the names, sir?
THE COURT: No, just the last two, Adel.
THE WITNESS: I'm so sorry. So Adel is spelled,

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A-D-E-L, and second name Afiouni, A-F-I-O-U-N-I.
THE COURT: And the other name below it?
THE WITNESS: Apologies, sir. And Said Freiha,
first name I also spelled S-A-I-D; second name spelled
F-R-E-I-H-A.
THE COURT: Thank you. Please continue, counsel.
MS. NIELSEN: Thank you, Your Honor.
(Continued on the following page.)

## direct examination

bY MS. NIELSEN: (Continuing)
Q From the front of this memo, who was it written for?
A It was written for EMEA Credit Risk Management, so the CRM approval that I referred to. However, the head of this group, which is a Mr. Peter Stevens, was also head of, co-head of the reputational risk committee. So this heads-up memo served a dual purpose of giving a heads up to Credit Risk Management and the reputational risk committee.
Q And what generally is described in the memo?
A Ma'am, it's an overview of the transaction, the structure, the key stakeholders in the transaction and also how we will distribute the transaction.
Q And was there any kind of a guarantee involved in this transaction, similar to the Proindicus transaction?
A Yes, ma'am. Credit Suisse is to provide a loan to the project company called EMATUM and the Government of Mozambique will provide a guarantee to that loan to ensure that if the project cannot repay Credit Suisse that the Government will have to repay Credit Suisse.

MS. NIELSEN: Ms. DiNardo, if we can scroll to page
5, I'm sorry, page 8.
Q If we can look at this project overview. If we look at the fourth paragraph down.

A Yes, ma'am.
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Singh - direct - Nielsen
2911
Q What does the memo indicate that the loan proceeds are to be used for?
A They're to be used to procure 22 vessels and related
infrastructure for the tuna fishing fleet.
Q And, Mr. Singh, do you recall who were the investors in the LPNs?
A I don't recall the specific investors as I wasn't deeply involved in the capital market side of the transaction because there was -- in the Proindicus transaction I' $m$ far more involved with investors, but here there is a capital markets team to do that.
Q Do you recall generally where the investors were going to be located?
A Yes, there was a global reach.
Q Does Credit Suisse ultimately hold some of the LPN's from the EMATUM issuance?
A Yes, they did initially.
Q What fees, if any, was Credit Suisse going to obtain for engaging in the EMATUM financing?
A So there was an arranger fee that was to be paid by the project company EMATUM. There was a subvention fee, similar to what was paid in the Proindicus transaction where Privinvest Group was going to pay a fee to Credit Suisse, and for the securities that Credit Suisse held, we would earn interest on those.

Q What did you understand that Jean Boustani knew about the type of financing that the EMATUM project was?
3 A He understood the financing and the structure of it.
4 Q What did he understand about what investors would be
5 investing in the project?
A He understood that it would be international capital markets investors in the transaction.

8 Q And how do you know that?
9 A One of the requirements for this transaction from one of
10 the approval committees we had internally at CS was that I had 11 to inform the Minister of Finance, then Mr. Manuel Chang, that
12 there would be a public capital markets transaction and
13 international investors would participate. The reason this
14 was important at Credit Suisse is that in this type of
15 transaction we don't want the client or the Government to be

23 Q Who was the Minister of Finance at this time?
24 A It was a Mr. Manuel Chang.
25 Q And where did the meeting take place?

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A In Maputo, in the offices of the Ministry of Finance. Maputo is the capital of Mozambique.
Q Now, you mentioned that this memo that we have just been looking at was designed to go to the CRM and rep risk heads; is that correct?
A That is correct, ma'am.
Q Were there other internal approvals that were required
for Credit Suisse to complete the EMATUM transaction?
A There were, ma'am. There was -- a key approval was the EI BC, the European Investment Banking Committee. That was an approval specific to this transaction because it was a capital markets transaction. Proindicus did not need their approval as it was a loan transaction.

MS. NIELSEN: Your Honor, at this time the
Government would ask to admit Government Exhibit 2380.
THE COURT: Any objection to 2380? Please show it 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.
Q Who sent it?

A It is from myself to Mr. Boustani and copying CS colleagues.
Q What's the date?
A The date is the first of August 2013.
Q And what is the subject of the e-mail, Mr. Singh?
A So, ma'am, I'm informing Mr. Boustani that we will be arriving in Maputo, which is the capital of Mozambique, for due diligence meetings in relation to the EMATUM transaction and I'm asking him to kindly arrange meetings with the relevant ministries and persons that we are looking to engage with.
Q And is this related to the due diligence meeting with the Minister of Finance that we just discussed?
A Yes, ma'am.
Q Was it on this trip that you met with Mr. Boustani and the Minister of Finance?

A Yes, ma'am.
Q Who else did you meet with on this due diligence trip?
A So, we met with the Ministry of Fisheries. We met with also Mr. Antonio do Rosario, who is CEO of the project company, EMATUM. Those are the key people I remember. Q Is that the same Mr. Antonio do Rosario who was also a director of Proindicus?
A That is correct, ma'am.
Q When you met with the Minister of Finance, do you recall MDL RPR CRR CSR

Singh - direct - Nielsen
2915
if there was anyone else from the Government of Mozambique who attended that meeting?

A I think there may have been a lady called I saltina Lucas and she worked within the Minister of Finance and she would attend our DD meetings, due diligence meetings. I'm sorry. I think she attended, if not that, then other meetings she definitely attended.

MS. NIELSEN: Ms. DiNardo, would you please bring up
Government Exhibit 2400 in evidence.
Q Mr. Singh, what is this document?
A Ma'am, this is an e-mail chain I was on when I was at
Credit Suisse; however, this is not my Credit Suisse e-mail.
It's a private e-mail chain.
Q And are you the recipient of this e-mail on the top?
A Yes, ma'am.
Q And that's the Dilawar Property Limited account?
A That is correct, ma'am.
Q And who is this e-mail from?
A It is from Detelina Subeva to me, copying Andrew Pearse.
Q And what kind of e-mail account is Ms. Subeva using at this time?

A She is using a G-mail account.
Q What's the date of this e-mail?
A Ma'am, it is the 5th of August.
(Continued on following page.)
MDL RPR CRR CSR

## (Continuing)

Q And what is Ms. Subeva explaining in this e-mail chain?
A Ms. Subeva is going through some $Q$ and $A$ or preparation work that she had been doing with people in Mozambique in relation to the DD -- the due diligence, sorry.
Q And based on the date of this e-mail, is this due diligence that would have been related to the trip that you took to Maputo where you met with Mr. Manuel Chang?
A Yes, ma'am.
Q And why was Ms. Subeva using a personal e-mail at this time to talk to you about the due diligence?
A Because they -- they, being Ms. Subeva and
Andrew Pearse -- want to conceal their involvement from Credit
Suisse.
Q So, when you took this trip to Maputo to have -- to meet with the Minister of Finance and the other Mozambican officials, did you also mention that you met with Mr. do Rosario?
A Yes, I did, ma'am.
Q And what did you discuss with Mr. do Rosario on this trip?
A So, Mr. do Rosario was the CEO of the project company, so
we discussed with him various details in relation to the
project itself, including technical aspects, operational
aspects and how Privinvest Group was selected for the project.
VB OCR CRR

Q Where did you meet with Mr. do Rosario?
A We met him at a hotel lobby. It was the hotel Polana.
Q And you said "we" just now.
Who, along with you, met with Mr. do Rosario?
A There was myself, there was another CS colleague called Edward Kelly and I can't recall, because we were coming on different flights, if another colleague called Galina Barakova also attended.
Q And what did you discuss with Mr. do Rosario, if
anything, about how the government had chosen Privinvest as a contractor in the EMATUM transaction?
A So, we had asked Mr. Antonio how they had been selected and Mr. do Rosario replied with details of other offers that they had received for the project. The offers were slightly different in terms of pricing and amount of infrastructure -sorry -- and by infrastructure, what I really mean are number of vessels for the tuna fishing fleet.

So, he had expressed this to us verbally. We took those details, and for communication purposes and comparison purposes, we put it into a table that we then confirmed with Mr. do Rosario reflected what he had told us, and he had confirmed this?
Q And when you say "we," who do you mean?
When you say "we" had put it into a table?
A Oh. I mean myself, Edward Kelly and, I'm pretty sure VB OCR CRR
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that I recollect Galina Barakova was also there. By "we" I mean the Credit Suisse team.
Q And do you recall any other contractors that
Mr. do Rosario told you had submitted for the EMATUM transaction?
A Yes. The one I recall is Fincanteri.
THE COURT: Spell it, please.
THE WITNESS: It is F-I-N-C-A-N-T-E-R-I, from

## memory.

Q Were there more than just the one bid?
A Yes, there were, ma'am.
Q Do you remember how many?
A I think there were, in total, including Abu Dhabi MAR, which is the subsidiary and credit -- in Privinvest Group which is supplying the vessels, including them there were three to four bids, I believe.
Q Did Mr. do Rosario show you any paperwork or any presentations when he explained the other bids to you?
A No, he did not, ma'am.
Q And when you and the Credit Suisse team had finished
making the table of the bids, did you show it to
Mr. do Rosario?
A Yes, we did, ma'am.
Q And did he confirm those bids?
A Yes, he did.

2919
Q Other than the meeting with the Minister of Finance that you've already described, did you spend any other time with Jean Boustani in Maputo or in other meetings on this trip?
A Mr. Boustani was at the meetings in this due diligence trip, yes. He was there.
Q Did you spend any other time with him, other than at the meetings?
A I don't -- I mean, maybe in the evenings together as a team, but nothing private that I recall.

MS. NIELSEN: At this time, Your Honor, the
Government would ask to admit Government's Exhibit 6040 and 6040-A.

THE COURT: Any objection to 6040 and 6040-A?
Show it to your adversary.
MR. JACKSON: No objection, Your Honor.
THE COURT: Admitted. You may publish.
(Government's Exhibits 6040 and 6040-A received in evidence.)

MS. NIELSEN: Thank you, Your Honor.
(Exhibit published.)
Q And Mr. Singh, what is the document you are looking at?
A This is an e-mail chain I was on when I was at Credit Suisse.
Q And what is the date?
A The date is the 13th of August, 2013.
VB OCR CRR

Q And, in fact, is that your name under the EMG Financing?
A Yes, ma'am.
Q What does EMG Financing stand for?
A EMG Financing is another name by which our team was
known, which is GFG Finance.
Q Is it an acronym, EMG?
A Yes, ma'am.
Q What does it stand for?
A Emerging markets.
10 THE COURT: And the G stands for group?

16 Q And was that approval necessary in order to proceed with 17 the EMATUM transaction?

A Yes, ma'am. Because the EMATUM transaction is a capital markets transaction, the EIBC committee's approval is required for all capital markets transactions.
Q And what's generally included in this memo, Mr. Singh?
A So, there will be an overview of the transaction, a
summary of the key parties, a summary of why Credit Suisse wants to do the deal, a list of due diligence meetings. It's quite a detailed memo.

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\end{array}
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2925
Q And is the memo designed to provide the information that the committee would need to make its decision?
A Yes, ma'am.
Q And what in this memo described the agreement made
between you and the defendant regarding the kickbacks that you
were going to receive in relation to this deal?
A There is nothing in this memo, ma'am.
Q What about in -- anything in relation to the kickbacks
that you were going to receive in relation to the Proindicus
upsize?
A There is nothing in this memo, ma'am, regarding that.
MS. NIELSEN: Ms. DiNardo, would you please scroll
to page 37.
(Exhibit published.)
MS. NIELSEN: And would you please blow up number 10, compliance.
Q And Mr. Singh, what is compliance?
A Ma'am, compliance is a control function within Credit
Suisse. It deals with various policies which relate to client
$I D$, reputational risk.
Q And do you see what's indicated under the anti-bribery
compliance section of the memo here?
A Yes, ma'am.
Q What is it?
A The deal team is familiar with Credit Suisse's global
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anti-bribery compliance manual and each member acknowledges that it has complied with the requirements set forth therein.
Q Had everyone complied with the anti-bribery compliance manual in relation to this memo at this point?

## A No, ma'am.

Q And why is that?
A I had not complied with this, ma'am.
Q And why is that?
A Because I had been promised kickbacks and I had agreed to receive them.
Q And is that in violation of the global anti-bribery compliance manual?
A Yes, it is, ma'am.
Q In your experience at Credit Suisse do you believe the committee would have approved the EMATUM transaction if they had known about the kickbacks?
A I think it's highly, highly, unlikely, ma'am, and it's never happened in $\mathbf{m y}$ experience.
Q In addition to the EIBC committee approval, were there other approvals required for the EMATUM transaction internally at Credit Suisse?
A Yes, ma'am, the approvals are reputational risk committee and credit risk management were required.
Q Did all of these committees ultimately approve the EMATUM transaction?
VB OCR CRR

2927
A Yes, they did.
MS. NIELSEN: Your Honor, at this time the
Government asks to admit Government's Exhibit 206.
THE COURT: Publish it to your adversary.
Any objection?
MR. JACKSON: No objection, Your Honor.
THE COURT: Admitted. You may publish.
(Government's Exhibit 206 received in evidence.)
(Exhibit published.)
MS. NIELSEN: Ms. DiNardo, would you scroll to
page 3.
(Exhibit published.)
Q Mr. Singh, what is this document?
A Ma'am, in the -- in relation to the EMATUM transaction,
this is the loan agreement that was signed.
Q And what's the date of the agreement?
A It is the 30th of August, 2013.
MS. NIELSEN: Ms. DiNardo, if you would turn to page 99, please.
(Exhibit published.)
Q And Mr. Singh who signed this document on behalf of Credit Suisse?

A Ma'am, I signed it with another CS colleague.
MS. NIELSEN: Ms. DiNardo, if you would scroll back
to page 98.
VB OCR CRR
(Exhibit published.)
Q Mr. Singh, can you tell who signed on behalf of EMATUM?
A Yes, ma'am. Antonio Carlos do Rosario as CEO has signed.
In addition to Henrique Alvaro -- I'm having some difficulty reading the remainder of the name.

Q That's fine. Mr. Singh, you mentioned before that this document memorialized part of the EMATUM transaction.

Could you elaborate?
A So, ma'am, what this agreement describes is the loan that is provided to the state company EMATUM.

The remainder of the transaction are securities that will be issued to capital markets investors and the proceeds of those securities, that have been raised through investors, will be used to purchase or fund this loan.

Q So, in relation to this agreement, the term facility agreement, what similarities are there, if any, between this Ioan agreement and the Proindicus loan agreement in relation to bribery and corruption?
A They are, they are similar in that respect.
Q And in what way are they similar?
A In the sense that it's prohibited. Corruption or corrupt payments are prohibited.

MS. NIELSEN: Your Honor, at this time the
Government would ask to admit Government's Exhibit 208.
THE COURT: Any objection to 208?

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Q Mr. Singh, what is this document?
A Ma'am, this is a guarantee from the Republic of
Mozambique provided in respect of the EMATUM loan.
Q And is it similar to the guarantee provided for the
Proindicus transaction?
A Yes, it is, ma'am.
MS. NIELSEN: Ms. DiNardo if you could scroll to page 18, please.
(Exhibit published.)
Q Mr. Singh, who signed this document on behalf of Credit Suisse?

A I signed it, ma'am, with a CS colleague.
MS. NIELSEN: Ms. DiNardo, if you would scroll to the other page 18.
(Exhibit published.)
Q And Mr. Singh, who signed on behalf of the Republic of Mozambique?
A It's been signed by the Minister of Finance, Mr. Manuel Chang.

Q And this is the same minister that you had a meeting with
in Maputo regarding the public transaction?
A Yes, ma'am.
Q And again, Mr. Singh, is this document substantially similar to the Proindicus guarantees?
A Yes, it is.
Q Under the EMATUM Ioan agreement, who did Credit Suisse send the proceeds of the loan to?
A So, under the agreement the loan is from Credit Suisse to the state company EMATUM and Credit Suisse sends the money, rather than to EMATUM, on EMATUM's behalf to the Privinvest Group.

MS. NIELSEN: Your Honor, at this time the
Government seeks to admit Government's Exhibit 2446.
THE COURT: Any objection?
Publish to your adversary and the Court.
MS. NIELSEN: If we can scroll back up.
MR. JACKSON: No objection, Your Honor.
THE COURT: Admitted. You may publish.
(Government's Exhibit 2446 received in evidence.)
(Exhibit published.)
MS. NIELSEN: Thank you.
Q Mr. Singh, do you recommend this document?
A Yes, ma'am.
Q And what is it?
VB OCR CRR

Singh - direct - Nielsen
2931
A This is an e-mail chain I was on when I was at Credit
Suisse.
Q And who is it from?
A It is an e-mail from Mr. Jean Boustani to myself and other CS colleagues, copying Naji Allam from Privinvest.
Q And what's the date on this document?
A It's the 6th of September, 2013.
Q And how close in proximity is that to the loan closing for EMATUM?
A It's about a week after.
Q What information is the defendant providing in this e-mail?

A Ma'am, these are bank account details for where the proceeds of the EMATUM transaction should be sent.

MS. NIELSEN: And Ms. DiNardo, if you could scroll down to the bottom of this page.

Q What is the bank that the proceeds were going to be sent
to?
A It is First Gulf Bank.
Q And whose bank account is that?
A That is a bank account of Abu Dhabi MAR.
Q And is that the contractor in this case?
A Yes, ma'am.
MS. NIELSEN: Ms. DiNardo, if you would scroll up, please.

VB OCR CRR

Q In the e-mail that's now at the top of the page from
2 Galina Barakova, can you tell me what's indicated in that
3 e-mail?
4 A Ms. Barakova is asking Mr. Boustani to confirm the
5 correspondent bank in relation to the transfer of the monies
for the loan.
Q And what is the correspondent bank?
8 A The correspondent bank is The Bank of New York, New York.
$9 \mathbf{Q}$ And what do you understand the correspondent bank to be?
10 A The correspondent bank, to my understanding, is the bank through which the monies are transferred.

MS. NIELSEN: Ms. DiNardo, if you could scroll up,
please.
Q What did Mr. Boustani respond?
A Mr. Boustani confirms that that is the right bank and that's the same correspondent bank that was used in the Proindicus transaction.
Q Mr. Singh, did Credit Suisse wire the money to the
Abu Dhabi MAR account after this?
A Yes, they did, ma'am.
Q And how much of the loan did they send to this bank account, if you know?
A It was the entire amount of the loan, minus the arranger
fees from EMATUM and minus the subvention fee equivalent that would have been agreed on this transaction.

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2933
Q Was the loan amount reflected on the books and records of
Credit Suisse when the loan money was paid to Abu Dhabi MAR?
A Yes, ma'am, it was.
Q You mentioned the other part of this transaction was the
LPNs; is that right?
A That is correct, ma'am.
Q Where was Credit Suisse marketing the LPNs?
A They would be marketed by the capital markets group
globally.
10 Q Did any U.S. investors participate to your knowledge?
11 A My understanding is they did, yes.
$12 \mathbf{Q}$ Do you know of any particular investors that
13 participated?
14 A I recall that Ice Canyon, the investor that I had spoken
15 to on the previous transaction, the Proindicus deal, they
16 participated. In the EMATUM transaction.
17 Q Do you recall when Credit Suisse began marketing the
18 EMATUM LPNs?
19 A It was around this time, in the first two weeks of
20 September. Maybe a little bit after the second week of
21 September.
22 Q Do you recall if Credit Suisse began to market these
23 prior to the closing of the loan?
24 A I can't recall if it's officially marketed before.
25 Q When Credit Suisse did start to market to the investors
VB OCR CRR
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And Mr. Singh, what
A Ma'am, this is the offering circular for the EMATUM transaction that Credit Suisse completed.
Q And this is the attachment to the e-mail that you sent to Jean Boustani?
A That is correct, ma'am.
Q And why did you send this to the defendant?
A Because I recall he requested it at the time.
Q Mr. Singh, do you know who created the offering circular?
A The offering circular was drafted by Clifford Chance, our
Counsel at Credit Suisse for this deal.
Q And did Clifford Chance know that the defendant was
paying you kickbacks in relation to this deal?
A No, ma'am.
Q And why not?
A Because I hadn't told anyone.
Q Where in the offering circular does it say that you are
receiving kickbacks from the defendant on the proceeds of the Ioan Credit Suisse paid to the defendant's company?
A It does not.
Q And why doesn't it say that?
A Because no one knew because I hadn't informed them.
Q Now, Mr. Singh, you mentioned before when we were talking about the trip that you took to the UAE to meet the defendant that he indicated that you would be taken care of related to
the EMATUM loan; is that correct?
A Yes, ma'am.
Q How much did you expect to be paid by the defendant for the EMATUM project?
A I expected to be paid for the Proindicus upsizes and the EMATUM transaction that was just completed in this offering circular, $\$ 5$ million.

Q And when did you settle on this amount?
A At the time when the EMATUM transaction is completed, around the second week of September, I received a phone call from Andrew Pearse. I recall that I was at home and the transaction's been committed to or disbursed at this stage.

Andrew Pearse conveys to me that the contractor J ean Boustani is very happy with the transaction, they were very pleased it was completed and he asks me what I want. So, I recall that $\mathbf{I}$ had been indicated one to $\mathbf{\$ 2}$ million for the Proindicus upsizes and so I told him that I wanted five, for

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| Singh - direct - Nielsen | 2937 |

the aggregate of the Proindicus upsizes, plus the EMATUM transaction that $I$ had completed.
Q Five what?
A Sorry. $\$ 5$ million.
He tells me, okay, hold on. I need to check with Jean.

So, he puts the phone down and within a reasonable short period of time, maybe within an hour of that, I get a call back and Andrew Pearse confirms to me that Mr. Boustani's confirmed that $\$ 5$ million is okay and his logic as to why it's okay is that the subvention fee --

THE COURT: Who is "his?"
THE WITNESS: Apologies, Your Honor.
A Mr. Boustani's logic.
THE COURT: Go ahead.
A As to why the $\mathbf{\$ 5}$ million is okay is that in the subvention fee that Credit Suisse was charging to Privinvest Group, there was a rebate or a reduction, depending on how well the transaction did. And that rebate or reduction that Mr. Boustani was not expecting to receive anything for was a material amount of money which net/ net, in his view, significantly reduced what he was paying me.
Q And what was the $\$ 5$ million in return for?
A The $\mathbf{\$ 5}$ million was in return for the Proindicus upsize that I had completed, plus the EMATUM transaction. The
$\$ 500$ million that is in his offering circular.
Q And how did you understand that the payments would be structured at this time?
A So, I was informed by Andrew Pearse that the payments would be paid in installments rather than one lump sum. And the reason for installments is that so that they do not attract too much attention. They go under the radar.
Q And while you and the defendant had agreed on the amount of kickbacks he'd pay you, had you actually received a payment prior to the signing of the EMATUM loan agreement?
A No.
Q Why not?
A Because the bank account was not opened yet. And I hadn't done the transaction.

MS. NIELSEN: Ms. DiNardo, would you bring up Government's Exhibit 5083 in evidence.
(Exhibit published.)
Q Mr. Singh, what is this?
A Ma'am, this is an e-mail chain I was on during my employment at Credit Suisse, but it's a private e-mail chain.
Q And who are you e-mailing with?
A So, I am e-mailing with Mr. Andrew Pearse.
Q And what's the date?
A It is the 11th of September, 2013.
MS. NIELSEN: Ms. DiNardo, if you can go out of the
VB OCR CRR
Singh - direct - Nielsen

## 2939

## blow up.

Q What are you discussing with Mr. Pearse in this e-mail?
A Ma'am, I'm discussing the final logistics of opening the bank account within Abu Dhabi where I'm expecting to receive payments from Mr. Boustani.
Q And if we look down to the second e-mail down. Who is that e-mail from?
A It is from Pauline Kamal to Andrew Pearse.
Q And who is Pauline Kamal?
A Pauline Kamal is the relationship banker at the Abu Dhabi bank. Abu Dhabi Commercial Bank.
Q Is this the relationship banker that you mentioned
Mr. Boustani was joking about on your trip to the UAE?
A Yes, that's correct.
Q And what did Ms. Kamal write to Andrew Pearse?
A Ms. Kamal is requesting a copy of my passport and importantly, my emirates ID, which is the residency visa.
(Continued on following page.)

EXAMINATION CONTINUES
BY MS. NIELSEN:
Q And why does she need that?
A Because without that, you cannot open the bank account.
Q Why is Andrew Pearse on this e-mail?
A Because he already has a bank account there, and he's
helping me with the logistics of opening this bank account.
MS. NIELSEN: Now, please scroll down to the second
e-mail from the bottom, please, Ms. DiNardo. That's the one,
thank you.
BY MS. NIELSEN:
Q What does Andrew Pearse write to Ms. Kamel?
A So, Mr. Pearse is informing Ms. Kamel that I will be introduced to her on Monday.
Q So will you --
A A couple days subsequent to this e-mail.
17 Q Were you planning on going to Abu Dhabi to open a bank
18 account around that time?
A Yes, ma'am.
Q And did anyone go with you?
A I recall Andrew Pearse was with me.
Q And you, in fact, took this trip?
A Yes, ma'am.
Q And what did you do when you got to Abu Dhabi?
A So, we went to the bank's headquarters where the account
SAM OCR RMR CRR RPR

Singh - direct - Nielsen 2941
was to be opened. I met with Ms. Kamel. We filled out some paper work and logistics required for the account. And I
recall Andrew also had some admin that he needed to do with
the bank in relation to his own account.
Q Did the defendant go with you on this trip?
A No, ma'am.
Q Did you meet with him at all while you were in Abu Dhabi?
A No, I do not recall that.
Q What information did you have to provide to open up the account?
A I can't recall the specifics of what was provided, but
there is an address that they have for me and e-mail communication, which I received later. So certainly those two vehicles were provided.
Q And this is in addition to your Abu Dhabi -- or your UAE residency?

A And my passport, yes, ma'am.
Q And where did you get the address that you provided to
the bank?
A It was provided to me by Mr. Boustani.
Q Was it your address?
A No, ma'am.
Q Do you know what address it was?
A I think it relates to some Privinvest address.
Q But it was not your address?
SAM OCR RMR CRR RPR

A It was not my address, no.
Q Did you open up the account while you were in Abu Dhabi on that trip?
A Yes, although logistically I can't remember if it's
officially opened a day later, but that is the meeting to open the account.

MS. NIELSEN: And, Ms. DiNardo, could you pull up Government's Exhibit 1843 in evidence, please?
(Exhibit published.)
BY MS. NIELSEN:
Q Mr. Singh, what is this?
A This is a bank statement in relation to the account that
I 'd opened in Abu Dhabi.
Q And what is the bank, if you look at the top right-hand corner?

A The acronym ADCB stands for Abu Dhabi Commercial Bank.
Q And do you see your name and address indicated on the
left-hand side?
A I do, ma'am.
20 Q Is that the address that you were provided?
21 A Yes, ma'am.
22 Q And who provided that you address?
A Mr. Boustani.
And that address is -- is that an accurate address for
you?
SAM OCR RMR CRR RPR

Singh - direct - Nielsen
2943
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.

MS. NIELSEN: Ms. DiNardo, can we switch to page 2, please?
(Exhibit published.)
MS. NIELSEN: And if you could blow up the second
box. Thank you.
BY MS. NIELSEN:
Q Mr. Singh, do you see the transaction on the first line of this ledger?
A I do, ma'am.
Q Can you see the date?
A Yes, ma'am. It's the 18th of September, 2013.
THE COURT: Blow it up a little bit, please, for the jury, it will be easier to read.
BY MS. NIELSEN:
Q Is that close in time to the date that you went to meet with Ms. Kamel at the bank?
A Yes, ma'am.
Q And at this point is the bank account open?
A Yes, ma'am.
MS. NIELSEN: And, Ms. DiNardo, I see you've got it there.
Q So what is this first transaction?
A It's a deposit in my account of $\mathbf{\$ 1}$ million.
SAM OCR RMR CRR RPR

## Q And what was this deposit for?

A This deposit was the first installment of the $\mathbf{\$ 5}$ million that I'd been promised.
Q And if you can see under the "Description" heading, what do you understand that to mean?
A It was funds transferred from a specific account.
Q Do you know whose account that is?
A Mr. Jean Boustani's.
Q Is that what you thought at the time?
A Yes, ma'am.
Q Have you ever had any reason to doubt that it was from Jean Boustani?
A No.
THE COURT: Why do you think it was from Boustani? THE WITNESS: Because, sir, that's who had promised me the money.

THE COURT: Go ahead.
MS. NIELSEN: Your Honor, may I have a moment?
THE COURT: You may.
(Pause.)
MS. NIELSEN: Your Honor, at this time the
Government would seek to admit Government's Exhibit 2475.
THE COURT: Any objection?
Publish it to your adversary and the Court.

MR. JACKSON: No objection, Your Honor.

9 Credit Suisse.
10 Q What's the date of the e-mail?
A It is the 22nd of September, 2013.
Q And who is it from?
A It is from Mr. Jean Boustani to myself, and he is copying CS colleagues Adel Afiouni and Said Freiha, and a gentleman which is not from Credit Suisse called Abboud Makram, who I recall is from a bank called VTB.
Q And what is the e-mail about?
A The e-mail I recall is about the remaining $\mathbf{\$ 3 5 0}$ million
for the EMATUM transaction. So, initially the project size is
$\$ 850$ million. Credit Suisse provides $\$ 500$ million and has the
exclusive right to provide the $\$ 350$ million remaining at a later stage within a certain number of months.
Q So on this date has Credit Suisse already paid the 500 million?
A Yes, ma'am.
SAM OCR RMR CRR RPR

Q But not any more than that?
A No more than that.
Q And if you look at bullet or paragraph number 1 there, what does Mr. Boustani say about the EMATUM bond?
A He refers that the EMATUM bond is public and their prospectus clearly highlights 850 as the project value.
Q And --
A Sorry.
Q Go ahead.
A And they have been approached, sorry, "they" being the Mozambican Ministry of Finance have been approached by lots of banks and financial institutions for interest in completing the remainder of the bond.
Q And you mentioned that the subject of this e-mail was an additional 350 million to be loaned under the EMATUM transaction, is that correct?
A That is correct, ma'am.
Q And you also indicated that Credit Suisse had not yet participated in that?
A That is correct, ma'am.
Q Were they going to consider participating in this
350-million-dollar upsize -- I'm sorry, in the additional money?

THE COURT: Put another question.
BY MS. NIELSEN:
SAM OCR RMR CRR RPR
Singh - direct - Nielsen
2947
Did Credit Suisse participate in the 350-million-dollar
additional issuance?
A No, they did not, ma'am.
Q And why not?
A Because the $\mathbf{\$ 5 0 0}$ million that we had advanced was not selling as well to investors as we had hoped, so the objective in the 500-million-dollar transaction was to underwrite or promise the monies to Mozambique and sell it all to investors. But the sale to investors was not going as well as Credit Suisse had hoped and we still had some bonds left on our books and records, which we were not permitted to have within our CRM limits.

Q Do you know why the defendant wanted an additional 350 million so quickly after the initial 500 million?
A No, I'm not sure why it was so quickly required.
Q What did you do, if anything, to help Jean Boustani obtain the additional 350 million?
A So, I worked with the teams internally at Credit Suisse to think about a solution, which could help Credit Suisse and could allow the client to proceed, "the client" being, sorry, Mozambique and Privinvest Group to proceed with their 350-million-dollar additional financing. And a solution was sought by which -- because Credit Suisse did not want to do the $\$ \mathbf{3 5 0}$ million, that there was a solution with VTB by which VTB would take some of our remaining bonds and, thus, complete SAM OCR RMR CRR RPR
our requirement to sell the bonds and we would release our right to do the upsize and give it to VTB.
Q And when you say "we," you mean Credit Suisse?
A Sorry, ma'am, yes, to be clear I mean Credit Suisse.
Q And did VTB ultimately issue the $\$ 350$ million additional money?
A Yes, they did.
MS. NIELSEN: Now, Ms. DiNardo, could you please
bring up Government's Exhibit 1843 in evidence again?
So after the first -- and I'm sorry, yes.
BY MS. NIELSEN:
Q Mr. Singh, what is this document again?
A This is a bank statement in relation to my Abu Dhabi bank account.
Q And is it the one we just looked at a few minutes ago?
A Yes, ma'am.
Q Now, after that first payment of $\$ 1$ million that we
looked at, in the succeeding months did you receive additional
payments from the defendant?
A Yes, I did, ma'am.
Q Do you recall how many?
A Including this payment, there were seven payments. So six further payments.
Q Six further payments.
MS. NIELSEN: And, Ms. DiNardo, if you would please SAM OCR RMR CRR RPR

Singh - direct - Nielsen 2949
go to page 5. To the bottom box, please. One more column. BY MS. NIELSEN:
Q Do you see any of those payments in this ledger?
A Yes, ma'am, I see two payments.
Q And what are they?
$A$ The first payment is on the 24th of October. It is description B/ O Logistic International SAL Offshore AUH for a deposit in my account of $\mathbf{\$ 8 0 0 , 0 0 0}$.

And the second payment is on the $\mathbf{2 7}$ th of October,
2013, funds transfer from an account number for $\$ 1$ million.
Q So looking at the first transfer of $\$ 800,000$ under the
description you said that it indicated Logistics International
SAL?
A Yes, ma'am.
Q What do you understand that to be?
A I recall from the client ID process at Credit Suisse that
Logistics International SAL is a subsidiary within the Privinvest Group.
Q And so what was your understanding of the source of that \$800,000?

## A That it's Privinvest Group.

Q Did you believe that that money came to you from the defendant?

THE COURT: Hold on one second.
Do we have -- off the record.
SAM OCR RMR CRR RPR
(Off the record.)
THE COURT: Let's go back on the record.
Can we have the question back, please?
(Question read.)
A Yes, that kind of money came from Mr. Jean Boustani.
Q Now, looking at the second transaction on October 27th --
I'm sorry, October 27th, yes?
A Yes, ma'am.
Q Where did that come from?
A That also came from Mr. Jean Boustani.
Q Do you know if that account number is Mr. Jean Boustani's account?
A No, I don't.
Q So what makes you think that it came from Mr. Boustani?
A Because the monies were promised to me by Mr. Jean Boustani.
Q Did you ever have any opportunity in the ensuing years to question whether or not that had directly come from Jean Boustani?
A I know in relation to the indictments and the pleas that have come later, there has been some detail that Andrew Pearse was linked to some of the accounts. I don't know exactly how -- sorry, some of the transfers, I don't know exactly how. But my understanding is clear, I was promised the money from Mr. Boustani. It was paid from Mr. Boustani.
SAM OCR RMR CRR RPR

Singh - direct - Nielsen
2951
Q So even if it came through Andrew Pearse, you believe it came from Mr. Boustani?
A Yes, ma'am. MS. NIELSEN: Ms. DiNardo, could we go to page 8, please? And the bottom box, please.
(Exhibit published.)
BY MS. NIELSEN:
Q Do you see an additional transfer of money that you
believed was from the defendant on this ledger?
A Yes, ma'am.
Which one?
A On the 28th of November, 2013, the one that has B/O Logistics International SAL Offshore AUH, there is $\mathbf{\$ 8 0 0 , 0 0 0}$ which is deposited in my account.
Q And, again, what is the reason that you believe that that came to you from the defendant?
A Because that company name, one I recognize, is part of the Privinvest Group, but more importantly, I -- the monies were promised to me by Mr. Boustani and they're being paid.

MS. NIELSEN: Ms. DiNardo, can we now look at
page 11? And the third box.
(Exhibit published.)
BY MS. NIELSEN:
Q Mr. Singh, do you see an additional payment that you
believe came from the defendant?
SAM OCR RMR CRR RPR

A Yes, ma'am.
Q Which one?
A The payment on the 24th of December, 2013. Description
B/ O Logistics International SAL Offshore AUH. \$800,000 being deposited into my account.

MS. NIELSEN: And, Ms. DiNardo, if we can now go to page 14. Sorry, the top box. You.
BY MS. NIELSEN:
Q Mr. Singh, do you see an additional payment from the defendant in this ledger?
A Yes, ma'am.
Q Which one?
A On the 29th of January, 2014, description B/O Logistics
International SAL Offshore AUH. There is a deposit of \$799,960.

MS. NIELSEN: And, Ms. DiNardo, if we can go to
page 17. And the third box.
(Exhibit published.)
BY MS. NIELSEN:
Q Mr. Singh, do you see an additional payment from the defendant in this ledger?
A Yes, I do, ma'am.
Q Which one?
A On the first of March, 2014, description B/ O Logistics
25 International SAL Offshore AUH, there is a deposit in my

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| Singh - direct - Nielsen |  |  |  |

account of $\mathbf{\$ 5 0 0 , 0 0 0}$.
Q And, Mr. Singh, all together, how much did you receive from the defendant?
4 A I received just under $\mathbf{\$ 5 . 7}$ million.
5 Q And what were these payments for?
6 A These payments were for my support in the Proindicus
upsize transaction and the EMATUM $\mathbf{\$ 5 0 0}$ million that Credit

## Suisse did.

$9 \mathbf{Q}$ Were any of these payments or any part of these payments
10 a loan from Jean Boustani or from Privinvest to you?
11 A No, ma'am.
12 Q What amount, if any, of these payments was to entice you
13 to come and work for Jean Boustani or any of his related
14 entities?
15 A Zero, ma'am.
16 Q Did you understand that any amount of these payments was
17 to entice you to come and work for Andrew Pearse?
18 A No, ma'am.
19 Q Mr. Singh, were you receiving any of these monies as a
20 salary from Privinvest?
21 A No, ma'am.
22 Q So I believe that you testified that you had agreed to
23 kickbacks of $\$ 5$ million for the Proindicus and EMATUM
24 transactions, is that right?
25 A That is correct, ma'am.
SAM OCR RMR CRR RPR

Q So how much more than that did you actually receive?
A Approximately just under $\mathbf{7 0 0 , 0 0 0}$ was paid extra into the
account.
Q Do you know why you were given the extra 700,000?
A I think it was an error on their part.

THE COURT: "Their part" being?
THE WITNESS: Apologies, sorry. Mr. Boustani and
Privinvest.
BY MS. NIELSEN:
Q Did you tell anyone that you'd been overpaid?
A No.
Q Did you offer to give it back?
A No, ma'am, I didn't.
Q Why not?
A I guess I was greedy at the time, ma'am.
THE COURT: Did you report any of this largess to
any taxing authorities?
THE WITNESS: No, I did not, Your Honor.
THE COURT: Go ahead.
BY MS. NIELSEN:
Q Mr. Singh, when did Andrew Pearse make it public that he
was working for another company after leaving Credit Suisse?
A I recall it to be in the year 2014, sometime during then.
Q Do you recall what company it was?
A It was -- he had a business card for Palomar Capital

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Advisors.
Q And is that the same Palomar Capital Advisors that we
talked about earlier today in relation to the fund you saw in
Liechtenstein?
A I think it is, but I can't confirm.
Q And how did Andrew Pearse's work at Palomar relate, if at
all, to the defendant, Jean Boustani?
A I didn't -- from my perspective I didn't see any
distinction between Palomar and Privinvest. They were one and
the same as a group.
Q Mr. Singh, in October of 2014 were you planning a trip to the United States?
A Sorry, when?
THE COURT: In October of 2014 were you planning a trip to the United States?

THE WITNESS: Yes, I was.
BY MS. NIELSEN:
Q And where were you going?
A I was going to Washington, ma'am.
Q Did you discuss this trip with anyone before you left?
A Yes, ma'am, I discussed it with Andrew Pearse before I
left.
Q And where were you when you discussed this?
A I was in London.
Q And what did you discuss with him?
SAM OCR RMR CRR RPR

## A That I was going to Washington. He was meant to be in

 New York at the time and I was gonna meet him in New York as I passed through to Washington.Q And did you, in fact, meet with Mr. Pearse in New York?
A Yes, I did, ma'am.
Q Where did you meet him?
A I met him in Manhattan. I recall it was a bar/ restaurant
where I met him.
Q I'm sorry, what was the purpose of your trip to
Washington, D.C.?
A They have annual meetings of the I MF, the I nternational
Monetary Fund. We have a very significant gathering of clients of Credit Suisse, of governments, and it's a very convenient forum to meet people there.
Q And why were you going?
A To meet people on behalf of Credit Suisse.
Q And was Andrew Pearse going with you?
A I don't recall, no. I don't think so.
Q So what did you discuss with Mr. Pearse when you met him at the bar in Manhattan?

A I don't recall specifically what I discussed. It was more a social context from what I recall. But other than meeting him, I can't remember what I discussed with him. Q Did you discuss any of the Mozambique business that you had been working on with him?

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MR. JACKSON: Objection.
THE COURT: Overruled.
A It's possible, ma'am, but I can't remember specifically.
THE COURT: Do you remember generally?
THE WITNESS: Yes, sir, I remember meeting with him
in Manhattan specifically. I was traveling with colleagues, I think they may have met him as well.

THE COURT: Do you remember generally the subject of
Mozambique coming up?
You said you don't remember specifically, I'm asking you if you remember generally if that topic came up when you met with Mr. Pearse in Manhattan at this time. Either you do or you don't.

THE WITNESS: I don't recall specifically, Your
Honor.
THE COURT: Do you remember generally is what I am asking you, not specifically. You keep saying specifically --

THE WITNESS: Apologies.
THE COURT: -- and I am asking you generally, which
is a different question.
Do you remember generally whether you talked about Mozambique when you met with Pearse in Manhattan, either you do remember that generally or you do not remember that generally?

THE WITNESS: I do remember that generally, Your SAM OCR RMR CRR RPR

Honor.
THE COURT: Go ahead.
BY MS. NIELSEN:
Q Mr. Singh, were you involved in any further --
THE COURT: No.
What do you remember generally about discussing it?
That is why I am asking the question.
I understand you don't remember specifically, you
say you have a general recollection. Please tell the jury
what your general recollection is as best you recall it. They are entitled to the evidence, so tell them.
THE WITNESS: Understood, Your Honor.
Your Honor, I recall that in a short period of time
after this meeting we start discussing an extension of the Proindicus transaction, and I generally remember discussion about that at this meeting.

THE COURT: Next question.
MS. NIELSEN: Thank you, Your Honor.
THE COURT: You're welcome.
(Continued on the following page.)
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SAM OCR RMR CRR RPR
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bY MS. NIELSEN: (Continuing.)
Q I'm sorry, you mentioned that you were involved in an extension --

A Yes, ma'am.
Q -- following this meeting. What was the extension?

A Ma'am, the Proindicus transaction had, I recall, an original maturity date of six years from when it was completed in 2013 and there was a request from the government of Mozambique to extend the maturity date so that repayment of the loan could be delayed.

Q And why did Proindicus need this extension?
A Because the Proindicus project, which was meant to generate revenues, meant to generate U.S. dollars in profit, it had not commenced and it was not generating any real revenues or profit to be able to pay for the loan itself.

Q Do you recall when the payments were due on the
Proindicus loan?
A Yes, ma'am. They were due each year in March. So, the next payment would be due in March 2015.

MS. NIELSEN: Your Honor the government would seek to admit Government Exhibit 2813.

THE COURT: Any objection to 2813?
Publish it to your adversary and the Court.
MR. JACKSON: No objection, Your Honor.

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## A That's correct.

Q And what's the date on the e-mail?
A 25th of November 2014.
Q And what are you and Mr. de Rosario discussing in this
e-mail?
A Mr. de Rosario is chasing up or following up with me in relation to the extension of the Proindicus transaction.

MS. NIELSEN: And, Ms. DiNardo, if we could scroll down a little bit to the first e-mail on the second page.
Thank you.
BY MS. NIELSEN:
Q Mr. Singh, who is this one from?
A This is an e-mail from Mr. de Rosario to me.
Q Does he say something about having a trip to Maputo in this e-mail?
A Yes, ma'am. He is referencing that I've just visited Maputo and him, and that I have a good trip back.
Q And why were you in Maputo in November of 2014?
A It was for due diligence in relation to the Proindicus extension.
Q Did Andrew Pearse have any role in the Proindicus extension?

A Yes, ma'am. Andrew Pearse and some other ex-colleagues of CS were working for Palomar Capital Advisors who was the official advisor of Proindicus, the state company, and they
were advising them of this extension that they requested.
Q When you were discussing this with Mr. de Rosario, was
Credit Suisse going to try and get the extension done?
A Yes, ma'am, they were.
Q And why was that?
A Because the plan was to extend the loan so as to not call under the guarantee from the Republic of Mozambique. By calling out the guarantee, it would be a strain on 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 revenue.
Q So if Proindicus didn't get the extension, the government
guarantee was going to have to be invoked?
MR. JACKSON: Objection.
THE COURT: Overruled.
In your view.
A
Yes, it would definitely be invoked.
Who else had to be consulted to push through this
extension?
A Investor consent was required.
Q Do you recall how many investors there were at the time?
A I think approximately $\mathbf{1 5}$ to $\mathbf{2 0}$ investors were in this transaction, including Credit Suisse.

Q And did the extension ultimately get done?
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A Yes, ma'am, it did.
Q And what banks participated in the extension?
A A number of banks. The majority of the banks were
existing investors. So lenders gave consent to change the terms of the financing and some new banks also entered into the financing where other banks did not want to consent.
Q And Credit Suisse was involved in the extension; correct?
A That is correct, ma'am.
Q And what about VTB?
A VTB was also a lender and they also gave consent to the extension.

Q So you just mentioned right now giving consent for the extension. Was consent required of the investors?
A Yes, ma'am.
Q Did they have to give a particular form of consent?
A It would have to be written consent.
Q Do you recall discussions regarding the extension with
any particular investors about this extension?
A Yes, ma'am, Ido.
Q Which ones?
A In particular I remember the discussions with the
investor, I ce Canyon, that was in the transaction and we were seeking their consent to extend the transaction.
Q Why do you remember this one?
A The gentleman at Ice Canyon was a very good negotiator, SN OCR RPR
how do you call it, a tough cookie, and he received a very good fee transaction or fee deal from Credit Suisse to provide his consent.
Q And who is the gentleman that you're discussing?
A A gentleman called Aneesh Partap.
MS. NIELSEN: Your Honor, at this time the
government would ask to admit Government Exhibit 2826.
THE COURT: Publish it to your adversary.
Is there any objection?
MR. JACKSON: No objection, Your Honor.
THE COURT: Admitted.
(Government Exhibit 2826 received in evidence.)
THE COURT: You may publish.
MS. NIELSEN: Thank you.
(Exhibit published.)
BY MS. NIELSEN:
Q Mr. Singh, what is this document?
A This is an e-mail chain that I was on when I was at Credit Suisse.

Q And who is it from?
A It is from Daniel Jurkowitz to myself and Dirk Hentschel.
Mr. Jurkowitz is a salesperson based in New York and
Mr. Hentschel is a syndicate person now within the GFT team.
MS. NIELSEN: Ms. DiNardo, can you go to page ten of this e-mail, please? If you could make it just a little

## larger.

BY MS. NIELSEN:
Q Mr. Singh, who is this e-mail from and to?
A Ma'am, this is from Daniel Jurkowitz the CS salesperson
to Aneesh Partap at Ice Canyon and is copying Dirk Hentschel,
the syndicate person that worked for me and my team.
Q Is this the individual that you mentioned before?
A Yes, ma'am.
Q And what are you discussing -- what is Mr. Jurkowitz
discussing with Mr. Partap in this e-mail?
A He -- Mr. Jurkowitz is requesting from Mr. Aneesh to hopefully complete the consent letter, the documentation we need for the consent as quickly as possible. He's reiterating the fees that we're paying him which is substantive compared to other investors in the transaction.

Q So, Mr. Singh, did you, yourself, deal directly with Mr. Partap?

A Yes, I did, ma'am.
Q And I think you indicated that Mr. Partap was a tough cookie, but what did it actually take for him to agree to the extension?
A So, ma'am, there were two things he required which -- in the loan market, the fees that are paid to lenders are based on an individual basis. So each lender, depending on the situation, relationship with the borrower sometimes ask for

Q Mr. Singh was there any upsize associated with this extension?
A Yes ma'am there was.

## What was it?

A So, Mozambique and their advisor insisted on some form of upsize or ability to increase the transaction even further.
At this point, the transaction has a total amount of $\$ 622$ million outstanding. So that's the $\$ 372$ million that we did initially, plus all the upsizes that have happened; but even at that stage there's a strong request from them to include an ability to upsize. So some form of upsize under conditions is allowed.
Q Did Credit Suisse actually raise any additional money for Proindicus?
A No, we did not.
Q Why not?
A Because it wasn't feasible. This transaction is something which has entered into an extension. An extension for the reasons that the project has not been successful or on SN OCR RPR
time, is not generating revenues and the guarantor has asked for a -- supported that extension and not just paid automatically under the guarantee.

So this has not left a positive feeling in the market and most investors have consented to this because there are existing lenders in the transaction. So it's very unlikely with that negative sentiment in the market that any new lender is going to come in.
Q What, if anything, discussions did you have with Andrew Pearse about upsizes for Proindicus around this time?

A Around this time, the discussions for upsize is -- when you say around this time, do you mean once the extension has finished in mid-December prior to that or after that?
Q Once the extension is finished.
A Okay. In the following year, in 2015, I had discussions with Andrew Pearse where they are seeking to --

THE COURT: They?
THE WITNESS: Sorry.
THE COURT: Who is they in 2015 when you were
talking with Pearse?
THE WITNESS: Proindicus.
THE COURT: Go ahead.
A Is seeking to raise further monies through this upsize ability they have in the financing. They are asking Credit Suisse to see if they have investors or if Credit Suisse would
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like to give money and it is clear from $m y$ perspective that it's not possible at that stage for anyone to give money.

Q And what was Andrew Pearse's role at this time in relation to Proindicus?
A Andrew Pearse at this stage was at Palomar Capital Advisors and they were advisors to Proindicus. Q And did you ever learn that anyone else in 2015 from Credit Suisse had contracted you?
A Yes. In around February or March of 2015 there is a new head of emerging markets in the CS London team. That new head is being --

THE COURT: Who is that new head? Name?
THE WITNESS: The gentleman's name is Eraj Shrivini.
THE COURT: Spell it for the reporter.
THE WITNESS: E-R-A-J S-H-R-I-V-I-N-I.
THE COURT: Continue.
A So the new head of emerging markets is being introduced to a number of clients of Credit Suisse to get a feel for his role and to meet clients and understand the market better. And Mr. Afiouni, Adel Afiouni takes the new head of emerging markets to Mr. Iskandar Safa's house in central London and introduces Eraj Shrivini to Mr. Safa and they talk about new business opportunities and what can be done together.

And I understand at that meeting that Mr. Afiouni gives a lot of confidence that we can do upsizes in the

Proindicus transaction.
Q And did Mr. Pearse have a reaction to that that he shared with you?
A Yes, he did, ma'am.
Q What was it?
A I was in the office at Credit Suisse in London. I
received a call from Mr. Pearse. He was extremely angry and frustrated. He was furious that although I had given very clear feedback that it's not possible to raise any further monies at Proindicus, that Mr. Afiouni had brought around someone as senior as Eraj Shrivini and had made these promises that we will raise money for you; you being Proindicus Privinvest. And he was mad because it made him look foolish. It made him look as though he didn't know what he was talking about with his Palomar/ Privinvest colleagues.

Q And following that call with Andrew Pearse, did Jean Boustani or Andrew Pearse come to you with any additional requests for assistance in relation to the Mozambique business?

A Yes. They did. In 2015 subsequent to that, but I'm not entirely sure when in 2015.

THE COURT: Don't mumble.
THE WITNESS: Apologies, sir.
A So, in 2015, I'm approached by Andrew Pearse and Andrew Pearse requests from me support in signing a document. The
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document relates to an advisory fee that Palomar Capital Advisors has been promised to be paid by Proindicus and that advisory fee is to be paid in installments over time.

The team at Palomar have tried to sell these
installments to an investor. I understood it to be a German investor, who would buy this installment stream or annuity from them and pay them money up front. That investor needs extra comfort that the guarantee from the Republic of Mozambique covers or guarantees also the payment of those installments.

So Andrew Pearse requests from me to sign a document of sorts, it is not detailed what document, that will support the assertion that the guarantee covers these installments. And they want me to sign because I'm a signatory from Credit Suisse.

I refused to sign this document. Subsequent to my refusing to sign this document, I later discovered that the investor has pulled out of purchasing these installments or these annuities and that has meant that Palomar Capital is not receiving monies that they were expecting to.

I meet with Mr. Pearse subsequent to that and it is conveyed to me that Mr. Boustani is extremely unhappy that I refused to sign this document and that he is extremely frustrated. He believes that I should be supporting his transactions continuously, given that he has paid me money. I SN OCR RPR
remind Mr. Pearse the specific tasks that I was given for those monies which was the Proindicus upsize plus the EMATUM \$500 million transaction.

But Mr. Pearse conveys to me that Mr. Boustani feels that once you have taken his money that you are his partner for life. There is no one transaction; I am working for Mr. Boustani. I maintained that I refused to sign and a follow-up meeting with Mr. Pearse, I am told that Mr. Boustani wants his money back from me, the monies of $\mathbf{\$ 5 . 7}$ million that had been paid to me because I refused to sign the letter. I tell him that, no, I will not return these monies.

Mr. Boustani conveys through Andrew Pearse a threat to me to send a letter to my employer at Credit Suisse and that would detail that he had paid me monies --

THE COURT: He, who?
THE WITNESS: That Mr. Boustani had paid me monies. THE COURT: Go ahead.

A And it was inappropriate for me to take them and he would demand it back. I told Mr. Pearse that such a threat was not credible; that there is as much guilt on my side as there is with him. Him sending me a kickback -- Mr. Boustani sending me a kickback and me receiving the kickback from Mr. Boustani, and so I say that I'm not going to do this. He conveys to me --

## THE COURT: He?

SN OCR RPR

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A Mr. Pearse conveys to me that Mr. Boustani is extremely angry. It's a matter of principal, that he doesn't care, and he will go to Syria and live in Syria or Lebanon if need be. I said that that's not credible and I refused to pay back the monies. Mr. Pearse advised me to be careful and think through what I'm doing. Mr. Pearse tells me, be careful; these are not good people.

## I read this to be --

MR. JACKSON: Objection.
THE COURT: Overruled.
Finish your story.
THE WITNESS: Thank you, Your Honor.
A That is a personal threat or a threat against my personal security that I take into consideration and I'm scared and I tell Mr. Pearse to tell Mr. Boustani that allow me to leave Credit Suisse, and once I leave Credit Suisse, I will sort something out with Mr. Boustani. And after that stage, he --

THE COURT: He?
THE WITNESS: Sorry, Your Honor.
A After that statement from me through Mr. Pearse to Mr. Boustani, the follow up or the frustration of Mr. Boustani is not conveyed to me further. They are waiting for me to leave Credit Suisse and I will try to sort something out at that stage.

THE COURT: Does that complete your answer?

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THE WITNESS: Yes, Your Honor.
THE COURT: Next question.
BY MS. NIELSEN:
Q Mr. Singh did the defendant in fact tell Credit Suisse or send any letter to Credit Suisse about your kickbacks?

A No, ma'am. There was no letter.
Q Did you ultimately decide to leave Credit Suisse?
A Yes, I did, ma'am.
Q When did you decide to leave Credit Suisse?
A I left in February 2017.
(Continued on the following page.)
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## (Continuing)

Q So, when was the series of conversations that we've just discussed, that you just discussed?
A They were in 2015.
Q Did anything else happen in 2015 regarding the payments
that you'd received from Jean Boustani besides the
conversations with Mr. Pearse that you just conveyed?
A Yes, ma'am.
Q What was that?
A I was approached again by Mr. Pearse, who had the idea
for me and him to create a term sheet, which would describe the payments that I'd received, the $\$ 5.7$ million, as an investment that had been placed for me as a kind of investment manager.

So, the plan was to create a fake term sheet to
describe -- to disguise the payments that had been made to me to give them a false reason or purpose.

Q And who was it that was supposed to have made these false investments for you?
A Mr. Boustani.
Q And in the term sheet, was it Mr. Boustani that would be indicated as the person making the investments?

If you recall.
A Yes, I recall it as Mr. Boustani.
Q And how did you find out about this from Mr. Pearse?
VB OCR CRR

A So, Mr. Pearse approached me with this idea. I went to meet him in discussion -- regarding the discussion of this term sheet and the only time that he could meet with me --

THE COURT: He?
THE WITNESS: Apologies, Your Honor.
A The only time Mr. Pearse could meet with me was on the train that he was taking from London to Paris, the Eurostar.

So, I accompanied Mr. Pearse on the train from London to Paris and on this train journey, on his laptop, was typed up the term sheet that conveyed this fake investment with me.

Q Do you recall what the amount of the investments indicated on the term sheet was?
A I don't recall the amount, but it was, it was, it was all the monies that were paid to me. So, 5 or $\$ 5.7$ million.

Q And who typed up the term sheet?
A It was typed up on Andrew Pearse's laptop, by Andrew.
Q Mr. Singh, were there any actual investments related to this term sheet between you and Mr. Boustani?

A No.
Q So, what was the purpose of the term sheet?
A It was to disguise the payments that had been made to me.
Q Did you know who you were trying to disguise them from?
A There was no specific person identified. It was general concern and fear.

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Q And what happened after you took this train ride with Mr. Pearse and typed up the term sheet?

A So, the term sheet is near complete by the time we reach
Paris, the Gare du Nord station, and we finish off the term
sheet in a cafe near the station. I say good-bye to Andrew, he traveled on to where he needs to go and I take the next train back to London.

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 after this point?

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 frequency of meeting and talking and discussing significantly VB OCR CRR

## reduced.

Q What about your relationship with the defendant, Jean Boustani?
A Very similar to Mr. Pearse in that frequency of discussion, meetings, basically reduced very significantly. Less than Andrew, in fact.

THE COURT: How do you know Boustani knew about the term sheet; that it wasn't just Pearse?

How do you know that?
THE WITNESS: So, I don't know with certainty. I
only base my impression and awareness based on what
Andrew Pearse told me.
THE COURT: Go ahead.
Q Mr. Singh, did there come a time when you learned of a need to restructure the EMATUM LPN?

A Yes, ma'am, there was.
Q And when was that?
A This was around mid-2015.
Q And how did you learn about it?
A I was approached by Andrew Pearse and Dominick Schultens both of which, obviously, previously from Credit Suisse and now working at Palomar Capital Advisors.
Q And why was it necessary to restructure the EMATUM LPN?
A Because the EMATUM project, similar to the Proindicus project, had not reached a stage where it was producing
VB OCR CRR

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significant revenues or significant profits. Certainly not enough to repay any debt.
Q And how were -- how was Palomar involved in this
transaction?
A I understood Palomar to be an investor advisor to EMATUM.
Q And was Credit Suisse going to be involved in the restructuring?
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
LPN -- in exchange for a brand new bond, or different VB OCR CRR
security. And this exchange route was the route that Credit Suisse agreed to be pursued.
Q And because there were pre-existing LPN holders, what would EMATUM have to do -- well, EMATUM or Credit Suisse -have to do about the existing LPN investors?

A They would have to give their consent.
THE COURT: "They," being who?
THE WITNESS: Apologies, Your Honor.
A The investors, the EMATUM note holders, would have to give their consent for any exchange or extension.
Q And who was going to be the borrower after the exchange?
A After the exchange, the borrower was not going to be the project company EMATUM anymore. It was to be the Republic of Mozambique directly. So, the government itself.
Q And how was Credit Suisse going to participate?
A Credit Suisse was going to arrange the exchange, so there are two aspects to that.

One is the creation of a new security, a Eurobond, which can be offered to the EMATUM note holders in an exchange.

And the second aspect is actually going forward and asking investors to exchange.
Q And what's Credit Suisse -- was Credit Suisse going to make a fee for these services?

A Yes, they were, ma'am.

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| 1 | Singh - direct - Nielsen |
| 2 | EMATUM exchange? |
| 3 | A It was primarily the debt capital markets team headed by |
| 4 | a gentleman called Chris Tuffy. And there was a specialist |
| 5 | team that did exchanges. I think they were called liability |
| 6 | management, headed by a gentleman called Andrew Burton. |
| 7 | Q And was there a coverage person dealing with this |
| 8 | exchange? |
| 9 | A Yes, ma'am. The key relationship officer for Mozambique |
| 10 | was a gentleman called Mason Cranswick. |

(Continued on following page.)
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A Because I was not involved in the transaction.
Q Was the exchange presented to Credit Suisse's control
functions or committees for approval?
A Yes, it was, ma'am.
Q Which ones?
A So because this is a capital markets transaction, there is the Banking Investment Committee, which needs to give approval, and the two core approvals of Credit Risk
Management -- actually, apologies, let me take that back. I am not sure about Credit Risk Management, but the Reputational Risk needs to sign off the transaction.

Q What concerns, if any, are you aware that the control functions at Credit Suisse had regarding this deal?
A So in the Reputational Risk Committee there was some concern over the original EMATUM transaction, and that concern was caused by the invoices that had been generated on delivery of the vessels in the EMATUM transaction. So what I mean by that is there are 27 vessels to be delivered under the EMATUM transaction by Privinvest to Mozambique, and for all the ships SAM OCR RMR CRR RPR
that have been delivered by Privinvest to Mozambique there is the same price per ship listed. The -- the fact that it's exactly the same price on all the invoices raised some concerns in the Reputational Risk Committee. MS. NIELSEN: And, Your Honor, at this time the Government would ask to admit Government's Exhibits 2919 and its attachment, Government Exhibit 2923.

THE COURT: Any objection?
Publish it to your adversary and to the Court.
MR. JACKSON: No objection, Your Honor.
THE COURT: Admitted.
(Government's Exhibits 2919 and 2923 were received
in evidence.)
THE COURT: Publish.
(Exhibit published.)
BY MS. NIELSEN:
Q Mr. Singh, what is this document?
A This is an e-mail chain I was on when I was at Credit Suisse.

Q And who is it from?
A It is from Mason Cranswick, who is now the coverage officer for Mozambique. It is to myself and other CS colleagues.
Q And what is the date?
A The date is the 23rd of October, 2015.

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Q And what are you discussing in this e-mail with
Mr. Cranswick?
A Sorry, to refresh my memory, is it okay if we just scroll down the e-mail, please?
(Pause.)
MS. NIELSEN: Your Honor, may I provide a copy of the e-mail to the witness?

THE COURT: Yes, Mr. Jackson, would you take hard copy from counsel and present it to the witness? The document is in evidence.

Take your time, sir, read through the e-mail and then counsel will inquire.

THE WITNESS: Thank you.
(Pause.)
A Yes, ma'am, sorry.
Q What was the topic of discussion in the e-mail from
Mr. Cranswick?
A Ma'am, this e-mail is a note, an update note that has
been prepared for people in Compliance in the Reputational
Risk Department, and it's an update on the EMATUM transaction,
what assets have been delivered and their financials.
Q And are there attachments to this document?
A Yes, there are, ma'am.
MS. NIELSEN: And, Ms. DiNardo, if you would pull up Government's Exhibit 2923 in evidence.
BY MS. NIELSEN:
Q And, Mr. Singh, I believe you also have a hard copy of
this?
A Yes, I do, ma'am.
Q And is this one of the attachments to that document that
you just looked at?
A Itis, ma'am.
Q And what are these documents?
A So, this is a delivery invoice. So this is saying that
for a longliner tuna boat that was delivered by Privinvest
Group to Mozambique under the EMATUM transaction; one, it
confirms it's been delivered, it gives some detail of the
ships, and it details the unit price as being $\$ 22,302,000$.
Q And, Mr. Singh, you have a packet of the rest of these in
front of you.
How many invoices are in this exhibit?
MS. NIELSEN: And, Ms. DiNardo, if you could scroll
through so the jury could see as well.
A I count 18 invoices, ma'am.
And what is the price on all of the invoices?
A On each and every invoice the unit price listed is
22-million-dollars-302-thousand.
Q And what type of ships are indicated in the invoices?
And please feel free to go through it again.
A Sure. There are two types of ships indicated. One being

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a tuna boat longliner, so this is the main fishing boat in a tuna fleet. And another type of ship is a trawler boat or a bait boat, and that type of ship is to carry around the bait to support the main shipping vessels. So there's two different types of vessels.

THE COURT: How many of each, can you tell?
THE WITNESS: Yes, sir, just one second.
(Pause.)
(Continued on the following page.)
(Jury exits.)
THE COURT: The jury has left the courtroom. You may step down, sir.
(Witness steps down.)
THE COURT: We will see you at 9:30 a.m. Do not discuss your testimony with anyone. By all means take a look at that document and tell us which boats --

THE WITNESS: Should I take this?
THE COURT: I think that would be a good idea.
THE WITNESS: Thank you, sir.
THE COURT: Be seated, ladies and gentlemen. Do we have any -- the witness is leaving the courtroom.

Do we have any procedural issues that we need to discuss, anything from the Government.

MR. BINI: Just very quickly.
THE COURT: You may.
MR. BINI: We filed this morning and I know Your Honor reads everything.

THE COURT: I do not read everything, but I read that because that's my life these days. Go ahead.

MR. BINI: We wanted to inquire if we should have Judge Susano come to the United States to be here for a charge conference.

THE COURT: I will let you know tomorrow.

MR. BINI: Thank you, Your Honor.
MR. SCHACHTER: With respect to that, Your Honor, we do intend to submit a response and I was wondering if we could advise the court tomorrow when we could submit our response.

THE COURT: Between now tomorrow morning at 9:27 a.m. You have until 9:27 a.m. three minutes before I walk out here, to submit your response to their letter. That is the timetable because I am going to make a ruling with respect to it tomorrow.

MR. SCHACHTER: Yes, Your Honor.
MR. JACKSON: Your Honor, this is very minor but we just wondered if tomorrow -- I think the witness gets it, but I think with some of the witnesses Your Honor has emphasized that they're not to speak to anyone including their attorney. I wonder if tomorrow the Court could remind the witness that that includes his attorney that he's not to speak to.

THE COURT: Absolutely.
MR. JACKSON: Thank you, Judge. I always begin with have you spoken with anyone about your testimony and anyone means anyone, but then again I'm sold school, so. All right. Is there anything else we need to talk about before we adjourn for the day? From the Government?

MR. BINI: No, Your Honor.
THE COURT: From defense counsel?
MR. JACKSON: No, judge.
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THE COURT: Have a good evening, everyone.
MR. BINI: Thank you, Judge.
THE COURT: You're welcome.
(Matter adjourned until Thursday, November 6, 2019
at 9:30 a.m.)


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