

IBT7HO1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

17 Cr. 779 (LAP

5 CHI PING PATRICK HO,

6 Defendant.

7 -----x
8 New York, N.Y.
9 November 29, 2018
10 9:30 a.m.

11 Before:

12 LORETTA A. PRESKA

District Judge

13 APPEARANCES

14 GEOFFREY S. BERMAN

United States Attorney for the
Southern District of New York

15 BY: DANIEL RICHENTHAL

16 DOUGLAS ZOLKIND

CATHERINE GHOSH

17 PAUL HAYDEN

Assistant United States Attorneys

18 BENJAMIN ROSENBERG

19 EDWARD KIM

KATHERINE WYMAN

20 JONATHAN BODANSKY

JONATHAN BOLZ

21 Attorneys for Defendant

22 ALSO PRESENT: Ryan Carey, F.B.I.

Aashna Rao, Paralegal

23 Peter Calabrese, Paralegal

IBT7H01

1 (Trial resumed; jury not present)

2 THE COURT: Good morning, counsel. Won't you be
3 seated.

4 Mr. Rosenberg, I think this is your dime here.

5 MR. ROSENBERG: Thank you, your Honor. Our motion in
6 limine is simple. There are two summary charts that the
7 government intends to introduce into evidence, and we submit
8 they may be used as demonstratives to the jury but not to go
9 back -- not to be admitted into evidence and to go back into
10 the jury room. The reason is they summarize materials that the
11 jury can read itself, and should read itself, and not rely on
12 or not be preoccupied by the descriptions that are set forth in
13 the summary chart.

14 THE COURT: Not that I could read them -- and I know
15 no one's fault because they print in such a tiny fashion -- but
16 I did not think there were any characterizations. I thought it
17 was quotes.

18 MR. ROSENBERG: Your Honor, I have copies of both that
19 are readable; they are characterizations.

20 THE COURT: Does somebody have one that I can read?

21 MR. ROSENBERG: Yes.

22 THE COURT: Thank you. OK, I got it. Thank you. Go
23 ahead.

24 MR. ROSENBERG: That in sum is our argument, and they
25 are characterizations -- sometimes quotes, sometimes

IBT7H01

1 characterizations. Any characterization shouldn't be a
2 substitute. The evidence itself is what the jury should read,
3 that's why we submit this shouldn't go back to the jury.

4 MR. RICHENTHAL: The Federal Rules of Evidence could
5 say that, but they don't. The Second Circuit could have said
6 that, it hasn't; it said the opposite for decades, which is
7 that in complex trials summary charts are admissible, period,
8 and they go back with deliberations, period.

9 Putting that aside, this is the first we have ever
10 heard the defense had a concern about characterizations. If
11 they have a concern, we will take it under advisement; but to
12 be clear, what they're calling characterizations is neutral
13 language describing exhibits in evidence.

14 This is so plainly within the heart of 1006, I don't
15 think I need to say much more.

16 THE COURT: Sir?

17 MR. ROSENBERG: Your Honor, I believe in the cases
18 where the Second Circuit has admitted, typically they have been
19 voluminous materials, often difficult for the jury to read,
20 including, for example, phone records, things that were matched
21 up. These are e-mails, almost entirely e-mails and text
22 messages; they have been shown to the jury, I think the jury
23 can read them.

24 MR. RICHENTHAL: I mean let me just give a granular
25 example of what the jury would have to do in order to replicate

IBT7H01

1 that. They would have to locate -- and, by the way, it can do
2 this if it wishes, so there is no unfair prejudice whatsoever.
3 These materials are totally admissible, and the defense
4 concedes. But if it wished to do so, what it would have to do
5 is the following: It would have to find exhibits -- all of
6 which are noted on there -- in multiple sources, in multiple
7 places. Some of them are several pages long, some of them are
8 translated from Chinese or French. It would then have to find
9 the part that relates to this scheme -- because as your Honor
10 knows there are plenty of parts that do not -- it then would
11 have to line it up temporally, that is, chronologically with
12 other exhibits, and so on and so forth. This is an
13 extraordinarily painstaking process. We know that because we
14 did it. It is plainly admissible under 1006.

15 THE COURT: Anything else, Mr. Rosenberg?

16 MR. ROSENBERG: No, your Honor.

17 THE COURT: OK. Number one, the chart is clearly
18 admissible under 1006. I will note that the government states
19 in its letter that it produced these charts to the defense on
20 November 19. Today is November 29, and last night overnight
21 was the first we heard of any of this.

22 I will also note that the defense letter states a
23 couple of times there are certain inaccuracies in the chart.
24 To date, so far as I know, the inaccuracies the defense claims
25 have not been pointed out. To the extent that the

IBT7H01

1 characterizations are in any way inaccurate, apparently this
2 morning is the first time we have heard of that.

3 There is no reason we had to have this fire drill.
4 The defense shall confer with the government. If there are any
5 complaints, you do it N-O-W, now; it is too late for this.
6 But, in any event, the chart is clearly admissible as to a
7 summary chart.

8 Usually the court gives an instruction to the jury
9 when receiving a chart under this rule that states that the
10 actual evidence is the underlying documents, which they will
11 have access to; the chart is merely something to assist them in
12 their deliberations. If counsel wishes some different
13 instruction, let me know. Anything else?

14 MR. RICHENTHAL: Since we're all here and the jury's
15 not here, can I just put a couple things on the record now?

16 THE COURT: Yes, please.

17 MR. RICHENTHAL: First, in leaving court last night I
18 think a juror may have forgotten something, so after he had
19 left he came back, and he said to the government team you can
20 take the elevator first; we didn't say anything in response.
21 But in case he thinks we didn't say anything in response
22 because we're not nice people, could your Honor just maybe
23 remind the jurors that there is a reason we won't even say
24 thank you to them.

25 Second, last night the defense identified for us one

IBT7H01

1 potential defense witness and introduced roughly 30 pages or so
2 of 26.2 material. Two points on that.

3 One, a substantial amount of material was redacted; it
4 just said attorney/client privilege. Under Rule 26.2(c) your
5 Honor has to review those redactions. We would ask the defense
6 to make them available for the Court for in camera review.

7 Second, we had both some questions and concerns about
8 the witness for a variety of concerns. I don't think I need to
9 put those on the record. We've asked the defense for a proffer
10 to try to narrow the dispute, if any.

11 Finally, we're moving quickly, which is nice. I think
12 we may rest as early as early next week; it could even be as
13 early as Monday. I wanted to advise the Court of that and also
14 let the Court know that that may change, because we're still
15 waiting, I think, on three or four stipulations from the
16 defense that would require at least four witnesses and
17 potentially a fact witness as well, so hopefully we can resolve
18 that.

19 I think that's all I have for your Honor this morning.

20 THE COURT: OK. When do we anticipate the
21 attorney/client material to be sent in.

22 MR. KIM: Your Honor, I could show the Court now if
23 you'd like to look at it in the robing room.

24 THE COURT: If you have it, that would be great; we
25 can do it.

IBT7HO1

1 MR. KIM: OK. I can come up, your Honor.

2 THE COURT: Sure. Just hand it up.

3 MR. KIM: Actually, I actually have it electronically,
4 your Honor, if that's OK.

5 THE COURT: Oh, dear.

6 MR. KIM: Or we can wait. We can print it out and
7 send it in or do it a different way.

8 THE COURT: If you are able to forward it to us, we
9 will print it here. Mr. Kim, speak with Ms. Phillips.

10 Is there anything else you want on the record,
11 friends?

12 MR. RICHENTHAL: Not from us, your Honor.

13 THE COURT: OK, off the record.

14 (Discussion held off the record)

15 THE COURT: On the record, friends.

16 MR. RICHENTHAL: The parties have conferred regarding
17 the two summary charts, your Honor, and although the defense
18 advised there were inaccuracies plural, it only identified one.
19 Specifically, with regard to March 31, 2015, the defense has
20 advised that in its view a certain exhibit, GX 134, should not
21 be listed on the entry for that date. I think it thinks it
22 should have only been listed elsewhere. So, we will look into
23 that. If that's correct, we will simply remove it or redact
24 it. Other than that, it advised there are no other
25 inaccuracies, just that single one.

IBT7H01

1 THE COURT: OK. Is the chart coming in with the
2 current witness?

3 MR. RICHENTHAL: No, your Honor.

4 THE COURT: OK, thank you.

5 With respect to the attorney/client material that Mr.
6 Kim has handed up, the page that talks about an outline is
7 clearly the work of a lawyer, so that may remain redacted.

8 The only other material that was redacted were two
9 lines of awful handwriting that talked about the content of
10 the -- let me do it again -- it looks like counsel's notes to
11 himself about matters to inquire of the witness about, so
12 that's also clearly work product or whatever. So, I will
13 sustain those redactions.

14 MR. KIM: Your Honor, can we redact the word "awful"
15 from today's transcript?

16 THE COURT: Truth is a defense, right?

17 Did the government have some other discussion about
18 this witness?

19 MR. RICHENTHAL: We got the 26.2 material at 9 or 10
20 p.m. last night; we e-mailed and asked some questions.

21 THE COURT: OK. So, when you're ready on that.

22 MR. RICHENTHAL: We haven't heard answers yet, so I
23 don't think it's ripe for your Honor's consideration.

24 THE COURT: OK. Is there anything else you want to
25 talk about now?

IBT7H01

1 MR. RICHENTHAL: The only thing I will just note for
2 the record is I've advised the defense that we intend to
3 deliver a classified letter to your Honor around lunchtime
4 concerning certain materials the defense has declined to
5 receive, and we're going to make a copy of that letter
6 available for the defense to review.

7 THE COURT: All right. Thank you.

8 May I give these back, please.

9 (Recess)

10 MR. RICHENTHAL: Two small matters for the record,
11 your Honor. We conferred further with the defense regarding
12 the March 31, 2015 entry. We have advised them that we don't
13 think it's inaccurate and so we don't intend to remove that
14 reference. It's not clear to me whether they continue to think
15 that the reference to GX 134 with respect to March 31, 2015
16 remains inaccurate. Our view is that it is not inaccurate.

17 THE COURT: Mr. Rosenberg?

18 MR. ROSENBERG: I'm going to look at the exhibit now,
19 and I now understand the explanation for why it's there. I
20 just want to look at it again.

21 MR. RICHENTHAL: Second, the defense has advised me
22 that it's changed its mind and it would like to see the
23 materials that were the subject of the classified letter to
24 which I referred. Since we have already drafted the letter, I
25 think we will simply give it to your Honor with the enclosures

IBT7H01

1 and the defense with the enclosures instead of giving the
2 defense one without the enclosures.

3 THE COURT: Fine. When do you expect that?

4 MR. RICHENTHAL: Around lunchtime.

5 THE COURT: OK. Thank you.

6 MR. ZOLKIND: We will bring up the witness.

7 THE COURT: Counsel, on the record. Ms. Phillips
8 informs me that the same juror who was late Monday --
9 Tuesday -- that when Ms. Phillips called the cell number the
10 juror had provided, it was dead silent, it didn't ring, didn't
11 do anything, so I am just passing that along to you. Ms.
12 Phillips is going to check on the juror again. Just let me
13 know if you think we ought to do anything.

14 MR. RICHENTHAL: Without identifying the specific
15 juror, can your Honor advise whether it's a member --

16 THE COURT: It's an alternate.

17 MR. RICHENTHAL: Thank you. Can the parties maybe
18 confer?

19 THE COURT: Of course.

20 The juror is not present. I note it's 10:13.

21 MR. RICHENTHAL: I think the parties have no objection
22 to the dismissing that juror. We have three alternates.
23 Neither party knows which juror it is, and we have no objection
24 to dismissing her.

25 THE COURT: Ms. Phillips is trying the cell phone

IBT7HO1

1 again. We will report to you the outcome, and then we will
2 probably follow your suggestion.

3 (Pause)

4 The juror's phone rang this time and went to voice
5 mail. So, do you want to proceed and excuse the juror? What
6 do you want to do, friends?

7 MR. KIM: The defense is fine excusing her, your
8 Honor. We're fine excusing her.

9 MR. RICHENTHAL: We also have no objections to
10 excusing her. We're not asking your Honor to do that, but we
11 have no objection to that happening.

12 THE COURT: Ms. Phillips is checking downstairs to see
13 if she is on line.

14 There is no line. All right. I think we will go
15 ahead and excuse that alternate.

16 MR. RICHENTHAL: Does your Honor want to tell the
17 remaining jurors that she is not going to be there, just so
18 they don't wonder if something happened.

19 THE COURT: When she comes in, I will ask Ms. Phillips
20 to inform her that she has been excused.

21 (Continued on next page)

22

23

24

25

IBT7H01

1 (Jury present)

2 THE COURT: Good morning, ladies and gentlemen. You
3 have brought the most fabulous weather back with you. Thank
4 you.

5 Mr. Lamagna and Ms. Glasgow, slide over one. I'm
6 going to excuse alternate number 1, Ms. Rodriguez. She is
7 constantly late and makes everybody wait, so that's what is
8 going on this morning, so you can adjust your seats.

9 DEPUTY COURT CLERK: She just got here.

10 THE COURT: What do you want me to do?
11 Come on up so to the side bar, please.

12 (At the side bar)

13 THE COURT: What do you want me to do?

14 MR. RICHENTHAL: I think our view is if she is here,
15 we should keep her because we're starting now and she is here
16 now.

17 MR. KIM: We had the opposite inclination just because
18 of what was just said.

19 MR. RICHENTHAL: I don't think the tardiness is a
20 merits issue.

21 THE COURT: I will let her sit. If she is late at all
22 hence forth, she is out. Any objection?

23 MR. KIM: That's fine.

24 MR. RICHENTHAL: That seems reasonable.

25 THE COURT: Let's go.

IBT7HO1

C.T. Gadio - Direct

1 (In open court)

2 THE COURT: As Ms. Rodriguez has just arrived, we're
3 going to seat her despite what I just said.

4 Good morning, ma'am.

5 We continue with the direct examination of Dr. Gadio.
6 Won't you be seated, friends.

7 Counsel.

8 CHEIKH TIDIANE GADIO, resumed.

9 DIRECT EXAMINATION (Continued)

10 BY MR. ZOLKIND:

11 Q. Good morning, Dr. Gadio.

12 A. Good morning.

13 MR. ZOLKIND: Ms. Rao, could you please bring up for
14 identification Government's Exhibits 203, 204 and 205 for the
15 witness. If you could just show Dr. Gadio the date there and
16 the subject line. And go to the attachment, please.

17 Q. Do you recognize what these documents are, Dr. Gadio?

18 A. Yes, I do.

19 Q. What are they?

20 A. I'm sorry?

21 Q. What are they?

22 A. The picture?

23 Q. Yes.

24 A. Yeah.

25 Q. Just generally speaking what is this a photo of?

IBT7HO1

C.T. Gadio - Direct

1 A. That's the picture at the end of the meeting.

2 Q. From the December 2014 meeting in Chad?

3 A. Yes.

4 MR. ZOLKIND: Your Honor, the government offers
5 Government's Exhibits 203, 204 and 205.

6 MR. KIM: No objection.

7 THE COURT: Received.

8 (Government Exhibits 203, 204 and 205 received in
9 evidence)

10 Q. If we could just bring up 202 -- sorry -- 203 first -- and
11 publish that to the jury. If you can zoom in on the very top
12 header.

13 All right. Dr. Gadio, just to be clear, are you on
14 this e-mail chain here?

15 A. This one, no.

16 Q. Do you see that it's from CY Wong to the defendant dated
17 December 15, 2014?

18 A. Yes.

19 Q. And if you can just read the subject line.

20 A. Photos of Dr. Ho in Chad.

21 Q. All right. And let's go to the attachment to this photo.
22 If we can zoom in. And again now that this is in front of the
23 jury, what do you recognize this photo to be?

24 A. The end of the meeting picture.

25 Q. And to be clear, Dr. Gadio, was this group photo taken

IBT7H01

C.T. Gadio - Direct

1 before or after the gift boxes were brought in and presented to
2 President Deby?

3 A. I think it's before. It's at the end of the meeting.

4 Q. I'm sorry, I didn't hear what you said.

5 A. I said just after, at the end of the meeting. This picture
6 was taken just at the end of the meeting, before the gift box.

7 Q. Before the gift box?

8 A. Yes.

9 Q. I will just remind you again, because of the acoustics in
10 the courtroom, keep your voice up and speak right into the mic.

11 A. All right.

12 Q. Thank you.

13 A. You're welcome.

14 Q. Going from left to right, can you identify anyone in the
15 photo who you recognize?

16 A. Of course myself.

17 Q. Just starting on the left, do you know who that is on the
18 far left?

19 A. I do not remember very much the first person on the
20 picture.

21 Q. All right.

22 A. And then myself, Dr. Ho, President Deby, Mr. Zang, my son
23 Boubker. I recognize the other person as an official from
24 Chad, but I don't know him very well.

25 Q. The person on the far right is an official from Chad, but

IBT7HO1

C.T. Gadio - Direct

1 you don't recognize him very well?

2 A. No. I think he may be the director general of the Agency
3 for Hydrocarbon, but I'm not very sure honestly.

4 Q. All right. Can we go to Government Exhibit 204.

5 If you can just look at the header, and you see this
6 is another e-mail regarding photos from the meeting in Chad
7 same date.

8 A. Yes.

9 Q. Let's look at that attachment. To be clear, who do you see
10 in the photos here with the president?

11 A. I see Dr. Ho on the left, the president in the middle and
12 Mr. Zang on the right.

13 Q. OK. If we could take that down and go to 205. And if we
14 could turn to the attachment. Just for the record, who do you
15 see in this photo?

16 A. Dr. Ho and the president of Chad.

17 Q. And, Dr. Gadio, to be clear, did every member of the CEFC
18 delegation get a private photo with President Deby?

19 A. I don't remember. I don't recall.

20 Q. Let's bring up Government Exhibit 1085 for identification.

21 Do you recognize this as a text message with the
22 defendant?

23 A. Yes.

24 MR. ZOLKIND: Your Honor, we offer Government Exhibit
25 1085.

IBT7HO1

C.T. Gadio - Direct

1 MR. KIM: No objection.

2 THE COURT: Received.

3 (Government Exhibit 1085 received in evidence)

4 Q. What's the date on this text message, Dr. Gadio?

5 A. December 22, 2014.

6 Q. All right. So that's a couple weeks after that second
7 meeting with Chad?

8 A. Yes.

9 Q. If you could read the message that you wrote to the
10 defendant.

11 A. Yes. "Dr. Ho, season's greetings. I am truly worried
12 about your silence after all of my e-mails and unanswered
13 questions regarding our partnership. Is there any problem?
14 Cheers Dr. CT Gadio."

15 Q. What was your concern here, Dr. Gadio?

16 A. Still no progress on the agreement between my company and
17 CEFC.

18 Q. Can we bring up Government Exhibit 86 for identification.
19 Do you recognize this e-mail?

20 A. Yes, I do.

21 Q. And does it relate to the subject matter of the meeting in
22 Chad?

23 A. Yes.

24 MR. ZOLKIND: Your Honor, we offer Government Exhibit
25 86.

IBT7HO1

C.T. Gadio - Direct

1 MR. KIM: No objection.

2 THE COURT: Received.

3 (Government Exhibit 86 received in evidence)

4 MR. ZOLKIND: Ms. Rao, if you could zoom in first on
5 the first e-mail in the chain.

6 Q. Do you see here on December 18 the defendant's secretary
7 e-mailed you, "Attached please find the signed letter by
8 Mr. Zang."

9 A. Yes.

10 Q. And go to the response. You see that you responded about a
11 week or so later saying, "Greetings. The presidency of Chad
12 called me yesterday. They want to know what happened to the
13 letter about the donation?"

14 A. Yes.

15 Q. Had you in fact received a call when you sent this e-mail?

16 A. Yes, I got a call from the chief of staff.

17 Q. OK. And I think we looked yesterday. You had sent an
18 e-mail suggesting that you revised the letter because you said
19 it was poorly written. Do you recall that testimony?

20 A. I did, yes.

21 Q. So, had you heard any response from the CEFC since you made
22 that suggestion?

23 A. No, it took some time.

24 Q. And in Chad at that second meeting had there been any
25 discussion about a timeline for when this donation letter would

IBT7H01

C.T. Gadio - Direct

1 be provided?

2 A. I think the chief of staff during that meeting, after the
3 incident and the discussion about the incident, insisted that
4 the letter should come right away as soon as they go back to
5 China.

6 Q. By this point, approximately how much time had passed since
7 that meeting?

8 A. From the 9th to the 26th, like 17 days perhaps.

9 Q. OK. By the way, you wrote here that you received a call.
10 How many phones did you typically have, Dr. Gadio?

11 A. A lot of phones. I always use my Senegalese phone, which
12 is my regular number, and I don't want to use it when I travel
13 for roaming issues. Then I have an international phone call --
14 an international telephone, that's my French number. And then
15 usually when I go off to a country, I try to have a local
16 number; it makes it cheaper in terms of communications.

17 Q. Dr. Gadio, did you ever -- in addition to the various
18 phones you've described, did you ever use apps or phone
19 applications in order to make and receive phone calls?

20 A. Usually with my wife we communicate with WhatsApp.

21 Q. WhatsApp.

22 A. WhatsApp, yeah.

23 Q. When you stayed at hotels, did you ever use the hotel room
24 phones?

25 A. Not for international calls but for local calls, yes.

IBT7HO1

C.T. Gadio - Direct

1 Q. OK. So, for example, when you were in Chad, during the
2 meetings you've described in Chad, did you ever make local
3 calls using the hotel room phone?

4 A. I received, rather. I received, but I used my cell phone
5 to make local calls because I had a local cell phone.

6 Q. All right. If you could bring up Government Exhibit 89.
7 All right. If you could zoom in on the first half of the
8 e-mail chain.

9 Do you recognize this e-mail?

10 A. Yes, I do.

11 Q. And is it again regarding the same subject matter you have
12 been describing?

13 A. Yes.

14 MR. ZOLKIND: Your Honor, we offer Government Exhibit
15 89.

16 MR. KIM: No objection.

17 THE COURT: Received.

18 (Government Exhibit 89 received in evidence)

19 (Continued on next page)

20

21

22

23

24

25

Ibt1ho2

Gadio - Direct

1 BY MR. ZOLKIND:

2 Q. Dr. Gadio, who is this email from?

3 A. It's from me.

4 Q. And who is it to?

5 A. To Ms. Anna, the assistant of Dr. Ho. And it was cc'd to
6 Dr. Ho too.

7 Q. All right. And do you see that you wrote here, "Good to
8 hear from you. Send my greetings to Dr. Ho. Happy and blessed
9 new year to your entire Africa team, and especially to your
10 CEO. I suggest that I make a few corrections to the letter and
11 send it back to you by tomorrow. Then have it signed, scan it
12 and email it back to me. This way I can make sure it will
13 reach the right person who will hand it over to the president.
14 This scanned letter will be good enough for the president to
15 send the donation to refugees and other humanitarian causes as
16 it was agreed on. The original copy will be handed over during
17 our next trip to Chad."

18 Do you see that?

19 A. Yes, I do.

20 Q. To be clear, Dr. Gadio, what was your understanding
21 regarding who the defendant and CEFC had intended this money
22 for at the time it was presented to President Deby?

23 A. On December 8?

24 Q. At the time of the meeting in Chad, when the gift boxes
25 were presented, what was your understanding in terms of who the

Ibt1ho2

Gadio - Direct

1 defendant and CEFC intended the money for?

2 A. To the president.

3 Q. Since that time, other than sending you the donation
4 letter, had the defendant said anything to you regarding CEFC's
5 intentions for that money?

6 A. No.

7 MR. ZOLKIND: Could we bring up Government Exhibit 92.

8 Q. And do you recognize this email?

9 A. Yes, I do.

10 Q. Okay. And is this, again, regarding that letter?

11 A. Yes.

12 MR. ZOLKIND: Your Honor, the government offers
13 Government Exhibit 92. And Government Exhibit 92TX, which is
14 the translation of the attachment.

15 MR. KIM: No objection.

16 THE COURT: Received.

17 (Government's Exhibits 92 and 92TX received in
18 evidence)

19 MR. ZOLKIND: And if we could just zoom in -- sure.
20 So we'll start there.

21 BY MR. ZOLKIND:

22 Q. Do you see the email starts -- the chain starts with the
23 email we were just looking at?

24 A. Yes.

25 MR. ZOLKIND: All right. And if you go up. And if we

Ibt1ho2

Gadio - Direct

1 could just highlight the top portion of the letter, Ms. Rao.
2 The header and the first email.

3 Q. Who is this from here?

4 A. That's from me.

5 Q. Okay. And again, to the defendant and his assistant?

6 A. Yes.

7 MR. ZOLKIND: And if we could just go down to the body
8 of the email.

9 Q. Do you see that you wrote, "Here we go with the amended
10 version of the letter. Put it in letterhead, send it back to
11 me. I will make sure the president receives it in less than 24
12 hours"?

13 A. Yes.

14 MR. ZOLKIND: All right. And let's just go to the
15 attachment to this document.

16 Q. Okay. What are we looking at here?

17 A. That's the French version that I helped redraft.

18 MR. ZOLKIND: Okay. All right. If we pull up
19 Government Exhibit 92TX, which is the stipulated English
20 translation.

21 A. Mm-hmm.

22 Q. And actually, before we look at this, I'd like to go back
23 to Government Exhibit 81 first.

24 All right. So do you see here Government Exhibit 81,
25 which you testified about yesterday?

Ibt1ho2

Gadio - Direct

1 A. Yes.

2 Q. You see that this is the original version that you received
3 from CEFC?

4 A. Mm-hmm, yes.

5 Q. And if we go to the attachment, 81TX, in the second
6 paragraph, do you see the sentence beginning, "In order to do
7 this"?

8 A. Yes.

9 Q. And the original draft said, "We would like to make a
10 donation of 2 million US dollars to the government of Chad from
11 us as a development fund"?

12 A. Yes, I see that.

13 Q. All right. Now let's go to 92TX, which is your revised
14 version.

15 A. Mm-hmm.

16 Q. And if we could highlight the paragraph beginning, "In our
17 desire."

18 A. Yes.

19 Q. Do you see that you wrote here, "In our desire to form
20 friendly relations with the people and the government of Chad,
21 China Energy Fund Company Limited would like to express its
22 sincere support for your development policies by making
23 available to you a donation of 2 million US dollars." Do you
24 see that?

25 A. Yes.

Ibt1ho2

Gadio - Direct

1 Q. Why did you make the change from referring to a donation
2 that CEFC would like to make to a donation that is being made
3 available?

4 A. Because to me, the donation was already made available. It
5 was already in Chad. I thought it was more accurate to put it
6 that way.

7 MR. ZOLKIND: Let's bring up Government Exhibit 94.

8 Q. All right. And do you recognize this as another email
9 between you and the defendant and his assistant regarding that
10 same letter?

11 A. Yes.

12 MR. ZOLKIND: Your Honor, we offer Government
13 Exhibit 94.

14 MR. KIM: No objection.

15 THE COURT: Received.

16 (Government's Exhibit 94 received in evidence)

17 Q. All right. So in this email now on January 12, 2015, what
18 does Anna, the defendant's assistant, what does she send you
19 here?

20 A. Yes, she send me the letter, signed letter, and asked for
21 the address and letter -- contact to send the letter by regular
22 mail.

23 Q. And sir, did CEFC in fact sign the revised version of the
24 letter that you provided?

25 A. Yes, I think so, yeah.

Ibt1ho2

Gadio - Direct

1 MR. ZOLKIND: Okay. If we go to the attachment.

2 Q. Does this appear to be the revised version of the letter
3 that you provided?

4 A. Yes.

5 Q. All right. And whose name appears above the signature
6 there?

7 A. Mr. Zang.

8 Q. All right. And that's the same Mr. Zang, as you understood
9 it, who had been at that meeting in Chad, is that right?

10 A. Yeah, who was at the meeting, yes.

11 MR. ZOLKIND: Okay. All right. If we could go to
12 Government Exhibit 95.

13 Q. And do you recognize this email?

14 A. Yes. I do.

15 Q. Who is this email to?

16 A. To the president's chief of staff.

17 MR. ZOLKIND: Your Honor, we'll offer Government
18 Exhibit 95 as well as 95TX.

19 MR. KIM: No objection.

20 THE COURT: Received.

21 (Government's Exhibits 95 and 95TX received in
22 evidence)

23 MR. ZOLKIND: And Ms. Rao, why don't we just bring up
24 the English translation, 95TX.

25 BY MR. ZOLKIND:

Ibt1ho2

Gadio - Direct

1 Q. All right. Do you see this email starts from you and it's
2 addressed to Hassan DC Deby Tchonai Elimi?

3 A. Yes.

4 Q. Who is that?

5 A. That's the chief of staff. Director of cabinet -- cabinet
6 director.

7 Q. All right. And what are you sending or conveying to
8 President Deby's chief of staff?

9 A. The current letter by CEFC signed by Mr. Zang.

10 MR. ZOLKIND: All right. And if we could just go to
11 the attachment, that should be the attachment to 95.

12 Okay. There it is.

13 If we go to Government Exhibit 1096.

14 Q. Do you recognize this text message?

15 A. Yes, I do.

16 Q. Who did you exchange the text message with?

17 A. With president's chief of staff.

18 MR. ZOLKIND: Your Honor, we offer Government
19 Exhibits 1096 and 1096TX.

20 MR. KIM: No objection.

21 THE COURT: Received.

22 (Government's Exhibits 1096 and 1096TX received in
23 evidence)

24 MR. ZOLKIND: And Ms. Rao, if we could please bring up
25 the translation, 1096TX.

Ibt1ho2

Gadio - Direct

1 BY MR. ZOLKIND:

2 Q. And Dr. Gadio, do you see that you sent this text message
3 about a day after the email we just looked at?

4 A. Yes.

5 Q. All right. Who are you texting here?

6 A. To the president's chief of staff.

7 Q. And what did you say to him?

8 A. "Excellent year 2015, my dear brother, check your email
9 when you can. Regards."

10 Q. And what were you referring to, telling him to check his
11 email?

12 A. Calling his attention on the fact that a letter -- the
13 signed letter was sent.

14 MR. ZOLKIND: Okay. We can take that down.

15 Q. All right. Dr. Gadio, I'd like to ask you some additional
16 questions now about your nonprosecution agreement.

17 A. Yes.

18 Q. And again, just remind us, approximately when were you
19 arrested in this case?

20 A. November '17 -- 2017.

21 Q. Were you ever indicted by a grand jury?

22 A. No.

23 MR. ZOLKIND: If we could bring up what's in evidence
24 as Government Exhibit 2701.

25 Q. And remind us, what is Government Exhibit 2701?

Ibt1ho2

Gadio - Direct

1 A. Yeah, that's the NPA.

2 Q. The NPA, did you say?

3 A. Yes, the NPA, the nonprosecution agreement.

4 Q. What's the date on this agreement?

5 A. September 14, 2018.

6 Q. And approximately when were the charges that had been
7 brought in September 2017, approximately when were those
8 charges against you dismissed?

9 A. The same day, September 14, 2018.

10 Q. My apologies. I may have misspoken.

11 The charges that were initially brought in November of
12 2017, when, approximately, were those charges dismissed?

13 A. On September 14, 2018.

14 Q. Okay. And to your understanding were they dismissed before
15 or after you signed and entered into this nonprosecution
16 agreement with the government?

17 A. After we signed, my lawyer and myself.

18 Q. Now you testified that after being arrested by the FBI, you
19 agreed to participate in an interview, is that right?

20 A. Yes, I did.

21 Q. When did that interview take place?

22 A. The same day, on September 17 -- sorry, on November 17,
23 19 -- 2017.

24 Q. When you say the same day, you mean the same day you were
25 arrested?

Ibt1ho2

Gadio - Direct

1 A. The same day I was arrested.

2 Q. And again, have you reviewed the recording or the
3 transcript of that interview?

4 A. Never.

5 Q. Between the date of your arrest and the date that you
6 signed the NPA about 11 months later, did you attend meetings
7 with the government?

8 A. Yes, I did.

9 Q. If you could just describe in general terms what happened
10 during the meetings with the government.

11 A. Me and my lawyers met the government several times to
12 discuss the case and to discuss the documents presented to us
13 by the government.

14 Q. And did the government in fact show you documents?

15 A. I'm sorry?

16 Q. Did the government in fact show you documents?

17 A. Yes, they did.

18 Q. What kind of documents?

19 A. Mainly my emails and, you know, any other document they
20 thought relevant, but my emails; we discussed basically my
21 emails.

22 Q. And do you recall approximately how many different
23 documents you looked at during your meetings with the
24 government?

25 A. Tons, tons of documents. Several, several documents,

Ibt1ho2

Gadio - Direct

1 several binders, yes.

2 MR. ZOLKIND: And if we could bring up Government
3 Exhibit 2701 again.

4 And if we could zoom in on the paragraph beginning,
5 "On the understanding," and just the first area, going up
6 through No. 1.

7 And Ms. Rao, if we could just highlight where it
8 begins, "Will not criminally prosecute," on the fourth line
9 down, and stop where the No. 1 is, those three or four lines.

10 BY MR. ZOLKIND:

11 Q. Okay. Dr. Gadio, do you see here that the nonprosecution
12 agreement says that, "The government will not criminally
13 prosecute Cheikh Gadio for his involvement in a bribery scheme
14 in which Chi Ping Patrick Ho, on behalf of CEFC, provided
15 approximately \$2 million in cash to the president of Chad,
16 concealed within one or more gift boxes, during a business
17 meeting in Chad in or about December 2014"? Do you see that?

18 A. Yes, I do.

19 Q. And Dr. Gadio, in order for you to get that benefit, what's
20 your understanding of your main obligation?

21 A. To tell the truth.

22 MR. ZOLKIND: Ms. Rao, if we could take off that
23 highlighting and zoom down a bit, where it says -- yeah, we
24 could zoom in on the whole numbered area.

25 And if you could include the line right above it as

Ibt1ho2

Gadio - Direct

1 well.

2 BY MR. ZOLKIND:

3 Q. We'll go to No. 1. Do you see it says, "Gadio has
4 previously admitted and hereby affirms that, No. 1, when Gadio
5 learned of this \$2 million cash payment shortly after it was
6 made, he understood that Ho and CEFC intended it as a bribe
7 offer to the president of Chad"? Do you see that?

8 A. Yes, I do.

9 Q. What gave you that understanding?

10 A. As explained before, the way it was delivered and the whole
11 incident itself.

12 Q. Would you explain what you mean by that.

13 A. What I mean by that was, it was difficult to believe that a
14 donation of \$2 million could be made that way, like in gift box
15 and then it was delivered, not even told to the person, like to
16 the president. He was not told, "Mr. President, we brought you
17 this and that." It was just put in gift box and left behind.
18 And he -- they discovered it afterwards and called me back and
19 went through all this process of trying to understand what
20 happened, and the feelings and the sentiments we had were that
21 this was not like normal procedure, and we disagreed with the
22 gesture, and the president made it very clear after our
23 meeting, and the conclusion was, it was meant for the
24 president, and under those circumstances, I could not really
25 believe that it was anything else but a bribery attempt. But I

Ibt1ho2

Gadio - Direct

1 kept calling it bribery attempt because it was rejected.

2 Q. When you say rejected, by?

3 A. By the president.

4 Q. It says here, No. 2, "Gadio recognized that this bribe
5 offer was wrong and unlawful, but he," Gadio, "nonetheless
6 continued to assist Ho and CEFC in their efforts to finalize a
7 deal with the president of Chad, at least in part because Gadio
8 expected to receive significant compensation if such a deal was
9 finalized."

10 And again, Dr. Gadio, why did you continue working on
11 a deal that you believed was wrong and unlawful?

12 A. Because I really believed that we have put -- we have put
13 so much energy to get to that level and to finalize a contract
14 between CEFC and the government of Chad, we felt really we
15 deserved compensation for all the work we have done.

16 Q. Finally, here, No. 3 says, the last item that you have
17 affirmed, "Gadio assisted Ho and CEFC by, among other things,
18 drafting and conveying a letter purporting to prospectively
19 pledge the \$2 million for humanitarian causes, despite Gadio's
20 understanding that Ho and CEFC had intended the money for the
21 president of Chad's personal benefit."

22 Do you see that?

23 A. Yes, I do.

24 Q. Let me ask you now some additional questions about this
25 letter.

Ibt1ho2

Gadio - Direct

1 When was the donation letter finalized and conveyed to
2 President Deby?

3 A. I think it was in January, around January 12th or 13th.

4 Q. January 2015?

5 A. Yeah, January 2015, yeah.

6 MR. ZOLKIND: Okay. We could take down the document.

7 Q. Now had you had experiences with significant donations
8 prior to these events in December 2014?

9 A. Yes.

10 Q. And based on your experience as the Foreign Minister of
11 Senegal and your experience as the head of the IPS
12 organization, were you familiar with any sort of procedure or
13 protocol for making a significant donation?

14 A. Yes.

15 Q. Could you describe for the jury the protocol that you had
16 become familiar with.

17 A. Yes. Usually it starts by a notification. You are
18 informed that your government will receive a donation from an
19 international organization or from another government. In my
20 case, I over -- supervised a process with Saudi Arabia, for
21 instance. Got a phone call, got the information, I reported to
22 my president, and then the foreign minister and myself, we
23 discussed how we were going to proceed. And the different
24 steps usually are exchange of letters, sometimes, usually, and
25 then we agree to have a signing ceremony.

Ibt1ho2

Gadio - Direct

1 Q. Did you say a signing ceremony?

2 A. A signing ceremony, yeah. Like the Saudi delegation visits
3 Senegal or Senegalese delegation goes to Saudi Arabia and, you
4 know, we sit down sometimes, usually before the media, and then
5 we sign the protocol, saying that, you know, this -- that
6 country or that international organization has made a donation
7 and mentioned the amount. And it's followed by a communique,
8 usually.

9 Q. Communique?

10 A. A communique, yeah. Like the receiving end, which is -- if
11 it's Senegal, will issue a communique with the Saudis to say --
12 to thank the Saudis and to recognize that we got this donation;
13 and the Saudis can also, from their country, make a communique
14 that they have decided to make a donation to Senegal.

15 Now when it's like not a government organization, like
16 a private organization making donation to IPS, you know, it's
17 good for the record to say that they contributed to an
18 institute for peace, therefore, they issue not -- they issue a
19 communique, they sign, and then after that they also make it
20 public in terms of record, so you can verify any time you want
21 that they have made that donation to IPS.

22 Q. And with respect to the protocol, in terms of what you were
23 familiar with in your experience, what were the typical ways in
24 which the money would be transmitted for a significant
25 donation?

Ibt1ho2

Gadio - Direct

1 A. Through international wiring, international transfer. I
2 don't remember like experience where a check is given directly.
3 Country's, you know, like minister of finance often take over
4 and they organize the transfer to the country's treasury
5 department or to the country's central bank. It doesn't go
6 straight, you know, to me or to my president or to whoever.
7 It's just done between institutions.

8 Q. All right. And again, just to be clear, in your own
9 experience, how common or uncommon is it for a company or an
10 NGO to publicize a donation that is made?

11 A. It is always the case.

12 Q. After you sent the donation letter in this case, after you
13 conveyed it to President Deby, did CEFC hold any sort of
14 ceremony or public event to announce the donation, as far as
15 you're aware?

16 A. No, not that I'm aware of.

17 Q. And as far as you're aware, did CEFC issue any sort of
18 press release or public statement announcing the donation?

19 A. Not that I know of.

20 Q. By the way, let me go back for a moment to the meeting in
21 Chad in December 2014.

22 A. Yes.

23 Q. Specifically the second meeting where the issue of the
24 2 million cash was discussed.

25 A. Yes.

Ibt1ho2

Gadio - Direct

1 Q. At that meeting, as far as you recall, did President Deby
2 or his chief of staff say anything in the presence of CEFC
3 regarding whether any public statement would be made about the
4 donation once the letter was received?

5 A. I don't remember exactly a discussion taking place on that
6 particular issue. What I know is that that's the traditional
7 procedure. Like when the donation is received, the concerned
8 government or party also tries to make it known through their
9 own ways, but usually the party that is making the donation is
10 the one that makes a communique, a, you know -- publicize.
11 Because they're doing something good, a positive action, then
12 they make it public, usually.

13 Q. Understood. So just to be clear, as far as you recall,
14 based on what was said in front of the members of CEFC during
15 that meeting in Chad in December 2014, do you recall President
16 Deby or his chief of staff or anyone else from Chad saying
17 anything about making that donation public?

18 A. I don't recall hearing that from them directly. It was
19 my -- my deduction or spec -- you know, understanding that's --
20 like what I just explained about how donations are made.

21 Q. Did you ever see any public statement or any sort of
22 publicity from the government of Chad regarding any donation
23 from CEFC?

24 A. Not personally.

25 MR. ZOLKIND: I'd like to bring up what is already in

Ibt1ho2

Gadio - Direct

1 evidence as Government Exhibit 2706.

2 Q. Do you see here, Dr. Gadio, that this is a document titled
3 Donation Agreement?

4 A. Yes, it is.

5 MR. ZOLKIND: And Ms. Rao, if you could just highlight
6 the parties at the top.

7 Q. Do you see the first one is CIRSD, or the Center for
8 International Relations and Sustainable Development,
9 represented by Vuk Jeremic? Do you see that?

10 A. Yes, I do.

11 Q. And is that an organization that you're familiar with?

12 A. Yes; very familiar, actually.

13 Q. All right. And --

14 A. Yeah.

15 Q. And then do you see the other party to the agreement is
16 CEFC?

17 A. Yes.

18 MR. ZOLKIND: Okay. And Ms. Rao, if you could just --

19 Q. Let me first begin by asking, prior to your involvement in
20 this trial, had you ever seen this document before?

21 A. This, this --

22 Q. This particular document.

23 A. No, no.

24 MR. ZOLKIND: All right. Ms. Rao, if you could just
25 go through it slowly.

Ibt1ho2

Gadio - Direct

1 Q. Do you see the donation agreement includes clauses on the
2 subject of the agreement?

3 A. Yes, I see, mm-hmm.

4 Q. Okay. And then Part 2, do you see there's a discussion of
5 the mutual rights and obligations?

6 A. Yes.

7 Q. And do you see there's a reference --

8 MR. ZOLKIND: Could we just go back up for a moment.

9 Q. -- to the amount of the donation, \$1 million in this case?

10 A. Mm-hmm.

11 Q. And there's a reference to how quickly the donation will be
12 made; do you see that?

13 A. Yes.

14 Q. And do you see there is various other legal language about
15 the donation being irrevocable and various other terms and
16 conditions of the donation?

17 A. Yes.

18 MR. ZOLKIND: And if we go to the next page.

19 Q. Do you see there's a clause 2.6, refers to the tax
20 obligations in connection with the donation?

21 A. Mm-hmm, yes.

22 Q. And 2.7 refers to provisions regarding how any claim or
23 dispute or controversy are going to be handled? Do you see all
24 that?

25 A. Yes, I do.

Ibt1ho2

Gadio - Direct

1 Q. All right. Do you see that on behalf of CEFC it's signed
2 by C. O. Lo?

3 A. Yes.

4 Q. I think you testified to this yesterday. Do you recall who
5 that is?

6 A. Yes, I think he's the deputy to Dr. Ho.

7 Q. Now as part of the sort of international protocol that you
8 were familiar with, how common or uncommon was it, in your own
9 experience, for a donation to be accompanied by a legal
10 agreement along these lines?

11 A. I think that's the rule. That's the --

12 Q. You say that's the rule?

13 A. That's the rule, yeah.

14 Q. As far as you're aware, did CEFC propose any sort of
15 contract with respect to this \$2 million donation to Chad?

16 A. No.

17 Q. And was any contract between Chad and CEFC signed in
18 relation to the \$2 million donation, as far as you're aware?

19 A. No.

20 MR. ZOLKIND: We could take this down.

21 Q. After the what you've been calling donation letter, after
22 that letter was conveyed to President Deby, did the defendant
23 ever reach out to you, ask you anything about that donation?

24 A. In terms of follow-up?

25 Q. Yeah. After you sent that letter to President Deby, did

Ibt1ho2

Gadio - Direct

1 the defendant ever follow up with you about the donation?

2 A. No.

3 Q. In all of your dealings with the defendant after that
4 letter was sent, did he ever make any reference to the
5 \$2 million again?

6 A. We never spoke about it.

7 Q. Let me turn now to another topic.

8 MR. ZOLKIND: Ms. Rao, could you please bring up
9 Government Exhibit 99 for identification.

10 Q. Do you recognize this email?

11 A. Yes, I do.

12 Q. And what's the general subject matter of the email?

13 A. Letter of appointment 2015.

14 MR. ZOLKIND: Your Honor, we offer Government
15 Exhibit 99.

16 MR. KIM: No objection.

17 THE COURT: Received.

18 (Government's Exhibit 99 received in evidence)

19 Q. Who is this email from?

20 A. It's from Anna, the assistant of Dr. Ho.

21 Q. Okay. And who is it to?

22 A. To me.

23 Q. And who's copied?

24 A. Dr. Ho.

25 Q. And who else is copied there?

Ibt1ho2

Gadio - Direct

1 A. I'm not familiar with the other person, "colo."

2 Q. C.O. Lo?

3 A. Yes, C.O. -- oh, that's Mr. Lo, Andrew Lo, perhaps. But
4 I'm not really familiar with that.

5 Q. All right.

6 A. Yeah.

7 Q. And do you see the subject line there is Letter of
8 Appointment 2015?

9 A. Yes.

10 Q. And did the defendant's assistant Anna write, "Dear
11 Dr. Gadio, Attached please find the letter of employment 2015"?
12 Do you see that?

13 A. Yes.

14 MR. ZOLKIND: Let's go to the attachment.

15 If we could just zoom in on the -- actually, that's
16 perfect. Okay.

17 Q. Now before we get to the text here, Dr. Gadio, you had sent
18 multiple emails that you testified about asking for a formal
19 contract between your firm Sarata and CEFC, is that right?

20 A. Yes. Yes.

21 Q. I think you also testified yesterday about a proposed MOU.
22 Do you recall that?

23 A. Yes, I do.

24 Q. Now was this letter of appointment that you received here
25 what you had in mind?

Ibt1ho2

Gadio - Direct

1 A. No.

2 Q. Why not?

3 A. Because it changes the status of the relationship between
4 like two partners working together and having a contract or an
5 agreement to one of the partners becoming the employee, the
6 employee -- the employer, yeah, of the other partner. It just
7 changed from a contract or an agreement to an appointment, a
8 letter of appointment. And for us a contract is binding.

9 Q. Sorry. I didn't hear.

10 A. I say a contract is binding, is more binding, an agreement
11 is more binding than just a letter of appointment.

12 MR. ZOLKIND: Okay. And let's bring up just for a
13 moment what's already in evidence as Government Exhibit 2703.

14 Q. Do you see here this is a CEFC document titled Consulting
15 Agreement?

16 A. Yes.

17 Q. And do you see --

18 MR. ZOLKIND: Ms. Rao, if you could highlight in the
19 front paragraph that it's between CEFC and Vuk Jeremic.

20 A. Yes.

21 Q. Okay. And again, prior to you preparing for your testimony
22 in this trial, had you ever seen this document?

23 A. No.

24 MR. ZOLKIND: Okay. And Ms. Rao, if you could just go
25 slowly through the consulting agreement here with Mr. Jeremic.

Ibt1ho2

Gadio - Direct

1 Q. Do you see that it has various legal terms?

2 A. Yes.

3 Q. It describes consulting services?

4 A. Yes.

5 Q. Do you see in Part 2 there, there's a term listed?

6 A. Yes.

7 Q. Part 3, compensation listed, do you see that?

8 A. Yes.

9 MR. ZOLKIND: Keep going.

10 Q. Do you see in the beginning of the next page there's terms
11 relating to taxes and annual fees? Do you see that?

12 A. Yes.

13 Q. Part 4, there's legal provisions regarding confidentiality;
14 do you see that?

15 A. Yes, I do.

16 Q. And then in Section 5 it says, Applicable Law and
17 Jurisdiction, "The laws of Hong Kong shall govern this
18 agreement"?

19 A. Yes.

20 Q. "The courts of Hong Kong shall have the jurisdiction to
21 settle any dispute or claim in connection with this agreement"?

22 A. Yes.

23 Q. Did you ever receive from CEFC a formal legal contract that
24 looked anything like this?

25 A. Not at all. Actually, we sent a proposal to sign the same

Ibt1ho2

Gadio - Direct

1 type of agreement. You know, if you compare the one we sent,
2 the draft agreement, it's almost identical to this one. That's
3 the one we sent, but that's not the one -- we did not sign,
4 actually. We just got a letter of appointment.

5 Q. Okay. Let's go back to that letter of appointment,
6 Government Exhibit 99.

7 MR. ZOLKIND: If we could look at the attachment.

8 And if we could zoom in on where it says "consulting
9 fee," and then there's a list of three items.

10 Q. Okay. So in CEFC's letter of appointment to you, it says
11 here, "The consulting fee, upon your signing back this
12 appointment letter, consists of, No. 1, an immediate payment of
13 US \$100,000 to you as a donation to support your activities
14 towards the formation of an African union and similar
15 purposes." Do you see that?

16 A. Yes, I do.

17 Q. Now you testified yesterday about a pledge that the
18 defendant had made to donate a hundred thousand dollars to
19 support the Dakar forum, the meeting that your organization was
20 holding. Do you recall that?

21 A. Yes, I do.

22 Q. Had the defendant or CEFC made good on that pledge to
23 donate \$100,000 to the Dakar forum?

24 A. No.

25 Q. What did you understand this here -- the reference to a

Ibt1ho2

Gadio - Direct

1 hundred thousand dollar donation in Bullet No. 1 here, what did
2 you understand that to refer to?

3 A. I think it was a direct support to me and my institute but
4 was not really related to the Dakar forum.

5 Q. Okay. When you say it was support for your institute, what
6 institute are you referring to?

7 A. Institute for Peace and Security, promoting also African
8 unity and Pan-Africanism.

9 Q. All right. And again, is that a for-profit or
10 not-for-profit organization?

11 A. Not-for-profit.

12 Q. In your view --

13 MR. ZOLKIND: And Ms. Rao, if we could just highlight
14 the two words over where it says "donation."

15 Q. In your view, if this \$100,000 was really a donation, was
16 it accurate to describe it as part of your consulting fee --

17 A. No.

18 Q. -- based on the prior line?

19 A. Like a donation is not a consulting fee.

20 MR. ZOLKIND: And again, just to be clear, Ms. Rao, if
21 you could highlight "consulting fee" in the prior line.

22 Q. Sir, did you believe that any sort of donation to your
23 organization belonged in a document describing what your
24 consulting fee would be for the work you were doing?

25 A. No. Technically it's not -- it's not -- it's not the same

Ibt1ho2

Gadio - Direct

1 thing, like support to IPS, and then this is Sarata seeking a,
2 you know, commercial contract or a private business contract.
3 I think it's different, yeah.

4 Q. Okay. No. 2 listed here is "an additional US \$100,000 in
5 recognition of the work that you have contributed during the
6 formative stages of your relationship with CEFC"?

7 A. Mm-hmm.

8 Q. What does that refer to, as you understood it?

9 A. Reimbursing the cost that we have spent, but here it says,
10 "in recognition of the work you have contributed." It's like
11 paying our services. But that was -- that was not our
12 perception, yeah.

13 Q. Okay. And No. 3 says, "a further sum of US \$200,000 to be
14 disbursed to you in two installments during 2015." And what
15 did that refer to, as you understood it?

16 A. I think starting at that point, we're talking about
17 consulting fees, yeah. The last -- this point.

18 Q. And consulting fees for what work?

19 A. For the work Sarata did for CEFC for like four or five
20 months, starting in October till this date in February.

21 Q. Okay. And to be clear, were you and your firm Sarata, at
22 this time, were you continuing to do work on behalf of CEFC?

23 A. Yes.

24 MR. ZOLKIND: Let's bring up Government Exhibit 100.

25 Q. Do you recognize this email?

Ibt1ho2

Gadio - Direct

1 A. Yes, I do.

2 Q. And what is this email?

3 A. I think that's banking information, and I'm presenting the
4 two organizations that we just discussed, Sarata and IPS.

5 MR. ZOLKIND: Your Honor, we offer Government
6 Exhibit 100.

7 MR. KIM: No objection.

8 THE COURT: Received.

9 (Government's Exhibit 100 received in evidence)

10 Q. All right. And again, so this is an email from you, and
11 who were you sending it to?

12 A. To Anna, Anna, Dr. Ho's assistant.

13 Q. All right. And you say, "Dear Anna, As a reply to your
14 text, here are the information you asked. Keep in mind that we
15 run two companies."

16 A. Yes.

17 Q. "Full name Dr. Cheikh Tidiane Gadio. 1st Company Name,
18 Sarata International Consultancy. 2nd Company Name, Institute
19 for Pan-African Strategies."

20 Why were you making clear here that there's two
21 separate organizations?

22 A. I was ensuring that everything that is consulting fees
23 related to Sarata go to Sarata and everything goes to Sarata,
24 and everything that is like donation, support for our institute
25 can go to the institute directly.

Ibt1ho2

Gadio - Direct

1 MR. ZOLKIND: Let's bring up Government Exhibit 104.

2 Q. All right. Here, do you recognize this email?

3 A. Yes, I do.

4 Q. And is this correspondence on the same subject?

5 A. Yes.

6 MR. ZOLKIND: Your Honor, we offer Government
7 Exhibit 104.

8 MR. KIM: No objection.

9 THE COURT: Received.

10 (Government's Exhibit 104 received in evidence)

11 MR. ZOLKIND: All right. If we could just zoom in on
12 the top email there.

13 BY MR. ZOLKIND:

14 Q. Who is this from?

15 A. That's from me.

16 Q. Okay. And who is it to?

17 A. To Anna.

18 Q. And who's copied there?

19 A. Dr. Ho and Mr. Lo and Boubker.

20 Q. All right. And if you could read the text of your email.

21 A. Okay. "Please find attached our reply to your letter of
22 appointment and also our consultancy agreement previously
23 submitted."

24 Q. Okay.

25 A. "Many thanks."

Ibt1ho2

Gadio - Direct

1 MR. ZOLKIND: Let's turn to the first attachment. If
2 we could scroll down.

3 And just zoom in on the first paragraph, if you would.

4 In fact -- I'm sorry. I meant to start with the next
5 paragraph.

6 Q. Okay. And just in general, if you could just explain --
7 this is a lengthy document, but what were you doing in this
8 response to CEFC's letter of appointment?

9 A. Mm-hmm. Yes. Just arguing basically that Sarata
10 International is a consultancy firm and we -- we do like help
11 connect organizations and governments and -- or government
12 agencies in Africa, and it's based on our, you know, network,
13 our contact with high government officials in Africa, and --
14 yes.

15 Q. And -- I'm sorry. I didn't mean to cut you off.

16 A. Yeah. And of course we are explaining why our consultancy
17 is compensated, depending on the business deals, you know, and
18 our -- explaining our retainer fees, policies and the scope of
19 our work, so here, we're saying for instance, basic retainer
20 fees does not include any costs such as transportation, hotels.
21 CEFC should specify how it will cover these expenses.

22 Q. Let's back up slightly. We looked before at CEFC's what
23 they call a letter of appointment that listed the \$100,000
24 donation.

25 A. Yes.

Ibt1ho2

Gadio - Direct

1 Q. And the fees for the formative stages and then the
2 additional fees.

3 A. Yes.

4 Q. Do you recall that?

5 A. Yes.

6 Q. What was your reaction to whether or not -- did you believe
7 that was a fair proposal of how to compensate you for the work
8 you were doing?

9 A. Not at all.

10 MR. ZOLKIND: Okay. If we could zoom out of there and
11 go to -- I think it's page 3.

12 Yeah. Right here. And beginning where it says
13 "Moreover." Thank you.

14 Q. So you write here in your response:

15 "Moreover, I would like to address each one of the
16 points covered in the composition of your proposed consulting
17 fees.

18 "Point 1. I accept and thank you for your immediate
19 payment of US \$100,000 as a donation to 'support my activities
20 towards the formation of an African union and similar
21 purposes.'"

22 Okay. And so what was your reaction to that aspect of
23 the proposal?

24 A. You know, after all these efforts and letters and asking
25 for payment, asking for, you know -- we thought it was just

Ibt1ho2

Gadio - Direct

1 easier to -- to move quickly on this, accept the donation, and
2 then go discuss the other substantive issues.

3 Q. All right. To be clear, when you wrote this here, were you
4 agreeing that a \$100,000 donation was part of your compensation
5 for the work you were doing?

6 A. We just put it that way to -- to make sure that at least
7 those 100,000 promised will come our way, because we have
8 worked -- we didn't want to confirm that it was part of our
9 consulting fees because we know -- we know it's not a
10 consulting fee, but we accepted the donation.

11 Q. Now with respect to the Dakar forum --

12 A. Yes.

13 Q. -- I think you testified yesterday that the money had been
14 committed?

15 A. Yes.

16 Q. And what was your plan? If you received the \$100,000
17 donation here, what was your plan in terms of how to use that
18 \$100,000?

19 A. It was -- it was quite sure that we would be using it to
20 pay back all the debts that we contracted during the Dakar
21 forum because the \$100,000 pledge was already made and the
22 money was put in the budget, like I said yesterday, and
23 executed, so used. And people did not give us any chance to
24 get away with the fact that, you know, we did not receive the
25 money. They were expecting us to pay it back. So we knew that

Ibt1ho2

Gadio - Direct

1 \$100,000 must go to pay our debts from the Dakar forum.

2 Q. All right. Let's go to Point 2. You wrote here, "I must
3 confess that I am very surprised by your proposed US \$100,000
4 for the initial accomplishments our consultancy has made for
5 CEFC in the 'Chad operations.'"

6 A. Mm-hmm.

7 Q. And then when you're quoting there, is that from the
8 contract that you had previously sent?

9 A. Yes.

10 MR. ZOLKIND: All right. Let's go down to the next
11 paragraph.

12 Q. You say, "With respect to the Chad operations, both of
13 these operations have not only been fully and well accomplished
14 but the results of our encounters with the president have
15 surpassed expectations due to our relationship with him since
16 our consultancy's hard work --"

17 THE COURT: Slowly.

18 MR. ZOLKIND: My apologies, your Honor.

19 Q. "-- our consultancy's hard work has enabled CEFC to be
20 offered blocks of oil for exploration and exploitation purposes
21 and other potential opportunities, such as taking shares in the
22 Chad-Cameroon pipeline, etc. Therefore, I believe we should be
23 compensated for now a fair amount of at least US \$500,000, as
24 the total opportunity value being given to CEFC due to Sarata
25 International Consultancy is in the multimillions of dollars

Ibt1ho2

Gadio - Direct

1 (other known consultancy firms have been compensated over
2 \$5 million for such great achievements). Also --"

3 THE COURT: Slowly.

4 Q. "Also, it is difficult to comprehend a 2 million-dollar
5 gift to the president and only 100,000 dollar to the
6 facilitator who made all of this possible."

7 Let me stop there. Dr. Gadio --

8 MR. ZOLKIND: Ms. Rao, maybe you could zoom in or
9 highlight just that last sentence.

10 Q. Dr. Gadio, when you referred to a "2 million-dollar gift to
11 the president," what money were you referring to?

12 A. To the December '14 -- December 2014 donate -- money that
13 was brought to the president in gift box.

14 Q. Okay. I'm just going to ask you, or remind you again to
15 keep your voice up, if you don't mind.

16 A. Okay.

17 Q. Thank you.

18 When you referred to only a hundred thousand dollars
19 to the facilitator who made all this possible, who were you
20 referring to?

21 A. To Sarata International.

22 Q. All right. That's your firm?

23 A. Yes.

24 Q. Now when you wrote this letter, was this not several weeks
25 after you had helped the defendant and CEFC to revise that

Ibt1ho2

Gadio - Direct

1 letter and send it to the president of Chad?

2 A. Yes, mm-hmm.

3 Q. So why, Dr. Gadio, did you refer here to money given to the
4 president as opposed to a donation to the people of Chad?

5 A. Because it's not my -- you know, we did not really change
6 our perception of the donation, what it was, and so, you know,
7 spontaneously wrote 2 million-dollar gift because that's what
8 we thought it was.

9 Q. And again, when you say you didn't really change your
10 perception, what do you mean by that?

11 A. If we truly believed that it was -- like initially it was
12 conceived as a donation, \$2 million donation to the people and
13 the government of Chad, then we would not complain that after
14 five months of hard work, we'll be paid \$100,000, and then a
15 gift was made before us of \$2 million to the president of Chad.
16 We did not believe it was given to the government and the
17 people of Chad. As such, we were aware of the arrangement that
18 was made. For us it was just to get away from -- with the
19 problem and move on to what was for us the contract that we
20 wanted between Chad and CEFC, and that was it. So that's why
21 the language remained here as such.

22 Q. And just to skip ahead for a moment, after you sent this
23 letter, did the defendant ever correct you and say anything
24 about, you know, hey, this was a donation to the people of
25 Chad?

Ibt1ho2

Gadio - Direct

1 A. Nobody -- nobody reacted to that on the CEFC side.

2 MR. ZOLKIND: Okay. Let's zoom out.

3 And if we go to the next page and highlight Point
4 No. 3.

5 Q. You write, "I accept and approve that further sum of US
6 \$200,000 be attributed to our consultancy, but it should be
7 given at specific times during 2015 since usually retainer fees
8 are paid January 1st and July 1st."

9 A. Yes.

10 Q. Were you essentially accepting the final portion, \$200,000
11 in retainer fees?

12 A. Yes.

13 MR. ZOLKIND: And if we could go to the next
14 paragraph.

15 Q. So here, at the end of your response, you say,
16 "Furthermore, I request that CEFC review and sign our proposed
17 consultancy agreement and additional protocol to establish a
18 legally binding working relationship." Do you see that?

19 A. Yes.

20 Q. Did you ever get that legally binding formal contract that
21 you were requesting?

22 A. No, we did not.

23 Q. All right. And if we turn to the second attachment that
24 you included in your email here. What's this here?

25 A. Yes, that's the consultancy agreement that we proposed.

Ibt1ho2

Gadio - Direct

1 MR. ZOLKIND: Okay. And if we could just flip through
2 this for the jury.

3 Okay. We can take that down.

4 Let's bring up Government Exhibit 105.

5 Q. Do you recognize this document?

6 A. Yes, I do.

7 Q. And does this relate to the same subject matter?

8 A. Yes.

9 MR. ZOLKIND: Your Honor, we offer Government
10 Exhibit 105.

11 MR. KIM: No objection.

12 THE COURT: Received.

13 (Government's Exhibit 105 received in evidence)

14 Q. Now who is this email from, Dr. Gadio?

15 A. That's from Mr. Lo.

16 Q. And again, just remind us what you understood his position
17 to be?

18 A. I think he was -- I believe he was the deputy, deputy of
19 Mr. -- of Dr. Ho.

20 Q. Okay. All right. And is he responding here to the letter
21 that you wrote which we just looked at?

22 A. Yes.

23 MR. ZOLKIND: All right. And if we could just zoom
24 in, Ms. Rao, on the sentence at the bottom beginning, "My
25 humble view."

Ibt1ho2

Gadio - Direct

1 Q. Do you see that he wrote, "My humble view is that you may
2 consider signing back our offer first, so that remittance can
3 be made to you accordingly. In China, anything can be solved
4 amiably through friendly contact. After all it is only the
5 beginning of our relationship, and we need to work on the
6 security of trust than legal document." What was your reaction
7 to that statement?

8 A. Yeah, that I was not getting the reply I was expecting.

9 Q. And just if you could explain what you mean by that.

10 A. Yes. You know, we were still proposing an agreement, a
11 legally binding relationship, and he was advising us just to
12 take it easy, to take what is available now and then, you know,
13 things will evolve and we perhaps will move to something else,
14 but for now this was like the level of, you know, where they
15 wanted to -- to be, and --

16 Q. And when --

17 A. Yeah.

18 Q. -- when he wrote at the top here, "consider signing back
19 our offer first, so that remittance can be made to you," what
20 did you understand "remittance" to refer to?

21 A. To payment, perhaps the first settle -- installment of both
22 the donation and the 100,000 that were proposed.

23 MR. ZOLKIND: Let's bring up Government Exhibit 107,
24 please.

25 Q. Do you recognize this email, Dr. Gadio?

Ibt1ho2

Gadio - Direct

1 A. Yes.

2 Q. Okay. Does this also relate to that letter of appointment?

3 A. Exactly.

4 MR. ZOLKIND: Your Honor, we offer Government
5 Exhibit 107.

6 MR. KIM: No objection.

7 THE COURT: Received.

8 (Government's Exhibit 107 received in evidence)

9 Q. All right. And who is this email from, Dr. Gadio?

10 A. That's from me to Anna.

11 Q. And who are you copying?

12 A. Copy to Dr. Ho and Mr. Lo and Boubker.

13 Q. Okay. All right. And you write in your email, "Please
14 find attached our letter of acceptance"?

15 A. Yes, yes.

16 MR. ZOLKIND: And if we could go to the attachment.

17 Q. All right. And I won't ask you to read this whole
18 document, but just in summary, what were you saying or agreeing
19 in this letter that you responded?

20 A. Mm-hmm. You see that second paragraph, "We take note of
21 CEFC's decision not to engage at this stage in a more formal
22 relationship with Sarata by signing a formal consultancy
23 contract but" etc. So the idea was we had our back on the
24 wall -- against the wall because we worked so hard for four,
25 five months and still no contract, no formal agreement, and we

Ibt1ho2

Gadio - Direct

1 got this letter of appointment, so the choice was either to say
2 thank you, stop everything and we lose all our investment and
3 all our resource and energy put in this process, or we take
4 what, you know -- it was like, to me, a power relationship. We
5 did not have the power to really get what we wanted. We
6 insisted several times. So we had to just take what was
7 offered to us. But clearly we have made our point that this is
8 not what we wanted and, you know, we wrote it several time and
9 we kept insisting that we wanted a formal contract.

10 MR. ZOLKIND: All right. We can take that down.

11 Q. After you sent this letter accepting CEFC's appointment
12 letter, did you in fact receive an initial payment from CEFC?

13 A. Yes, sir. This letter was in February. I think the first
14 payment was in March, I believe.

15 MR. ZOLKIND: All right. Your Honor, I'd like to
16 offer a stipulation between the parties. It's Government
17 Exhibit S-1.

18 THE COURT: Yes, sir.

19 MR. ZOLKIND: And let me first just offer that into
20 evidence.

21 MR. KIM: No objection.

22 THE COURT: Received.

23 (Government's Exhibit S-1 received in evidence)

24 MR. ZOLKIND: The stipulation is titled Stipulation as
25 to Bank Accounts, International Wires, and if we could go to

Ibt1ho2

Gadio - Direct

1 the paragraph regarding 2008.

2 So it provides, The parties stipulate and agree -- and
3 it is a factual stipulation -- that "Government Exhibit 2008
4 consists of true and correct copies of wire transfer records
5 that were made at or near the time of their creation by, or
6 from information transmitted by, a person with knowledge of the
7 matters set forth in the records, and that were kept in the
8 course of a regularly conducted activity of Hong Kong and
9 Shanghai Banking Corporation Limited," which is known as HSBC
10 Hong Kong, "as a regular practice of that activity."

11 And pursuant to that stipulation, the government
12 offers Government Exhibit 2008.

13 MR. KIM: No objection.

14 THE COURT: Received.

15 (Government's Exhibit 2008 received in evidence).

16 THE COURT: And of course, ladies and gentlemen, this
17 stipulation is evidence for your consideration, and you must
18 accept the stated facts as true.

19 MR. ZOLKIND: Ms. Rao, if we could publish that and
20 bring up page 4.

21 All right. I apologize for the somewhat grainy copy,
22 but -- if you could zoom in on the top.

23 BY MR. ZOLKIND:

24 Q. Dr. Gadio, can you see on the top right there the date of
25 this document?

Ibt1ho2

Gadio - Direct

1 A. Yes. That's March 25, 2015.

2 MR. ZOLKIND: Okay. And if you scroll down slightly.
3 Keep going.

4 Q. On the lower left there, do you see the sender?

5 A. Yes, yes.

6 Q. On the lower left. Sorry.

7 A. Yeah, I see it, yes.

8 Q. What is that?

9 A. Patrick Ho.

10 Q. Okay. And what's the name of the debit account holder
11 listed under it?

12 A. Patrick Ho, yeah.

13 Q. Sorry. Just below that signature, what entity name do you
14 see?

15 A. CEFC LTD.

16 MR. ZOLKIND: Okay. And if we could go up.

17 Q. Do you see in the middle line there where it says
18 remittance currency and the amount?

19 A. Yes, US dollars.

20 Q. What's the amount?

21 A. \$200,000.

22 Q. Okay. And on the right side, do you see an account name
23 and number?

24 A. Yes. Sarata International Consulting.

25 Q. Okay. And again, what's that?

Ibt1ho2

Gadio - Direct

1 A. That's our consultancy company.

2 Q. Okay. And where was your bank account located?

3 A. In Dubai. For Sarata International, it was located in
4 Dubai.

5 Q. Okay. All right. And that's part of the United Arab
6 Emirates?

7 A. Yes.

8 Q. Now do you recall that in the appointment letter that we
9 had just looked at, No. 1 was a \$100,000 donation to support
10 the activities of IPS and so forth?

11 A. Yes.

12 Q. And Item No. 2 was \$100,000 as a consulting fee to support
13 your -- to compensate you for the activities in the formative
14 stages. Do you recall that?

15 A. Yes, yes.

16 Q. Did you have an understanding as to why here both of those
17 are grouped together into a single \$200,000 wire to Sarata's
18 bank account?

19 Let me ask a better question.

20 A. Yes.

21 Q. Did the defendant tell you why those two wires were grouped
22 together into a single wire into Sarata's bank account?

23 A. Yeah, we did not discuss -- we did not discuss the issue.

24 And then when the letter of appointment came, that issue was
25 not resolved. You know, we moved back -- we moved quickly to

Ibt1ho2

Gadio - Direct

1 the fact that this was not an agreement, this was not a
2 contract, and we -- we did provide those two bank information,
3 but, you know, the payment was made to this one and we -- we
4 did accept it.

5 Q. Understood. My question, just to be clear, was: Did the
6 defendant tell you why the -- what was described as a \$100,000
7 donation, why that was grouped together with a \$100,000 part of
8 your consulting fee?

9 A. Yeah, that's what I'm saying, that we did not discuss the
10 issue.

11 Q. Okay.

12 A. We did not really discuss the issue. And I don't think
13 they changed their mind about the fact that they wrote this
14 appointment letter and decided that, you know, they would make
15 the payment for 200,000 and explain why they did it that way.
16 We did not discuss it to change anything, so I guess that's why
17 it went this way.

18 Q. At some point did CEFC send you another payment?

19 A. Another payment, yes.

20 MR. ZOLKIND: Okay. And if we could pull up page 8 of
21 the same document.

22 And again, if we just zoom on the top portion there.

23 Q. Can you see the date on the top right?

24 A. Yes. On July 2, 2015.

25 Q. July 2, 2015?

Ibt1ho2

Gadio - Direct

1 A. Yes.

2 Q. What's the currency and the amount?

3 A. 200,000 US dollars.

4 Q. Okay. And was that wired to the same account that your
5 firm maintained in Dubai?

6 A. Yes.

7 MR. ZOLKIND: Okay. All right. We can take that
8 down.

9 Q. Let me turn briefly to another subject.

10 Dr. Gadio, you testified that you're not a citizen of
11 the US but you're a lawful permanent resident or a green card
12 holder, is that right?

13 A. Yes.

14 Q. Now prior to being arrested in this case, did you file US
15 tax returns on an annual basis?

16 A. Yes.

17 Q. And did anyone assist you in filing US tax returns?

18 A. Yes. I co-filed with my wife, and a CPA was doing the job
19 for us.

20 Q. Okay. And when you say a CPA, you mean an accountant?

21 A. Yes, accountant, yeah.

22 Q. All right. Prior to being arrested in this case, what was
23 your understanding as to whether or not you had an obligation
24 to declare income that you earned outside the US on your US tax
25 returns?

Ibt1ho2

Gadio - Direct

1 A. For like 20 years of being a green card holder, my
2 understanding has always been that every dollar, money I make
3 in the United States, in the US territory, that I should pay
4 tax on that, you know, income; that everything else that I make
5 outside of the US was not involved in my, you know, income in
6 the US. That's how I wrote -- each year I will write a letter
7 to the CPA, to the accountant, to say, this year I did not make
8 any money in the United States, except the years where I did,
9 then I sent a copy of the check. If I'm paid for a lecture
10 from a university, I will send the check, a copy, and then I
11 will pay tax on that one.

12 (Continued on next page)

13
14
15
16
17
18
19
20
21
22
23
24
25

IBT7HO3

C.T. Gadio - Direct

1 BY MR. ZOLKIND:

2 Q. So, to be clear, on your U.S. tax returns, did you declare
3 the money that you were paid by CEFC?

4 A. No.

5 Q. And did you declare any money that you held in bank
6 accounts that were maintained outside the United States?

7 A. No, I did not.

8 Q. And again at the time you filed those tax returns, did you
9 believe you had an obligation to declare that information?

10 A. Prior, no. Before the arrest, no, I did not know.

11 Q. Since being arrested in this case, has your understanding
12 of your U.S. tax obligations changed at all?

13 A. Yes, completely.

14 Q. OK. And just briefly, how has your understanding changed?

15 A. Now I realize that a green card holder is given the same
16 treatment as a U.S. citizen, and any income you have anywhere
17 in the world should be reported when you file with the IRS here
18 in the United States.

19 Q. What if anything are you doing to comply with your U.S. tax
20 obligations now?

21 A. We have hired a bigger firm and asked them to do tax work
22 for us, pay back taxes that we owe. And then this year, 2017,
23 it was filed properly because now we have the information.

24 Q. You said you hired a bigger firm; is that right?

25 A. Yes.

IBT7HO3

C.T. Gadio - Direct

1 Q. You mean an accounting firm?

2 A. Accounting firm, yeah.

3 Q. Does your nonprosecution agreement in this case cover your
4 failure to comply with U.S. tax law?

5 A. Exactly, yeah, absolutely, yeah.

6 Q. And, again, what did that agreement require with respect to
7 taxes?

8 A. For me to pay my back taxes, and then to file amended
9 taxes, to take care of, you know, everything that is related to
10 taxes that I did not understand before, to do it properly now.

11 Q. Let me turn now to the time period of the spring of 2015,
12 so in the months that came after that December 2014 meeting in
13 Chad.

14 A. Yes.

15 Q. Did there come a time when the defendant and CEFC -- or the
16 defendant and others from CEFC -- met with President Deby for a
17 third time?

18 A. In March, yeah, in March 2015.

19 Q. OK. Let's bring up Government Exhibit 118.

20 Your Honor, I apologize. Was there a time that the
21 Court --

22 THE COURT: I will let you know.

23 MR. ZOLKIND: OK.

24 THE COURT: Thank you.

25 Q. Do you recognize Government Exhibit 118?

IBT7HO3

C.T. Gadio - Direct

1 A. Yes. Yes. I'm sorry.

2 Q. All right. Does it relate to that third meeting?

3 A. Yes.

4 MR. ZOLKIND: Your Honor, we offer Government Exhibit
5 118.

6 MR. KIM: No objection.

7 THE COURT: Received.

8 (Government's Exhibit 118 received in evidence)

9 Q. All right. So, if we start here on the third page and zoom
10 in, do you see that the chain begins with you sending the
11 defendant and Anna bank account information?

12 A. Yes.

13 Q. Is that the same e-mail we looked at before?

14 A. Yes.

15 Q. Now let's go up to page 1 of the same chain. And on March
16 25 do you see that Anna, the defendant's assistant wrote, "Dear
17 Dr. Gadio, attached please find the bank receipt. Please let
18 us know the available time for the president to meet the CEFC
19 delegation (possibly Monday, March 30)". Do you see that?

20 A. Yes, I do.

21 Q. What was the date of this e-mail?

22 A. March 25.

23 Q. So that's asking for a meeting possibly five days later.

24 A. Yes.

25 Q. Can you zoom out and go to the top. If you could read your

IBT7HO3

C.T. Gadio - Direct

1 response. First, who did you e-mail your response to?

2 A. To Anna and copied -- Anna and Dr. Ho, yeah.

3 Q. All right. If you could read your response.

4 A. "Doctor Ho. The president has agreed to see us on Sunday
5 or Monday. He has insisted that because of the war situation
6 and the need of extreme confidentiality, he wants to meet a
7 very small delegation, ideally you and me only, or a maximum of
8 three. You, me, plus one more. Hope this is OK. And let me
9 know what format is better for you and who else will attend the
10 meeting with you and me. Thanks."

11 Q. Dr. Gadio, what was your understanding as to why President
12 Deby wanted to meet only with you and the defendant?

13 A. OK. I would say some sensitive national security issues
14 are involved, but it was because of the war situation. He was
15 really at war in the neighboring country of Nigeria against
16 Boko Haram, the terrorist organization.

17 Q. I don't want to ask about those national security issues in
18 any detail. My question was really what was your understanding
19 as to why the defendant specified a third person of the group
20 as being you, him and the defendant?

21 A. Because the president --

22 Q. I apologize, your Honor, I think I misspoke.

23 THE COURT: Go ahead.

24 Q. Let me re-ask the question.

25 My question is: What was your understanding as to

IBT7HO3

C.T. Gadio - Direct

1 why --

2 Just so I can be clear, Ms. Rao, if you could
3 highlight the second line where it says he wants to meet a very
4 small delegation, ideally you and me only for a maximum of
5 three. OK.

6 So, Dr. Gadio, when you said you and me only, who is
7 the you and me?

8 A. Dr. Ho, myself.

9 Q. OK. And so why were you saying that if there is a small
10 delegation ideally of you and me, why the defendant is part of
11 that small delegation?

12 A. Because he and me were the main facilitators of the
13 relationship between CEFC and Chad.

14 Q. Now, the date on this is March 26, 2015?

15 A. Yes.

16 Q. So that's more than three months after the December 2014
17 meeting in Chad; is that right?

18 A. Yes.

19 Q. I know I asked you before about your understanding of the
20 role that defendant was playing with respect to Chad back in
21 November and December 2014. What was your understanding of the
22 role he was playing with respect to CEFC's operations in Chad
23 as of March 2015?

24 A. He's still the main facilitator.

25 Q. Let's bring up Government Exhibit 117. Do you recognize

IBT7HO3

C.T. Gadio - Direct

1 this e-mail?

2 A. Yes, I do.

3 Q. Does it relate to that third meeting in Chad?

4 A. Yes.

5 MR. ZOLKIND: Your Honor, we offer Government Exhibit
6 117.

7 MR. KIM: No objection.

8 THE COURT: Received.

9 (Government's Exhibit 117 received in evidence)

10 Q. All right. Do you see this is an e-mail from Anna --

11 A. Yes.

12 Q. -- the defendant's assistant to you, and copying a number
13 of people including the defendant? Do you see that?

14 A. Yes.

15 Q. All right. She writes, "Dear Dr. Gadio, attached please
16 find the passports of the CEFC delegation." Do you see that?

17 A. Yes, I do.

18 Q. If we turn to the next page -- sorry -- the first page of
19 the attachment. If we can just zoom in on the delegation list.
20 Again, who is the first person listed on the CEFC delegation?

21 A. Yes, Dr. Ho.

22 Q. Let's bring up Government Exhibit 1126. What's the date
23 of -- I should start by saying, do you recognize this text
24 message?

25 A. Yes, I do.

IBT7HO3

C.T. Gadio - Direct

1 Q. This is with the defendant with regard to that same trip?

2 A. Yes.

3 MR. ZOLKIND: Your Honor, we offer Government Exhibit
4 1126.

5 MR. KIM: No objection.

6 THE COURT: Received.

7 (Government's Exhibit 1126 received in evidence)

8 Q. What's the date of your text message here to the defendant?

9 A. March. March 31.

10 Q. And where were you at the time you sent this message?

11 A. We were in N'Djamena, capital of Chad.

12 Q. And if you could read the text message you sent?

13 A. Yes. "Please ask Dr. Ho and Mr. Zang to be ready for 9:45.
14 I will be at Soluxe hotel at 9:35."

15 Q. So were you going to pick them up at their hotel?

16 A. Yes.

17 Q. And where were you going to go from there?

18 A. To go see the president.

19 MR. ZOLKIND: Take that down.

20 Q. OK. Let's talk about the third meeting in Chad.

21 A. Yes.

22 THE COURT: May I interrupt you. Will this be a time
23 to take a short break?

24 MR. ZOLKIND: It would be an excellent time.

25 THE COURT: All right.

IBT7HO3

C.T. Gadio - Direct

1 Ladies and gentlemen, would you please follow the
2 normal rules of not discussing the case among yourselves. Take
3 your books if you are using them into the jury room. I will
4 see you in a couple of minutes. Thank you.

5 (Jury not present)

6 THE COURT: Anything else on the record, counsel?

7 MR. ZOLKIND: No, your Honor.

8 THE COURT: Thank you. I will see you in a couple
9 minutes.

10 (Recess)

11 (Jury present)

12 THE COURT: Thank you for allowing us to take that
13 break, ladies and gentlemen.

14 THE COURT: Thank you, ladies and gentlemen. We
15 continue with the direct examination of Dr. Gadio.

16 Counsel.

17 MR. ZOLKIND: Thank you, your Honor.

18 CHEIKH TIDIANE GADIO, resumed.

19 DIRECT EXAMINATION BY (Continued)

20 BY MR. ZOLKIND:

21 Q. So, Dr. Gadio, with respect to the third meeting in Chad
22 between the CEFC delegation and President Deby, first of all,
23 who attended from your firm, Sarata?

24 A. I'm sorry. Who attended from?

25 Q. From your firm, Sarata.

IBT7HO3

C.T. Gadio - Direct

1 A. Myself.

2 Q. OK. Who attended from the CEFC side?

3 A. Dr. Ho, Mr. Zang. I believe that Mr. Liu was there. I
4 believe he was there.

5 Q. And what about from the Chadian side?

6 A. It was president, chief of staff, and I'm not quite sure,
7 but I believe one of the -- no, it was the president and his
8 chief of staff, yeah.

9 Q. OK. Now, you testified a bit today and for a while
10 yesterday regarding the incident of the \$2 million cash back in
11 December of 2014. Do you recall that?

12 A. Yes.

13 Q. And you testified about the donation letter being sent in
14 early January of this year 2015; is that right?

15 A. Yes.

16 Q. Was this meeting here in Chad the first time that the
17 defendant and President Deby were face to face since that
18 incident, as far as you are aware?

19 A. Yes.

20 Q. During that meeting, did the defendant make any reference
21 to the \$2 million?

22 A. No.

23 Q. Did he say anything at all about charitable or humanitarian
24 giving in Chad?

25 A. No.

IBT7HO3

C.T. Gadio - Direct

1 Q. Did anyone else from CEFC reference anything about those
2 topics?

3 A. Not that I remember.

4 Q. During this meeting in Chad, what was the focus of the
5 defendant's comments?

6 A. I think this time CEFC came with a proposal.

7 Q. And what was that proposal?

8 A. From the discussion on Block H, they had moved now to a
9 discussion about the 10 percent owned by the government of Chad
10 from the fine with CNPC.

11 Q. And if you could just break down, so remind us what was the
12 fine on CNPC that you're referring to?

13 A. You remember the government of Chad had a serious problem
14 with CNPC related to environmental damage done to the country,
15 and the president fined CNPC \$1.2 billion U.S. The final
16 arrangement that was made was CNPC would pay \$400 million, and
17 then CNPC offered to give to the government of Chad, to give
18 them back 10 percent of all their assets in Chad, including the
19 infrastructure, and then 10 percent of any oil revenue.

20 Q. And again just to remind us, was CNPC the state-owned oil
21 company in Chad?

22 A. Yes, China National Petroleum Company.

23 Q. You said in the course of resolving its dispute with the
24 Chadian government, it paid \$400 million plus gave the Chadian
25 government 10 percent rights to various of its oil operations?

IBT7HO3

C.T. Gadio - Direct

1 A. Exactly, and infrastructure, yeah.

2 Q. All right. And so as the defendant and his colleagues
3 described it during this third meeting in Chad, what was CEFC
4 interested in buying?

5 A. They were interested in buying back the 10 percent given to
6 the government of Chad by CNPC.

7 Q. OK. So, the 10 percent the government of Chad had gotten
8 from CNPC is what CEFC was now interested in acquiring?

9 A. Exactly.

10 Q. OK. So after that proposal was raised by the CEFC side,
11 how did President Deby respond?

12 A. He said it was fine, we can start the relationship with
13 this acquisition, and he was ready to put his technical team
14 and financial experts to meet with the CEFC delegation and to
15 agree, you know, on asset pricing, like to agree on how much
16 CEFC would pay for the 10 percent.

17 Q. Let's bring up what has been marked for identification as
18 Government Exhibit 1129. Do you recognize this text message
19 chain?

20 A. Yes.

21 Q. And who is it with?

22 A. With Dr. Ho.

23 Q. All right. And does it regard that deal that you have just
24 been testifying about?

25 A. Yes.

IBT7HO3

C.T. Gadio - Direct

1 MR. ZOLKIND: Your Honor, the government offers
2 Government Exhibit 1129.

3 MR. KIM: No objection.

4 THE COURT: Received.

5 (Government's Exhibit 1129 received in evidence)

6 Q. Ms. Rao, if we could zoom in first on the top text message.

7 What's the date of this message?

8 A. The same day, March 31, .

9 Q. And when you say the same day, you mean the same day as
10 what?

11 A. The meeting.

12 Q. The meeting with President Deby?

13 A. Yes.

14 Q. And who is this message from?

15 A. Dr. Ho.

16 Q. OK. And if you could read the defendant's message to you.

17 A. "My friend, message from China: If package is over \$200
18 million, it will be difficult for us to accept."

19 Q. Let's go to your response. And do you respond the same
20 day?

21 A. Yes.

22 Q. And if you could read your reply to the defendant.

23 A. "200 million euro or dollar plus a significant amount of
24 renminbi" -- the Chinese currency -- "or the global offer
25 should be only \$200 million?" It's a question.

IBT7HO3

C.T. Gadio - Direct

1 Q. So, Ms. Rao, we can put those two messages on top of each
2 other.

3 So just if you could explain how you understood the
4 defendant's message to you and what you were asking in
5 response.

6 A. OK. We already had the meeting, and Dr. Ho was telling me
7 that from China, from their headquarters, the decision was to
8 limit the offer to \$200 million for the 10 percent. And I was
9 asking to get more clarification before I conveyed the message.
10 Was it 200 million euro or \$200 million -- which makes a
11 difference -- and was it those 200 million plus a significant
12 amount of Chinese currency, or do they mean that the global
13 offer can only be \$200 million?

14 Q. OK. If we can go to the next message in the chain. You
15 see here the defendant replied back to you?

16 A. Yes.

17 Q. And he wrote, "Quick deal, \$200 million U.S. upfront from
18 10 percent rights, plus some arms and renminbi discount loans."

19 A. Yes.

20 Q. First of all, be clear, the 10 percent rights that he was
21 referring to there, is that the same rights that you testified
22 about before that the Chadian government had acquired from
23 CNPC?

24 A. Yes, that's the same 10 percent.

25 Q. And when the defendant said, "Quick deal: \$200 million

IBT7HO3

C.T. Gadio - Direct

1 U.S. upfront for those rights, plus some arms and renminbi by
2 discount loans," what did you understand him to be referring
3 to there?

4 A. So, \$200 million U.S. was available right away. The arms
5 is in reference to the confidential discussions that we talked
6 earlier about, the president wanting to see one or two persons
7 because of the war situation in the zone. And then renminbi
8 discount loans means that Chad can contract loans in China, and
9 the government can accept that the loan be financed with
10 renminbi plus the discount that the government can give to Chad
11 on those loans.

12 Q. All right. If we go to the next message, and if you can
13 read your reply.

14 A. Yes.

15 Q. Can you read your reply aloud, please.

16 A. "I will await our friend's figures and will do the go
17 between. Hoping for the best."

18 Q. What did you mean by saying that you'll await our friend's
19 figures?

20 A. Because the president had tasked his technical and
21 financial team to work on the offer -- the financial offer to
22 CEFC on the 10 percent, how much it was valued by the Chadian
23 government, and that team was working there.

24 Q. Ms. Rao, you can take this down.

25 So, during this trip to Chad in late March 2015, was

IBT7HO3

C.T. Gadio - Direct

1 there a negotiation between the Chadian side and the CEFC side
2 regarding the 10 percent rates?

3 A. Yes, they did have a direct negotiation.

4 Q. And just in terms of the sort of bottom line, how did those
5 negotiations go?

6 A. It went very poorly and ended very bitterly because --

7 Q. You said it ended very --

8 A. -- bitterly.

9 Q. Bitterly?

10 A. Yeah, bitterly, yeah.

11 Q. And what was your understanding as to the sticking point,
12 if any, as to why it ended so bitterly?

13 A. The gap was too wide between what the government of Chad
14 thought was reasonable as compensation for the 10 percent and
15 what CEFC thought it was worth.

16 Q. OK. Now, Dr. Gadio, up until and through this meeting in
17 Chad, who at CEFC had been your primary point of contact on the
18 Chad discussions?

19 A. Always with Dr. Ho.

20 Q. And at any point after this trip to Chad did you come to
21 see any change with respect to who represented CEFC's interests
22 in Chad?

23 A. In March, or sometime later in the process? Later in the
24 process, yeah, in May, I received a message from Dr. Ho telling
25 me that from now on to talk directly to Mr. Zang who is in

IBT7HO3

C.T. Gadio - Direct

1 charge of the Chad operations from now on.

2 Q. And just in terms of your own observations over the months
3 that followed from March through May and into the following
4 year, did you in fact see any change in terms of who
5 represented CEFC's interest in Chad?

6 A. Once again, I'm trying to understand the question.

7 Q. My apologies.

8 A. I'm sorry.

9 Q. Setting aside the e-mail that you got telling you that the
10 defendant would be moving on to other projects, did the person
11 or the individuals at CEFC that you personally dealt with on
12 the Chad discussions, did that change from being Dr. Ho to
13 being someone else?

14 A. Me, I continued to work with Dr. Ho until the month of May,
15 but I felt that some other people were taking more
16 responsibility, like Dr. Liu, for instance, being more and more
17 an interlocutor.

18 Q. All right. And after the point in May, who from your
19 perspective at CEFC became this sort of central focal point
20 with respect to CEFC's interest in Chad?

21 A. The mail I received said Mr. Zang, but in reality I worked
22 with Mr. Liu.

23 Q. All right. And let's bring up Government Exhibit 141. Do
24 you recognize this e-mail?

25 A. Yes, I do.

IBT7HO3

C.T. Gadio - Direct

1 MR. ZOLKIND: Your Honor, the government offers
2 Government Exhibit 141.

3 MR. KIM: No objection.

4 THE COURT: Received.

5 (Government's Exhibit 141 received in evidence)

6 Q. All right. What's the date on this e-mail, Dr. Gadio?

7 A. That's May 5, 2015.

8 Q. Who is it from?

9 A. It's from Anna, the assistant of Dr. Ho.

10 Q. And who is it to?

11 A. To me.

12 Q. Do you see here that the defendant's assistant wrote, "Dear
13 Dr. Gadio, thank you for your e-mail. We have confirmed
14 with" -- what does GM stand for?

15 A. I believe it's general manager.

16 Q. "We have confirmed with general manager Zang's secretary,
17 Li Wei, that your message was well received. Dr. Ho has
18 currently moved into other projects, and this project is in the
19 hands of GM Zang, the decision and related issues of this
20 project are made by GM Zang." Do you see that?

21 A. Yes.

22 Q. Is this e-mail you referred to just a moment ago?

23 A. Yes.

24 Q. So just to be clear, from this point forward, what was your
25 understanding in terms of who was the main focal point for CEFC

IBT7HO3

C.T. Gadio - Direct

1 with respect to Chad?

2 A. The e-mail indicates Mr. Zang, but, like I said, in reality
3 we were working directly with Mr. Liu. So, I would say that
4 Mr. Liu was the new focal point, perhaps supervised by
5 Mr. Zang.

6 Q. OK. And when you're referring to Mr. Liu, is that the
7 individual on the board above you on the top right?

8 A. Yes.

9 Q. Again, just to be clear, prior to receiving this e-mail,
10 what was your understanding as to who at CEFC was the main
11 focal point with respect to Chad?

12 A. Dr. Ho.

13 Q. Take that down.

14 Dr. Gadio, from this point forward, did you and your
15 son and your firm Sarata, did you continue to work toward a the
16 potential oil deal between Chad and CEFC?

17 A. Yes.

18 Q. And approximately how long did those discussions continue?

19 A. Up to 2016, I think, way into 2016.

20 Q. Did CEFC and the government of Chad ultimately reach any
21 deal, as far as you know?

22 A. No.

23 Q. With respect to the 10 percent rights, as you understood
24 it, what was the main sticking point that prevented a deal from
25 being reached?

IBT7HO3

C.T. Gadio - Direct

1 A. Like I said, there was a huge gap between the financial
2 offer from CEFC, \$200 million, and then the Chadian government
3 was around like \$1 billion, and then this agreement, and we
4 were not able to reconcile the two figures.

5 Q. Now, Dr. Gadio, in connection with your connection on this
6 deal, did you ever have any other reason at some point to get
7 back in touch with the defendant again?

8 A. Yes. We did ask Dr. Ho's help when -- you remember the
9 wire we received in our bank in Dubai was signed by Dr. Ho, so
10 the bank was asking us once again to back up a letter of
11 appointment, everything we gave them --

12 Q. Sorry. You said the bank was asking you to back up?

13 A. Yeah, because we already gave them the letter of
14 appointment; they said it was not enough; they wanted a
15 contract. So, we get in touch with Dr. Ho to ask him to help
16 us get that contract to take to the bank.

17 Q. If we could bring up Government Exhibit 176 for
18 identification. Do you recognize this e-mail?

19 A. Yes.

20 Q. OK. Is this between you and the defendant on the subject
21 you were just testifying about?

22 A. Yes.

23 MR. ZOLKIND: Your Honor, we offer Government Exhibit
24 176.

25 MR. KIM: No objection.

IBT7HO3

C.T. Gadio - Direct

1 THE COURT: Received.

2 (Government's Exhibit 176 received in evidence)

3 Q. So at the top here, who is this e-mail from?

4 A. It's from me.

5 Q. And who is it to?

6 A. To Dr. Ho.

7 Q. OK. And the subject line?

8 A. Draft contract and draft appointment letter to send to
9 CEFC.

10 Q. What's the date on this e-mail?

11 A. October 26, 2015.

12 Q. So about five months or so after the period that you were
13 just testifying about before?

14 A. Yes.

15 Q. All right. And you wrote here, "Dear Dr. Ho, it was great
16 seeing you in Beijing."

17 Ms. Rao if you could highlight.

18 I need your assistance obtaining a consultancy
19 contract with your Hong Kong office. Our company Sarata is
20 registered under my son Boubker's name in Dubai. His bank is
21 asking him to provide invoices sent to CEFC and a contract to
22 justify the funds transferred.

23 Do you see that?

24 A. Yes, I do.

25 Q. At this point in response to this request, did you

IBT7HO3

C.T. Gadio - Direct

1 ultimately get the formal contract you requested?

2 A. No we did not.

3 Q. And what, if anything, happened with respect to your bank's
4 inquiry into the matter?

5 A. The bank closed the account.

6 Q. Let me turn finally, Dr. Gadio, just to one brief other
7 subject.

8 Can we bring up what is I believe already in evidence
9 as Government Exhibit 1504. Do you recognize this individual?

10 A. Yes, I do.

11 Q. Who is that.

12 A. His name is Sam. He is the foreign minister of Uganda.

13 Q. Do you recall his last name?

14 A. I never memorized really his last name.

15 Q. OK. But you knew him as Sam. And again what was his
16 position?

17 A. We were both foreign ministers at the same time, so he's a
18 foreign minister of Uganda.

19 Q. And if we could bring up for identification Government
20 Exhibit 1510. Do you recognize this photo?

21 A. Yes.

22 Q. Who do you recognize that to be?

23 A. This is President Yoweri Museveni of Uganda.

24 Q. We offer Government Exhibit 1510.

25 MR. KIM: No objection to Exhibit 1510 A or B.

IBT7HO3

C.T. Gadio - Direct

1 THE COURT: Thank you. Received.

2 (Government's Exhibits 1510, 1510A and 1510B received
3 in evidence)

4 Q. How did you know President Yoweri Museveni of Uganda?

5 A. When I became foreign minister in 2000, until I left in
6 2009, we met regularly in Addis Ababa, and that's where the
7 African headquarters is, so twice a year they have assembly of
8 heads of state, and I would go and attend as foreign minister,
9 and I would meet him. That's how I got to know him. And he is
10 a major figure, political figure in Africa.

11 (Continued on next page)

12
13
14
15
16
17
18
19
20
21
22
23
24
25

Ibt1ho4

Gadio - Cross

1 MR. ZOLKIND: We could take down that photo.

2 BY MR. ZOLKIND:

3 Q. Dr. Gadio, do you recall testifying that at a meeting in
4 Chad with President Deby, you said that the defendant referred
5 to Chad as one of CEFC's potential gateways to Africa?

6 A. Yes.

7 Q. Did the defendant, in all of your discussions with him,
8 ever talk to you about CEFC's interests in doing business in
9 Uganda?

10 A. We never -- we never discussed that.

11 MR. ZOLKIND: I have no further questions, your Honor.

12 THE COURT: Thank you.

13 Would you like to begin some cross?

14 MR. KIM: Sure, your Honor.

15 THE COURT: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. KIM:

18 Q. Good afternoon, Dr. Gadio.

19 A. Good afternoon, sir.

20 Q. You are a politician in Senegal, correct?

21 A. Yes.

22 Q. You previously served as foreign minister of that country,
23 right?

24 A. Yes.

25 Q. For about ten years?

Ibt1ho4

Gadio - Cross

1 A. Yes.

2 Q. And you currently are serving as a congressman in Senegal,
3 right?

4 A. That's true.

5 Q. You are a member of Parliament, right?

6 A. Yes.

7 Q. Congressman is an elected position in Senegal?

8 A. Yes, it is.

9 Q. So you campaigned to be elected to that, right?

10 A. Exactly.

11 Q. And you grew accustomed to speaking in front of large
12 groups, right?

13 A. I'm sorry?

14 Q. You grew accustomed to speaking in front of large groups,
15 right?

16 A. Yes, I do.

17 Q. Now you have your sights set on an even higher position in
18 Senegal, right?

19 A. That is true.

20 Q. You previously ran to be elected president of that country?

21 A. Yes, I did.

22 Q. And you absolutely want to be the president of Senegal,
23 don't you?

24 A. I do agree with the concept, absolutely.

25 Q. Well, you absolutely want to campaign to be president of

Ibt1ho4

Gadio - Cross

1 Senegal, correct?

2 A. That I would say no.

3 Q. Do you recall testifying yesterday that you absolutely
4 wanted to campaign to be president of Senegal?

5 A. No. When I say no, like when you say absolutely want to be
6 president of Senegal, you know, those are decisions by the
7 people of Senegal, but I -- I -- yes, personally, I want to
8 lead my country one day.

9 Q. So you absolutely would like to be the president of
10 Senegal, correct?

11 A. Thank you, yes, mm-hmm.

12 Q. Now --

13 THE COURT: Stay close to the microphone. It doesn't
14 work if you back away.

15 MR. KIM: Yes, your Honor, I will try to do that.

16 Q. Now I want to direct your attention to your first meeting
17 with Dr. Patrick Ho.

18 A. Yes.

19 Q. You met Patrick Ho through Vuk Jeremic, correct?

20 A. Yes, I did.

21 Q. And Jeremic was the former PGA of United Nations, right?

22 A. Former?

23 Q. PGA, President of the General Assembly, is that right?

24 A. Yes.

25 Q. And you met Dr. Ho in about September of 2014, is that

Ibt1ho4

Gadio - Cross

1 right?

2 A. That's true.

3 Q. You met with both Dr. Ho and Jeremic's assistant, GM Zang,
4 correct?

5 A. Yes.

6 Q. And during that meeting Dr. Ho told you about the meeting
7 with CEFC, right?

8 A. That's true.

9 Q. And in that meeting you discussed the company's strong
10 links to the PRC's Defense Committee, right?

11 A. That's true.

12 Q. And also the defense -- I'm sorry. You also talked about
13 the company's interest in partnering with President Deby,
14 right?

15 A. Yes.

16 Q. And the company's interest in building a friendship with
17 him, right?

18 A. Yes.

19 Q. During that meeting you also discussed a number of
20 different interests across different industries, right?

21 A. Yes.

22 Q. Including oil, right?

23 A. Yes.

24 Q. Military equipment?

25 A. Mm-hmm, yes.

Ibt1ho4

Gadio - Cross

1 Q. Social infrastructure?

2 A. Yes.

3 Q. And banking, right?

4 A. Yes.

5 Q. Now CEFC, the company, which I'll refer to as CEFC Energy,
6 later --

7 THE COURT: Slow it down.

8 MR. KIM: Slowing down, your Honor.

9 THE COURT: Okay.

10 Q. CEFC Energy later engaged your company, Sarata, as
11 consultants, correct?

12 A. Yeah, we -- we started working together.

13 Q. Sarata started working with CEFC Energy, right?

14 A. Yes.

15 Q. And Sarata, the owner or the officials of Sarata include
16 you and your son Boubker, correct?

17 A. Exactly.

18 Q. And your role was to perform consulting activities for
19 business generation in Africa, right?

20 A. Yes.

21 Q. The focus of your activities for CEFC Energy was Chad,
22 right?

23 A. The focus, yes.

24 Q. Now your role essentially was to be a middleman, is that
25 right?

Ibt1ho4

Gadio - Cross

1 A. That's true.

2 Q. You had performed a similar role before, is that right?

3 A. Yes.

4 Q. And you did not view that role as unusual, correct?

5 A. No.

6 Q. Now we're going to spend some time talking about the course
7 of the negotiations between CEFC Energy and Chad.

8 A. Mm-hmm.

9 Q. But before we do that, I want to be very clear. The
10 negotiations between CEFC Energy and Chad that you were
11 involved in, they never resulted in a deal, is that right?

12 A. At the end, yes. Yes.

13 Q. Now when you first met Dr. Ho, your understanding was that
14 CEFC Energy was looking for someone to introduce them to
15 President Deby, correct?

16 A. Yes.

17 Q. You agreed to be that person, right?

18 A. Exact.

19 Q. And you started to communicate with President Deby on
20 behalf of CEFC Energy, right?

21 A. Yes.

22 Q. As far as you knew, CEFC Energy was relying on you to
23 communicate with President Deby, correct?

24 A. Yes.

25 Q. You weren't aware of CEFC Energy having any other channel

Ibt1ho4

Gadio - Cross

1 to communicate with President Deby, right?

2 A. I was not aware, yes.

3 Q. Now I want to focus your attention on the time period
4 before the meetings in Chad in December of 2014.

5 A. Mm-hmm.

6 Q. During that time period your testimony is that Dr. Ho never
7 said anything to you about passing a bribe, correct?

8 A. No.

9 THE COURT: No, he did not?

10 THE WITNESS: No, he did not.

11 THE COURT: Thank you.

12 MR. KIM: Thank you, your Honor.

13 Q. Now let me direct your attention to the first meeting in
14 Chad that you have testified about.

15 A. Yes.

16 Q. That meeting occurred approximately November 11th of 2014,
17 correct?

18 A. Yes.

19 Q. Let me show you Government Exhibit 43 in evidence.

20 MR. KIM: Why don't we turn to the second page of
21 that, Mr. Calabrese. And scroll down to the last photo,
22 please.

23 Q. You were shown that photograph during your direct
24 examination, right?

25 A. Yes.

Ibt1ho4

Gadio - Cross

1 Q. And that's a photograph that was taken during that first
2 meeting, is that your testimony?

3 A. Yes.

4 MR. KIM: You can take that down now. Thank you.

5 Q. Now, Dr. Gadio, you initially proposed having that meeting
6 in a confidential setting, right?

7 A. This meeting? The first meeting?

8 Q. Yes.

9 A. Yes.

10 Q. I'm sorry?

11 A. Yes.

12 Q. And during that meeting President Deby offered a block of
13 oil wells to CEFC Energy, right?

14 A. Yeah, he presented a block of oil, yeah, that he was ready
15 to offer CEFC if they wanted to get it.

16 Q. Okay. So to be clear --

17 A. Yeah.

18 Q. -- President Deby presented a block of oil wells --

19 A. Yes.

20 Q. -- to CEFC Energy to buy?

21 A. Yes, if they were interested to buy it.

22 Q. If they were interested in buying it, is that correct?

23 A. Yes, mm-hmm.

24 Q. And that block of oil wells is the block that we've been
25 calling Block H?

Ibt1ho4

Gadio - Cross

1 A. Exactly.

2 Q. Now President Deby in that meeting offered CEFC Energy the
3 opportunity to buy all of Block H, right?

4 A. Yes.

5 Q. And President Deby made that offer without any
6 preconditions, right?

7 A. You know, the usual precondition to buy a block of oil is
8 to know what you're buying, which means to do the technical
9 study, to know the value of the asset. Those things are kind
10 of understood when you make an offer like this.

11 Q. Okay. Well, isn't it true that you had CEFC Energy that
12 President Deby had made them an offer without any
13 preconditions?

14 A. I'm concerned by the concept "precondition," but what I'm
15 saying is like he was not putting any particular condition to
16 making the offer to CEFC, and like I said, that's just the
17 first -- you know like when you sign an MOU, it's okay. You
18 can -- the offer is made to you. But then like I said, you
19 have requirements before you get to do it, you know, the
20 buying, buying the asset.

21 Q. Okay. So there are requirements that would come between
22 getting an offer and buying an asset; that's your testimony,
23 right?

24 A. Yes, yes.

25 Q. My question was whether President Deby made that offer

Ibt1ho4

Gadio - Cross

1 without any conditions.

2 MR. ZOLKIND: Your Honor, I think it's been asked and
3 answered.

4 THE COURT: Yes, we've been through it a few times.

5 Q. Now there was no discussion of a bribe during that meeting,
6 right?

7 A. Not at all.

8 Q. And your testimony is that CEFC Energy ultimately did not
9 pursue a deal to buy all of Block H, right?

10 A. Yes.

11 Q. Now, Dr. Gadio, do you consider yourself to be
12 knowledgeable about oil deals?

13 A. I'm not an expert.

14 Q. How many oil deals have you brokered?

15 A. That was my first experience working on an oil deal.

16 Q. You're talking about the oil deal between CEFC Energy and
17 Chad, that was your first experience?

18 A. Yes, yes.

19 Q. And that is your only experience, Dr. Gadio?

20 A. I can say yes, yes, that's my only experience.

21 Q. And to be clear, that deal never happened, right?

22 A. Yeah. Finally, it did not work out.

23 Q. So you've never actually brokered a successful oil deal,
24 right?

25 A. No.

Ibt1ho4

Gadio - Cross

1 Q. Now at some point in the course of the negotiations the
2 terms of the deal changed, right?

3 A. Yes.

4 Q. So it started out with President Deby offering all of Block
5 H --

6 A. Yes.

7 Q. -- right?

8 A. Mm-hmm.

9 Q. And it eventually changed to an offer to purchase
10 10 percent of that block, right?

11 A. Yeah, but it was not his offer. It was CEFC's offer.

12 Q. Now to be clear, we're talking about 10 percent of that
13 same block of oil wells, right, Block H?

14 A. Not really. We're talking about 10 percent of CNPC asset
15 that's an old contract between CNPC and China -- and Chad. The
16 Block H he was referring to was a new block, like I said, in
17 the border of Sudan, Libya, and Chad, so it was not like buying
18 back the block already operated by CNPC.

19 Q. Now you testified about -- I think just a little while ago,
20 talked about the needing of the technical team that eventually
21 happened during the course of the negotiations, is that right?

22 A. Yes.

23 Q. At some point in the discussions between CEFC Energy and
24 Chad, CEFC Energy received technical and financial information
25 about that 10 percent, right?

Ibt1ho4

Gadio - Cross

1 A. Yes, they did.

2 Q. Your understanding was that CEFC Energy needed that
3 technical information in order to make their decision about the
4 acquisition of the 10 percent, right?

5 A. That's true.

6 Q. But before CEFC Energy could receive that technical and
7 financial information, they had to sign a nondisclosure
8 agreement, right?

9 A. That's true.

10 Q. Or an NDA, as it's often called?

11 A. NDA, yes.

12 Q. Now CEFC did not sign an NDA until June of 2015, isn't that
13 right?

14 A. I don't have the exact date, but maybe. Maybe around that
15 time, yes.

16 MR. KIM: Why don't we show Dr. Gadio what's been
17 marked for identification as Defense Exhibit 160; 160 for
18 identification only.

19 And can we do that side by side with 160T for
20 identification only.

21 A. Yes, I saw it.

22 Q. Does that refresh your memory it was in June of 2015?

23 A. Yes, yes.

24 MR. KIM: You can take that down now. Thank you.

25 Q. Now another step in the process of negotiating for these

Ibt1ho4

Gadio - Cross

1 oil wells was for CEFC to conduct due diligence and do a
2 feasibility study, right?

3 A. Yes.

4 Q. And isn't it true that as of January 2016, CEFC Energy
5 still had not done that, correct?

6 A. Yes.

7 Q. And in fact, your understanding in January of 2016 was that
8 CEFC Energy needed another six months to conduct due diligence
9 and feasibility study, right?

10 A. Yes.

11 Q. Now I want to talk about the time period immediately
12 following the meetings in Chad in December of 2014.

13 A. Yes.

14 Q. After those meetings happened, CEFC Energy went months
15 without pushing forward the negotiations with Chad about the
16 oil wells, right?

17 A. Yes. Yes.

18 Q. In fact, it was about a three-month delay, correct?

19 A. That's true.

20 Q. Now in December of 2014, after those meetings in Chad
21 occurred, you were concerned about CEFC Energy's lack of
22 responsiveness, right?

23 A. Yes.

24 Q. You started expressing your concerns to Dr. Ho, right?

25 A. That there was mainly -- if my recollection is correct,

Ibt1ho4

Gadio - Cross

1 mainly about our agreement not being finalized. That's what I
2 was insisting more. And also, of course, hearing from CEFC on
3 the way to -- how to move forward.

4 Q. So part of the reason you were concerned was you were
5 concerned about CEFC Energy's interest in moving forward with a
6 deal, right?

7 A. There was not a deal yet. Then -- then there was no deal
8 at all. If you mention between December and March, there was
9 absolutely no deal.

10 Q. I understand. My question, Dr. Gadio --

11 A. Yes.

12 Q. -- was whether part of your concern about the company's
13 lack of responsiveness was related to your concern about
14 whether a deal was going to get done or not.

15 A. Yes.

16 Q. Now in January of 2015 you expressed some of your concerns
17 to Dr. Ho, right?

18 A. Yes.

19 Q. And isn't it true that in that month you were worried that
20 everything was falling apart, right?

21 A. I mentioned the fact that I was not getting feedback from
22 them, yes.

23 Q. And you were worried enough that you were considering
24 whether you should travel to Chad and apologize to President
25 Deby and move on to other opportunities, correct?

Ibt1ho4

Gadio - Cross

1 A. Okay. I don't have the exact dates, but yes, I did say
2 something like that.

3 Q. And that was in January of 2015, is that right?

4 A. You give me the date. I don't have the documents under my
5 eyes, but --

6 MR. KIM: Let's put up for the witness for
7 identification only what's been marked as Defense Exhibits 1096
8 and 1097, side by side, please.

9 Q. If you can give that a read, Dr. Gadio.

10 A. I'm sorry?

11 Q. You can read those to yourself.

12 A. Okay. Okay.

13 Yes, that's from January, January 26, 2015.

14 Q. And on that day you said that you were considering
15 traveling to Chad, apologizing to President Deby, and moving on
16 to other opportunities, correct?

17 A. Yes, but in the previous email, I told Dr. Ho that he was
18 no longer communicating with me and if -- and I cannot be
19 communicating with his secretary. If he's no longer
20 interested, I need to know and then -- and then I would go to
21 Chad and apologize to the president.

22 MR. KIM: Your Honor, at this time can I just read a
23 stipulation, please.

24 THE COURT: Yes, sir.

25 What brand of stipulation is it?

Ibt1ho4

Gadio - Cross

1 MR. KIM: Once I find it, your Honor, I will let the
2 Court know.

3 It's a fact stipulation, your Honor.

4 THE COURT: All right. This is evidence for your
5 consideration, ladies and gentlemen, and as you know, you must
6 accept the facts stated as true.

7 Go ahead, sir.

8 MR. KIM: Thank you, your Honor. It's marked as DS01,
9 and we'll offer it at this time.

10 MR. ZOLKIND: No objection.

11 THE COURT: Received.

12 (Defendant's Exhibit DS01 received in evidence)

13 MR. KIM: And can we please put that up,
14 Mr. Calabrese.

15 Your Honor, the parties have stipulated that agents
16 with the FBI arrested Cheikh Gadio on or about November 17,
17 2017. In connection with that arrest, agents seized from
18 Gadio, among other things, the following electronic devices,
19 which I won't read. They're listed on the document.

20 And if we could turn to page 2, please.

21 The Gadio phones were extracted onto reports by an FBI
22 specialist, and the following defense exhibits contain true and
23 correct copies of excerpts from the extraction reports of the
24 Gadio phones. And listed on this is Defense Exhibits 1096 and
25 1097.

Ibt1ho4

Gadio - Cross

1 We can take that down.

2 BY MR. KIM:

3 Q. And Dr. Gadio, the text messages we were just talking
4 about, were those Defense Exhibits 1096 and 1097?

5 A. Yes.

6 MR. KIM: Your Honor, we offer them.

7 MR. ZOLKIND: No objection.

8 THE COURT: Received.

9 (Defendant's Exhibits 1096 and 1097 received in
10 evidence)

11 BY MR. KIM:

12 Q. Now as of March of 2015, you were still concerned about
13 whether CEFC Energy was actually interested in pursuing a deal,
14 right?

15 A. Yes.

16 Q. And your understanding at that time was that the Chadians
17 could not believe that CEFC Energy would disappear for three
18 months and not get back to them about important issues,
19 correct?

20 A. Yes.

21 Q. And even as of July of 2015, you were concerned that the
22 negotiations were not really moving, correct?

23 A. Yes.

24 Q. And you were concerned at that point about losing
25 credibility, right?

Ibt1ho4

Gadio - Cross

1 A. Yes.

2 Q. Now after the meetings in Chad in December of 2014, Dr. Liu
3 and Mr. Zang took over negotiations on behalf of CEFC Energy,
4 right?

5 A. That I cannot confirm.

6 Q. Now you testified that Zang was a key element in the CEFC
7 power structure, right?

8 A. Yes.

9 Q. You testified that he was the No. 2 guy in the
10 organization, right?

11 MR. ZOLKIND: Objection, your Honor.

12 Mischaracterizes.

13 THE COURT: Sustained.

14 You don't have to answer, sir. Go ahead.

15 THE WITNESS: Okay.

16 Q. Did you not testify that Mr. Zang was the No. 2 guy in the
17 organization?

18 A. I did not -- I did not say -- I said Dr. Ho told me that
19 Mr. Zang was a powerful man, the No. 2 -- he can be considered
20 the No. 2 guy of the organization.

21 Q. And your understanding was that Zang was in charge of
22 Beijing?

23 A. The Beijing office.

24 Q. Now you also testified that Dr. Liu was very powerful in
25 the system, right?

Ibt1ho4

Gadio - Cross

1 A. I understood he was the chief engineer, from what I was
2 told by the CEFC, by Dr. Ho, of course.

3 Q. Now at some point in the negotiation your understanding was
4 that Dr. Ho was sidelined when it came to negotiating the
5 purchase, correct?

6 A. That was not my understanding. That was what he told me
7 when I kept sending him messages. Around the month of May, he
8 told me that I need now to work with Mr. Zang directly.

9 Q. Then there did come a time in the negotiations when you
10 started dealing with Zang and Dr. Liu directly, correct?

11 A. Yes.

12 Q. Now your understanding was that Zang and Liu were not very
13 interested in actually getting a deal done, right?

14 A. Later in the process, yes, later.

15 Q. But you wanted to get the deal done, right?

16 A. Always wanted a deal for Chad, yes, and for myself.

17 Q. Now in April of 2015 you reached out to Dr. Ho to ask him
18 if CEFC Energy was even interested in doing a deal, right?

19 A. Yes.

20 Q. Because President Deby was asking you to push for a deal
21 with CEFC Energy, right?

22 A. Yes.

23 Q. In fact, President Deby was calling you every day?

24 A. Never. Head of state cannot call somebody -- someone every
25 day.

Ibt1ho4

Gadio - Cross

1 Q. Your testimony is that President Deby was not calling you
2 every day.

3 A. No, he was not calling me every day.

4 Q. Isn't it true that on April 9, 2015, you sent a text to
5 Dr. Ho telling him that President Deby was calling you every
6 day?

7 A. It's a way of speaking. Actually, President Deby does not
8 call me directly. He sends me messages through his chief of
9 staff, and it takes something very exceptional for him and me
10 to get on the phone. So his chief of staff, yes, was telling
11 me, the president wants to know, wants to hear about CEFC,
12 where do we go from there, that's true.

13 Q. So your testimony is President Deby's chief of staff was
14 calling you every day?

15 A. He was not -- when I say every day, it's, you know -- in
16 French, it means like they're insisting, they're calling me,
17 like several times. It can be twice a day; it can be two or
18 three times a week. So that's what I was telling Dr. Ho, that
19 I was under pressure, I was getting calls all the time, yeah.

20 Q. But you didn't send that text to Dr. Ho in French, right?

21 A. I'm sorry?

22 Q. You did not send that message to Dr. Ho in French.

23 A. Of course.

24 Q. Now I want to show you what's in evidence as Government
25 Exhibit 141.

Ibt1ho4

Gadio - Cross

1 MR. KIM: And if we could turn to page 2, please.
2 April 11th of 2015, the bottom email, please.

3 If you could blow that up. Thank you.

4 Q. Now as you wrote in this email that in the first line
5 there, that "president of Chad has informed me that he is ready
6 to finalize negotiations towards a fair and good deal with
7 CEFC. He called me yesterday and today directly on my
8 cellphone."

9 Now just to be clear, Dr. Gadio, did President Deby
10 call you directly or was it his chief of staff that called you?

11 A. You know, it's like, you can check perhaps with diplomats.
12 Head of states usually don't pick up their cellphone to call
13 somebody. They ask their chief of staff to convey a message,
14 and you consider it's a call from the president.

15 Q. Okay. So that's what you meant that --

16 A. Exactly.

17 Q. -- that he called you yesterday.

18 A. Mm-hmm.

19 Q. Now you sent this email to a number of individuals at CEFC
20 Energy, correct?

21 A. Yes.

22 Q. But you did not hear back from anyone in response to your
23 email until 12 days later, correct, if we move up?

24 A. Until?

25 Q. Until 12 days later?

Ibt1ho4

1 A. Okay.

2 Q. You see at the top left the date that it was sent?

3 A. Yes, April 23.

4 Q. And in response to your email you received that message
5 saying, Please see the following message from GM Zang.

6 A. Yes.

7 Q. And starting at the first full paragraph, it read,

8 "However, my plate is full with meetings after meetings.

9 Please forgive me for not being able to meet His Excellency the
10 President. You, my dear friend, have my full trust, and I
11 would propose that you meet His Excellency the President of
12 Chad first and let him know that CEFC is very serious about
13 this possible deal."

14 And further down it reads, "The price offered last
15 time by the energy and mining minister of Chad is insincere and
16 too far away from the international market value." Right?

17 A. Yeah, I can read that, mm-hmm.

18 MR. KIM: Your Honor, I think we have hit a natural
19 point to break, if your Honor does.

20 THE COURT: All right. Would you like to take the
21 lunch break now, friends?

22 And would you follow the normal instructions -- that
23 is, of course, don't discuss the case among yourselves or with
24 anyone else, don't do any research about the case, leave your
25 books in the jury room, and most of all, have a pleasant lunch,

Ibt1ho4

1 and please return in time to start at 2:15. Thank you,
2 friends.

3 (Jury not present)

4 THE COURT: And audience, I'll let you go down the
5 elevators first so you can be down and out of the jurors' way.
6 Thank you.

7 Anything else on the record, friends?

8 MR. ZOLKIND: Not from the government, your Honor.

9 MR. KIM: Not from the defense.

10 THE COURT: Thank you. Off the record.

11 (Discussion off the record)

12 (Luncheon recess)

13

14

15

16

17

18

19

20

21

22

23

24

25

Ibt1ho4b

Gadio - Cross

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AFTERNOON SESSION

2:21 p.m.

(In open court; jury not present)

THE COURT: Good afternoon, ladies and gentlemen.

Won't be you seated.

May we bring the jurors in, friends.

(Jury present)

THE COURT: Won't be you seated, ladies and gentlemen.

We continue with the cross-examination of Dr. Gadio.

Mr. Kim.

MR. KIM: Thank you, your Honor.

BY MR. KIM:

Q. Dr. Gadio, we were talking before the lunch break about the time period after the Chad meetings in December of 2014. I want to ask you some more questions about that.

A. Yes.

Q. Now it's true that in May of 2015 you were troubled by CEFC Energy's attitude towards Chad, right?

A. Yes.

Q. You found it difficult to work with partners who didn't even take the time to reply to your emails, right?

A. Yes.

Q. And you were even more troubled that urgent messages from President Deby himself were being ignored by CEFC Energy, right?

Ibt1ho4b

Gadio - Cross

1 A. Were not answered, yes.

2 Q. And you were doubtful that Chad was still a business target
3 for CEFC Energy, right?

4 A. Yes.

5 Q. And you raised these concerns with Zang, correct?

6 A. Chairman Zang?

7 Q. GM Zang?

8 A. GM Zang. I don't remember exactly the emails, but I know I
9 raised the concern, yes.

10 Q. Now as of June of 2015, your understanding was that
11 President Deby still wanted to get a deal done, right?

12 A. Yes.

13 Q. But your understanding at the time was that Dr. Liu thought
14 that the price was too high, right?

15 A. Yes.

16 Q. Now eventually you came to believe that CEFC Energy was not
17 truly interested in a partnership with Chad, right?

18 A. Yes.

19 Q. Now you testified earlier about the specific purchase
20 prices that were being offered, right?

21 A. Yes.

22 Q. On the one hand you had CEFC Energy proposing \$200 million,
23 right?

24 A. Yes.

25 Q. And on the other hand you had the government of Chad

Ibt1ho4b

Gadio - Cross

1 proposing a price of -- what was it?

2 A. \$1 billion.

3 Q. \$1 billion.

4 A. Yes.

5 MR. ZOLKIND: Your Honor, my only objection is, I'm
6 not sure it's clear which deal is being discussed.

7 Q. I'm talking about the time period after December of 2014.

8 A. My understanding is you're talking about a 10 percent
9 purchase.

10 Q. 10 percent.

11 A. Not Block H, yes.

12 Q. That's correct.

13 A. Mm-hmm.

14 Q. So your answer is \$200 million and a billion dollars
15 applied to that 10 percent, right?

16 A. Yes.

17 Q. Now CEFC Energy executives were not pushing you for special
18 treatment during their negotiations with Chad, right?

19 A. I need to understand your question exact. What do you
20 mean?

21 Q. Well, isn't it true that executives from CEFC at one point
22 suggested using a neutral party with international expertise to
23 determine the fair value of that 10 percent of oil wells?

24 A. There was a discussion about opening a -- an international
25 bid.

Ibt1ho4b

Gadio - Cross

1 Q. Isn't it also the case that at one point CEFC Energy
2 executives suggested using a neutral third party to determine
3 what would be a fair price for that 10 percent block?

4 A. I don't remember the technical -- the details about that.
5 What I remember is opening -- opening, you know, the 10 percent
6 to an international bidding process, yeah.

7 MR. KIM: Can we put up on the screen for the witness
8 Defense Exhibit 153 for identification; and alongside it,
9 Mr. Calabrese, for identification only, 153T.

10 And if we can turn to the second page of both emails,
11 please.

12 Q. And you can read, Dr. Gadio, the top of that document where
13 the number 6 is to yourself.

14 A. Like starting at Point 6 or before?

15 Q. Yes, the number 6.

16 A. No. 6, yeah. "If the parties fail to agree --"

17 Q. You can read it to yourself, Dr. Gadio.

18 A. Oh, sorry.

19 Is it okay if I read more, because --

20 Q. Sure.

21 MR. KIM: If you can expand, Mr. Calabrese.

22 A. I still have just Point 6.

23 Q. Okay.

24 MR. KIM: Yeah, you can scroll up. Thank you,
25 Mr. Calabrese.

Ibt1ho4b

Gadio - Cross

1 A. Okay. Can we go back to Point 6 now.

2 Okay. And what was your question?

3 Q. Now does that refresh your memory that at one point CEFC
4 executives requested, or suggested using a neutral third party
5 with international expertise to determine the fair value of the
6 10 percent?

7 THE COURT: And Dr. Gadio, when counsel asks, does it
8 refresh your recollection, counsel means, after reading
9 whatever you read, do you then say, ah, yes, now I remember.
10 Counsel is not asking you just to repeat what's on the screen.

11 THE WITNESS: Okay.

12 THE COURT: Do you want to do the question again,
13 Mr. Kim, or do you want me to read it?

14 MR. KIM: I'll do it again, your Honor.

15 THE COURT: Go ahead.

16 BY MR. KIM:

17 Q. So Dr. Gadio, I was asking whether looking at this email
18 refreshes your memory --

19 A. Yes, it does.

20 MR. KIM: You can take that down now, Mr. Calabrese.
21 Thank you.

22 Q. Now I think when I was asking you this earlier, you had
23 also said that somebody from CEFC Energy suggested opening it
24 to -- opening up the bidding process, correct?

25 A. It was a suggestion. And even this one, the one that just

Ibt1ho4b

Gadio - Cross

1 passed, it was a question they asked me to convey to the oil
2 minister.

3 Q. Someone from CEFC Energy asked you to convey that request?

4 A. Yeah, that was the summary of the meeting we had, and they
5 had a few questions they asked me to convey to the oil minister
6 of Chad.

7 Q. And one of those requests was whether Chad could pursue an
8 open bidding process, right?

9 A. Yes.

10 Q. Now an open bidding process would mean opening up the
11 bidding for that 10 percent to other companies, right?

12 A. Yes.

13 Q. Now eventually CEFC Energy moved on to other opportunities,
14 right?

15 MR. ZOLKIND: Objection. Personal knowledge.

16 Personal knowledge.

17 THE COURT: Sir, are you able to answer that question
18 through personal knowledge?

19 THE WITNESS: No.

20 Q. Your understanding was that CEFC Energy was not interested
21 in aggressively pursuing the deal with Chad, right?

22 A. What I know is, we had a meeting, I reported back to the
23 oil minister of Chad, and that was it. That I can say as a
24 fact. But what was their personal feeling about Chad, I did
25 not know.

Ibt1ho4b

Gadio - Cross

1 Q. I'm sorry. You reported what to the oil minister of Chad?

2 A. The summary of the meeting we had in Beijing, the questions
3 raised by CEFC, and in my understanding they were still
4 interested in the oil of -- in the 10 percent, but they had
5 specific questions they wanted the oil minister of Chad to --
6 to reply to.

7 Q. Now I'm going to focus your attention on a specific time
8 frame.

9 A. Yes.

10 Q. December of 2016.

11 A. Mm-hmm.

12 Q. At that point your understanding was that Chad, the
13 investment in Chad was no longer on CEFC Energy's investment
14 list, right?

15 A. Could you please repeat the question.

16 Q. In December of 2016 your understanding was that the
17 investment in Chad, the 10 percent, was no longer on CEFC
18 Energy's investment list, right?

19 A. Yes.

20 Q. Now in about January of 2017, you informed CEFC Energy that
21 the 10 percent acquisition was no longer available, right?

22 A. Yes.

23 Q. And you offered two other oil blocks in Chad to CEFC
24 Energy, right?

25 A. I offered? I mentioned.

Ibt1ho4b

Gadio - Cross

1 Q. And CEFC Energy declined that offer, correct?

2 A. Yes, if I remember well.

3 Q. Now throughout the course of the negotiations that we've
4 been talking about, no one from CEFC Energy ever brought up
5 with you the \$2 million donation, right?

6 A. No.

7 THE COURT: Yes, that's right, or no, they didn't
8 bring it up?

9 THE WITNESS: No, they did not bring it up.

10 THE COURT: Thank you.

11 Q. Now I'm going to direct your attention to Government
12 Exhibit 49 in evidence.

13 MR. KIM: If we could put that up on the screen for
14 the jurors, Mr. Calabrese.

15 Q. Now do you recall being asked a number of questions about
16 this email yesterday, Dr. Gadio?

17 A. Yes, I do.

18 Q. And this was --

19 MR. KIM: If we can scroll down to the second page of
20 this email. Actually, it starts with the third page.

21 Q. This was a November 18, 2014 email from Dr. Ho to you,
22 right?

23 A. Yes.

24 Q. And in that email Dr. Ho was asking you to set up a second
25 meeting with President Deby in late November, right?

Ibt1ho4b

Gadio - Cross

1 A. Yes.

2 Q. Your testimony yesterday was that you thought that this
3 meeting was too soon, correct?

4 A. Yes.

5 Q. And that's because you thought that instead of making
6 another visit to the president, you thought that CEFC Energy
7 first needed to send a technical team to Chad, right?

8 A. That we needed, yeah, to make some concrete steps.

9 MR. KIM: And Mr. Calabrese, if you could turn to the
10 first page of that email, please, the bottom.

11 Q. The concrete steps you're referring to are included here,
12 correct?

13 A. Yes.

14 Q. And one of those steps was preparing a mission of a
15 technical team, right?

16 A. Yes.

17 Q. So your testimony is that in your view, CEFC Energy first
18 had to take that step before you thought it appropriate to have
19 another meeting?

20 A. Yes, I was suggesting that.

21 Q. Now did you also believe that CEFC Energy should make a
22 financial offer before the next visit?

23 A. Not at this stage. I just made an articulation of three
24 steps that need to be taken, and I do not put timeline on those
25 steps.

Ibt1ho4b

Gadio - Cross

1 Q. Well, I just want to clarify what you're saying, Dr. Gadio.
2 Did you believe that the second visit, the second meeting with
3 President Deby should happen before or after any of these steps
4 were taken?

5 A. I believe that what was really urgent was step 1, having a
6 prepared mission of a technical team to go on the field and do
7 the assessment, try to know what the asset was worth first,
8 yeah.

9 Q. And so I believe you testified about that a little earlier
10 when I was asking you questions before lunch, right?

11 A. Yes.

12 Q. That would mean obtaining technical and financial
13 information, right?

14 A. Yes.

15 Q. That would mean signing an NDA, correct?

16 A. NDA?

17 Q. A nondisclosure agreement, yes?

18 A. Yes.

19 Q. And that would mean doing a due diligence and a feasibility
20 study, right?

21 A. Yes. But that -- at the condition that like talking --
22 you're referring more to the 10 percent to this discussion
23 about Block H, because 10 percent, we knew they already had a
24 data center, all the information were available, so which makes
25 it like a different process from Block H.

Ibt1ho4b

Gadio - Cross

1 Q. So in November of 2014 were you referring to Block H or the
2 10 percent?

3 A. CEFC never brought the issue of the 10 percent before March
4 2015, so everything that we are talking about now is about
5 Block H.

6 Q. So if I understand correctly, you're saying that technical
7 and financial information and a feasibility study could
8 potentially take longer for Block H?

9 A. I had no idea. Like you asked earlier if I was an expert
10 in, you know, the oil field, the oil area. I had no ex -- what
11 I was suggesting was, this is like normal steps, you know,
12 technical study, make a financial offer, and technical study
13 means you find some of the data available or not available, so
14 if they are -- there are no data at all, it takes more time.

15 Q. So at the time you were writing this email, Dr. Gadio, this
16 was literally the first time you were advising another party on
17 how to take steps like this, is that right?

18 A. I somewhat took advice from people who know better about
19 this, how to deal with oil asset and oil value.

20 Q. I see. And who did you seek advice from?

21 A. That's Senegalese expert who runs big companies in Europe
22 and who was a good friend of mine.

23 Q. What's that individual's name?

24 A. Mr. Ousmane Sy.

25 Q. Can you spell that, Dr. Gadio.

Ibt1ho4b

Gadio - Cross

1 A. Okay. O-U-S-M-A-N-E, and Sy is S-Y.

2 Q. So you spoke with Ousmane Sy in order to draft this email?

3 A. It was very informal. I think he was even visiting me, so
4 I told him we are working on this kind of project, and I
5 understand from him that it takes a technical -- mission of
6 technical team and then assess the -- try to assess the -- the
7 asset to know how much was the value of the asset, etc. That's
8 like information he provided, you know, very informal
9 conversation.

10 Q. And how long did this conversation last, Dr. Gadio?

11 A. Cannot remember conversation four years ago. It was just a
12 visit and a friend of mine, and I knew he's an engineer,
13 specialist of oil, so I was just asking questions about this.

14 Q. And was he the only source of information for the advice
15 you included in this email?

16 A. Yes.

17 Q. Now when you drafted this email, you understood that that
18 first step, prepare a mission of a technical team, could take
19 months, right?

20 A. Sir, I already answered that question that I had no idea
21 how long it would take. I said prepare a technical mission and
22 go collect the data, and I indicated if -- if the data were
23 available, it would not take long. If they are not available,
24 they have to collect them themselves.

25 Q. So your testimony is you literally had no idea how much

Ibt1ho4b

Gadio - Cross

1 time that first step could take, is that right?

2 A. Yes.

3 Q. Now your testimony earlier was that you felt that CEFC
4 Energy should not visit President Deby in December because they
5 first needed to take this Step No. 1, prepare a mission of a
6 technical team, right?

7 A. Yeah, they needed to send a mission of a technical team,
8 yes.

9 Q. Now at the time you wrote this, when you were disagreeing
10 with CEFC Energy, what would have been an appropriate time to
11 visit President Deby, in your view?

12 A. If at least a technical team were -- was on the ground, if
13 a technical team was on the ground sent by CEFC, then if they
14 want to meet the president for let's say other project, other
15 things that may be of interest, it would have made more sense.
16 My concern was just to have meeting after meeting, discussion,
17 and not really getting concrete about Chad's interest in
18 selling Block H or even other important projects.

19 Q. So is it your testimony that it wasn't so much the length
20 of time but the fact -- it wasn't so much the length of time
21 that was the issue, it was whether or not they would have a
22 technical team on the ground; is that your testimony?

23 A. That back-to-back meetings without really making any
24 concrete move would not be a good thing.

25 Q. Now you testified that the dates that Dr. Ho was proposing

Ibt1ho4b

Gadio - Cross

1 seemed like they were too soon to you, right?

2 A. Yes.

3 Q. Now isn't it true that you yourself, as you looked at this
4 email, thought that even a date as late as December 18th was
5 too far away, is that right?

6 A. I don't know exactly what you are referring to.

7 Q. Well, I'll show you on the document.

8 A. Please.

9 Q. Actually, let me put up Government Exhibit 56, which is in
10 evidence.

11 Just so we have the full context, that email up at the
12 top is an email from Dr. Ho to you, correct?

13 A. Yes.

14 Q. Now in this email Dr. Ho was saying that the CEFC Energy
15 team could not go on December 3rd to 5th, the soonest they
16 would be able to make preparations would be to meet the
17 president on December 7th, right?

18 A. Yes.

19 Q. And that timing is the timing that you thought was
20 premature, right?

21 A. Can I see the mail he was replying to?

22 Q. Sure.

23 MR. KIM: Why don't we blow the email out.

24 A. This is the one that is underneath?

25 Q. We can scroll down. You can keep reading. Read as much as

Ibt1ho4b

Gadio - Cross

1 you need.

2 A. Okay. Thank you.

3 Okay.

4 Q. Now I'm going to focus your attention on that second
5 paragraph on the page, midway through the sentence that starts,
6 "Therefore, let me suggest a trip."

7 "Therefore, let me suggest a trip to Chad between
8 December 3rd and 5th, which will allow me to return on the 6th,
9 eight days before the forum. If this is not doable, we may
10 then consider doing it right after the forum on Thursday,
11 December 18, which, as your main advisor in this process, I see
12 as being far or even too far. We want to protect the
13 president's decision to allocate Block H to us, and time may be
14 of essence, because he reminded us that several companies are
15 knocking at his door."

16 A. Yes, I read it.

17 Q. So when you testified yesterday that you thought Dr. Ho was
18 proposing a visit too soon, your testimony is you thought --
19 now that meeting eventually occurred on December 8, 2014,
20 right?

21 A. Actually, if you read back also my emails and a series of
22 exchange with Dr. Ho, I was really insisting that a visit just
23 to come and speak to the president again was not necessary. It
24 was high time to make some concrete move and concrete steps.
25 So that's what I was discussing with him. And if that is not

Ibt1ho4b

Gadio - Cross

1 presented, then this doesn't, you know, fit the whole context.
2 I was insisting that the only way it would be interesting for
3 the president to see the delegation again is to listen to
4 concrete propositions, and it's in the previous emails.

5 Q. Now on December 8, 2014, the CEFC Energy team actually came
6 with the technical team, right?

7 A. Yes. Yes, they did.

8 Q. So in your view that meeting actually was coming at an
9 appropriate time?

10 A. Yes, in terms of the email sent by Dr. Ho where he proposed
11 three steps, like three reasons why they wanted to meet the
12 president, and one of them was that they would bring a
13 technical team. They were somewhat agreeing with me, so I was
14 comfortable moving forward for the -- this meeting.

15 MR. KIM: We can take that down now, Mr. Calabrese.

16 Q. Now I'm going to turn your attention to December 8, 2014.

17 A. Yes.

18 Q. Which is the first day of meetings you had in Chad in
19 December, right?

20 A. Yes.

21 Q. And the meetings that you had were with representatives
22 from CEFC Energy, Dr. Ho, President Deby, right?

23 A. Yes.

24 Q. And your understanding was that Zang was organizing the
25 trip?

Ibt1ho4b

Gadio - Cross

1 A. Sorry. Who?

2 Q. Your understanding was that Zang, Z-A-N-G, was organizing
3 the trip?

4 A. Like I said, my understanding, as long as Dr. Ho was
5 involved, we were working together very closely as the main
6 facilitators. I received a mail from him saying that Mr. Zang
7 will be organizing this trip. I had no idea what it meant
8 exactly, and I did not ask.

9 Q. Now it's true that your understanding was that Dr. Ho was
10 going to be traveling to Chad on a commercial flight from
11 Paris, right?

12 A. I think that was the initial message I received from him.

13 Q. And that Zang and others would be traveling separately from
14 Beijing, correct?

15 A. That was the initial message, yeah.

16 Q. You testified that the meeting with President Deby on
17 December 8 took place around 5 p.m., is that right?

18 A. That's what I believe, yeah, in the afternoon.

19 (Continued on next page)

20

21

22

23

24

25

IBT7HO5

C.T. Gadio - Cross

1 BY MR. KIM:

2 Q. And you testified that you and your son Boubker attended
3 from Sarata.

4 A. Yes.

5 Q. And Dr. Ho, Mr. Zang, Dr. Liu, a French translator and
6 maybe one or two other people from CEFC were there, right.

7 A. Yes.

8 Q. And President Deby and his chief of staff were there?

9 A. Yes.

10 Q. What is the chief of staff's name?

11 A. Mr. Choinai -- C-h-o-i-n-a-i, I think.

12 Q. Do I have the last name right, Elimi? E-l-i-m-i?

13 A. A-l-i-m-i, yes.

14 Q. Now, after that meeting concluded, President Deby left, and
15 then CEFC executives, and you left as well, right?

16 A. Yes, at the end of the meeting? Yeah, when all was said
17 and done, we all left, yeah.

18 Q. I want to talk a little bit about what happened during that
19 meeting.

20 A. Yes.

21 Q. You testified that the meeting lasted an hour and a half
22 or two hours, right?

23 A. Yeah.

24 Q. And were any agreements reached about Block H during that
25 meeting?

IBT7H05

C.T. Gadio - Cross

1 A. There was a lot of discussion about Block H, and I think --
2 not a formal agreement, no.

3 Q. What about any informal agreements?

4 A. The president from the first meeting has already told CEFC
5 that he was interested in making Block H available to them, so
6 in that second meeting my understanding was we went back and
7 CEFC was more concrete in terms of saying that they brought a
8 technical team they will leave behind, and they are interested
9 in getting more information about Block H, and showing more
10 interest to the president.

11 Q. Was there any discussions of specific prices during that
12 meeting?

13 A. Not at all.

14 Q. Were there any discussion about next steps during that
15 meeting?

16 A. Yes, the next step was the one set by CEFC -- presented by
17 CEFC -- that they would leave their technical team behind to
18 start the assessment, the technical study.

19 Q. Were there any other next steps discussed during that
20 meeting, Dr. Gadio?

21 A. What I remember is precisely the technical team preparing
22 for, you know, to go visit the field and prepare, yeah, like
23 the technical evaluation of the asset, yeah.

24 Q. So there is no ambiguity, your testimony is the only next
25 step discussed during that meeting was for a technical team to

IBT7H05

C.T. Gadio - Cross

1 stay behind?

2 MR. ZOLKIND: Objection. Asked and answered.

3 THE COURT: About five times. I think we've got it.

4 Go ahead.

5 A. I think I testified also that --

6 MR. ZOLKIND: Your Honor, I'm not sure there is a
7 question pending.

8 THE COURT: It is my failing in not saying that you
9 didn't have to answer. I apologize.

10 Mr. Kim.

11 MR. KIM: Your Honor, can I just clarify, is there any
12 other next steps discussed? Your Honor, if there are no other
13 steps, then he will say there were none.

14 THE COURT: Any other steps discussed, sir, at that
15 meeting?

16 THE WITNESS: I believe that other projects were
17 discussed. Like CEFC was not just discussing Block H. Block H
18 was the main focus of the meeting, but the president, like I
19 said, presented several important projects to him like the
20 international airport, roads, you know, I believe even a
21 pipeline -- extension of the pipeline. Those projects were
22 also raised in that meeting.

23 But if your question is about concrete steps taken
24 that day, I do not want to like say it's only Block H. CEFC
25 showed interest in the international airport and other

IBT7HO5

C.T. Gadio - Cross

1 infrastructure that the president was talking about. It was,
2 like I say, almost a two hour discussion.

3 Q. You testified that as the delegation from CEFC Energy was
4 leaving, a woman from CEFC Energy came running to remind
5 certain members about gifts they had, right?

6 A. Yes.

7 Q. And you described those gifts, right?

8 A. Yeah.

9 Q. How many packages did you see?

10 A. I said I did not count them, but I think it would be like
11 six, seven, eight. You know, when you don't count, you don't
12 have the exact figure, but it was a group of important like --
13 several packages.

14 Q. At the point when those gifts were given, how many people
15 were at this meeting?

16 A. Everybody was there. People were about to leave but
17 everybody was there, everybody was present.

18 Q. Everybody was present.

19 A. Yeah, like everybody who had attended the meeting, they
20 were still there in the compound. Some of them already left
21 the president's office, and they were called back because of
22 the gifts being brought in.

23 Q. People were called back into the meeting because --

24 A. People who were leaving, yeah, they were told to come back.

25 Q. You said after that meeting concluded you left the

IBT7H05

C.T. Gadio - Cross

1 presidential compound, right?

2 A. Yes.

3 Q. And did you leave the compound without speaking to
4 President Deby?

5 A. Yes. We did not speak, no. We were supposed to work to
6 another commitment.

7 Q. And then you stayed at -- you went to your hotel, right?

8 A. Yes.

9 Q. And you were staying at a different hotel than the hotel
10 where members of the CEFC were staying, right?

11 A. Yes.

12 Q. They were staying at the Soluxe Hotel?

13 A. Yes.

14 Q. And you were staying at the Kempinsky Hotel.

15 A. Exactly.

16 Q. K-e-m-p-i-n-s-k-y.

17 A. Yes.

18 Q. And with traffic it took you about an hour to get back to
19 your hotel, right?

20 A. Overall, yeah. It was an approximation, yeah.

21 Q. Your testimony was that shortly after you got back to your
22 hotel, you got a call from reception, right?

23 A. Yes.

24 Q. They said that a driver from the president's office wanted
25 to speak with you, right?

IBT7H05

C.T. Gadio - Cross

1 A. Exactly.

2 Q. And you were told President Deby wanted you to come back
3 immediately, right?

4 A. Yes.

5 Q. And when you got to the presidential compound, you met with
6 Deby and his chief of staff, right?

7 A. Yes.

8 Q. That was Elimi?

9 A. Yes.

10 Q. Now, approximately what time did that meeting happen?

11 A. Like I said, it was in the evening, perhaps maybe 8 o'clock
12 or a little bit before eight.

13 Q. Around 8 o'clock you said or a little before eight?

14 A. Or right after eight. It was around that time. I did not
15 really at the time look at my watch to know exactly when I get
16 back to see the president.

17 Q. Now, you testified that President Deby told you that he
18 wanted to put CEFC delegation on a plane and kick them out of
19 the country, right?

20 A. Exactly.

21 Q. And your testimony is he said he was even thinking of
22 getting the special forces to go get the members of the
23 delegation to kick them out, right?

24 A. He told me that was the first thing that came to his mind
25 once he discovered the problem.

IBT7HO5

C.T. Gadio - Cross

1 Q. But your testimony is that President Deby's chief of staff
2 told him that it would be fair to call you first, right?

3 A. Exactly.

4 Q. Now, your testimony is that President Deby expressed shock
5 about this payment, right?

6 A. Pain and shock, yeah.

7 Q. You were asked some questions yesterday about his demeanor
8 during this meeting, right?

9 A. Yeah.

10 Q. You testified that you had never before seen President Deby
11 in this state, right?

12 A. In our relationship, yeah.

13 Q. And you said he was furious, right?

14 A. Yes.

15 Q. He was furious for the whole meeting?

16 A. I'm sorry?

17 Q. He was furious for the entire meeting?

18 A. What I said is even despite the fact that he was very
19 angry, very furious, when I walked in he smiled at me because
20 that's our relationship, so he couldn't be like agitated or
21 furious the whole meeting. He was very angry and it showed.

22 Q. And my question is: Was he angry for the entire meeting?

23 A. Once he told me -- yeah, he was uncomfortable, upset. But
24 can I judge if he was like the same level of anger when he
25 started talking until the end? I don't know if I can assess

IBT7HO5

C.T. Gadio - Cross

1 that. What I know is he was angry and furious when I walked
2 in.

3 Q. Now, President Deby asked you if you had known about the
4 money, right?

5 A. He asked me if I knew that our friends, in the package
6 given to him in the boxes that there was \$2 million cash, and
7 told him absolutely not.

8 Q. Now, at the time of that conversation you cared very much
9 about your standing with President Deby, correct?

10 A. Always care about my standing with President Deby.

11 Q. You still care about it, right?

12 A. 200 percent.

13 Q. Now, this incident was potentially damaging to your
14 relationship with him, right?

15 A. If he thought I was involved in that incident, it would
16 have been catastrophic.

17 Q. Catastrophic.

18 A. In our relationship, most definitely.

19 Q. So you had your own emotional reaction, right?

20 A. I was surprised, I was shocked. I was, like I said,
21 concerned how the president would feel, because I'm the one who
22 brought the visitors who presented the gifts.

23 Q. Mr. Gadio, were you afraid at any point in that
24 conversation?

25 A. We don't have that type of relationship, me and the

IBT7H05

C.T. Gadio - Cross

1 president. I knew him more as an African hero, and he
2 respected me dearly, so we don't get into a relationship of
3 fear.

4 Q. And, Dr. Gadio, at any point did you feel a sense of anger
5 towards CEFC executives?

6 A. Of course I was very disappointed. I was surprised, I was
7 very disappointed.

8 Q. Were you angry?

9 A. If disappointment can mean anger, yes.

10 Q. Well, did it mean anger in your case?

11 A. You know, the way I saw the president and how furious he
12 was, and how disrespected he felt, as an African I was 200
13 percent in solidarity with him about how people treat African
14 people in general in this world, so I shared his anger, his
15 frustration, his disappointment.

16 Q. Is it fair to say that you felt betrayed by CEFC Energy at
17 that point?

18 A. Maybe the word betrayed did not come to my mind
19 immediately. What came to my mind was why, why this, why get
20 us into this situation and embarrass everybody and get the
21 president so angry and so furious. And, like I say, why so
22 people -- like the president say, why do they think all African
23 people are like this, corrupt and everything.

24 Q. Now, how long did this meeting last, Dr. Gadio?

25 A. Maybe, what, half an hour, 45 minutes, not too long.

IBT7HO5

C.T. Gadio - Cross

1 Q. And aside from this cash that was passed, is it your
2 testimony you discussed anything else at this meeting with
3 President Deby and his chief of staff?

4 A. I think that's mainly -- that was the reason why he called
5 me back; that's what he wanted to discuss.

6 Q. And you testified that President Deby wanted protocol and
7 security to see if they could go get the CEFC delegation to
8 come back to the presidential compound that night, right?

9 A. He asked his chief of staff to double check with protocol
10 and security, if it was possible to organize a meeting
11 immediately, yes, he did ask that.

12 Q. But that did not happen that night?

13 A. That did not happen that night.

14 Q. Now, so that night President Deby decided to have a meeting
15 the next morning; is that right?

16 A. Next -- yeah, like he said tomorrow around 12 noon I will
17 try to organize something, yeah -- end of the day -- end of the
18 morning. Sorry.

19 Q. End of the morning.

20 A. Yeah.

21 Q. Now, during that meeting with President Deby and the chief
22 of staff, did you talk about any other steps that would be
23 taken?

24 A. Steps about what exactly?

25 Q. Other than meeting the next day at 12 o'clock, did you

IBT7HO5

C.T. Gadio - Cross

1 discuss with him anything else?

2 A. I'm trying to understand the question, honestly.

3 After we discussed the incident and that the president
4 decided that we will meet again the next day, so are you asking
5 if we discussed something else?

6 Q. Any other topic, but I'm also asking whether you discussed
7 taking any other steps with respect to what had just happened.

8 A. No, that was the decision, that we will have a meeting.
9 Like I said in my testimony, his chief of staff suggested that
10 after asking me, it would be fair to have the CEFC delegation
11 ask them the question of what happened and why this happened.

12 Q. So, at that point it was still undecided what President
13 Deby was going to do with the delegation?

14 A. Yes. Yeah, he wanted to meet them and to listen to them.

15 Q. Now, did you speak again with President Deby that evening
16 after that meeting?

17 A. No.

18 Q. Now, it's your testimony that the CEFC delegation was
19 called back to the presidential compound the next day, right?

20 A. Yes.

21 Q. And you testified yesterday that you did not speak with Dr.
22 Ho after your meeting with President Deby on the evening of
23 December 8, correct?

24 A. We did not discuss the issue -- the incident that happened.
25 That's what I said. We did not discuss the incident -- I did

IBT7HO5

C.T. Gadio - Cross

1 not discuss the incident with Dr. Ho, that's what I said.

2 Q. I'm talking about the evening of December 8, Dr. Gadio.

3 A. Yes.

4 Q. Did you have any discussions with Dr. Ho after you left
5 that second meeting?

6 A. No, I don't remember that.

7 Q. Did you have discussions with anyone from CEFC Energy on
8 the evening of December 8 after you left the presidential
9 compound that second time?

10 A. No.

11 Q. So, the first contact you had with anybody from the CEFC
12 delegation was the next morning, correct?

13 A. Yes.

14 Q. That's the morning of December 9, right?

15 A. Yes.

16 Q. And the first contact was with Dr. Ho, correct?

17 A. Two text messages, yes.

18 Q. Two text messages?

19 A. Yes.

20 Q. Now, you were asked about Government Exhibit 1062 in
21 evidence. If we can put that up, please.

22 You wrote, "Dr. Ho, the boss just called. He wants to
23 see you and me now. I'm coming to pick you up." And the time
24 it was sent was 10:35 a.m., right, Dr. Gadio?

25 A. Yes.

IBT7HO5

C.T. Gadio - Cross

1 Q. Now, that was not the first text message you sent to Dr.
2 Ho, right?

3 A. If my recollection is correct, we were supposed to meet the
4 next day. Before I learned about the incident, we were
5 supposed to meet and discuss bilateral relations between CEFC
6 and our company, our consulting firm. So, I think the first
7 message I sent was about that, and then this was the second
8 message when I got the call from the president.

9 Q. Now I'm going to show you what is in evidence as Government
10 Exhibit 1062. I'm sorry, 1061. And that was the first message
11 you sent to Dr. Ho on December 9, right?

12 A. Yes. Yes, sir.

13 Q. And in that you wrote, "Dear Dr. Ho, we need to see you
14 before you and us leave. Honestly we are not very happy with
15 the agreement between Sarata International Consulting and CEFC
16 because there is none in fact."

17 A. Yes.

18 Q. "MOU with the big boss will be reviewed by us on his
19 request before any final deal. Therefore Sarata needs to sit
20 with you and clearly agree on something."

21 Now, what were you referring to when you wrote MOU?

22 A. In that meeting before the incident -- the lengthy meeting
23 we had between CEFC, the president and ourself -- I believe at
24 the end of the meeting there was some form of agreement, some
25 form of accord that an agreement will be drafted between -- an

IBT7HO5

C.T. Gadio - Cross

1 agreement that we can call MOU, memorandum of understanding
2 between the government of Chad and CEFC. And the president
3 told us, Sarata, that we have to oversee the preparation of
4 this MOU.

5 So that's what I was reminding Dr. Ho, that we still
6 had leverage in this process, MOU with the big boss will be
7 reviewed by us on his request before any final deal, so that's
8 what we were trying to explain.

9 Q. So, if I understand correctly, your testimony is MOU refers
10 to a memorandum of understanding? Is that right?

11 A. Yes.

12 Q. Your testimony is that on the first meeting on December 8
13 the parties discussed drafting an MOU?

14 A. At the end of the meeting I believe we agreed that like an
15 MOU, yes, will be prepared.

16 Q. Dr. Gadio, I asked you a series of questions about next
17 steps that were discussed during that same meeting a little
18 while ago. Do you remember that?

19 A. Yes.

20 Q. You said the only next step that was discussed was leaving
21 a technical team behind. Do you recall that?

22 A. Yes. Yes, I said -- but I added a lot of other issues that
23 were discussed. I referred to the main topic, main issue being
24 like Block H, and the other issues were discussed, that's what
25 I said.

IBT7H05

C.T. Gadio - Cross

1 Q. Sure, you said other issues like airport, right?

2 A. Yes.

3 Q. Infrastructure, right?

4 A. Yes.

5 Q. But to be totally clear, the MOU concerned Block H, right?

6 A. I have to double check that one, because I believe the MOU
7 could like try to structure the relationship between CEFC and
8 the government of Chad, and that was also the desire of CEFC in
9 that meeting, to engage in a more formal relationship with the
10 government and to discuss a series of, you know, areas of
11 interest between the two. So, I have to either try to get back
12 to this MOU to know exactly what was the main focus of the MOU.

13 Q. Your testimony is you recall discussion of a general MOU at
14 this meeting?

15 A. I'm sorry?

16 Q. Is it your testimony that you discussed a general MOU at
17 this meeting on December 8?

18 A. I'm saying that it may be an MOU to kind of capture all the
19 themes and interests discussed between Chad and CEFC, but I
20 know whatever it was, it was mainly about Block H.

21 Q. The MOU was mainly about Block H; is that correct?

22 A. Even if other projects were mentioned, it was mainly about
23 Block H.

24 MR. KIM: You can take that down, Mr. Calabrese.

25 Thank you.

IBT7H05

C.T. Gadio - Cross

1 Q. Now, you have also testified about a meeting the next day
2 on December 9, 2014, right?

3 A. Yes.

4 Q. And at this meeting it was you, President Deby, the chief
5 of staff and members of the CEFC delegation, right?

6 A. Yes.

7 Q. And that delegation included Dr. Ho, Mr. Zang, Dr. Liu,
8 right?

9 A. Yes, and translator.

10 Q. And a translator. Your testimony is that President Deby
11 was still angry at this meeting, right?

12 A. Yes.

13 Q. And is it true that this was a very tense meeting?

14 MR. ZOLKIND: Objection. From whose perspective?

15 THE COURT: Mr. Kim?

16 Q. From your perspective, Dr. Gadio, was this meeting very
17 tense?

18 A. The beginning of the meeting was very, very tense, yes.

19 Q. Now, you talked about the fact that President Deby asked
20 the delegation certain questions, right?

21 A. Yes.

22 Q. And he asked whether they thought all African leaders were
23 corrupt, right?

24 A. All African leaders, yeah.

25 Q. And he said that he had been thinking he might expel them

IBT7H05

C.T. Gadio - Cross

1 from Chad, right?

2 A. He even mentioned it clearly, "my first reaction was,"
3 that's what he said.

4 Q. And President Deby also asked this, the delegation for an
5 explanation for what had been done, right?

6 A. Yes.

7 Q. And you testified that Dr. Ho responded first, right?

8 A. Yes.

9 Q. And then Mr. Zang responded through a translator; is that
10 right?

11 A. Yes.

12 Q. And he apologized on behalf of CEFC, right?

13 A. Who? Mr. Zang?

14 Q. Yes.

15 A. Yes.

16 Q. Now, at that point President Deby told the Chinese
17 delegation to take the money back with them and take it to
18 China, right?

19 A. Yeah, he told him if it was a donation, the best thing to
20 do is to take it back and put it through the proper channel.

21 Q. And I believe you testified that the chief of staff
22 eventually came up with a different solution; is that right?

23 A. Yeah, he made a suggestion.

24 Q. And he suggested that the money could be sealed and stored
25 in Chad, and then terms of the donation could be worked out,

IBT7H05

C.T. Gadio - Cross

1 right?

2 A. Yes.

3 Q. Now, you testified today that nothing was said at that
4 meeting about what would happen to the money after that, right?

5 A. I'm sorry?

6 Q. You testified earlier today that nothing was said about
7 what would happen to the money after that, right?

8 A. Yeah. They were dealing with the first step, which is how
9 to fix the problem that we were dealing with, and the issue was
10 the delegation -- the proposal was that the delegation send a
11 letter about the donation. That's what the chief of staff
12 said.

13 Q. And yesterday didn't you testify that the chief of staff
14 said something else as well?

15 A. That I recognized it was a mistake, because the link that I
16 made was to me having experience of donation, you know, when a
17 country, especially a government, receives a donation, it is
18 taken to the cabinet meeting and all of that, so I think I
19 speculated a little bit and added those things. Because to me
20 that was the only way to make sense of writing a letter to the
21 government and explaining that it was a donation.

22 Q. So, in your testimony yesterday you were speculating?

23 A. No, not at all, I did not say that. I said specifically
24 when I was explaining the process, the proposal by the chief of
25 staff, I should have just stopped to what he exactly said.

IBT7H05

C.T. Gadio - Cross

1 What I did was, based on my experience, I explained, trying to
2 explain what is done with a letter of donation. So, whatever I
3 said after that is on me.

4 The chief of staff just stopped with his suggestion
5 that the CEFC delegation as soon as they land back home to
6 write and explain that with a letter of donation.

7 Q. Now, at the end of that meeting on December 9, what was
8 your understanding of President Deby's emotions?

9 A. Well, can I judge or understand internally how he felt
10 about this whole situation? Very difficult from me.

11 Q. Well, you had no difficulty judging his emotional state at
12 the start of the meeting, right?

13 A. Because it was so obvious when we walked in and before
14 that.

15 Q. And by the end of that meeting you were not able to detect
16 what he was feeling?

17 A. Let's say if you want me to give you almost his last
18 sentence, it will give you an idea of how he felt. He said, I
19 don't know what arrangement you're going to make, but I don't
20 want this money in my compound; it has to go. That at least he
21 said clearly.

22 Q. Your testimony is those were President Deby's last words at
23 that meeting?

24 A. I would say that was like his concluding remarks. After
25 this meeting, when the chief of staff made the suggestion that

IBT7H05

C.T. Gadio - Cross

1 the money can be sealed and kept until a letter is sent back,
2 the president said, listen -- he almost said I don't want to
3 hear about any type of arrangement you make; whatever you
4 decide, the money is not staying in my compound. That at least
5 I can say.

6 Q. Now, after the back-and-forth that you testified about
7 where President Deby gave some remarks and then Dr. Ho and
8 Mr. Zang spoke, was there any discussion about proceeding with
9 the deal?

10 A. You remember yesterday --

11 MR. ZOLKIND: Objection, your Honor. Again which deal
12 is being referred to?

13 Q. Proceeding with the deal for H Block.

14 A. There was no discussion of H Block at that particular
15 meeting of clarification of the incident; it was all about the
16 incident.

17 And, like I said, when the CEFC delegation explained
18 what they meant by this gesture, the president's reaction was
19 to say that, you know, this is not the traditional way of
20 making a donation, and then he explained how it is usually
21 done. And then the chief -- and then he said the best thing to
22 do is just to take the money back and then we'll proceed by
23 proper channels; and that's when the CEFC delegation said it
24 will be humiliating to do that.

25 Q. I want to turn to a different topic, Dr. Gadio. Isn't it

IBT7HO5

C.T. Gadio - Cross

1 true that Chad initially had two primary potential partners for
2 Block H?

3 A. I understand from the --

4 MR. ZOLKIND: Objection, your Honor.

5 THE COURT: Sir?

6 MR. ZOLKIND: Personal knowledge, foundation.

7 Q. Well, Dr. Gadio, through your involvement in negotiations
8 with Chad and CEFC Energy, isn't it true that your
9 understanding was that Chad initially had two primary potential
10 partners for Block H?

11 A. My understanding was the president gave us the information
12 that he had signed an MOU with a Brazilian company, and that
13 once they left, they never came back. And after six months I
14 explained yesterday you have the right to seek new partners.
15 And I believe also there was a time -- I wasn't clear if it was
16 the Brazilians or the Malaysians -- but I think he said the
17 Brazilians signed an MOU with him and then they disappeared.

18 Q. And by September of 2015, your understanding was that Chad
19 had opened up bidding to the 10 percent to other potential
20 partners, right?

21 A. I don't remember all the details of all of those hundreds
22 and hundreds of e-mails, so -- you say December 2015?

23 Q. So you don't remember if it was December 2015?

24 A. I remember a lot of things about December 2015 but not
25 specifically this point, yeah.

IBT7HO5

C.T. Gadio - Cross

1 Q. Let's show the witness what has been marked for
2 identification as Defendant's Exhibit 311.

3 Now, focusing on the bottom of that page, Dr. Gadio.
4 Read as much of it as you like.

5 A. OK. Can you go down a little bit. Yes, I understand now.

6 Q. Does that refresh your memory?

7 A. Yes, it does, yeah.

8 Q. So, at that point in time the bidding had been opened up
9 for other companies; is that right?

10 A. If you read carefully the two paragraphs, it says that the
11 president said he had offers. So, therefore, the president has
12 decided for the sake of time to open up this opportunity to two
13 other interested companies that have been seeking this
14 opportunity for a long time alongside CEFC. But he had not
15 considered their offers until now because he had reserved this
16 affair for CEFC due to his relationship with Dr. Gadio. These
17 two companies are currently negotiating with the government
18 over the price. He has not accepted any offer as of yet.

19 MR. KIM: Your Honor, we will offer Defendant's
20 Exhibit 311.

21 MR. ZOLKIND: No objection.

22 THE COURT: Received.

23 (Defendant's Exhibit 311 received in evidence)

24 MR. KIM: Why don't we put it up on the screen for the
25 jury.

IBT7HO5

C.T. Gadio - Cross

1 Q. Earlier I think you said December of 2015, and I meant to
2 say September of 2015, which is when these e-mails were
3 written; is that right, Dr. Gadio?

4 A. Yes. What is the question?

5 Q. I'm sorry. I was just clarifying. I think when I asked
6 you the question earlier I think I said December. I should
7 have said September.

8 A. Yes. OK.

9 Q. Now, Dr. Liu responded to the e-mail that had been sent to
10 him, right? Up at the top.

11 A. Yes.

12 Q. And he said that, "As for the 10 percent of the H Block in
13 Chad, the maximum we can go is \$500 million USD. However, this
14 offered price is subject to the final approval of the board of
15 directors of CEFC and the result of the due diligence study."
16 right?

17 A. Um-hum.

18 MR. KIM: You can take that down, Mr. Calabrese.

19 Q. You mentioned earlier in your testimony that Chad was
20 experiencing difficulties with Boko Haram; is that right?

21 A. Not difficulties with Boko Haram. Chad was living the war
22 of the Sahelian countries, several countries in the block,
23 against terrorist organizations, and three of them are Al
24 Qaeda, ISIS and Boko Haram in Nigeria.

25 Q. And you were lobbying CEFC Energy to use its influence to

IBT7HO5

C.T. Gadio - Cross

- 1 get the Chinese government to provide arms to Chad, right?
- 2 A. Provide arms to Chad?
- 3 Q. To supply arms or weapons to Chad.
- 4 A. To help -- to help Chad, yeah.
- 5 Q. To help Chad?
- 6 A. Yes, militarily.
- 7 Q. And this was something you felt you needed to discuss
- 8 confidentially, correct?
- 9 A. Yeah, every time we mentioned -- yeah, you're right.
- 10 Q. I'm sorry. You were going to say every we mentioned --
- 11 A. Every time we mentioned like a confidential discussion, you
- 12 know, it's basically about the war situation in the zone.
- 13 Q. When you say "every time it was mentioned," you're
- 14 referring to your communications with Dr. Ho?
- 15 A. With Dr. Ho, with CEFC in general, especially with Dr. Ho.
- 16 Q. Now, you were testifying earlier that you had never
- 17 received a formal contract from CEFC Energy, right?
- 18 A. That's true.
- 19 Q. You received a letter of appointment in February 2015; is
- 20 that right?
- 21 A. That's true.
- 22 Q. And pursuant to that letter, CEFC Energy paid you twice,
- 23 right?
- 24 A. They paid us like in two installments, yes.
- 25 Q. Of \$200,000 each, right?

IBT7HO5

C.T. Gadio - Cross

1 A. Um-hum.

2 Q. In March 2015 and July 2015, right?

3 A. And July, yes.

4 Q. Now, you didn't take those payments in order to help CEFC
5 Energy bribe President Deby, did you?

6 A. I'm sorry?

7 Q. You did not take those payments in order to help CEFC
8 Energy bribe President Deby, did you?

9 MR. ZOLKIND: Objection. Vague.

10 A. I took --

11 THE COURT: Excuse me. I'm not sure I get it either.
12 Would you try it a different way, please, Mr. Kim.

13 MR. KIM: I will try to break that down.

14 THE COURT: Yes, sir.

15 Q. You received \$200,000 in March of 2015, right?

16 A. Yes.

17 Q. Did you take those funds in order to help CEFC Energy bribe
18 President Deby?

19 THE COURT: Are you able to answer that question, sir?

20 THE WITNESS: Oh, yes.

21 A. I took that payment to compensate all the hard work that I
22 had done and I was not fairly compensated by CEFC.

23 Q. And the hard work you had done that you're testifying
24 about, that wasn't hard work to bribe President Deby, was it?

25 MR. ZOLKIND: Objection, your Honor. From whose

IBT7HO5

C.T. Gadio - Cross

1 perspective?

2 MR. KIM: From Dr. Gadio's perspective.

3 Q. From your perspective, Dr. Gadio.

4 A. Can you please repeat the question.

5 Q. When you were talking about taking that money as
6 compensation for your hard work, right --

7 A. Yes.

8 Q. -- in your view, was that hard work aimed at helping to
9 bribe President Deby?

10 A. I already replied to your question, that the \$200,000 that
11 we were paid was supposed to compensate the hard work we did on
12 behalf of CEFC: More than ten trips to Chad, sleeping in an
13 international airport without connection because Chad is in
14 central Africa, taking all of this time to convince the
15 president that this is an interesting company, you should work
16 with them. That has absolutely nothing to do with bribe.

17 Q. And the same applies to the second payment of \$200,000; is
18 that right?

19 A. The second payment of \$200,000, as you may have seen in all
20 the trail of letters and e-mail exchanges, we really thought we
21 were not compensated fairly. And I should remind you the first
22 \$200,000 -- we had a \$100,000 committed by CEFC for the Dakar
23 forum. That was a broken promise, and we had to pay out of the
24 200,000 the Dakar forum. And we felt we were not compensated
25 fairly. So, absolutely nothing to do with bribery -- or

IBT7HO5

C.T. Gadio - Cross

1 bribing anybody.

2 Q. Now, you were initially charged in this case, correct?

3 A. Yes.

4 Q. You were charged with participating in crimes with Dr. Ho;
5 is that right?

6 A. Yes.

7 Q. And you were arrested, right?

8 A. Yes.

9 Q. In November of 2017?

10 A. November 2017.

11 Q. And after your arrest, you were taken to the F.B.I. office
12 and you were questioned, right?

13 A. Yes, I was questioned by the F.B.I., yes.

14 Q. And the agents asked you questions about some things that
15 you testified about today, right?

16 A. Yes.

17 Q. When you were arrested, you were concerned about the impact
18 the case could have on your political career, right?

19 A. I was concerned by much more than that, much more than my
20 political career.

21 Q. Well, you were also worried that the case could destroy
22 your political career, right?

23 A. I even went further, sir, I said it would destroy my life.

24 Q. And agents when they interviewed you told you that they
25 were interested in Dr. Ho, right?

IBT7HO5

C.T. Gadio - Cross

1 A. I don't remember specifically. Even if they had said it, I
2 do not recall paying attention to the sentence you just said.

3 Q. Well, you were asked a lot of questions about Dr. Ho,
4 right?

5 A. I was asked a lot of questions about myself, and then Dr.
6 Ho, and then CEFC, and then Senegal, yes.

7 Q. And since your arrest, you have met many times with agents
8 and prosecutors, right?

9 A. We did, yes.

10 Q. Now, Dr. Ho approached you to work as a consultant for CEFC
11 Energy, right?

12 A. Yes.

13 Q. And as a consultant for CEFC Energy, you had certain
14 obligations to work on behalf of the company, right?

15 A. Yes.

16 Q. But you didn't always do that, right?

17 A. What do you mean?

18 Q. Well, you didn't always act in the best interests of CEFC
19 Energy, right?

20 A. I reject that statement completely.

21 Q. So, while you were working with CEFC Energy, your testimony
22 is that you acted on their behalf in their best interests?

23 A. I was so loyal to CEFC, and so frustrated the way I was
24 treated, that I mentioned it in several e-mails sent to Dr. Ho.

25 Q. Now, you were working on behalf of CEFC Energy all the way

IBT7HO5

C.T. Gadio - Cross

1 through 2016, right, Dr. Gadio?

2 A. Yes, through -- yeah, yes.

3 Q. And your testimony is that during that entire time period
4 you were acting loyally on behalf of CEFC Energy?

5 A. Always.

6 Q. Now, during 2015 you told CEFC that you were negotiating on
7 its behalf for buying the 10 percent, right?

8 A. That I was helping them, yeah, negotiate the 10 percent.

9 Q. But isn't it true that in 2015 you and your son Boubker
10 were trying to find other potential partners for that same
11 deal?

12 A. The same deal of what? The ten percent?

13 Q. Yes.

14 A. Yeah, if we had other people interested, yeah.

15 Q. So while you were negotiating on CEFC Energy's behalf, you
16 were also looking for other bidders for the same block of oil
17 wells?

18 A. And you can understand the frustration we had through all
19 of our communications with CEFC, no response to urgent
20 messages. We did not feel that we were treated right. We
21 never got a contract. We never got a signed agreement. And we
22 were not quite convinced that CEFC perceived the sense of
23 urgency we were putting in helping the president get Block H or
24 the 10 percent quickly sold to a potential partner. And we
25 were not hiding what we were doing. CEFC knew that.

IBT7HO5

C.T. Gadio - Cross

1 And I should say also that the contract was not like
2 an exclusivity contract. We did not have an exclusivity
3 contract with CEFC because there was no contract.

4 Q. So, is it your testimony that by looking for other bidders
5 for that block of oil wells, you were acting loyally to CEFC?

6 A. Acting loyally. As long as CEFC and I were together
7 working, I never did anything wrong to CEFC. I never took a
8 commitment with CEFC that I betrayed later. And they knew how
9 committed personally I was to the president of Chad and the
10 desire to help the country get out of its situation. They knew
11 that; I wasn't hiding it.

12 Q. I want to turn your attention now to Government Exhibit 16,
13 which is in evidence, and that is an e-mail that you sent to
14 Dr. Ho on October 21, 2014, right?

15 A. Yes.

16 Q. This is about a month after Dr. Ho had approached you to
17 serve as a consultant for CEFC Energy, right?

18 A. That's true.

19 Q. And you were writing this e-mail. You attached a report to
20 this e-mail, correct?

21 A. Yes.

22 Q. And the purpose of this report was to update CEFC Energy on
23 steps you had taken on its behalf with Chad, right.

24 A. Yes.

25 Q. Now, Dr. Gadio, we're going to talk about this report in

IBT7H05

C.T. Gadio - Cross

1 detail, but is it your testimony that everything in this report
2 is true?

3 A. It was a report trying to build the relationship between a
4 company and a country.

5 Q. I don't think you answered my question, Dr. Gadio.

6 Is it your testimony that everything in this report
7 was true?

8 A. That's why I answered the way I did. This is like a
9 diplomatic work also, trying to build a relationship between a
10 country and a company.

11 Q. You said it's like diplomatic work?

12 A. Exactly.

13 Q. Diplomatic work, does that mean there are things in this
14 report that are not true?

15 A. That may not be accurate or not translate exactly what was
16 said, yes.

17 Q. May not translate directly what was said?

18 A. Exactly what was said, yes. For instance, when I say to --

19 Do you want me to give an example?

20 Q. Sure.

21 A. When I say that the president is very enthusiastic, you
22 know, to work with CEFC, he's looking forward to this and that,
23 sometimes, you know, diplomats put their own words to make it
24 look very, very, you know. But the president may perhaps just
25 say, you know, this is very interesting, I'm ready to offer

IBT7HO5

C.T. Gadio - Cross

1 CEFC. But then when you present it, you tell CEFC the
2 president was very enthusiastic, he was, you know -- that's
3 what I call diplomatic language.

4 Q. Let's turn to the report itself, and specifically let's
5 look at paragraph 3, and it's titled "The President's Reply".

6 Focus on that first bullet, starting, "Listen, you are
7 a friend and a brother ..."

8 You testified yesterday that it was almost verbatim
9 what President Deby had said to you, right?

10 A. I'm sorry?

11 Q. You testified yesterday --

12 A. Yes.

13 Q. -- that that section was almost verbatim of what President
14 Deby had said to you, right?

15 A. Exactly.

16 Q. So that paragraph was not written in diplomatic language?

17 A. No, no, not at all.

18 Q. Let's turn to the second bullet of paragraph 3, please, on
19 the following page. Dr. Gadio, was this paragraph written in
20 diplomatic language?

21 A. Let me read it. Yes, this is accurate.

22 Q. So it is not in diplomatic language?

23 A. It's not always that I use diplomatic language. I use it
24 when it's convenient. That's how a diplomate operates. So,
25 this is accurate.

IBT7H05

C.T. Gadio - Cross

1 Q. You said you use diplomatic language when it's convenient
2 for you?

3 A. Yes, that's what diplomacy is about.

4 Q. Let's turn to the first page of this report, please,
5 paragraph -- page 2 -- yes. That's great. Thank you --
6 paragraph 2, please: "Main Points From Discussion Of Your
7 Offer:"

8 "The president was pretty impressed when I talked
9 about you, your work and your offer to him, being the
10 following:"

11 The first bullet says: "Cutting a deal to reduce and
12 lessen the outstanding fine in place."

13 Now, Dr. Ho had raised this issue with you, correct?

14 A. I'm sorry. If he --

15 Q. Dr. Ho had raised this issue with you, correct?

16 A. Yes. Yes.

17 Q. And you in fact discussed this issue with President Deby
18 when you met with him, right?

19 A. Yes. Yes, I did.

20 Q. Let's highlight the second bullet, please.

21 "Change his status with China from a good partner to a
22 best friend. Given the current regional situation where
23 neighboring countries such as Libya, Mali and Niger are all on
24 their knees or have collapsed."

25 You previously discussed this with Dr. Ho as well,

IBT7HO5

C.T. Gadio - Cross

1 right?

2 A. Yes.

3 Q. Let's move to the fourth bullet, please, "Establishing a
4 Trust Fund." You also had discussed this previously with Dr.
5 Ho, right?

6 A. Yes, establishing a trust fund to support his -- yeah, I
7 made the suggestion.

8 Q. And then -- I'm sorry. You had made this suggestion to Dr.
9 Ho previously, right?

10 A. In previous discussion, yeah.

11 Q. And that last bullet point says, "Help him establish or
12 reform his banking system," right?

13 A. Yes.

14 Q. And you had previously discussed that with Dr. Ho as well.

15 A. Yes.

16 Q. Now, I want to focus your attention on the third bullet.

17 "Make him politically your key ally in the most
18 strategic region today, Sahel and central African regions
19 combined in one country."

20 Dr. Gadio, had you previously discussed that with Dr.
21 Ho?

22 A. Yes.

23 Q. Now, the second sentence of that bullet reads, "Secret or
24 very confidential financial assistance will be provided to him
25 for his political campaigns in his country."

IBT7HO5

C.T. Gadio - Cross

1 Now, the "him" and "his" in that sentence refers to
2 President Deby, correct?

3 A. Yes.

4 Q. You had not ever discussed this with Dr. Ho, correct?

5 A. That's true.

6 Q. And by "secret or very confidential financial assistance,"
7 you were referring to secret campaign assistance; is that
8 right?

9 A. Yes, campaign financial assistance, yes.

10 Q. You were recommending that CEFC Energy be prepared to give
11 President Deby secret financial assistance for his campaign,
12 correct?

13 A. Yes.

14 Q. Now, to be fair, you were making -- your testimony is that
15 you put this line in this bullet because you wanted to
16 recommend it as a course of action for CEFC Energy?

17 A. As a way of suggestion to CEFC. And I explained that
18 corporations operating in Africa, because of the structure of
19 our campaign finance laws, usually companies do help, you know,
20 the leaders they work with, so that's why I made the
21 suggestion. The only reason they use secret and confidential
22 is because companies who do that don't want the opposition to
23 be aware of it or, you know, that type of issue.

24 Q. Now, this bullet is in a section called "Main Points From
25 Discussion of your Offer," right?

IBT7HO5

C.T. Gadio - Cross

1 A. I'm sorry. This?

2 Q. The heading of this section is "Main Points From Discussion
3 of your Offer," right?

4 A. Yes.

5 Q. And it say, "The president was pretty impressed when I
6 talked about you, your work and your offer to him, being the
7 following:"

8 A. Yes.

9 Q. Now, your testimony is that those words apply to everything
10 in this list except for the secret or very confidential
11 financial assistance?

12 A. Yeah, but I was writing to Dr. Ho, so when I write that to
13 him confidently, it means that he would understand it's a way
14 of suggestion.

15 Q. Now, Dr. Gadio, you have in the past received such secret
16 financial assistance, correct?

17 A. Me?

18 Q. Yes.

19 A. No.

20 Q. Isn't it true that you personally received \$10 million
21 central African francs in cash during a campaign?

22 A. \$10 million central African? I'm from west Africa.

23 Q. Did you or did you not receive cash during a campaign?

24 A. In my last -- my first presidential campaign, yes, I did
25 get assistance from business people.

IBT7HO5

C.T. Gadio - Cross

1 Q. And isn't it true that you received this cash from an
2 unknown courier on behalf of a Senegalese businessman?

3 A. Yes.

4 Q. What was the businessman's name, Dr. Gadio?

5 A. What was the businessman's name?

6 Q. Yes.

7 A. Do I have to disclose the businessman's name?

8 Q. There is no objection pending. You can answer the
9 question.

10 A. OK.

11 MR. ZOLKIND: Your Honor, a brief side bar might be
12 useful.

13 THE COURT: Certainly.

14 Ladies and gentlemen, we're going to sit until about
15 five. Do you want to have a little break now while we go to
16 the side bar?

17 All right, let's do that. And of course remember not
18 to discuss the case. See you in five minutes.

19 (Continued on next page)

20

21

22

23

24

25

IBT7HO5

C.T. Gadio - Cross

1 (Jury not present)

2 THE COURT: Counsel, why don't you take the witness
3 out.

4 Won't you be seated. Gentlemen?

5 MR. ZOLKIND: Your Honor, the witness has certainly
6 admitted that he received a campaign contribution from a
7 businessman. He clearly knows the person's name and has
8 expressed reluctance to say it in open court. As he just
9 explained, the reason that business people in Africa do these
10 campaign contributions secretly is because they don't want to
11 know -- they don't want the governing leaders to know that they
12 were contributing to the opposition.

13 Dr. Gadio has testified on direct examination he's not
14 the governing leader. So, understandably I think it could be
15 very embarrassing to him and to the person -- whoever it may be
16 that donated the money -- for that fact to become public in a
17 courtroom and it's just not remotely relevant.

18 So, we would ask that under Rule 611 -- which provides
19 considerable leeway for the Court to "protect witnesses from
20 harassment or undue embarrassment" -- and 611(b) -- which of
21 course provides extensive leeway for the Court to limit the
22 scope of cross-examination -- that the Court preclude
23 questioning as to the name of the specific individual who made
24 that contribution.

25 THE COURT: Is there any relevance to the identity of

IBT7H05

C.T. Gadio - Cross

1 the individual?

2 MR. KIM: Your Honor, I think this is the same witness
3 who is going to say that when he wrote about secret money that
4 was given at another time, that he was lying about it or that
5 it didn't actually happen, so I think I'm entitled to explore
6 through cross-examination the details of this incident.

7 THE COURT: Now answer my question: Is there any
8 relevance to the identity of the individual?

9 MR. KIM: I think it's relevant. It's all leading to
10 a very relevant line of inquiry about this witness's
11 credibility, your Honor.

12 THE COURT: I don't hear you telling me why the
13 identity is relevant.

14 MR. KIM: Well, I think it's relevant to explore every
15 detail of this story, frankly.

16 THE COURT: Anything else? Mr. Zolkind, anything
17 else?

18 MR. ZOLKIND: Nothing else, your Honor.

19 THE COURT: All right. I will sustain the objection
20 in order to protect the witness from harassment or undue
21 embarrassment.

22 Also, under Rule 611(b), I don't hear any explanation
23 as to why the identity of the witness has any bearing -- I'm
24 sorry -- the identity of the donor has any bearing on the
25 credibility of this witness. Accordingly, the objection is

IBT7HO5

C.T. Gadio - Cross

1 sustained.

2 Anything else before we go out?

3 MR. KIM: Nothing.

4 THE COURT: Yes, sir?

5 MR. RICHENTHAL: For the record, over the lunch break
6 I provided your Honor with a letter to which I alluded this
7 morning and the enclosures. I also provided it to cleared
8 defense counsel. At the time I provided it, I directed his
9 attention to the second category in the letter. For reasons
10 that may be self explanatory, I was not asked further
11 questions.

12 THE COURT: Is there anything else that either side
13 feels needs to be done here?

14 MR. KIM: No, your Honor.

15 THE COURT: Thank you, friends. Off the record, just
16 so you know the witness gave me the name of the chief
17 commercial judge in the Commercial Court of the Francophone
18 Countries.

19 Thank you. See you in five, counsel.

20 (Recess)

21 (Continued on next page)

22

23

24

25

Ibt1ho6

Gadio - Cross

1 (In open court; jury present)

2 THE COURT: Won't you be seated.

3 We continue with the cross-examination of Dr. Gadio.

4 Mr. Kim.

5 MR. KIM: Thank you, your Honor.

6 If we could please put up Government Exhibit 16 on the
7 screen.

8 BY MR. KIM:

9 Q. Now, Dr. Gadio, before we broke, I was asking you about
10 secret campaign or financial assistance you had received during
11 a campaign, right?

12 A. Yes.

13 Q. You said that was during a campaign for the presidency of
14 Senegal?

15 A. Yes.

16 Q. Now the businessman who passed you that cash, were you in a
17 position to help that individual?

18 A. Not at all. And if I may clarify, you mentioned 10 million
19 CFA. It's 20,000 US dollars. 20,000 US dollars.

20 Q. Okay. But it was CFA then?

21 A. Yes, CFA. West Africa CFA.

22 Q. Now when you received that money, you did not consider that
23 to be inappropriate at the time?

24 A. Not at all. It's the political tradition back home.

25 Political tradition back home. And usually those

Ibt1ho6

Gadio - Cross

1 businesspeople, they help like six candidates, eight
2 candidates. They don't focus on one candidate.

3 Q. I see. So the businessman you received money from, your
4 understanding is that businessman paid other candidates too?

5 A. You say paid, but they take it as a contribution to
6 candidate for different reasons.

7 Q. Now I want to direct your attention to paragraph 3 of this
8 same document.

9 I'm sorry. It's page 3, paragraph 5. I apologize.

10 The title is My Apprehension From Past Experiences.

11 A. Mm-hmm.

12 Q. Now you write, "Although I trust you and respect you very
13 much, I would like to establish a clear process in moving
14 forward with you based on my past experiences where people I
15 had assisted did not fulfill their commitments towards me once
16 they obtained the results I helped them achieve."

17 A. Yes.

18 Q. Do you see that, Dr. Gadio?

19 A. Yes, yes, I do.

20 MR. KIM: Now let's turn to the following page,
21 please.

22 And let's zoom in on the top of that page.

23 Q. And that's titled Re-establishing Ties With china
24 Experience. You write, "Through the process to re-establish
25 ties with your country, I was not fairly compensated for my

Ibt1ho6

Gadio - Cross

1 hard work and efforts. As you may or may not know I am the one
2 as foreign minister who fought hard during a six-month marathon
3 to resume the diplomatic ties between China and my country
4 (Senegal). Taiwan did everything to oppose my move. They
5 poured money, bought allies, but I was determined to succeed.
6 We all know how Senegal is strategically important for Chinese
7 African policy. When all was said and done and I had the
8 privilege to sign on October 25, 2005 the resumption of
9 Senegal/China diplomatic relations before the entire world."

10 That portion that I just read, is that truthful?

11 A. Yes, sir.

12 Q. And you go on to write that "China gave several millions of
13 US dollars to our former president and I received nothing
14 although I was the principal mediator. The president kept the
15 whole thing for himself and I complained to my Chinese
16 counterparts and they never did anything despite several
17 promises which end up being broken promises."

18 Dr. Gadio, is that portion that I just read accurate?

19 A. I already commented that portion yesterday and said that it
20 was a terrible statement from me because I had no facts to back
21 up what I'm saying here and I -- I deeply regret writing this
22 because it's not accurate and it's not the truth.

23 Q. So your testimony is that you did not have the facts to
24 back up the portion I just read?

25 A. The portion you just read, yes, that's what I'm saying,

Ibt1ho6

Gadio - Cross

1 that I don't have facts to back it up, and I went too far in
2 terms of trying to explain why I should be compensated. I
3 should have used other arguments than this one because this one
4 was -- was completely out of character for me. I have never
5 been involved in these issues and I should not have written it
6 at all.

7 Q. Did you even believe those words to be true when you wrote
8 that?

9 A. I'm sorry?

10 Q. Did you believe those words to be true when you wrote them?

11 A. Of course I knew it was not.

12 Q. You knew it was not true, is that your testimony?

13 A. The part -- the last part you read, yes, about the
14 president of Senegal and so on, absolutely. I knew it was not
15 true.

16 Q. Now you were writing this section as justification for why
17 there needs to be a clear and written agreement in place,
18 right?

19 A. I'm sorry?

20 Q. You were writing this section as justification for why
21 there needed to be a clear and written agreement between you
22 and CEFC Energy, right?

23 A. Yes, and the compensation defined, yeah.

24 Q. And your testimony is that you made up this lie as
25 justification for why you needed a clear contract and

Ibt1ho6

Gadio - Cross

1 agreement?

2 A. I thought it was a good argument, but obviously it was a
3 very bad argument because like I said, I don't have facts to
4 back up what is written here.

5 Q. Now I want to read a portion of this that you did not
6 review yesterday. The next line says, "Actually this has been
7 my fate with several similar situations where 10 to 20 millions
8 of US dollars were allocated to the president and between 40
9 and 50 percent were intended for me and not one dollar came my
10 way."

11 Dr. Gadio, was that statement a lie?

12 A. It's not true.

13 Q. So you were making up the amounts that you had listed here?

14 A. I was building arguments that I thought would be
15 compelling, but they were wrong.

16 Q. So when you wrote "10 to 20 millions of US dollars," you
17 just made that number up?

18 A. I said that what I wrote was wrong, completely.

19 Q. And when you wrote 40 and 50 percent, those amounts were
20 made up?

21 A. The whole package is wrong.

22 Q. So none of that is true, that's your testimony?

23 A. Not the whole -- not the whole paragraph except -- but
24 the -- the one that we pointed together, you and me, those --
25 those were wrong.

Ibt1ho6

Gadio - Cross

1 Q. Now I want to turn to another exhibit that we talked about
2 yesterday, Government Exhibit 49 in evidence. We talked about
3 this a little earlier, right, Dr. Gadio?

4 A. Yes.

5 Q. Now I want to focus your attention on the bottom third of
6 this document, where it starts, "Therefore, I strongly
7 suggest."

8 "Therefore, I strongly suggest that the only right
9 moves CEFC have to make at this juncture is to," and then you
10 list a number of steps, right?

11 A. Yes.

12 Q. Talked about preparing a mission of a technical team,
13 right?

14 A. Yes.

15 Q. And we talked about making a financial offer to the
16 president, right?

17 A. For the allocation of this huge block, yes.

18 Q. Now No. 3 on your list is, "Reward him with a nice
19 financial package as an entry ticket --"

20 A. Mm-hmm.

21 Q. "-- in the Chadian oil market." Now when I asked you about
22 this document earlier, you said you had spoken informally with
23 a friend Ousmane Sy, correct?

24 A. Yes.

25 Q. Did Mr. Sy tell you about the entry ticket step?

Ibt1ho6

Gadio - Cross

1 A. The entry ticket is -- I'm the one. I'm 100 percent the
2 author of the entry ticket, the paragraph on the entry ticket.
3 It's me.

4 Q. Okay. So you were the only one who came up with the entry
5 ticket paragraph.

6 A. Because I -- I practiced that before. I know what it is.

7 Q. Now I think you testified before that this was the very
8 first oil deal that you were trying to broker, right?

9 A. Yes.

10 Q. And when you wrote about including a nice financial package
11 as an entry ticket, was it your understanding that this is a
12 common feature of oil deals?

13 A. Actually, it's like major commercial agreement between a
14 government and private company. That's when we raised the
15 issue of entry ticket. It can even be between government and
16 government.

17 Q. And is it accurate to say, according to your testimony,
18 that an entry ticket refers to some kind of an after-the-deal
19 bonus?

20 A. Like a signing bonus, yes. Equivalent in English would be
21 a signing bonus.

22 Q. Signing bonus.

23 A. Yeah.

24 Q. You testified that this would come after a technical study
25 is done, right?

Ibt1ho6

Gadio - Cross

1 A. Yes.

2 Q. It would come after a financial offer is ready and that
3 there's a general agreement in place, right?

4 A. Yes, and the lawyers have done their job and we are ready
5 to sign the contract.

6 Q. And the steps we've just talked about could literally take
7 months or years even, right?

8 A. Talking about what?

9 Q. The steps that we just talked about, the technical team, or
10 the technical study, the financial offer, the negotiation,
11 those steps could literally take months, right?

12 MR. ZOLKIND: Your Honor, I think this has been asked
13 and answered.

14 THE COURT: We already did this. We really did.

15 Q. Now --

16 MR. KIM: I have a short memory, your Honor. Sorry.

17 Q. Now --

18 THE COURT: You're too young for that.

19 Q. Now you were writing this email in November of 2014, right?

20 A. Yes.

21 Q. And the negotiations about the deal in this case stretched
22 out into 2017, right?

23 A. Not -- not really, because once again, you have to perhaps
24 have in mind the two steps, the two stages. One was engaging
25 Chad for Block H. The second step taken six months later by

Ibt1ho6

Gadio - Cross

1 CEFC was to switch gears to something else, the 10 percent. So
2 if you present it as like negotiation from November to 2017,
3 it's like talking about the same asset, and here you're talking
4 about two different assets.

5 Q. And you were writing this before the CEFC Energy team had
6 even met with President Deby, correct?

7 A. It was a way of suggestion that I made, and I don't know if
8 I can answer your question about the time it takes. I said
9 before that if Block H had a data center and all the
10 information were available, the technical team would only
11 complete and compare the technical data, that will not take too
12 long. But if it was ground zero, absolutely no information, it
13 would take time.

14 Q. So your testimony is that you included this sentence about
15 an entry ticket as a suggestion for CEFC Energy?

16 A. Yes, I was telling CEFC that it would be a good idea if
17 they want to help Chad to think of an entry ticket, because I
18 have had experience of entry ticket.

19 Q. And I think you testified that an entry ticket is given
20 before a contract is actually signed, is that right?

21 A. I said when everything is said and done, before signing the
22 contract, often countries make suggestions about the entry
23 ticket.

24 Q. Well, yesterday you testified that before the signing
25 ceremony at the buying of the asset --

Ibt1ho6

Gadio - Cross

- 1 A. Yes.
- 2 Q. -- that's where the entry ticket is discussed, right?
- 3 A. It is discussed, yes.
- 4 Q. Because if you discuss it afterwards, it's too late at that
5 stage; that was your testimony, right?
- 6 A. That's true.
- 7 Q. Now fair to say that even as you've defined this term,
8 entry tickets can sometimes be bribes, right?
- 9 A. I'm sorry?
- 10 Q. Entry tickets can sometimes be bribes, right?
- 11 A. No, no.
- 12 Q. Well, isn't it true that good heads of state will ask for
13 entry tickets to be given to their countries, right?
- 14 A. Yes.
- 15 Q. And bad heads of state will pretend the entry ticket is for
16 the country but will ask for it to be given directly to them?
17 Is that right?
- 18 A. Yeah. You are quoting me? You are quoting what I said?
- 19 Q. I only want to know if that's accurate, Dr. Gadio.
- 20 A. Yeah, it is accurate.
- 21 Q. Returning to my original question, entry tickets, even as
22 you define them, can sometimes be bribes?
- 23 A. If -- if the meaning of entry ticket is changed to
24 something else, yes, it becomes bribe.
- 25 Q. Now, Dr. Gadio, how much experience do you have with entry

Ibt1ho6

Gadio - Cross

1 tickets?

2 A. Oh, I have a few, a few experience. I described yesterday,
3 I gave an example of an entry ticket, when Senegal resumed
4 diplomatic ties with China. Because I said entry ticket could
5 be between a corporation and a government, it could be between
6 two -- two governments. When Senegal resumed diplomatic ties
7 with China, I was negotiating, and China wanted to offer a
8 package to replace Taiwan's cooperation with Senegal, and then
9 we suggested ours, like China coming back to the Senegalese,
10 not only diplomatic ties but diplomatic -- commercial, economic
11 relations, that we wanted -- we wanted some financing from
12 Chad -- from China, and we listed seven priority entry ticket
13 projects to China, and they approved almost all the projects,
14 and I was saying that one of the most important projects was
15 just -- will be launch -- will be finalized and they're giving
16 to Senegal on December 6, and that was back to 2005. So
17 that's -- I have experience of that type of entry ticket.

18 Q. Is it true that your purpose in writing this was because
19 you wanted to warn CEFC about entry tickets because it was
20 CEFC's first deal in Africa?

21 A. Not warn but inform that it would be a good idea, if they
22 want to help Chad, this may be the right way to go.

23 Q. But you never had a detailed conversation about specifics
24 of entry tickets with anyone from CEFC Energy, right?

25 A. We did not discuss it, and they did not reply to this

Ibt1ho6

Gadio - Redirect

1 letter, this suggestion.

2 Q. You had no discussions with Dr. Ho about this topic,
3 correct?

4 A. No.

5 Q. Dr. Gadio --

6 MR. KIM: We can take this down, Mr. Calabrese. Thank
7 you.

8 Q. As of January 2017, you were still preparing for a
9 presidential election in Senegal, right?

10 A. January '17. Perhaps, yes.

11 Q. I'll show you what's been marked for identification as
12 Defense Exhibit 316.

13 You can read that email, see if it refreshes your
14 memory.

15 A. Yes.

16 Q. So in January of 2017, you were still preparing for
17 presidential elections in 2017, right?

18 A. Yeah, I was hoping to be able to run in 2017.

19 Q. And isn't it true that at that time you hoped you would be
20 CEFC's candidate?

21 A. I made a suggestion to Dr. Ho, yes, to --

22 MR. KIM: No further questions, your Honor.

23 A. Okay.

24 THE COURT: Thank you.

25 Redirect, counsel.

Ibt1ho6

Gadio - Redirect

1 MR. ZOLKIND: Thank you, your Honor.

2 REDIRECT EXAMINATION

3 BY MR. ZOLKIND:

4 Q. Dr. Gadio, do you recall that Mr. Kim started
5 cross-examination by asking you a series of questions about
6 CEFC's status with respect to Chad in the late 2015 time period
7 and 2016 time period?

8 A. Yes.

9 Q. Do you recall those questions?

10 A. Yes, I do.

11 Q. Do you recall being asked, for example, about whether it
12 seemed like CEFC was losing interest and whether you still
13 wanted a deal? Do you recall those discussions?

14 A. Yes, I do.

15 Q. Dr. Gadio, in the late 2015 into 2016 time period, was this
16 defendant part of the CEFC team that was focused on Chad, as
17 you understood it?

18 A. No.

19 Q. And as you understood it, around what time period did the
20 defendant cease to be the focal point from CEFC to Chad?

21 A. We were notified in May, May 2015.

22 Q. Okay. Let me go back to CEFC's first meeting with
23 President Deby. And that was in November 2014, is that right?

24 A. Yes.

25 Q. Okay. And at that time what was your understanding of the

Ibt1ho6

Gadio - Redirect

1 defendant's role with respect to Chad?

2 A. Yeah. He was the main facilitator of the relationship
3 between CEFC and Chad.

4 Q. Do you recall Mr. Kim asking you on cross-examination
5 whether at the end of that very first meeting in Chad,
6 President Deby made an offer to CEFC? Do you recall that
7 question?

8 A. Yes.

9 Q. Now during that first meeting in Chad, was the subject of
10 Block H brought up?

11 A. Yes.

12 Q. Okay. Who brought that subject up during the meeting?

13 A. The president.

14 Q. And was CEFC and the defendant and the other members of the
15 delegation interested in Block H?

16 A. Yes.

17 Q. During that meeting was there any discussion about the
18 price that CEFC would need to pay for Block H?

19 A. No.

20 Q. Was there any negotiation at all about the other terms of
21 the deal, if it were to take place?

22 A. No.

23 Q. Do you recall -- well, and let me just ask you: What was
24 your general understanding as to the potential length of the
25 negotiation that would have to take place if CEFC indeed wanted

Ibt1ho6

Gadio - Redirect

1 to move forward with acquiring Block H?

2 A. Yes. What I explained was, the president gave a lengthy
3 presentation of how Block H was important to him, to the
4 country, and was a major asset for Chad, and he also talked
5 about other interests, other important projects that he had.
6 And my understanding was that if the technical team takes a
7 look at Block H, depending on what was available in terms of
8 data center, technical details, information, then they would be
9 able to assess and tell CEFC and tell the president that it
10 would take whatever length of time. But it takes an assessment
11 from the technical team to know that.

12 Q. Now do you recall testifying about how, after that first
13 meeting in Chad, the defendant sent you a series of
14 communications requesting a second meeting in Chad?

15 A. Exactly.

16 Q. Now at that point had CEFC made its opening proposal of how
17 much it was willing to pay for Block H?

18 A. Not at all.

19 Q. Had any negotiation at all taken place over the price?

20 A. No.

21 Q. What was your understanding in terms of who would make the
22 final decision as to whether to sell Block H and at what price?

23 A. The president.

24 Q. As of the December 2014 meeting in Chad, so the second
25 meeting in Chad --

Ibt1ho6

Gadio - Redirect

1 A. Yes.

2 Q. -- at the moment that the \$2 million in the boxes was
3 handed over to the president, at that moment had President Deby
4 yet made any final decision to sell Block H to CEFC or at any
5 particular price?

6 A. No.

7 Q. Had there even been a negotiation yet over the price at the
8 time that that cash was handed over?

9 A. No.

10 Q. Now if President Deby had wanted to, is it your
11 understanding that he had the power to sell Block H for a low
12 price?

13 A. Yes, he had the power, yes.

14 Q. And what was your understanding as to whether CEFC wanted
15 to pay a higher price or a lower price for Block H?

16 A. What was my understanding?

17 Q. Yeah. What was your understanding as to whether CEFC, as
18 an oil company, would rather pay a higher price or would rather
19 pay a lower price?

20 A. Always want to pay a lower price, yeah.

21 Q. Do you recall at one point Mr. Kim asked you if it was true
22 that the defendant said that he was going to fly in to Chad for
23 that December meeting separately from the rest of the
24 delegation?

25 A. Yeah, I got a memo like that -- email like that, yes.

Ibt1ho6

Gadio - Redirect

1 Q. You responded that that was something you had initially
2 heard, right?

3 A. Yes.

4 MR. ZOLKIND: Ms. Rao, could we please bring up
5 Government Exhibit 56.

6 Q. Do you see that this is an email --

7 MR. ZOLKIND: This is in evidence. We can publish it
8 to the jury.

9 Q. And you see that this is an email from the defendant, the
10 defendant to you on November 26th --

11 A. Yes.

12 Q. -- 2014? So about a week or so before that December 2014
13 meeting, is that right?

14 A. Yes.

15 MR. ZOLKIND: And Ms. Rao, if you could just highlight
16 and zoom in on the last two lines of the defendant's email.

17 Q. You see that he wrote, "We will probably arrive via the
18 company plane early in the morning of December 7th and leave
19 around midnight of the same day after the meeting with the
20 president"?

21 A. Yes.

22 MR. ZOLKIND: Okay. And Ms. Rao, if we could bring up
23 Government Exhibit 202.

24 If we could go to -- I think it's the third page.
25 This is also in evidence. Yeah. Sorry. Just the prior page

Ibt1ho6

Gadio - Redirect

1 going into the third page.

2 Q. Do you see this email here from Anna, the defendant's
3 assistant, on December 5, 2014?

4 A. Yes.

5 Q. And that's about a day or so before the meeting in Chad, is
6 that right?

7 A. Yes.

8 Q. You see that she wrote there, "Dear Dr. Gadio, Please see
9 the delegation private jet schedule"?

10 A. Yes.

11 Q. Did she list any separate travel details for the defendant?

12 A. That's what I have. That's what I had, yeah.

13 MS. GHOSH: All right. We could take that down.

14 Q. Do you recall Mr. Kim asking you questions about the MOU
15 that was discussed during that December 2014 meeting in Chad?

16 A. Yes.

17 Q. Do you recall Mr. Kim asking if it was true that the MOU
18 was mostly about Block H?

19 A. Yes, I remember.

20 MR. ZOLKIND: Ms. Rao, if we could bring up -- this is
21 not in evidence -- Government Exhibit -- I believe it's 67TX.
22 Sorry. Let's bring up first Government Exhibit 66. And 66TX.

23 Your Honor, the government offers Government
24 Exhibits 66 and 66TX.

25 MR. KIM: Objection, your Honor. I don't think the

Ibt1ho6

Gadio - Redirect

1 witness has ever seen this document.

2 MR. ZOLKIND: Well, let me do it this way, your Honor.
3 If we go to the -- we can leave this on the witness' screen and
4 go to the attachment.

5 BY MR. ZOLKIND:

6 Q. Dr. Gadio, did you see the date on the cover email here?

7 MR. ZOLKIND: If you can just back up again.

8 Q. Do you see the date there?

9 A. Yeah, it's --

10 Q. You don't need to read it aloud, but do you see the date?

11 A. Yes, I do.

12 Q. Okay. Now take a look at the attachment.

13 MR. KIM: We withdraw our objection. We withdraw our
14 objection.

15 THE COURT: All right. Go ahead, counsel.

16 MR. ZOLKIND: All right. We'll offer Government
17 Exhibit 66 and the English translation, 66TX.

18 THE COURT: Received.

19 (Government's Exhibits 66 and 66TX received in
20 evidence)

21 MR. ZOLKIND: All right. And if we could bring 66TX
22 up on the screen.

23 BY MR. ZOLKIND:

24 Q. All right. And do you see that this is an email that the
25 defendant received on December 10, 2014?

Ibt1ho6

Gadio - Redirect

1 A. Yes.

2 Q. How long was that after the meeting in Chad?

3 A. The next day.

4 MR. ZOLKIND: All right. If we go to the attachment.

5 Q. You see that this is a draft memorandum?

6 A. Mm-hmm, yes.

7 Q. Does it appear to be the draft of a memorandum of
8 understanding of the type that was discussed during the meeting
9 in Chad?

10 A. Yes.

11 Q. I'll just read --

12 MR. ZOLKIND: Ms. Rao, if you could zoom in on 1 and
13 2.

14 It says here:

15 "The Chadian side will fully support CEFC China's
16 participation in the CNPC's Chad project.

17 "No. 2. The Chadian side states that, whether is
18 regarding oilfield exploration block or oil pipeline --"

19 THE COURT: Slowly.

20 MR. ZOLKIND: I apologize.

21 "-- regarding oilfield exploration block or oil
22 pipeline, so long as the Chadian side has the right over such
23 pipeline and oilfield exploration block, it can cooperate with
24 CEFC China in all of them."

25 THE COURT: Try harder.

Ibt1ho6

Gadio - Redirect

1 MR. ZOLKIND: I'll do that, your Honor. I apologize.

2 BY MR. ZOLKIND:

3 Q. Dr. Gadio, as you read this draft MOU, is it confined
4 exclusively to Block H or does it encompass other oil
5 opportunities in Chad?

6 A. Yes, it's talking about pipeline, oilfield exploration,
7 seems that it's talking about some other aspects.

8 MR. ZOLKIND: Okay. We can take that down.

9 Q. Do you recall, Dr. Gadio, Mr. Kim asking you on
10 cross-examination about the two wires of \$200,000 that you
11 received from the defendant, from CEFC?

12 A. Yes, I do.

13 Q. Okay. Was it part of your responsibility as a consultant
14 to the defendant to help broker his access to the president of
15 Chad?

16 A. Yes.

17 Q. Okay. And you've testified that as you understood it, the
18 \$2 million that was provided to the president of Chad was, as
19 you understood it, a bribery attempt, is that correct?

20 A. Yes.

21 Q. And as you understand it, if you had not brokered his
22 access to the president of Chad, would the defendant have had
23 the opportunity to make that bribery attempt?

24 A. No.

25 MR. ZOLKIND: If we could bring up Government

Ibt1ho6

Gadio - Redirect

1 Exhibit 16.

2 And I'd like to go to -- I think it's Section 5 on
3 reestablishing China ties.

4 If we could zoom in there.

5 Q. All right. Dr. Gadio, you recall a series of questions
6 about the statements that you wrote here in your report to the
7 defendant?

8 A. Yes.

9 Q. Okay. And just to step back, what were you trying to
10 persuade the defendant of? What was the reason that you were
11 writing this?

12 A. To -- to get an agreement, formal agreement and to be -- to
13 be sure that I would be compensated.

14 Q. Okay. You wrote here, halfway down, you had the privilege
15 to sign in October 25, 2005, "the resumption of Senegal/China
16 diplomatic relations before the entire world. China gave
17 several millions of US dollars to our former president and I
18 received nothing although I was the principal mediator."

19 Let me just pause there.

20 THE COURT: Good thing.

21 Q. You've testified clearly that you didn't have any personal
22 knowledge as to whether or not the former president of Senegal
23 in fact took payments from Chinese businesses, is that right?

24 A. Exactly.

25 Q. Okay. Now, Dr. Gadio, did you make this up or had you

Ibt1ho6

Gadio - Redirect

1 heard that fact?

2 A. I heard it, and what I was complaining -- what I was saying
3 was, I heard it, I had no like concrete information to back up
4 this, and yet I still used it. That's what I was concerned
5 about.

6 Q. You didn't invent this story out of thin air, is that
7 right?

8 A. No, no, was not invented.

9 Q. Okay. And when you went on to say, "The president kept the
10 whole thing for himself and I complained to my Chinese
11 counterparts," was it in fact true that you had heard that the
12 president kept the whole thing?

13 A. That's what I heard, yes.

14 Q. Okay. And had you also in fact heard that some of the
15 money was designated for you? Is that true?

16 A. That's also what I heard.

17 Q. Okay. You didn't make those up; you just didn't have
18 personal knowledge of them, is that right?

19 A. And personal confirmation, yes.

20 Q. You hadn't confirmed it.

21 A. Yeah, no.

22 Q. Okay. Was it true that you did not indeed get any cut of
23 those payments?

24 A. Yes, it was true.

25 Q. Now, Dr. Gadio, after you described a history of Chinese

Ibt1ho6

Gadio - Redirect

1 businesspeople paying bribes to the president of Senegal, did
2 the defendant respond in any way to your statements in this
3 paragraph?

4 A. No.

5 MR. ZOLKIND: We can take that down.

6 Q. Dr. Gadio, do you recall some questions on
7 cross-examination about the email you wrote in which you
8 outlined the roadmap for pursuing a deal, including the
9 technical team, negotiating over the price, the offer, and then
10 rewarding with an entry ticket package? Do you recall that?

11 A. I remember, yes.

12 Q. Okay. And you recall some questions about the entry ticket
13 concept?

14 A. Yes.

15 Q. First of all, Dr. Gadio, did the defendant ever at any
16 point tell you that the \$2 million in cash was an entry ticket?

17 A. Never.

18 Q. Did anyone else from CEFC ever describe, either before the
19 cash was discovered by the president or after, ever try to
20 describe that as an entry ticket?

21 A. No.

22 Q. Dr. Gadio, you were also asked about your prior experiences
23 with entry tickets when you were serving as Foreign Minister of
24 Senegal. Do you recall that?

25 A. Yes.

Ibt1ho6

Gadio - Redirect

1 Q. Okay. And you said you had had some experiences, is that
2 right?

3 A. Yes.

4 Q. Had you ever experienced an entry ticket that was paid
5 multimillion dollars in cash?

6 A. No, never.

7 Q. Had you ever heard of an entry ticket that was provided
8 where the money was given without some discussion beforehand
9 about the fact that the donor would be donating an entry
10 ticket?

11 A. No.

12 Q. Have you ever had an entry ticket that was surprisingly
13 given at the end of a business meeting?

14 A. No, no.

15 I did mention once the case of this French oil leader
16 of this company, ELF (ph), who signed a business deal with Chad
17 precisely, and then before -- when they signed, just -- he
18 asked to see the president, President Deby, precisely, and then
19 he asked the president, what is your cut? Like how much do you
20 want? And the president told him, I don't understand your
21 question, he explained, and he said, if you want to make a
22 donation to Chad, please write a check to the treasurer and
23 take the check to the treasurer, but don't give me -- don't
24 talk to me about giving me money. And the guy wrote a whole
25 book and explained the situation.

Ibt1ho6

Gadio - Redirect

1 Q. Just to be clear, are you testifying about something that
2 you know personally or this is something that you've heard or
3 read about?

4 A. I read about it, I heard about it.

5 Q. Okay.

6 A. Yes.

7 Q. But again, to be clear, if someone at the end of a business
8 deal had simply provided a chunk of cash to the president
9 personally, would you have viewed that as a legitimate entry
10 ticket?

11 A. Completely, yeah.

12 Q. You would have or you would not have?

13 A. It's not -- I would -- I would not say it's an entry
14 ticket.

15 Q. Okay. Dr. Gadio, do you recall some questions about the
16 time period when you were running for president of Senegal?

17 A. Yes.

18 Q. And you recall being asked about a campaign contribution
19 that you were given by a businessman?

20 A. Yes.

21 Q. And I think you testified that the amount of money was the
22 rough equivalent of about 20,000 US dollars, is that right?

23 A. Exactly.

24 Q. At that time were you a public official?

25 A. No.

Ibt1ho6

1 Q. In other words, were you in a position of government power
2 in your country?

3 A. I was a private citizen.

4 Q. Okay. Was the person who gave you money seeking a
5 multimillion-dollar deal that you had to be a party to approve
6 or not approve?

7 A. Not at all.

8 MR. ZOLKIND: I have no further questions.

9 THE COURT: Thank you.

10 Recross, counsel?

11 MR. KIM: No recross, your Honor.

12 THE COURT: Thank you. You may step down, sir.

13 (Witness excused)

14 THE COURT: What do you want to do? Do you want to
15 call it a night or what do you want to do?

16 MR. ZOLKIND: I think that makes sense, your Honor.

17 THE COURT: All right. Ladies and gentlemen, we're
18 going to toss you out into the cold winter night.

19 JUROR: Oh, no.

20 THE COURT: Would you follow your normal instructions.
21 Don't discuss the case, leave your books in the jury room,
22 don't do any research about the case. And have a pleasant
23 evening.

24 Tomorrow morning, on time, ready to start, 10:00.
25 Coffee at 9:15.

Ibt1ho6

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Good evening. Thank you for your attention.
(Jury not present)
THE COURT: Anything else on the record, counsel?
MR. KIM: Not from the defense.
MR. ZOLKIND: No, your Honor.
THE COURT: Thank you.
(Adjourned to November 30, 2018, 10:00 a.m.)

INDEX OF EXAMINATION

Examination of:	Page
CHEIKH TIDIANE GADIO	
Direct By Mr. Zolkind	490
Cross By Mr. Kim	566
Redirect By Mr. Zolkind	658

GOVERNMENT EXHIBITS

Exhibit No.	Received
203, 204 and 205	491
1085	494
86	495
89	497
92 and 92TX	499
94	502
95 and 95TX	503
1096 and 1096TX	504
99	518
100	525
104	526
105	534
107	536
S-1	537
2008	538
118	546
117	549

1 1126 550
2 1129 555
3 141 560
4 176 563
5 1510, 1510A and 1510B 565
6 66 and 66TX 664

7 DEFENDANT EXHIBITS

8 Exhibit No. Received
9 DS01 581
10 1096 and 1097 582
11 311 627

12
13
14
15
16
17
18
19
20
21
22
23
24
25