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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	15-CR-252(PKC)
	:	
-against-	:	United States Courthouse
	:	Brooklyn, New York
	:	
JEFFREY WEBB, ET AL.,	:	
	:	November 15, 2017
Defendants.	:	9:30 a.m.
	:	

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TRANSCRIPT OF CRIMINAL CAUSE FOR JURY SELECTION
BEFORE THE HONORABLE PAMELA K. CHEN
UNITED STATES DISTRICT COURT JUDGE

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24 Proceedings recorded by mechanical stenography, transcript
25 produced by Computer-Aided Transcription

25

1 (In open court; jury not present.)

2 THE COURT: Good morning, everyone. Have a seat.

3 I understand we have an issue, is that right, that
4 we need to address at sidebar?

5 MR. NITZE: Yes, Your Honor.

6 (Sidebar held outside of the hearing of the jury.)

7 (Continued on next page.)

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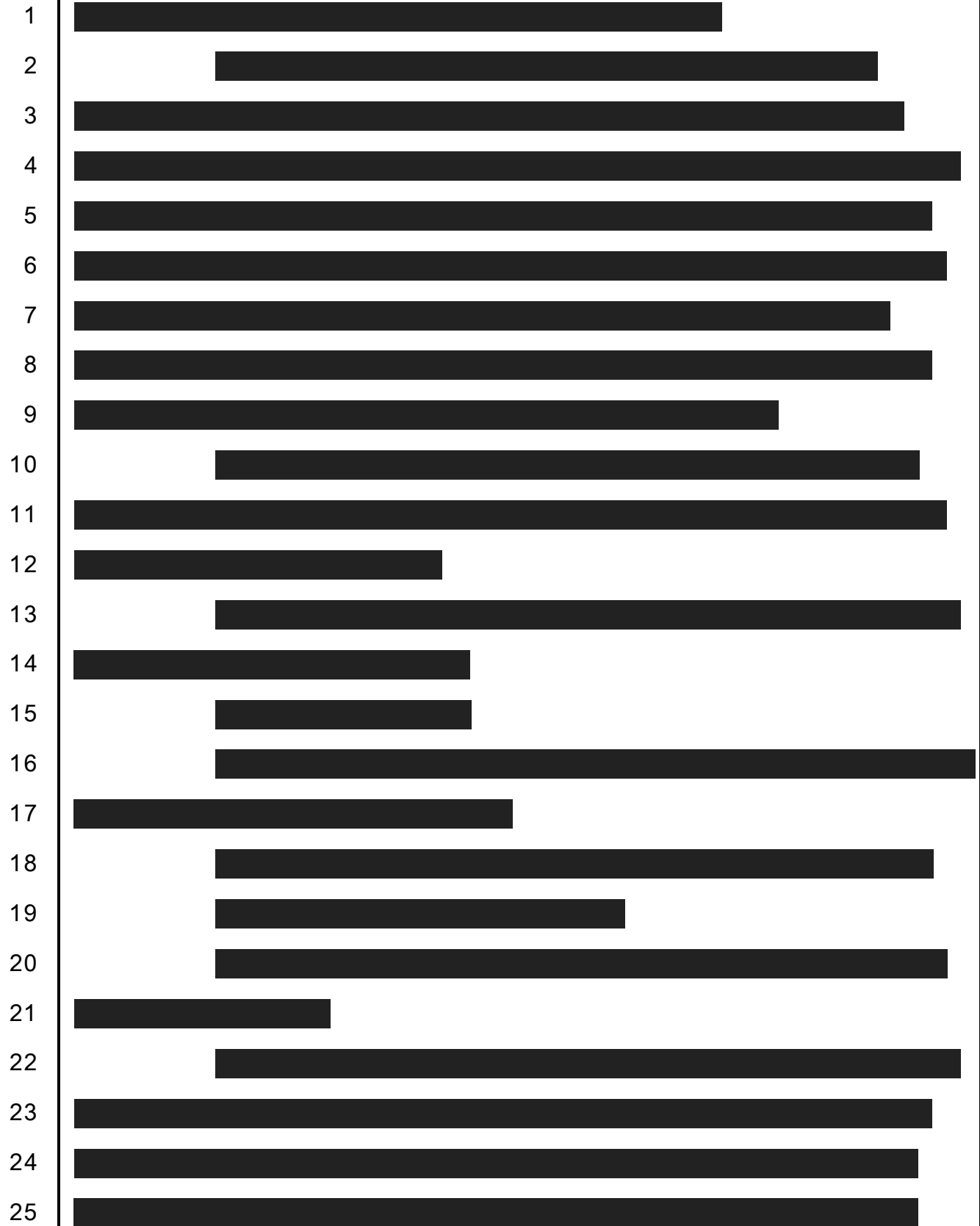


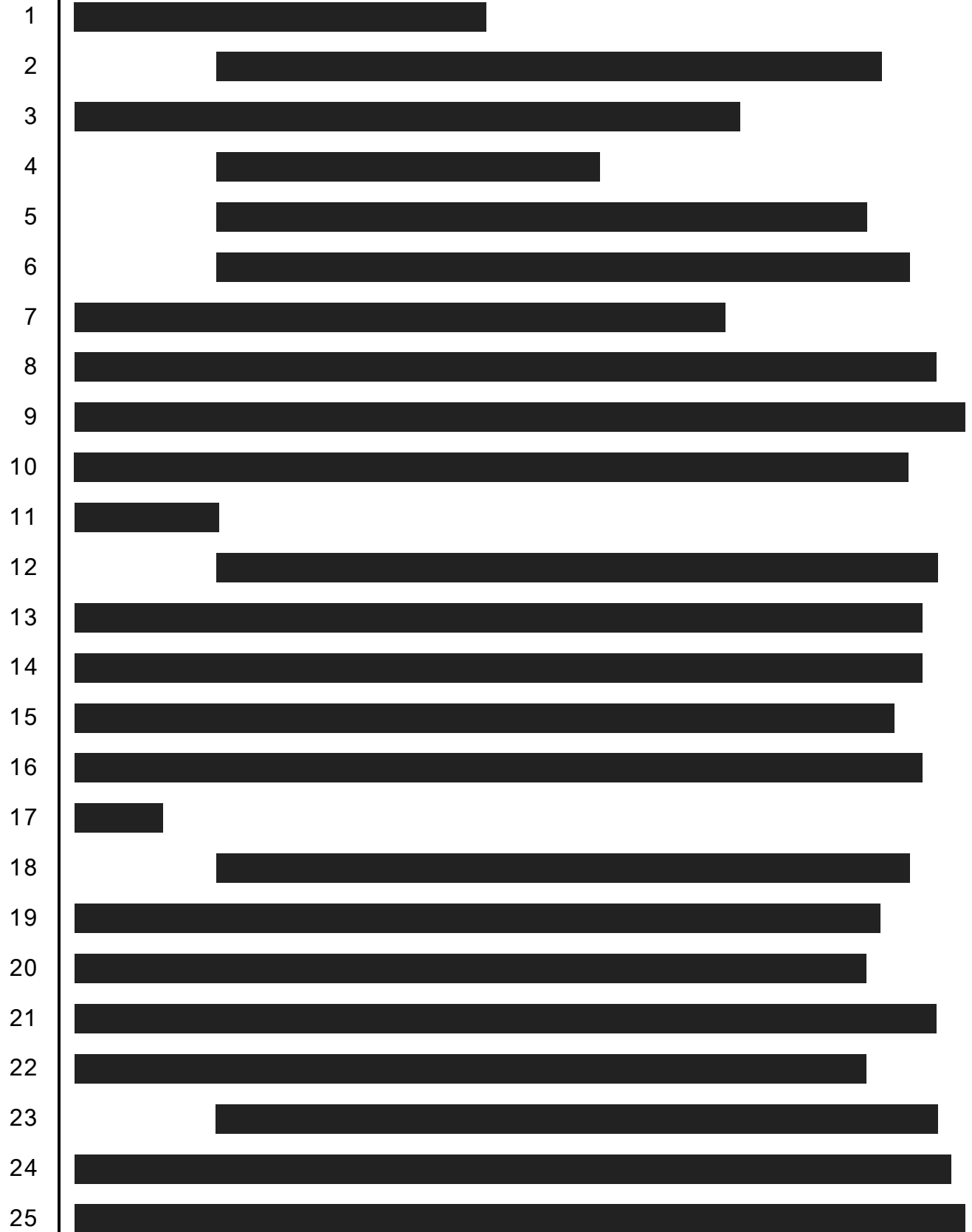


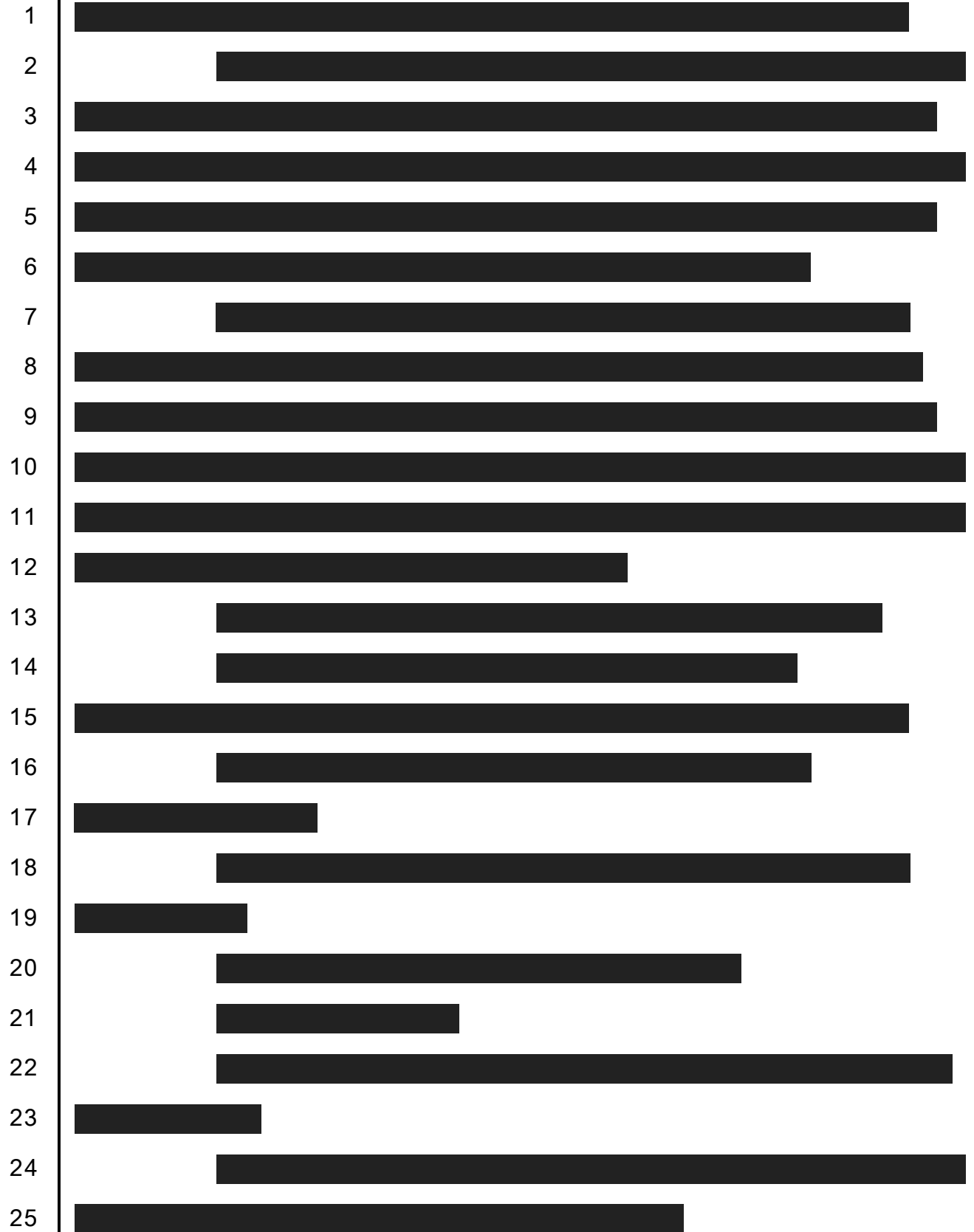
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1 (In open court; jury not present.)

2 THE COURT: Good morning, everyone. Have a seat.

3 We are bringing out the witness.

4 (Witness resumes the stand.)

5 THE COURT: The jury will be here soon. Do whatever
6 you want. Make yourself comfortable.

7 Let's have a sidebar.

8 (Sidebar held outside of the hearing of the jury.)

9 (Continued on next page.)

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1 (The following sidebar took place outside the
2 hearing of the jury.)

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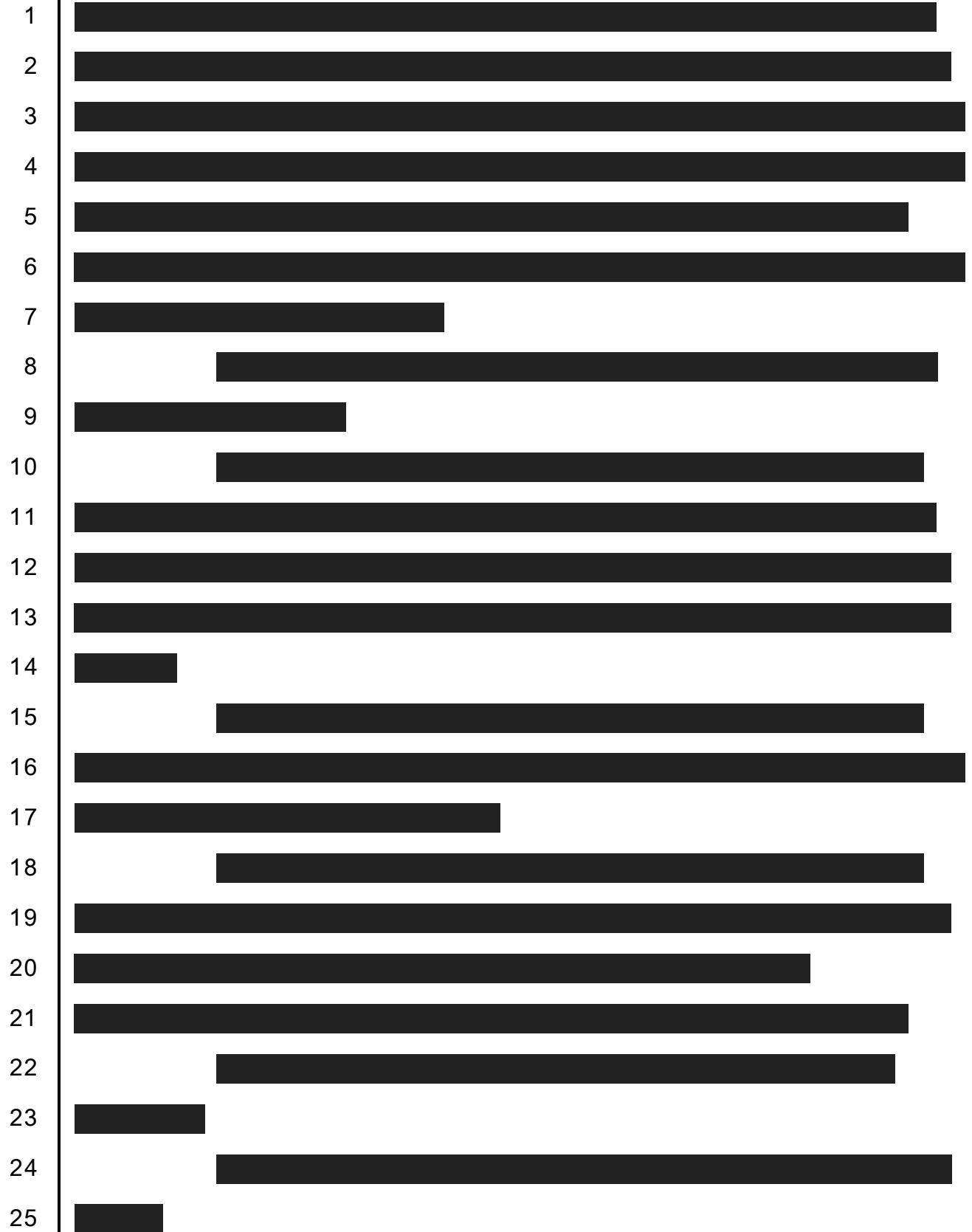
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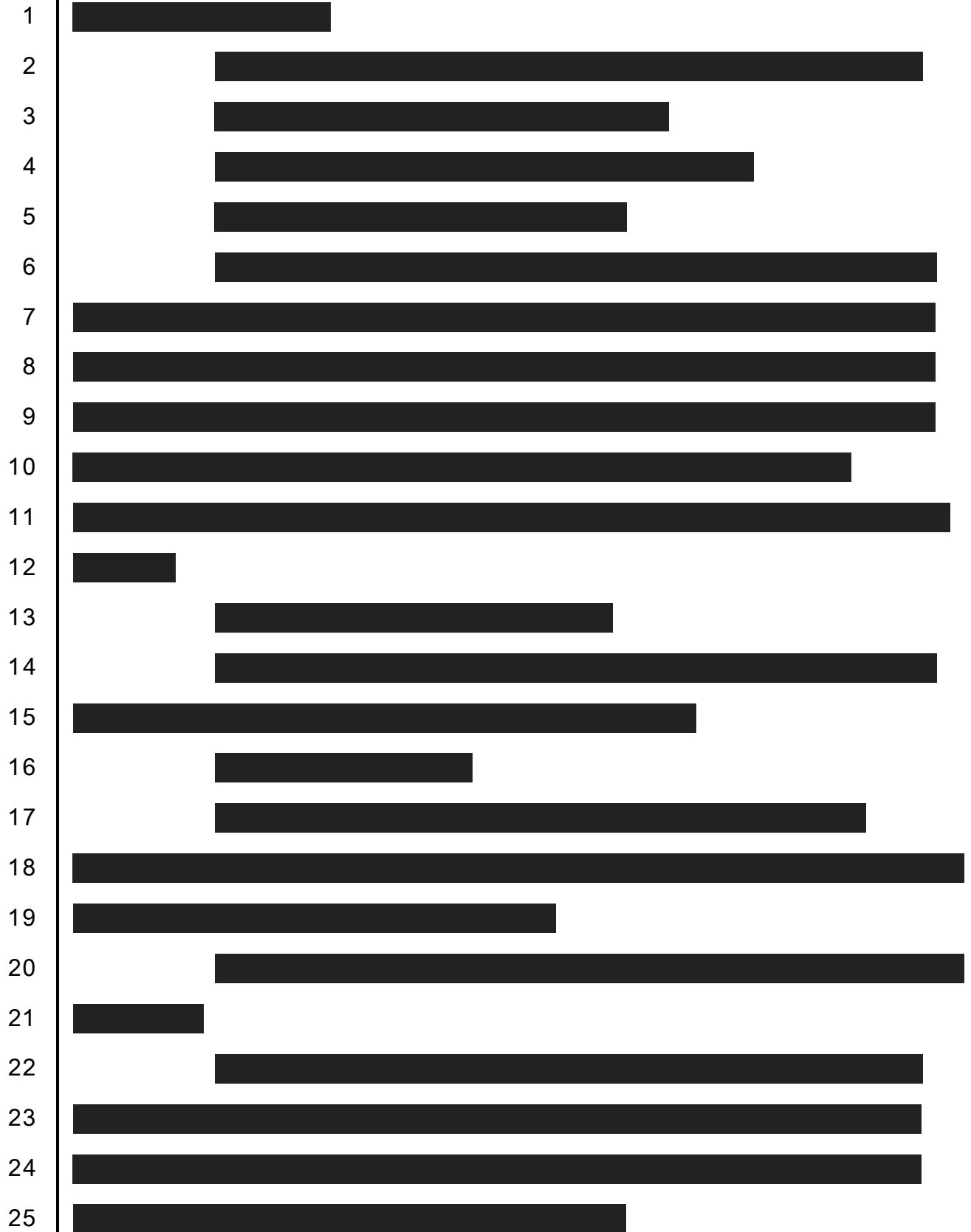


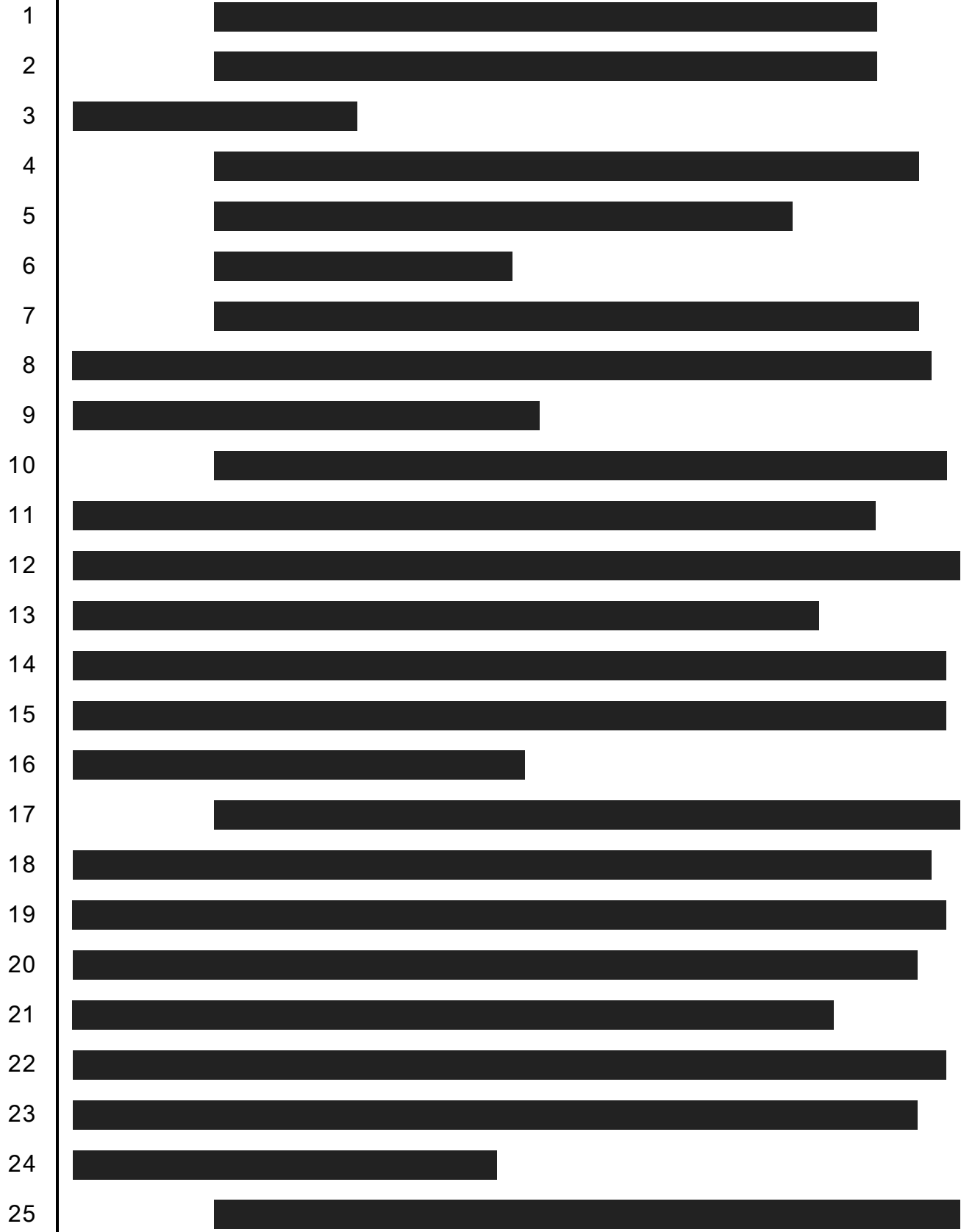
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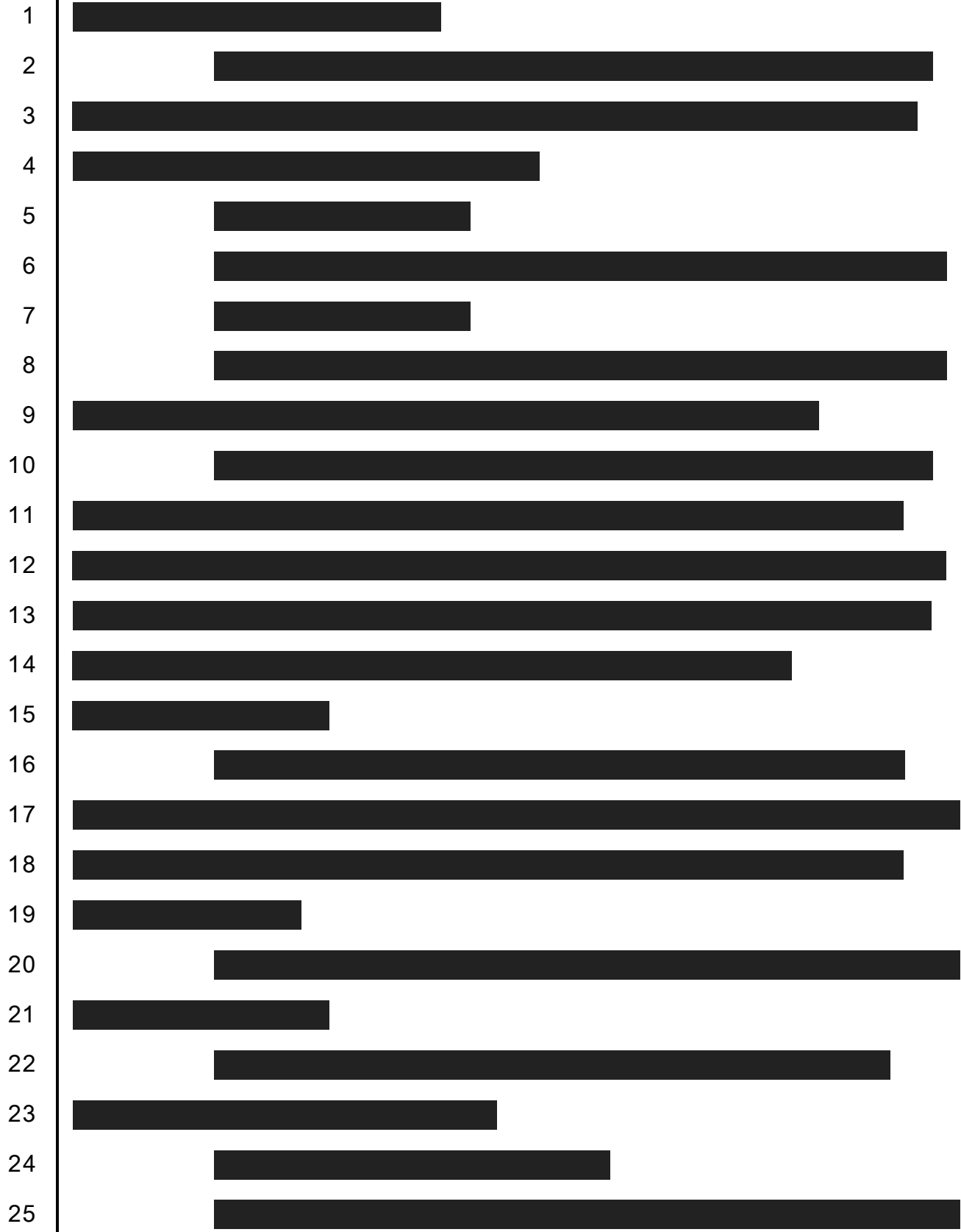
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(Sidebar ends.)

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1 MR. NITZE: Your Honor, the Government
2 respectfully requests that we adjourn the case briefly, just
3 for an hour, so we can tend to the issue raised at sidebar and
4 perhaps we can re-call the case at 11 o'clock.

5 THE COURT: Any objection.

6 MS. PINERA-VAZQUEZ: No, Your Honor.

7 MR. PAPPALARDO: No, Your Honor.

8 MR. UDOLF: No, Your Honor.

9 THE COURT: We will adjourn and see you at 11.
10 Thank you everyone.

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12 (Continued on the following page.)

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1 (In open court.)

2 (Judge PAMELA K. CHEN enters the courtroom.)

3 THE COURTROOM DEPUTY: All rise.

4 THE COURT: Have a seat, everyone.

5 Let me hear from the Government. Are we ready to

6 go?

7 MR. NITZE: Yes, Your Honor. We would propose to
8 proceed with the witness and I think we could go until the
9 regular 12:30 or 1:00, and I could indicate a stopping point.

10 I do think there will be more to do on direct with
11 the witness into the afternoon, and our proposal would be --
12 and I've conferred with defense counsel and there is no
13 objection to this -- that when we end the direct examination
14 sometime, I think it's likely to be middle to late afternoon,
15 we excuse the witness. There could be an instruction to the
16 jury about keeping an open mind.

17 THE COURT: Yes.

18 MR. NITZE: We would call another short witness out
19 of order, and we have the witness who will be testifying this
20 morning, Mr. Burzaco, finish for the day and start with
21 cross-examination first thing tomorrow morning.

22 THE COURT: That is agreeable to the defense?

23 MR. PAPPALARDO: It is, Your Honor.

24 The Government's characterization is accurate.

25 We've all agreed to that. The only thing we would ask is for

1 the instruction to go to the jury at the conclusion of
2 Mr. Burzaco's direct, because they would be anticipating the
3 cross that isn't going happen until tomorrow.

4 THE COURT: Right. You mean keep --

5 MR. PAPPALARDO: Keep an open mind.

6 THE COURT: Right.

7 MR. PAPPALARDO: The Court understands.

8 THE COURT: Right. As opposed to explaining that --

9 MR. PAPPALARDO: You don't need to explain anything.
10 Just keep an open mind for the Court -- you can explain.

11 THE COURT: Or I could say there will be further
12 examination tomorrow morning.

13 MR. PAPPALARDO: You could even say that we had to
14 take a witness out of order for scheduling. You can handle
15 it.

16 THE COURT: That is fine. That is fine.

17 MR. NITZE: One other brief evidentiary point that
18 we may as well take care of before the witness and jury come
19 in.

20 And that is yesterday, a number of exhibits,
21 contract exhibits, were moved into evidence, also moved in a
22 stipulation as to English translations.

23 THE COURT: Use the microphone.

24 MR. NITZE: Yes. I think I neglected the final step
25 of actually formally moving in the English translations of

1 those documents. And so, I would, right now, move that all of
2 the exhibits --

3 THE COURT: With the T.

4 MR. NITZE: With the T that correspond to the
5 exhibits that were moved in be admitted into evidence.

6 THE COURT: Yes. I assume there is no objection to
7 that.

8 ALL DEFENSE COUNSEL: No objection, Your Honor.

9 THE COURT: All right.

10 So all the T exhibits that accompany the numeric
11 exhibits that were introduced yesterday, for the contracts are
12 also admitted.

13 (Government's Exhibits 152-T, 153-T, 154-T, 155-T,
14 156-T, 157-T, 158-T, 159-T, 162-T, 163-T, 164-T, 165-T, 178-T,
15 181-T, 183-T, 184-T, 185-T, 186-T and 189-T received in
16 evidence.)

17 THE COURT: All right. So let's go ahead and get
18 the witness.

19 MR. UDOLF: Judge, could we have a brief side-bar
20 before we do that.

21 THE COURT: All right.

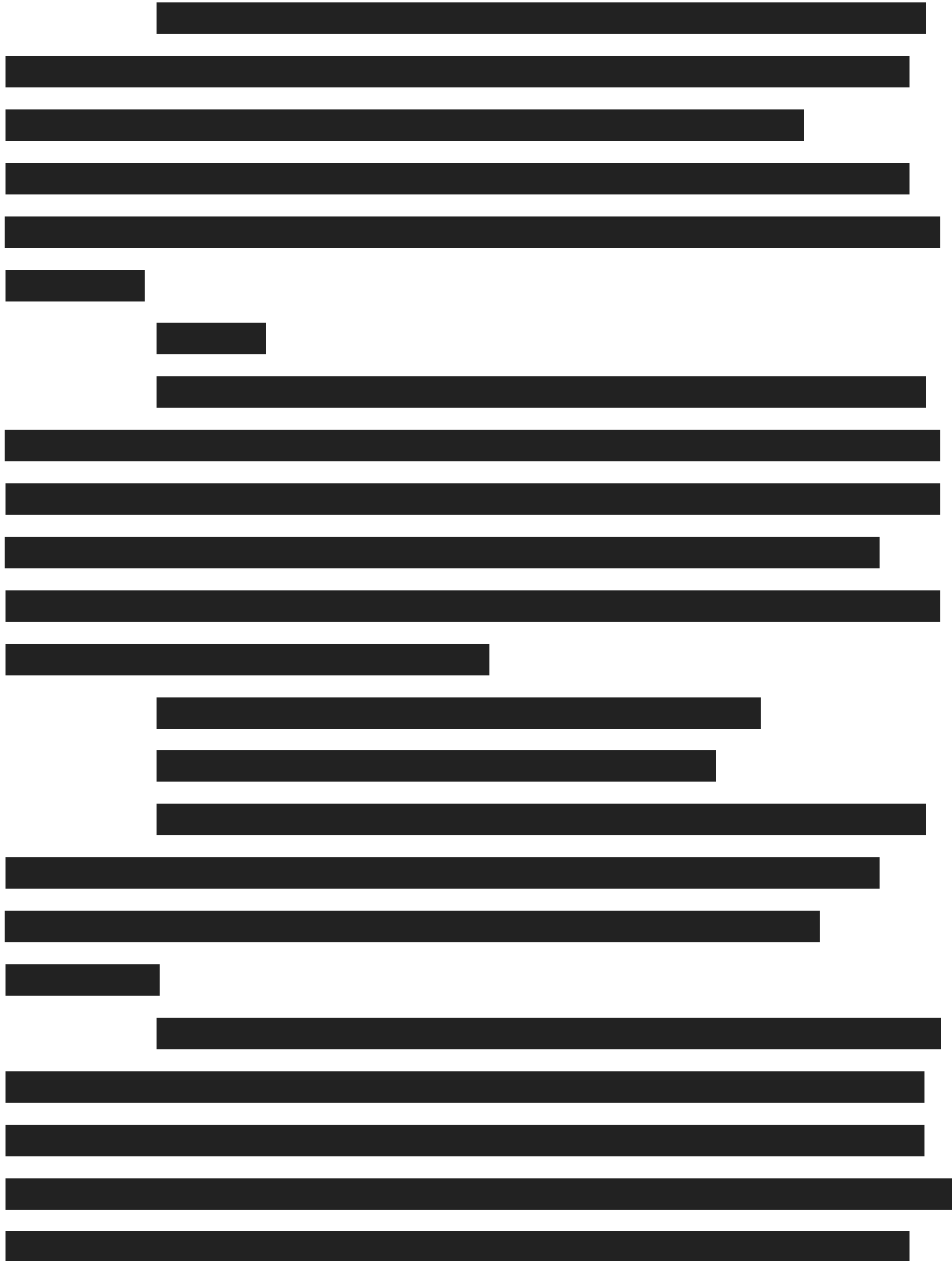
22 (Side-bar conference held on the record out of the
23 hearing of the jury.)

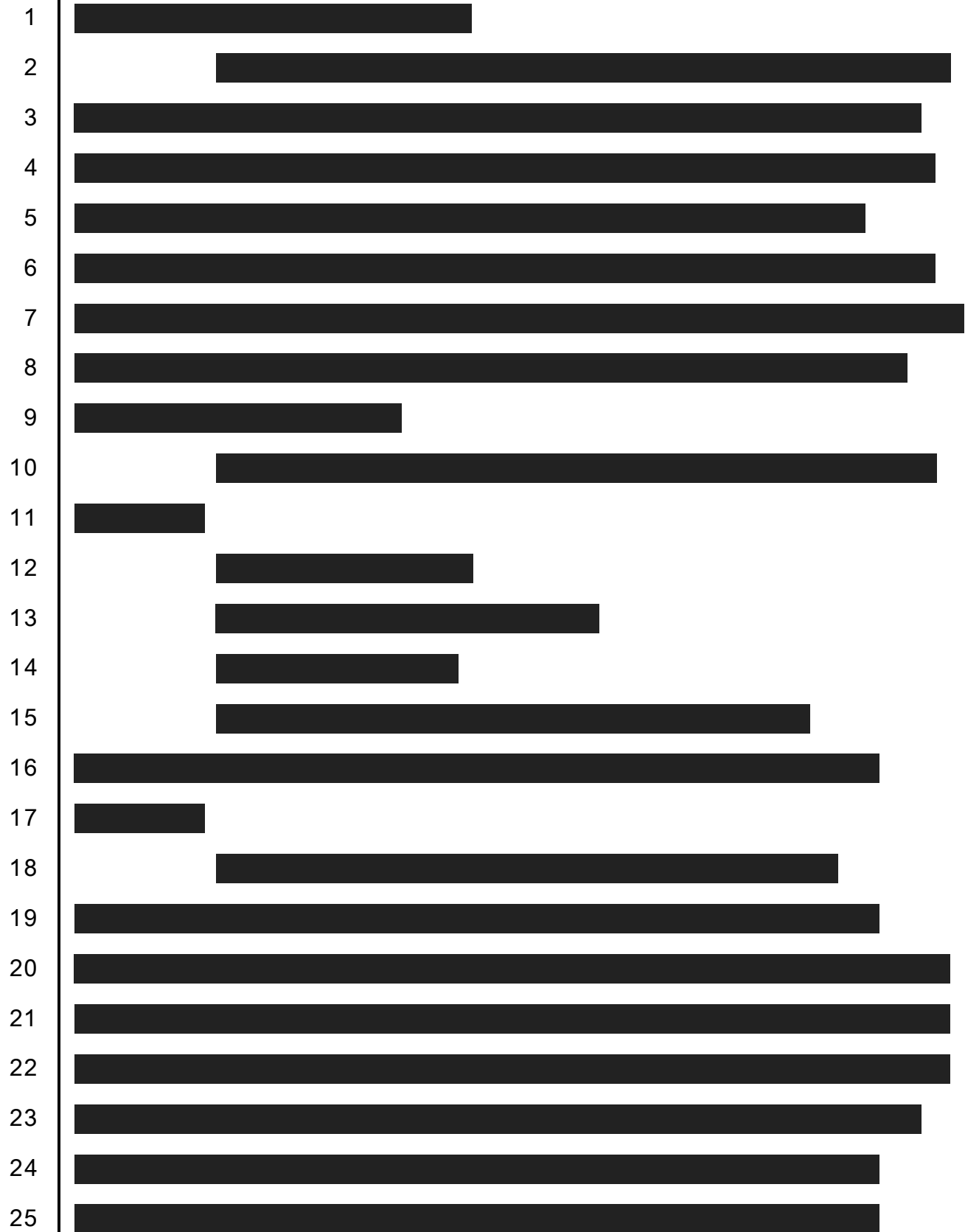
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(Side-bar.)





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(Side-bar end.)

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1 (In open court.)

2 (Witness resumes stand.)

3 (Jury enters.)

4 THE COURT: Please have a seat, everyone.

5 Good morning, ladies and gentlemen, although it is
6 just barely morning still. My apologies to you for keeping
7 you waiting so long.

8 As I mentioned at the opening of the trial, there
9 are often going to come times when I need to deal with matters
10 with the attorneys so I do appreciate your patience.

11 Mr. Nitze will continue with his examination this
12 morning of the witness.

13 MR. NITZE: Yes, Your Honor. I probably should have
14 done this before the break, but may I approach the witness to
15 give him the exhibit binder.

16 THE COURT: Yes.

17 MR. NITZE: Thank you.

18 Also, just to note for the record, that the
19 Government has introduced into evidence the English
20 translations of the various contracts and other foreign
21 language exhibits that were introduced into evidence
22 yesterday.

23

24 (Continued on following page.)

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1 A L E J A N D R O B U R Z A C O ,

2 called as a witness, having been previously duly
3 sworn/affirmed, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. NITZE: (Continuing)

6 Q Good morning, Mr. Burzaco.

7 A Good morning.

8 Q When we left off yesterday, you were testifying about the
9 Datisa partnership.

10 Do you remember that testimony?

11 A Yes, sir.

12 Q And just to orient us this morning, directing your
13 attention to the demonstrative board here, which three
14 companies formed the partners of Datisa?

15 A Traffic, Full Play Group and Torneos y Competencias.

16 Q All right. So moving from left to right on the board,
17 starting with Traffic.

18 Who was the owner of Traffic at the time the Datisa
19 partnership was formed?

20 A Jose Hawilla.

21 Q And where, again, is Mr. Hawilla from?

22 A From Brazil.

23 Q Where was Traffic, his company, based?

24 A Headquarters were in São Paulo, Brazil.

25 Q All right. So in the middle of the demonstrative, under

1 Full Play. First of all, Full Play to remind us, where was
2 Full Play based?

3 A Full Play was based in Buenos Aires, Argentina.

4 Q And the owners of Full Play, who were the owners of Full
5 Play?

6 A Hugo and his son, Mariano Jinkis.

7 Q And on the far side of the board, where your picture is,
8 what company were you running at that time?

9 A Torneos y Competencias. Torneos.

10 Q Also based in Buenos Aires.

11 A Based in Buenos Aires, Argentina.

12 Q Now, you testified that bribes were to be paid in
13 connection with the Copa America, Datisa's contract for the
14 Copa America; is that right?

15 A Yes.

16 Q Okay. And if you could describe, again, just the amounts
17 of the bribes to be paid; in total.

18 A The amounts to be paid were the following:

19 For the first edition, Copa America 2015, \$1 million
20 to six soccer association presidents. That makes six.

21 And \$3 million to Nicolás Leoz, president of
22 CONMEBOL from Paraguay.

23 \$3 million to the Brazilian highest representatives,
24 Ricardo Teixeira, Jose Maria Marin and Marco Polo DeI Nero.

25 And \$3 million to Julio Grondona, president of

1 Argentine Soccer Association.

2 That makes nine, and the total of 2015 adds to
3 \$15 million.

4 Then, on the signature, there was a commitment of an
5 additional one-time bribe amount as follows:

6 \$1 million to each of the soccer presidents; at that
7 moment were seven, Paraguay, Bolivia, Ecuador, Peru, Colombia,
8 Venezuela, soccer association presidents, plus incorporation
9 of Sergio Jadue, now president of the Chilean Soccer
10 Association. That makes \$7 million.

11 Plus \$3 million for now Brazil representatives
12 entirely Marco Polo Del Nero and Jose Maria Marin.

13 Plus \$3 million to the president, in that moment in
14 time, Eugenio Figueredo from Uruguay, and \$3 million to Julio
15 Grondona, president of Argentine Soccer Federation.

16 Plus \$500,000 to the secretary general, José Luis
17 Meiszner, from Argentina.

18 So that's 16-and-a-half million dollars.

19 Then there was a commitment of an equal amount of
20 16-and-a-half million dollars for the Copa America Centenario,
21 The Centennial Cup, that were to take place in 2016 in the
22 U.S. territory.

23 Then for 2019, Copa America that was going to take
24 place, or is going to take place in Brazil, an additional
25 16-and-a-half million dollars.

1 And for 2023, the same; 16-and-a-half million
2 dollars just as I described the signature bribe payment and
3 commitment. Commitment and payment.

4 Q And what, if anything, did you and the Jinkises tell Jose
5 Hawilla, the head of Traffic, about the bribe amounts that
6 were due?

7 A We told Hawilla that the total amounts due, both for the
8 2015, most of them already paid by this moment in time, we are
9 talking about March 2013, and the signatures that we were
10 offering at that moment to get the contract signed as a
11 purchase of rights, instead of an agency, we told him it was
12 \$20 million for 2015, and \$20 million for the signature.

13 And for years to come, in particular 2019 and 2023,
14 we explain that this was going to be again \$20 million per
15 edition.

16 Q And why did you give him the figure of \$20 million when
17 at least the past payment amounts totalled somewhat less than
18 20 million?

19 A For a number of reasons. One, one, because most of the
20 rights of 2015 have been paid by 2013, two or three years
21 before.

22 Second, because we understood that the bribe
23 payments, even the trend, was going to continue increasing and
24 we need to have a higher budget of approval from Hawilla,
25 which was not going to be involved in the actual payment

1 itself, since after the Florida lawsuit, he was not an
2 acceptable intermediate vehicle to pay bribes for CONMEBOL
3 executives.

4 I think those -- and third, in the particular case
5 of Torneos, I was trying to seek a way to get financing to be
6 able how to pay the signature and bonds, or the signature
7 bribe.

8 Q To what extent, if at all, was concern about Hawilla's
9 continuing ownership of Traffic relevant?

10 A Hawilla, at all time since 2008 onwards, was in the
11 process of trying to sell his company, to sell 100 percent of
12 Traffic. He was owner of 100 percent of Traffic, and he was
13 trying to sell that, maximize value, and get out of the soccer
14 business. He got out of media interest.

15 And when he came into the discussion of Datisa
16 partnership, he came in with that willingness in the medium,
17 in the middle term. So all of the discussions within Datisa
18 were taken with that in mind, both at the shareholders'
19 agreement level and at the establishing the bribe mechanisms
20 used and to be used.

21 Q And so, why or how, if at all, did that factor -- did
22 that aspect of this business relate to the increased bribe
23 amount that you told them?

24 A We -- by meaning by we, Torneos and Full Play -- had to
25 take care that if Hawilla was successful in selling his

1 company, we didn't know who the buyers would be and maybe
2 there were buyers from the region, which were mostly corrupt
3 commercial or agency or media companies, but maybe it was an
4 international company from Europe, as there were a couple of
5 interested parties and we were afraid of them learning of all
6 the bribe mechanisms, or having to share that information, or
7 eventually even them not allowing the bribes to be paid as
8 committed.

9 Q What steps, if any, did you and your partners from Full
10 Play take to collect Traffic's share of the bribe payments
11 that were due?

12 A We, we instructed Traffic to pay its share of the bribes
13 to two -- through two sham or fake contracts, half of each
14 commitment to an off-books Torneos, and half to Full Play.

15 And for the bribes that were for 2019 and '23, even
16 that they were not supposed to be paid at that moment,
17 March 2013, but further away in time, we established
18 obligations of Datisa with these two sham companies of Torneos
19 and Full Play, or two vehicles, Torneos and Full Play,
20 established contracts in order Datisa wrote in its books -- in
21 that way Datisa wrote in its books an obligation for the
22 future to pay these two vehicles and extract the money out of
23 the business itself --

24 Q If I could ask you to turn to tab 181 in your
25 Exhibit binder, Mr. Burzaco.

1 MR. NITZE: And this is 181 in evidence, along with
2 the English translation.

3 If I could publish, Your Honor, for the jury, I'm
4 going to start with the original Spanish language version.

5 (Exhibit published to jury.)

6 BY MR. NITZE:

7 Q First of all, do you recognize this document?

8 A -- yes.

9 Q What is it?

10 A This is Datisa's shareholders' agreement.

11 Q And again, with the original language version on the
12 right-hand side of the page, two thirds of the way down,
13 there's an initial.

14 Do you recognize that initial?

15 A Yes.

16 Q Whose initial is it?

17 A It's my initial.

18 MR. NITZE: And on the very last page of
19 Exhibit 180.

20 (Exhibit published to jury.)

21 A Yes.

22 Q Directing your attention to the signature block on your
23 Productores de Eventos, there is a signature beneath the name
24 of that entity.

25 Do you recognize that signature?

1 A Yes.

2 Q Whose signature is that?

3 A That's my signature.

4 Q And Productores de Eventos, are you familiar with that
5 entity?

6 A Yes.

7 Q What is it?

8 A 100 percent wholly-owned subsidiary of Torneos.

9 Q Was that the entity that brought Torneos, in effect, into
10 the Datisa partnership?

11 A Yes, that's the legal vehicle Torneos used to participate
12 in this venture.

13 MR. NITZE: Turning now to the English language
14 version, which should be just behind the Spanish language;
15 181-T in evidence.

16 (Exhibit published to jury.)

17 BY MR. NITZE:

18 Q So the first text at the start of the document reads:

19 This agreement between shareholders is executed in
20 the City of Montevideo Eastern Republic of Uruguay, on this
21 21st day of the month of May of 2013, between the following
22 parties:

23 And then there are three parties listed.

24 Which parties are those?

25 A They are four parties.

1 Q Excuse me, four parties.

2 Which parties are those?

3 A Full Play Group, the Argentine company I mentioned;
4 Traffic Sports International, a fully-owned subsidiary of
5 Traffic in Brazil; Productores de Eventos, wholly-owned
6 subsidiary for a long time of Torneos and Competencias; and in
7 this shareholders' agreement, we made a party the company
8 itself, for a number of bylaws and shareholders' agreement
9 reasons.

10 Q All right. And turning now to the whereas clauses at the
11 bottom of the first page.

12 Under B, Section B it says: Full Play and CONMEBOL
13 have agreed to the early termination of the agency agreement
14 as shall be defined in clause 1.1.

15 What agency agreement does that provision refer to?

16 A This whereas B refers to the agency agreement signed
17 between Full Play and CONMEBOL, a number of years before.

18 Q And on the following page, the top of page 2 of the
19 agreement, section C states that: CONMEBOL, Traffic and Full
20 Play, have agreed to definitively settle the pending
21 litigations between them in the state of Florida, United
22 States, and in the Republic of Paraguay over rights granted by
23 CONMEBOL.

24 What settlement does this refer to?

25 A This refers to the settlement of the lawsuit Traffic

1 initiated against these parties, CONMEBOL and Full Play.

2 MR. NITZE: If I could ask you to turn to
3 Exhibit 179 in your binder.

4 THE COURT: While you are getting that document, I
5 am going to ask everyone to everyone take a two-second stretch
6 break. Just stand up in place so that everyone can take a
7 stretch, since we are going through a number of documents.

8 So everybody up. Okay. Everyone, good, just a
9 little stretch.

10 Okay. Have a seat, everyone. I think sometimes it
11 is good just to stand up.

12 All right. Proceed.

13 MR. NITZE: Thank you for that.

14 BY MR. NITZE:

15 Q So starting with the original Spanish language
16 Government's Exhibit 179.

17 (Exhibit published to jury.)

18 MR. NITZE: Excuse me. This document is not yet in
19 evident. If I could publish for the witness only, first.

20 THE COURT: Yes.

21 Go ahead.

22 BY MR. NITZE:

23 Q Do you recognize this Exhibit, Mr. Burzaco?

24 A Yes, sir.

25 Q What is it?

1 A This is the advisory agreement that put together the
2 obligation between Traffic and the two vehicles I mentioned
3 owned by Full Play, and the off-books vehicle from Torneos in
4 order Traffic would make its pro rata share of the first
5 payments linked to the bribes of 2015, and to the signature
6 closing document bribes of the Datisa contract.

7 MR. NITZE: Your Honor, the Government offers 179
8 and 179-T.

9 THE COURT: Any objection?

10 ALL DEFENSE COUNSEL: No, Your Honor.

11 MS. PINERA-VASQUEZ: Can we have just a moment, Your
12 Honor.

13 THE COURT: Side-bar?

14 MS. PINERA-VASQUEZ: No, just a moment.

15 (Pause in the proceedings.)

16 MR. UDOLF: No objection.

17 THE COURT: On behalf of Mr. Burga.

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19 (Continued on following page.)

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1 (In open court.)

2 MR. PAPPALARDO: Are we on 179?

3 MR. NITZE: Yes.

4 MR. PAPPALARDO: The objection is Mr. Burzaco is not
5 a party to this document.

6 THE COURT: Do you want to -- did he identify it,
7 correct.

8 MR. NITZE: Yes, he recognizes it, he testified in
9 detail about what it is.

10 MR. PAPPALARDO: Neither he nor Torneos were a party
11 to it.

12 THE COURT: Okay. One second. You want to
13 establish how he knows or has he seen it before.

14 MR. PAPPALARDO: Just the foundation.

15 THE COURT: Yes, fine.

16 DIRECT EXAMINATION(Continued)

17 BY MR. NITZE:

18 Q With respect to the two vehicles that are referenced
19 here, what -- does one of those vehicles have a tie to
20 Torneos?

21 A Yes, sir.

22 Q And what is the basis of your knowledge of what this
23 document is?

24 A The basis of this knowledge is that this document instead
25 of being -- could have been done in two ways. One is as a

1 contract between three parties, the one paying Traffic Sports
2 International and the two collecting, FPT Sports and Cross
3 Trading. Instead --

4 MS. PINERA-VAZQUEZ: Your Honor, I'm going to
5 object --

6 THE COURT: Sustained.

7 MS. PINERA-VAZQUEZ: -- because he's testifying to
8 what's in the document, the document is not in evidence, it's
9 hearsay.

10 THE COURT: Sustained. Let's just go back to trying
11 to establish has he ever seen the document before or how does
12 he know what it is.

13 MR. NITZE: Yes.

14 Q What role, if any, did you play in the creation of this
15 document?

16 A This document was discussed and involved Torneos Y
17 Competencias head of legal department.

18 MS. PINERA-VAZQUEZ: Objection, Your Honor, it's not
19 responsive.

20 THE COURT: Overruled. Let him ask another
21 question. Go ahead.

22 A And the head of Torneos legal department consult me
23 before giving its approval on any document such as this of
24 this relevance and in that context is where I consented for
25 her to agree on this offering letter from Traffic to FPT

1 Sports and Cross Trading.

2 Q And to what extent did this document play a role in your
3 agreement with the Jinkis' and Traffic in connection with the
4 bribe payments you testified about?

5 A A key role. A key role because this was the means used
6 to collect Traffic funds for its pro rata bribe payments of
7 2015 and signature bribe agreement.

8 THE COURT: One question, maybe I missed this, but
9 when you say that the lawyer for Torneos asked for approval to
10 sign this letter, did you see the letter?

11 THE WITNESS: Not to sign the letter, but to get the
12 representative to sign and I saw the letter and I gave my
13 consent on this wording, on this letter.

14 THE COURT: Okay.

15 MR. NITZE: Your Honor, I think the foundation has
16 been -- it's a document he saw, a document he approved, a
17 document that relates to the agreement that was in effect,
18 we've established the foundation.

19 THE COURT: Are you still objecting?

20 MS. PINERA-VAZQUEZ: Yes, Your Honor, I'm objecting
21 for two reasons. First of all, it's hearsay because he's
22 relying on the I believe certain -- on the conversation he had
23 with a lawyer, unnamed lawyer of Torneos, so first of all it's
24 hearsay he's basing his knowledge of the document. Second of
25 all, since he's not a party to the document and he wasn't

1 involved in the creation, he testified his lawyer was involved
2 somehow or Torneos lawyer, he really can't testify as to first
3 the authenticity of the document or what was meant with the
4 document because --

5 MR. NITZE: Can we have a sidebar maybe.

6 MS. PINERA-VAZQUEZ: -- he was a third party.

7 THE COURT: Not necessary. Overruled. It does go
8 to his testimony about an explanation for why he may have
9 acted the way he did. I wouldn't say at this point it's
10 necessarily being offered for its truth but rather it goes to
11 something relevant about what he believed, I gather, in the
12 negotiations with respect to the formation perhaps or the
13 operation of Datisa. That's what I hear.

14 Am I correct, Mr. Nitze.

15 MR. NITZE: It is admissible on a number of bases
16 that we could explore further.

17 THE COURT: Yes, I assume 801 --

18 MR. NITZE: It is a sham contract as he testified to
19 is both debt to, so anyway, there are number of bases.

20 THE COURT: Let's not explore any further. Go ahead
21 with your next question. The objection is overruled.

22 MR. NITZE: If I could publish, please, to the jury
23 179T.

24 THE WITNESS: Yes.

25 MR. NITZE: Judge, are you able to publish from

1 where you are?

2 THE COURT: Oh, yes, sorry, I wasn't noticing.

3 There you go. Old dog new tricks.

4 MR. NITZE: Thank you.

5 THE COURT: You want me to lower the lights as well?

6 MR. NITZE: That might be helpful. Thank you.

7 THE COURT: There you go. Just showing off. Go
8 ahead.

9 BY MR. NITZE:

10 Q So starting with the first paragraph, it says, Dear sirs,
11 I hereby have the pleasure to address you to confirm the terms
12 and conditions under which Traffic Sports International
13 hereinafter referred to as the principal, has contracted Cross
14 Trading S.A. and FPT Sports S.A. referred to jointly as
15 adviser to advise and represent you with respect to a
16 commercial settlement, and it goes on from there.

17 Focusing on the parties that are referenced there,
18 what is Cross Trading S.A., if you know?

19 A It is a vehicle used by Jinkis, Mariano Jinkis and Hugo
20 Jinkis to collect Traffic's payment.

21 Q What is FPT Sports S.A.?

22 A It's an old time off books vehicle from Torneos that we
23 use to collect Traffic's payment.

24 Q And you say off books, what do you mean by off books?

25 A I mean different people in Productora de Eventos would

1 give us the audited financial statements of Torneos, and FPT
2 was not.

3 Q Now the advisory services that are contemplated here,
4 again referring to the first paragraph to advise and represent
5 you with respect to a commercial settlement, did Cross Trading
6 and FPT in fact provide advisory services to Traffic?

7 A No, sir.

8 Q On the second page, directing your attention to the
9 second paragraph, the first full paragraph on page 2, it
10 reads: As remuneration for the services to be rendered by the
11 adviser hereunder, the principal shall pay the adviser if, and
12 only if, the definitive agreements necessary to implement the
13 transaction are carried out, a fee of 13,333,300 and 30 U.S.
14 dollars.

15 What is the significance of that figure, the 13.33
16 in connection with the bribe amounts you just testified about?

17 A Of the total amount of 20 plus 20, 2015, plus signature
18 in total \$40 million, Traffic had to pay one-third. And
19 13.333330 was Traffic's pro rata on the total commitment and
20 payment of bribes.

21 Q The next paragraph there's further detail about the
22 payments to be made. The fee must be paid to Cross Trading
23 and to FPT Sports in equal halves, that is, 6.666665 to each
24 one as follows: The sum of \$5 million to each one on or
25 before June 3, 2013. The remaining balance, that is the sum

1 of \$1,666,665, to each on or before June 10, 2013.

2 To your knowledge was that money received by FPT
3 Sports?

4 A Yes, sir.

5 Q And what function did this letter serve?

6 A Excuse me, sir?

7 Q What was the purpose of this letter?

8 A The purpose of this letter was to give the banks that
9 normally request some type of document, it doesn't matter if
10 the document is as weak as this one or some type of legal
11 courage so the banks wire -- accept the wire instructions,
12 deliver the wire instructions and get the money into, in this
13 case, FPT and Cross Trading accounts.

14 Q When you describe the document as weak, what do you mean
15 by that?

16 A That the banks don't do any due diligence to know whether
17 these vehicles are not licensed and willing and properly
18 taking this type of contracts as a basis to move wire
19 transfers, to accept wire transfers, to make them and to
20 receive them.

21 Q Directing your attention to Government Exhibit 180 not
22 yet in evidence. And, first, with the original Spanish
23 language document, the first page of the document.

24 A Which page, what contract, sir?

25 Q Yes, this is document 180. Do you have that in your

1 binders?

2 A Yes, sir.

3 Q On the first page -- first of all, do you recognize this
4 document?

5 A Yes, sir.

6 Q And directing your attention to the bottom of the first
7 page, there are a number of signatures and the second one in
8 from the left, do you recognize that initial on the first
9 page?

10 A Second one from the left? I recognize my initial. I
11 don't have --

12 Q Let me see -- let's go to the final page of the document.

13 A Yes, sir.

14 Q At the bottom of that document on the right-hand side do
15 you see your signature?

16 A Yes, sir.

17 MR. NITZE: The government offers Exhibit 180 and
18 the English translation, 180T.

19 MR. PAPPALARDO: No objection.

20 THE COURT: Any objection?

21 MR. STILLMAN: No, Your Honor.

22 MR. UDOLF: No, Your Honor.

23 THE COURT: 180 and 180T are admitted.

24 MR. NITZE: If I can publish to the jury.

25 THE COURT: Yes.

1 (Exhibit published.)

2 BY MR. NITZE:

3 Q So first off, turn on the original language exhibit to
4 the final page, after the typed text at the bottom of the last
5 page on the right-hand side, whose signature am I pointing to
6 here with my pen?

7 A My signature.

8 Q And now publishing 180T, Mr. Burzaco, if I could ask you
9 to turn to the English language version or you can look on
10 your screen.

11 Here again at the top of the document there is a
12 reference to the parties. The first party is identified as
13 Datisa and the other party is identified as Cross Trading S.A.
14 and FPT Sports S.A., who together are referred to as the
15 consultants. Are these the same entities referenced in the
16 contract we were just looking at in 179?

17 A Yes.

18 Q And turning to the background section, provisions 1.1 and
19 1.2 on the first page of the document.

20 1.1 states that Datisa wishes to acquire from the
21 South American Football Confederation, hereinafter CONMEBOL,
22 the rights to CONMEBOL 2015, 2019 and 2023 editions of
23 Copa de America for Datisa to market, sell, sublicense and
24 promote in any other manner the aforementioned rights
25 worldwide.

1 And 1.2 says: In the context of the possible
2 execution of the CONMEBOL agreement, Datisa wishes to retain
3 the consultants. They wish to accept same for the consultants
4 to provide consultation and support services during the
5 negotiation and signing of the CONMEBOL agreement.

6 Was there, in fact, a plan for Cross Trading and FPT
7 Sports to provide consulting services to Datisa?

8 A No.

9 Q Is this a real contract?

10 A No.

11 Q Turning to the second page of the document, Section 3.2.
12 It states that the aforementioned compensation shall be
13 deposited in the accounts designated by consultants as
14 follows: \$20 million on January 15, 2016, provided the 2015
15 Copa America had already been played. And \$20 million on
16 January 15, 2020, provided the 2019 Copa America had already
17 been played. In the event that the dates of those events
18 changes, the payments shall be made 180 days after each Cup.

19 What do those two payments of \$20 million represent?

20 A Those two payments of \$20 million each represents the
21 finance for the 2019 and then the 2023 bribe commitments.

22 Q And what was the purpose of this document?

23 A The document purpose was to create an obligation from
24 Datisa to two partners with the agreement of Traffic in order
25 that Datisa has a signed obligation in the long term and in

1 case Traffic eventually is successful in selling -- or how it
2 is eventually successful in selling Traffic that there would
3 not be any risk or challenge that would stop the three owners
4 of Datisa for making the payments of the 2019 bribes and the
5 2023 bribes.

6 Q So at the time -- I want to direct your attention -- one
7 point I forgot to make. So on 180 again, staying on the first
8 page of the document, there is a date?

9 A 180?

10 Q 180.

11 A Yes, sir.

12 Q And there's a date, May 16, 2013. Is that approximately
13 the date on or about which this document was signed, do you
14 recall?

15 A In the case of this 180 Exhibit contract, yes.

16 Q And going back briefly to 179T, there is a date at the
17 top of this document, January 15, 2013. Is that, in fact, the
18 date on which this document was prepared and delivered?

19 A No. January 15, 2013.

20 Q It says January 15, 2013. I'm at the top of 179. Is
21 that date accurate?

22 A No.

23 Q So why does it have that date?

24 A We put that date -- this is for the 2015 and signature
25 bribes and we put that date in order to appear or to look like

1 in the contract that the service was being provided in
2 connection with the termination of the legal lawsuits that
3 Traffic had in place. So it was back-dated in order when
4 these legal lawsuits finish it seems that there was a real
5 service provided. And the fact is that these lawsuits would
6 stop and would be declined by all parties simultaneously or at
7 the same time that DATISA contracts with CONMEBOL were
8 executed.

9 Q So at the time of the formation of the DATISA
10 partnership, which editions of the Copa America tournament
11 were the partners trying to acquire the rights to?

12 A 2015 Copa America, 2019 Copa America, 2023 Copa America
13 and any special edition in between those years, including, but
14 not limited, 2016 Copa America Centenario edition in the U.S.

15 Q What was the Copa America Centenario edition?

16 A The Copa America Centenario, Centennial Cup edition was
17 designed to be a special Copa America commemorative of a
18 hundred years of the first Copa America from CONMEBOL. It was
19 like a big event that CONMEBOL was pursuing for this
20 commemoration.

21 Q Where was that tournament to be played?

22 A In the U.S.

23 Q From a commercial standpoint, was the idea of a
24 centennial tournament to be played in the U.S. an appealing
25 prospect?

1 A It was a very appealing prospect for DATISA.

2 Q Why?

3 A Because, as said in the DATISA contracts, all Copa
4 Americas were in the terms and conditions set in the DATISA
5 CONMEBOL agreement all Copa Americas were already a very good
6 business and having one extra edition and in the U.S. with a
7 huge value of the U.S. market and U.S. sponsors, would be an
8 even better business itself. Plus, the potential side
9 benefits of having such a Copa America between 2015 and 2019
10 would have a positive overflow of gains and profits to the
11 previous edition 2015 and to the one after 2016 centennial to
12 2019, so having in the middle of those Copa Americas one big
13 Copa America in the U.S. would have side benefits apart from
14 the benefit itself of the 2016 itself.

15 Q If you could explain just a bit more what you mean by the
16 spillover effect to the tournaments on either side?

17 A The spillover effect I mean, the Copa Americas were
18 events that would take place every four years. The fact that
19 you can play one in 2015, a new one big in 2016 and another
20 one in 2019 was already very beneficial because you would have
21 continuous programming for TV stations and you would have
22 sponsorship program that is not separated by the four year
23 times but it's -- it allows sponsors to be present three times
24 in this four-year period.

25 Secondly, the fact that Copa America centennial

1 would take place in the U.S., being the U.S. market the
2 highest -- the largest market for soccer worldwide in the
3 sense of the one that pays most for TV rights for its own
4 territory, was going to have a very interesting and attractive
5 and positive profit on both 2015 and 2019. Why? Because if
6 someone is seeking for the 2016 rights the Copa America
7 Centenario in the U.S., he wanted to have the one before and
8 the one after to create a programming for its networks and
9 from its customers like Pay TV companies, this TV, so that
10 would improve the four-year plan.

11 Also, the U.S. multinational companies are large
12 sponsors in soccer. So having a Copa America Centenario in
13 the U.S. would have an impact in that tournament itself and
14 the requirement and the competition of also given that we want
15 to be present in the U.S. tournament, now we're going to be
16 the present in the one before and the one after. And like
17 that -- and like that there were synergies or many one plus
18 one equals three effects of having Copa America centennial
19 between 2015 in Chile and 2019 in Brazil.

20 Q Was another confederation going to be involved in the
21 planning of the Centennial Cup, the Centenario?

22 A Yes, sir.

23 Q Which confederation was that?

24 A CONCACAF.

25 Q Why would CONCACAF be involved in the planning of that

1 tournament?

2 A Given that Copa America Centenario, Centennial Cup was
3 going to be played in the U.S. territory and given that the
4 structure of the tournament it was thought by CONMEBOL
5 authorities to be with the 10 countries participating in
6 CONMEBOL, in the 10 nations national team, plus six teams from
7 CONCACAF, CONCACAF have to give its green light, its approval
8 both for tournament takes place in a CONCACAF territory, the
9 U.S. is part of CONCACAF, and, secondly, to allow U.S.
10 national team and another five national teams to CONCACAF to
11 participate in such a tournament.

12 Q And did you come to learn who at CONCACAF was responsible
13 for negotiations on behalf of that confederation?

14 A Yes, sir.

15 Q Who was that?

16 A Jeffrey Webb, the president of CONCACAF and Enrique Sanz,
17 the signatory general of CONCACAF at that moment in time which
18 is March 2013.

19 MR. NITZE: Your Honor, I'm going to publish, if I
20 may, Government Exhibit 73 in evidence.

21 THE COURT: Yes.

22 BY MR. NITZE:

23 Q Who is that depicted in Government Exhibit 73?

24 A Enrique Sanz.

25 Q Again, what role -- position in soccer did Enrique Sanz

1 have at the time of the Copa America discussions or in March
2 of 2013, I should say?

3 A In March 2013, Enrique Sanz was CONCACAF secretary
4 general.

5 Q And Government Exhibit 86 in evidence, who is depicted in
6 Government Exhibit 86?

7 A Jeffrey Webb.

8 Q And in March of 2013, what position was held by Jeffrey
9 Webb?

10 A He was the president of CONCACAF.

11 Q So in March 2013, Mr. Burzaco, did you travel outside of
12 South America in connection with your work?

13 A Yes, sir.

14 Q Where did you go?

15 A In March 2013, I went for work reasons to Zurich,
16 Switzerland.

17 Q What work reasons drew you to Zurich, Switzerland?

18 A FIFA is in Zurich, FIFA was going to have a FIFA
19 executive committee, Torneos had business with FIFA together
20 with partners and there was going to be a special meeting
21 regarding Copa America Centenario.

22 Q While you were in Zurich, did you have any meetings with
23 respect to the Centenario?

24 A Yes, sir.

25 Q Did you meet with Enrique Sanz?

1 A Yes.

2 Q Where did you meet him?

3 A In a typical Swiss restaurant that serves Swiss food, and
4 we had lunch there and I paid, I paid lunch, yes.

5 (Continued on the next page.)

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1 BY MR. NITZE: (Continuing.)

2 Q Who else if anyone attended that lunch meeting?

3 A Enrique Sanz and Mariano Jinkis from Full Play.

4 Q That's Mariano Jinkis depicted on the board in the middle
5 at the bottom; is that right?

6 A Yes, sir.

7 Q And what agreement, if any, did you reach with Enrique
8 Sanz and Mariano Jinkis at that lunch?

9 A The agreement reached with Enrique Sanz and Mariano
10 Jinkis was the agreement necessary for the Copa America
11 Centennial to take place which is getting CONCACAF green light
12 approval on the Copa America Centennial.

13 Q Did you obtain the green light?

14 A Yes, sir.

15 Q And what, if anything, did you agree to in order to
16 obtain the green light?

17 A We agreed for Datisa to pay \$35 million to CONCACAF and
18 we agreed to pay CONCACAF to the authorities Jeb and Enrique
19 Sanz \$10 million in bribes.

20 Q Did you see Jeffrey Webb in Zurich?

21 A Yes, sir.

22 Q And who if anyone from CONMEBOL did you see him with?

23 A I saw him with CONMEBOL first vice president, acting
24 president at that moment in March of 2013, it seems Nicolas
25 Leoz decided not to travel to Zurich for those meetings.

1 Q Was the lunch you just testified about the only meeting
2 you had with Enrique Sanz in Zurich?

3 A No, sir.

4 Q And what other meeting or meetings did you have with him?

5 A I have another meeting the next day in Enrique Sanz's
6 room at the hotel Baur au Lac in Zurich, Switzerland.

7 Q And what happened at that meeting?

8 A Enrique Sanz explain me or asked me the financial
9 conditions under which Jeffrey Webb was expecting to collect
10 the \$10 million in bribes the schedule of payments of those
11 \$10 million bribes.

12 Q And did you agree to the proposed schedule of payment?

13 A Originally in the beginning of the conversations, no.

14 Q How was it left at the end of the meeting?

15 A Once he stretched the payments in more financial
16 flexibility, I said I was in agreement, but I still need to
17 consult Full Play and Traffic since that meeting in the Baur
18 au Lac ruins with Enrique Sanz did not include Mariano Jinkis.

19 Q Did you have other business to tend to while you were in
20 Zurich?

21 A Yes, sir.

22 Q What business was that?

23 A I was in Zurich and Torneos was in an alliance with
24 Teleglobo from Brazil and Televisa from Mexico, the Montinea
25 (phonetic) Group from Mexico, seeking to acquire from FIFA the

1 TV and internet and radio rights for World Cup 2026 and FIFA
2 World Cup 2030, for exclusivity and for the territories of
3 Brazil in the case of Teleglobo and Latin America, for the
4 case of Televisa, Torneos partnership.

5 Q Were you and your partners able to acquire those rights?

6 A Yes, sir.

7 Q And what agreement, if any, was reached in connection
8 with the payment of bribes for those rights?

9 A Among the three partners, we made an agreement to
10 distribute the burden of paying \$15 million in bribes.

11 Q To whom?

12 A To Julio Grondona.

13 Q And when you say you and your partners which partners are
14 you referring to?

15 A Teleglobo from Brazil and Televisa from Mexico.

16 Q Were \$15 million, in fact, paid to Julio Grondona?

17 A Yes, sir.

18 Q And where did the money end up for Julio Grondona?

19 A The money for Julio Grondona ended up in a sub-account at
20 a Swiss bank in name of Julius Berg.

21 Q After the trip to Zurich in March of 2013 what changes,
22 if any, were there in the leadership of CONMEBOL?

23 A By the end of April of 2013, the president of CONMEBOL,
24 Nicolas Leoz resigned. And the first vice president, Eugenio
25 Figueredo took over substituting and Nicolas Leoz becoming

1 president.

2 Q Did Nicolas Leoz resign from any other positions beside
3 the presidency of CONMEBOL, if you know?

4 A Yes, sir.

5 Q What position?

6 A He resigned to -- his positions in FIFA including being a
7 member of the FIFA executive committee and president, for
8 example, of Brazil 2014 organizing committee.

9 Q When you say Brazil 2014 organizing committee, what are
10 you referring to when you say Brazil 2014?

11 A I'm referring to the World Cup that was going to take
12 place one year after we were talking, in Brazil, the FIFA
13 World Cup.

14 Q What was the context of the resignation of Nicolas Leoz?

15 A The formal context is his health, poor health conditions.

16 Q What was the actual context, what was happening around
17 the time of his resignation?

18 A I would say that he was -- he did have poor health
19 conditions, but what provoked or triggered his resignation
20 were the corruption allegations that were in the papers and in
21 the Switzerland justice.

22 Q So who -- after the resignation of Nicolas Leoz, who took
23 over as the president of CONMEBOL?

24 A Eugenio Figueredo the first vice president.

25 Q And how if at all did the change at the top of CONMEBOL

1 affect the methods you used to pay bribes in connection with
2 the Copa Libertadores?

3 A Some months after that, CONMEBOL authorities or some of
4 CONMEBOL authorities decided that the bribes that were paid
5 out of CONMEBOL's official in-flows, CONMEBOL's contracts for
6 Copa Libertadores and Copa Sudamericana shouldn't be paid
7 anymore from CONMEBOL's own money but the bribes should be
8 paid independently of CONMEBOL's right to collect for those
9 tournaments.

10 In other words, that the contracts should stay in
11 place for the full amount, but now CONMEBOL wasn't going to
12 use its own funds to pay the bribes, and I'm talking about the
13 bribes of the group of six and the Brazilian's component at
14 that moment in time, I'm talking about 2013, Marco Polo Del
15 Nero and Jose Maria Marin.

16 Q Are you familiar with an entity called T&T Netherlands or
17 T&T based in the Netherlands?

18 A Yes, sir.

19 Q What is that entity?

20 A It's an entity created to generate bribes.

21 Q And what role, if any, did it play in connection with the
22 Libertadores bribe payments?

23 A In connection with the Libertadores payments, the bribes
24 for these officers started being paid out of T&T Netherlands.

25 Q Could you just briefly describe the mechanism for

1 generating that money through T&T Netherlands?

2 A Basically Fox Sports assigned a number of contracts and
3 assigned the Teleglobo's rights of the Copa Libertadores.
4 Those rights that were aired by Teleglobo in Brazil to this
5 T&T Netherlands and T&T would collect from Teleglobo and would
6 use part of the funds of T&T Netherlands to pay bribes in
7 connection with Copa Libertadores Sudamericana and also other
8 bribes.

9 Q And so the rights that went to T&T Netherlands, were
10 those purchased by T&T Netherlands at market value from T&T?

11 A No, sir.

12 Q Were they purchased above or below market value?

13 A They were purchased below market value to make space,
14 room, for the bribes to be paid.

15 Q Turning your attention to May --

16 MR. PAPPALARDO: Objection, Your Honor. Your Honor,
17 I thought Mr. Nitze was going to tie this up. This witness
18 said that it was decided that certain things were going to
19 happen. I thought he was going to get to that, but I'd like
20 to know by whom it was decided.

21 THE COURT: Overruled. You can ask your questions
22 on cross-examination.

23 Go ahead.

24 BY MR. NITZE:

25 Q So who if anyone at CONMEBOL gave you instructions that

1 the bribe payments were now to come outside of the contract?

2 A The now president Eugenio Figueredo, I was instructed by
3 the now president Figueredo and I was addressed on this
4 subject by Carlos Chavez the treasurer of CONMEBOL, by Luis
5 Bedoya, a member of the CONMEBOL executive committee, and Juan
6 Angel Napout a member of the executive committee. And later I
7 was also addressed by Sergio Hawilla on the matter.

8 Q Turning your attention to May of 2013, did you travel
9 overseas during that month?

10 A Yes, sir.

11 Q Where did you go?

12 A I went to -- to England, to London.

13 Q What was the purpose of your trip to London?

14 A The purpose of my trip to London was on one side
15 attending the World Cup Champions league final, the European
16 final of clubs and also participating on final discussions
17 regarding Datisa, CONMEBOL, Copa America, purchase of rights
18 contract.

19 Q And was a Datisa/CONMEBOL contract ironed out during your
20 trip to London?

21 A Can you repeat the question?

22 Q Yes. Was a Datisa/CONMEBOL contract for the Copa America
23 finalized while you were in London?

24 A Yes, sir, finalized.

25 MR. NITZE: Your Honor, if I could publish

1 Government Exhibit 183 in evidence to the jury.

2 THE COURT: Yes, you may.

3 (Exhibit published.)

4 THE COURT: Again, folks since we're not taking a
5 break until one why don't we just stand and let's all take a
6 stretch.

7 Q So starting with Government Exhibit 183 the Spanish
8 language version of the document, do you have that in front of
9 you, Mr. Burzaco?

10 A Yes.

11 Q Directing your attention on the first page to the bottom
12 of the page, let's say three marks in from the right at the
13 bottom, do you recognize this initial that I'm pointing to?

14 A Yes.

15 Q And whose initial is that?

16 A That's my initial.

17 Q And if you turn to page 20 of the document, on the
18 right-hand side, second from the top, whose signature is that?

19 A That's my signature.

20 Q On that same page, there are a number of signatures along
21 the left-hand column. Can I direct your attention to the
22 middle here if you can read the name that I'm pointing to with
23 my pen?

24 A The name written is Jose Maria Marin, president.

25 Q On the next page of the document if you can read the name

1 beneath the signature I'm pointing to with my pen on the
2 left-hand side?

3 A Juan Angel Napout, president.

4 Q And just below that, the name?

5 A Manuel Burga, president.

6 Q Turning now to the English language version of the
7 document 183-T in evidence.

8 (Exhibit published.)

9 Q Looking at the first three, 1, 2 and 3, the first three
10 provisions in the document, who are the parties to this
11 contract?

12 A There are three parties to this contract are the South
13 American Football Confederation, CONMEBOL, Datisa and Full
14 Play Group.

15 Q On page three, Section 1.3, Subsection A, I will read
16 this: "The term 'event' includes each one of the following
17 football sporting events organized by CONMEBOL in which
18 national professional major male football teams, hereinafter
19 referred to as national teams," the tournaments are actually
20 called American cup -- it drags along. I'm not going to read
21 it all.

22 I'm going to move down to the middle, there's a
23 little Subsection II, refers to the, on the same provision the
24 2016 Centennial Cup, the special edition of the America Cup --

25 THE COURT: Mr. Nitze, it is not visible on the

1 screen.

2 Q Thank you. The reference here to the 2016 Centennial
3 Cup, is that the Centenario edition you've been testifying
4 about?

5 A Yes, sir.

6 Q On Section 5 -- excuse me, page 5, Section 3.1, if I
7 could ask you to just read that provision and then I'm going
8 to ask you what its significance is. You don't have to read
9 it out loud. To yourself.

10 A (Reviewing.)

11 Q What does Section 3.1 provide for Datisa?

12 A This Section 3.1 provides Datisa universal exclusivity
13 over all the rights set within this contract, within the terms
14 of the contract for perpetuity and -- for perpetuity, in
15 perpetuity.

16 Q Moving backwards briefly to page four. Section 2.1
17 states that this "contract shall be in force as of the day of
18 the date and end on the 31st day of December, 2023."

19 What is the significance of the year 2023, in the
20 context of this contract?

21 A The significance is that it included the Copa America to
22 be played in the year 2023 edition.

23 Q And on page 10 of the agreement, Section 7.1 states:
24 "CONMEBOL grants to Datisa a right of first negotiation and
25 pre-emptive right against any third party for the purchase

1 and/or use of the rights over three editions more of the
2 American Cup that would take place after this contract."

3 What is the significance of that provision?

4 A This provision grants Datisa the opportunity to match any
5 new offer that could CONMEBOL seek once this contract expires
6 on December 31, 2023. And it also restricts CONMEBOL in the
7 sense that they have to seek an edition and this first refusal
8 works for three editions.

9 Q Turning to page 19, towards the bottom of the page it
10 indicates, it states: "In witness whereof two counterparts
11 have been signed in the city of London, England on the 25th
12 day of May," the month of May -- excuse me, "the 25th day of
13 the month of May, 2013."

14 Was this agreement executed on that date and in that
15 place?

16 A No, sir.

17 Q Was it finalized on or about that date?

18 A It was finalized approximately on that date, but not all
19 the signatures were done on that date.

20 Q And when were any signatures that -- well, I will leave
21 that for now.

22 Where were you, if you remember on the 25th day of
23 May, 2013?

24 A In London.

25 Q And what work specifically, if any, did you do there with

1 respect to this agreement that we just looked at?

2 A I participated in final discussions between Datisa
3 partners, Datisa lawyers, each party of Datisa and CONMEBOL
4 soccer executives and CONMEBOL top authorities.

5 Q During your trip to London in May of 2013, was the
6 defendant, Jose Maria Marin, in London?

7 A Yes, sir.

8 Q Did you meet with him there?

9 A Yes, sir.

10 Q Where did you meet with him?

11 A I remember meeting him along with Marco Polo Del Nero at
12 the Waldorf Hilton Hotel in London.

13 Q And who else, if anyone, attended that meeting?

14 A We have a first meeting in a conference room, a meeting
15 room with Marco Polo Del Nero, Jose Maria Marin, Hernan Lopez
16 from Fox Sports International and Carlos Martinez from Fox
17 Sports and me.

18 Q And what was the purpose of that meeting?

19 A The purpose of that meeting was Fox Sports' interest in
20 having a tighter and a stronger link and relationship with
21 soccer executives in each country and in particular that
22 meeting with soccer executives ruling Brazilian soccer. Fox
23 Sports was seeking to enlarge its operation in Brazil and was
24 seeking to have more Brazilian soccer content.

25 Q And did you have a second meeting after the meeting with

1 the, that you just referred to?

2 A Yes, sir.

3 Q And who was present for that, the second meeting?

4 A Marco Polo DeI Nero, Jose Maria Marin and myself.

5

6 (Continued on the following page.)

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1 (Continuing)

2 Q And what was the purpose of the meeting with Marco Polo
3 DeI Nero and Jose Maria Marin?

4 A The purpose of the meeting were two, or at least for
5 them, they were two. One was complaining to me because the
6 Copa Libertadores, Copa Sudamericana bribe payments have not
7 been delivered to them, although it was the end of May and
8 they were expecting those payments to reach their bank
9 accounts before.

10 And the second was making clear, and establishing
11 very clear, that the \$3 million that they were to collect for
12 the signature of these Datisa-CONMEBOL contracts, was
13 something totally different than the \$2 million that was still
14 pending to pay the Brazilian debt for the 2015 edition, as I
15 explained, and that it was going to be done in June 2015,
16 right before the Copa America 2015.

17 Q Did you confirm that; that fact?

18 A Yes, sir.

19 Q Did you, in fact, end up paying \$3 million to Jose Maria
20 Marin and Marco Polo DeI Nero in connection with the Datisa
21 contract signature?

22 A Yes. We ended up paying and Torneos was responsible for
23 that payment.

24 Q You mentioned a complaint.

25 What was the nature of the complaint that they made

1 to you?

2 A The -- I'm sorry, the rationale of the complaint was the
3 Copa Libertadores and Copa Sudamericana bribes are normally
4 paid in the first six months of every year. We are -- by the
5 end of May, we haven't received the payment yet and there has
6 been some back and forth and struggle between Eladio
7 Rodriguez, the person that makes the payments, and Jose Maria
8 Marin and Marco Polo, private secretary and attaché,
9 Alexandré.

10 MR. NITZE: If I could publish for the witness only,
11 Your Honor, Government's Exhibit 412 for identification.

12 THE COURT: I gather it is not in his binder.

13 MR. NITZE: Actually, would you --

14 THE COURT: Well, either way, his screen is working.

15 MR. NITZE: All right.

16 You may have it in your binder.

17 THE COURT: It does not appear so.

18 MR. NITZE: Okay.

19 THE COURT: So if you look at the screen.

20 BY MR. NITZE:

21 Q Mr. Burzaco, can you see the documents on your screen?

22 A Yes.

23 Q And do you recognize it?

24 A Yes, sir.

25 Q And what do you recognize it to be?

1 A It's an exchange of e-mails between Eladio Rodriguez, the
2 long-time administrative head of Torneos and me.

3 MR. NITZE: Your Honor, the Government offers
4 Exhibit 412 and 412-T, the English translation.

5 THE COURT: Any objection.

6 ALL DEFENSE COUNSEL: No, Your Honor.

7 THE COURT: All right.

8 412 and 412-T are admitted.

9 (Government's Exhibits 412 and 412-T received in
10 evidence.)

11 MR. NITZE: If I could publish.

12 (Exhibit published to jury.)

13 BY MR. NITZE:

14 Q Just for the moment staying with the original -- the
15 Spanish version.

16 There's an e-mail address at the top of the document
17 it says Burzaco Alejandro, ABurzaco@tyc.com.ar.

18 Whose e-mail address is that?

19 A That used to be my e-mail.

20 Q And then there's an reference to Rodriguez, Eladio.

21 Who is that Eladio Rodriguez?

22 A Eladio Rodriguez was Torneos's administrative head,
23 administration head.

24 MR. NITZE: I'm going to publish now 412-T. This is
25 the English language version of the e-mails.

1 Q Is this an e-mail chain that we're looking at, a series
2 of exchanges?

3 A I cannot see anything.

4 MR. NITZE: Oh.

5 (Exhibit published to jury.)

6 Q So if I work back from the second-to-last page, on the
7 bottom of the page there's a date, May 29, 2013 at 6:12, the
8 top of the page, May 29, 2013 at 10:23.

9 THE WITNESS: I am not seeing the whole page.

10 MR. NITZE: Excuse me.

11 THE WITNESS: Okay.

12 Q And so my question is just as to the structure of this
13 document.

14 Does it include an e-mail chain with the -- in
15 chronological order starting at the back of the document
16 working towards the front?

17 A Yes, sir.

18 Q Okay. So starting with the first e-mail chronologically,
19 and on the second page at the bottom of the document which is
20 just the very beginning, May 29, 2013 at 6:12.

21 By the way, do you know where you were on May 29,
22 2013?

23 A In...

24 Q Well, you had indicated that on May 25th, 2013, you were
25 in London.

1 Were you still in London, if you remember, on
2 May 29th?

3 MR. MITCHELL: Objection, Your Honor.

4 THE COURT: Hold on.

5 (Pause in the proceedings.)

6 THE COURT: Overruled.

7 A I was in the island of Mauritius, but I don't remember
8 where I was within the island of Mauritius.

9 Q Okay. So what were you doing on the island of Mauritius?

10 A After London, after the London meetings, I flew to
11 Mauritius, given that the FIFA Congress was taking place in
12 the island of Mauritius.

13 Q So this e-mail begins with Eladio, and then continuing to
14 the last page. It says: I have the instructions from Brazil
15 already. We will look at them as soon as I come back. They
16 are in the U.S.A. and, unfortunately, I am not going to ask
17 them to change them, because there's annoyance already because
18 of the delay. We'll take the risk. Let us is keep in mind
19 that upon my arrival to BA, this instruction must be carried
20 out right away.

21 What are you referring to in that paragraph?

22 A I am referring in that paragraph to the conversation I
23 had with Marco Polo DeI Nero and Jose Maria Marin to the fact
24 that there was a struggle and difficulties in getting the
25 Copa Libertadores and Copa Sudamericana payments to them.

1 I was referring, in this paragraph, to the fact that
2 they gave me instructions in the meeting and I was explaining
3 Eladio that as we knew, instructions that, in a certain way,
4 touch the U.S.A. was not desirable or, as I put it here, a
5 risk, but given the level and degree of annoyance and
6 unhappiness and that they expressed to me, I was going to give
7 Eladio this instructions and he should proceed right away when
8 he gets them.

9 Q Do you know, was that payment, in fact, made?

10 A Yes, sir.

11 Q The second paragraph reads: I've also been pressured by
12 EF and R0.

13 Who, if anyone, do those initials refer to?

14 A To Eugenio Figueredo and -- the president of CONMEBOL,
15 and Romer Osuna.

16 Q You said: I made a commitment to R0 over a month ago
17 that we were going to pay the debts right away.

18 What debts are you referring to?

19 A By debts, I am referring to the \$600,000 that was still
20 in place as bribe to him for the Copa Libertadores, the
21 Copa Sudamericana contracts, as of here, as of this moment in
22 2013.

23 Q You say: That still hasn't been done so and I don't want
24 to do it with the help from Jinkis or someone else.

25 Why did you say you didn't want to do it with the

1 help from Jinkis or someone else?

2 A Because Jinkis now with a new president, Eugenio
3 Figueredo, have a tighter relationship, and in the case of
4 Copa America signature, was already paying money to Eugenio
5 Figueredo, and I protected or a trend of Full Play or Jinkis
6 trying to have direct relationship in paying himself bribes to
7 soccer officers that he didn't have that personal tightness or
8 relationship in the past.

9 Q You say: I ask of you that between today and Friday we
10 pay off our obligations to these two. For that, get in
11 contact with R0 and EF, and it's about having a solution
12 ready. Send the publications to a Bureau of Exchange in each
13 of their countries.

14 What does that mean, a Bureau of Exchange?

15 A To a financial house.

16 Q And you say: Make sure it's at the place of someone they
17 trust, or you trust, and have them take charge of the
18 withdrawals, please.

19 How does that withdrawal work, if you know, at a
20 financial house?

21 A A withdrawal at a financial house is basically attending
22 there, or sending someone of trust, and picking up the cash in
23 the back or in a package. I mean, this type of -- this type
24 of payments in a financial house.

25 Q When you say this type of payment, what do you mean?

1 A That normally financial houses, some have a small legal
2 activity and then have some bigger, I would say, illegal flow
3 of payments and referring -- when you have to collect this
4 type of payment, that's the methodology.

5 Q So working chronologically to the e-mail that follows.
6 The header is actually on the first page of the document.

7 At the bottom of the page it says Eladio Rodriguez,
8 his e-mail address and then -- this is May 29, 2013, at 10:23.

9 THE COURT: You have to move it down.

10 MR. NITZE: Yes.

11 (Exhibit published to jury.)

12 BY MR. NITZE:

13 Q And he starts off saying: Ale, please, since you are
14 with them now, it's important for you to clear up this
15 situation.

16 Who is the them he's referring to?

17 MR. MITCHELL: Objection.

18 THE COURT: Overruled.

19 Q Who did you understand him to be referring to when he
20 used the term them in that sentence?

21 A In this sentence, the word them refers to Romer Osuna,
22 Eugenio Figueredo, and Marco Polo Del Nero, and Jose Maria
23 Marin.

24 Q Pointing to point 3, in the middle of the document,
25 middle of this page says: Brazilian. After thousands of

1 phone calls, I was finally able to talk to someone named
2 Alejandro, who promised that they would call me soon. They
3 never did.

4 Who did you understand to be referring to with the
5 word Alejandro?

6 A In point 3, is Eladio is explaining me he was finally
7 able to talk with Alexandré, the personal attaché, or private
8 secretary of Jose Maria Marin and Marco Polo Del Nero.

9 MR. NITZE: Now, just briefly putting the Spanish
10 language version of this document back on the screen.

11 Q And referring to that same sentence, this time in Spanish
12 the word Brasileiro.

13 What is the significance of the word Brasileiro?

14 A This was the nickname that Eladio used in his way of
15 remembering things, and I understand he started using it for
16 Ricardo Teixeira, and then he kept using it for the
17 replacement or the two person replacing Ricardo Teixeira,
18 Marco Polo Del Nero and Jose Maria Marin.

19 Q Returning, again, to the -- your time in London in May of
20 2013.

21 Was the defendant, Juan Angel Napout, in London
22 during that time?

23 A Yes, sir.

24 Q Did you see him there?

25 A Yes, sir.

1 Q Where did you see him?

2 A In different occasions in different places in London.

3 Q What are some of those places?

4 A For example, at the Cumberland Hotel where many of the
5 CONMEBOL, Datisa and Datisa partners were taking place, or
6 took place.

7 And also, at -- I remember a dinner that he put
8 together and organized for many of the participants at the
9 London gathering at -- I think it was Lebanese restaurant
10 named Al Hambra in Mayfair. Mayfair is a neighborhood;
11 Mayfair, London.

12 Q Was Luis Chiriboga present at that dinner, if you
13 remember?

14 A Yes, sir.

15 Q And at that time, what position did Luis Chiriboga hold?

16 A Luis Chiriboga was the president of the Ecuador Soccer
17 Association.

18 Q And did you speak with Luis Chiriboga after the dinner?

19 A Yes, sir.

20 Q And what, if anything, did he say to you about the
21 proposed Copa America agreement then under consideration?

22 A When we left the Al Hambra restaurant, we went walking on
23 the way, a long way, with Luis Chiriboga and Chiriboga was
24 expressing me gratitude on all of these Datisa-CONMEBOL
25 venture; but he warned me that his annoyance and resentment,

1 and the fact that he didn't like Hawilla and Traffic, and that
2 notwithstanding this partnerships in place, and Traffic will
3 be a participant, he will never deal personally with Traffic
4 or with Hawilla again.

5 Q You indicated that after your trip to London you went to
6 the island of Mauritius.

7 Where is Mauritius?

8 A Mauritius is an island on the Indian Ocean, east of
9 Continental Africa, and Mauritius is a country, forms part of
10 the African Confederation and part of FIFA.

11 Q And again, what was your -- what was the reason for your
12 trip to Mauritius?

13 A My -- the reason of my trip to Mauritius was attending
14 the FIFA Congress. Whenever there was a FIFA Congress, there
15 are CONMEBOL Congress before, and in this case, there was also
16 going to be a CONMEBOL executive committee. And in that
17 particular congress or trip for that congress, I also had the
18 assignment to get all the remaining signatures of the
19 Datisa-CONMEBOL contract. I got the assignment by the
20 partners of Datisa.

21 Q And did you obtain those signatures?

22 A Yes, but there was one that I recall, there was one
23 soccer executive that I didn't get the signature in Mauritius.

24 Q Who was that?

25 A Carlos Chavez from Bolivia.

1 Q Now, during the CONMEBOL executive committee meeting,
2 what proposals, if any, did members of the Group of Six
3 advance during that meeting?

4 A Can you repeat the question, please.

5 Q Yes.

6 Was there a CONMEBOL executive committee meeting
7 held in Mauritius?

8 A Yes, sir.

9 Q Did you attend that meeting?

10 A Yes, sir.

11 Q And what proposals, if any, did members of the Group of
12 Six association of presidents you've testified about propose
13 during that meeting?

14 A At that moment in time, the Group of Six were already
15 seven, and there were discussions on the governance of
16 CONMEBOL, and discussions on modifications of the bylaws. And
17 there were disputes within the group of the seven presidents
18 of soccer associations that conform this Group of Six, or
19 called Group of Six, and there were some presidents of soccer
20 associations wanting the bylaws to change in a certain way,
21 and there were other presidents of soccer associations wanted
22 to change the bylaw in a different way.

23 Basically, the dispute was not so much on the bylaws
24 itself, but on the positions, political empowerment and
25 positions, that the members of the Group of Six or seven were

1 to have now that Nicolás Leoz, old-time president was gone,
2 and Eugenio Figueredo was the new president, as I explained.

3 So there was a dispute over the governance and the
4 positions of CONMEBOL and also about Eugenio Figueredo's
5 empowerment in relationship to the empowerment of the Group of
6 Six or seven presidents.

7 THE COURT: Is this a good stopping point,
8 Mr. Nitze?

9 MR. NITZE: I'm very close to a very good stopping
10 point.

11 THE COURT: All right. Go ahead.

12 MR. NITZE: All right. If you could turn in your
13 binder to Government's Exhibit 185. This is in evidence.

14 And I will publish to the jury please.

15 (Exhibit published to jury.)

16 BY MR. NITZE:

17 Q So starting first with the Spanish language, original
18 language version.

19 Do you see your initial on this first page of the
20 document?

21 A Yes, sir.

22 Q And can you just describe where it is.

23 MR. NITZE: So let the record reflect there was made
24 a purple mark and that the middle initial, top to bottom, on
25 the left-hand side of the bottom of the first page.

1 And turning to the last page of the document.

2 Q Do you see your initial on this page?

3 A Yes.

4 Q Could you mark it.

5 MR. NITZE: Let the record reflect the witness has
6 marked the lone initial on the left-hand side of the document?

7 Q There are two signatures with names printed beneath them
8 on this final page. Could you just read the two names.

9 A Eugenio Figueredo, presidente; José Luís Meiszner,
10 secretario general.

11 Q And at that time, again, Eugenio Figueredo had what
12 position at CONMEBOL?

13 A President of CONMEBOL.

14 Q And José Luís Meiszner?

15 A Secretary general of CONMEBOL.

16 MR. NITZE: And turning to the English language
17 version.

18 (Exhibit published to jury.)

19 BY MR. NITZE:

20 Q It's: Addendum for the assignment of rights of
21 Copa America contract.

22 What was the purpose of this agreement?

23 A This was a small addenda discussed among presidents and
24 agreed by Datisa members. I don't recall exactly if it was
25 already agreed when contracts were already printed in London,

1 or it was discussed in Mauritius.

2 It's a minor adjustment to the contract. Instead of
3 having a scale of payments for 2015, a little bit higher for
4 2019, and a little bit higher for 2023, it was agreed to pay
5 and the average amount starting from the first edition of
6 2015.

7 In other words, that the three tournaments would
8 have a total amount of \$80 million as a payment from Datisa
9 for purchasing all the exclusive rights.

10 Q And why was that change made, if you know?

11 A If I recall correctly, it was Sergio Jadue, the one that
12 was seeking for it, and trying to get a higher, Sergio Jadue,
13 was the president of the Chilean Soccer Federation. Chile was
14 the next Copa America to be played in 2015, and he wanted the
15 total payment for that tournament to be higher, and not lower
16 in the -- in the uptrend scale. And in that way, the local
17 organizing committee, in other words, him and Chilean Soccer
18 Association, would have a larger pro rata of the total
19 payment.

20 So instead of being, if I recall, approximately
21 \$77 million, in 80, the pro rata, the local organizing
22 committee would take, in this case Chilean, so Jadue was going
23 to be higher.

24 Q And that pro rata, is that just a percentage amount that
25 goes to the local organizing committee to put on the event?

1 A As I recall, yes.

2 MR. NITZE: Your Honor, I think this would be a good
3 place to break.

4 THE COURT: Okay. Great.

5 So, ladies and gentlemen, since we are a little bit
6 after 1:00, please be ready to go at 2:05, and then we will
7 resume, thank you very much.

8 THE COURTROOM DEPUTY: All rise.

9 (Jury exits.)

10 (In open court; outside the presence of the jury.)

11 THE COURT: Have a seat everyone.

12 Just so you know, I will advise the jury about
13 keeping an open mind, but I will wait until after this witness
14 has been excused.

15 MR. STILLMAN: At part of that, Your Honor, I am
16 hoping that you also reference what's obvious to us, as
17 lawyers, that there's still cross of this witness.

18 THE COURT: Yes. That was something that
19 Mr. Pappalardo raised earlier. I will do that.

20 MR. STILLMAN: Okay.

21 THE COURT: All right.

22 MR. STILLMAN: May I? Request to charge Wednesday.

23 THE COURT: Yes.

24 MR. STILLMAN: They're in my hands, if you don't
25 mind, Your Honor, we've been somewhat preoccupied with this

1 witness.

2 THE COURT: With trial.

3 MR. STILLMAN: With this witness.

4 THE COURT: You just want some time to get it
5 finalized?

6 MR. STILLMAN: Tomorrow.

7 THE COURT: That is fine. Why don't you get it to
8 us sometime either tonight or first thing early in the
9 morning. Thank you.

10

11 (Continued on following page with AFTERNOON
12 SESSION.)

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1 (In open court.)

2 THE COURT: Come forward everybody in the Napout
3 case.

4 Also, ma'am, if we could have you come forward, as
5 well. I do not think I need --

6 THE COURTROOM DEPUTY: Thank you.

7 THE COURT: Just hang for a second, if you do not
8 mind, folks.

9 So, come forward. Everyone else take a seat,
10 somewhere about where you normally sit. I do not want
11 everybody crowding up here.

12 MS. STERIN: Your Honor --

13 THE COURT: Hold on one second. Let me set forth
14 what is going on here.

15 So the reason we called you all back from your
16 lunches, and I apologize, is that as the -- and you may sit as
17 well, ma'am. Right there in the front chair.

18 As the trial teams were leaving the courtroom, but
19 while the witness was still here in the courtroom, and while
20 the next criminal matter was -- the individuals were coming
21 for that, were coming into the courtroom, the woman who is
22 seated to my left at Government's counsel table, I understand,
23 may have had a phone in contravention of the clear rule saying
24 you cannot have a phone in here for the trial, and somehow it
25 did not register in the security scanner as you were coming

1 in.

2 And then secondly, you might have recorded either
3 visually or audio, or orally, I guess, something relating to
4 the trial. So that is why we had you stopped.

5 I gather the security officers, or our court
6 security officers, noticed this and I think one of the court
7 reporters noticed it as well, that you had your phone out and
8 might have been recording. So you were detained by the
9 security officers who questioned you about it.

10 So that is why you are here. I wanted to call the
11 parties back so that they would understand how, if at all, I
12 need to address this.

13 So I understand you want to explain the
14 circumstances.

15 MS. STERIN: Yes. First of all, I want to
16 apologize --

17 THE COURT: Let's get your name.

18 MS. STERIN: My name is Silvina Sterin,
19 S-I-L-V-I-N-A, S-T-E-R-I-N.

20 And --

21 THE COURT: Are you a reporter?

22 MS. STERIN: I am. I was not aware of this rule. I
23 thought that my phone, which was left, in accordance to the
24 rules outside the court, once that I give back to the security
25 officer the Post-It with my number --

1 THE COURT: Right.

2 MS. STERIN: -- and he gave my phone back, that I
3 could use it.

4 THE COURT: But not in the courtroom though.

5 MS. STERIN: No. I was not in the courtroom. I was
6 outside.

7 So, you know, to support my account, I was not
8 concealing my phone at all. I was just, you know, getting
9 some B-roll.

10 THE COURT: Video.

11 MS. STERIN: General video.

12 THE COURT: That is a problem though. You are not
13 actually allowed to videotape --

14 MS. STERIN: And I can certainly delete it. Now I
15 am aware of rule. I thought the rule applied to the courtroom
16 itself and I thought that by exchanging the Post-It for my
17 phone back --

18 THE COURT: I understand.

19 MS. STERIN: -- that was...

20 THE COURT: So you are saying that you didn't
21 videotape anything inside the courtroom.

22 MS. STERIN: No. And the witness, Mr. Burzaco, was
23 already outside the courtroom too. I just waited all the
24 members of the jury left, the witness left. I left, and once
25 I got my phone back, providing the Post-It, I just should like

1 maybe 3, 5 seconds, 7, the most.

2 THE COURT: You allow -- if you have not already,
3 the Court Security Officers and the marshals to view your
4 phone so that they can confirm that you are deleting the only
5 video that you had.

6 MS. STERIN: Of course.

7 THE COURT: Because as you now know, there is a
8 general prohibition on videotaping --

9 MS. STERIN: Of course.

10 THE COURT: -- anything in the courthouse.

11 MS. STERIN: Of course.

12 THE COURT: Most people do not get cameras or phones
13 in here at all.

14 Does anyone think we need to do anything other than
15 have Ms. --

16 MS. STERIN: Sterin.

17 THE COURT: Yes.

18 -- demonstrate, or at least confirm with the
19 marshals or the court officers that she's deleted any video
20 she took of the exterior of the courtroom? Anyone?

21 MR. UDOLF: Not on behalf of Mr. Burga.

22 MR. STILLMAN: We are good with that, Your Honor.

23 MS. MACE: For the Government, I think however the
24 marshals would chose to deal with it in any situation is fine
25 with us. We don't seek anything in addition to whatever the

1 marshals wish to do.

2 THE COURT: All right.

3 MR. PAPPALARDO: We are also content, Your Honor,
4 about the Court's resolution.

5 THE COURT: Thanks, everyone. Again, I am sorry.
6 Go back to your lunches. I am also sorry to have called you
7 in here, but it is --

8 MS. STERIN: I am sorry, too. I didn't -- I wasn't
9 expecting to cause this disruption.

10 THE COURT: No. I know. And we do not mean to make
11 you feel like you are under some sort of scrutiny, but we have
12 to be very careful.

13 MS. STERIN: I know, I understand.

14 THE COURT: Okay. Thank you.

15 MS. STERIN: Thank you.

16 THE COURT: Very nice meeting you.

17 (Recess taken.)

18

19 (Continued on following page.)

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A F T E R N O O N S E S S I O N

(4:21 p.m.)

(Sidebar conference.)

(Continued on the next page.)

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(The following occurred at sidebar.)

[Redacted text block containing 25 lines of obscured content]

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(End of sidebar conference.)

(Continued on the next page.)

1 (In open court; jury not present.)

2 (Jury enters courtroom.)

3 THE COURT: Have a seat, everyone. Hope you had a
4 good lunch.

5 Mr. Nitze, you may resume your examination.

6 MR. NITZE: Thank you, Your Honor.

7 DIRECT EXAMINATION (Continued)

8 BY MR. NITZE:

9 Q Mr. Burzaco, before the lunch break you testified about
10 some meetings you attended on the island of Mauritius, do you
11 remember that testimony?

12 A Yes.

13 Q After you left Mauritius, when was the next time you
14 attended a CONMEBOL meeting in Ascuncion de Paraguay?

15 A On August 2013.

16 Q And what for what purpose did you travel to Ascuncion in
17 August 2013?

18 A I traveled to Ascuncion in August 2013 in the context of
19 a CONMEBOL congress.

20 Q And just briefly, if could you remind the jurors what is
21 a CONMEBOL Congress?

22 A CONMEBOL Congress is an event where the 10 soccer
23 associations represented by three member of each of those
24 associations, most likely three clubs from each associations,
25 will participate in order to discuss some big factors or

1 regarding the CONMEBOL life, for example, modification of
2 bylaws or statutory things or big decisions of CONMEBOL.

3 Q What, if anything, happened at that congress to affect
4 the agreement you had then with Manuel Burga?

5 A During that congress modification of CONMEBOL bylaws was
6 done, was approved and Manuel Burga stood up in the middle of
7 the congress and started objecting or voting against most of
8 the other representatives and at a certain point requested
9 that the press, which was not inside that congress hall, would
10 come in and observe how like who is who in that debate.

11 Q Did the subject of bribes come up during that discussion?

12 A No, no, sir.

13 Q And after that -- well, what was the reaction generally
14 to that action taken by Manuel Burga?

15 A If I remember correctly, there was a -- he obtained some
16 support from the Venezuela Soccer Association president,
17 Rafael Esquivel, but except for that all of the remaining
18 authorities were astonished and against these actions and they
19 felt that he went off --

20 MR. UDOLF: Object to what the others felt like,
21 Your Honor.

22 THE COURT: Sustained. If you could ask another
23 question --

24 MR. NITZE: I'll move on.

25 THE COURT: -- to clarify.

1 BY MR. NITZE:

2 Q After the meeting, Mr. Burzaco, what decision, if any,
3 did you make concerning Manuel Burga?

4 A The decision that I made regarding Manuel Burga after
5 consultations was not to continue paying from 2014 the Copa
6 Libertadores and Copa Americana bribes.

7 Q And why did you make that decision?

8 A Because there were many soccer officers mad with him
9 because of his public discussion.

10 MR. UDOLF: Your Honor, it's the same objection I
11 just had that he just blurted out, I object to that.

12 THE COURT: Overruled, overruled.

13 A Many soccer officials publicly and to me expressed their
14 concerns and their anger and their negative reaction to
15 Manuel Burga's outburst and in that context they understood
16 that it was not fair that he would continue collecting the
17 same bribes as the other ones, and after debating it with
18 Julio Grondona and explaining it to Hugo and Mariano Jinkis,
19 he was cut off starting in 2014 of the Copa Libertadores and
20 Copa Sudamericana bribe payments.

21 Q Did that decision affect the existing agreement with
22 respect to the Copa America bribes you testified about
23 earlier?

24 A No, sir.

25 Q Returning to the Centenario tournament to be played in

1 the United States in 2016, did there come a time when DATISA
2 reached a formal contractual arrangement with CONCACAF with
3 respect to that tournament?

4 A Yes, sir.

5 MR. NITZE: Your Honor, if I could publish
6 Government Exhibit 189 in evidence.

7 THE COURT: Yes.

8 Q First off, the title of this agreement, this document
9 Copa America Centenario 2016 agreement, and directing your
10 attention to the last page of the document, is that your
11 signature in the middle of the top line?

12 A Yes, sir.

13 Q And the signature here on the bottom right, whose
14 signature is that?

15 A Enrique Sanz, general secretary of CONCACAF.

16 Q And there is a date written beneath the signature of
17 Enrique Sanz, what date is that?

18 A April 19, 2014.

19 Q Now the date on the front page is unusual let's say. Do
20 you know what is the meaning of all these markings, do you
21 remember?

22 A No idea.

23 Q I'm going to read the opening paragraph of the document.
24 It says: This letter agreement hereinafter the letter, serves
25 to confirm the terms of our agreement with regards to the

1 commercial arrangements for the Copa America Centenario 2016
2 as defined below. Whereas, 1, pursuant to the acquisition
3 agreement of the Copa Centenario rights executed by DATISA and
4 the Confederation of South American Football, CONMEBOL, dated
5 May 25th, 2013 -- I'm going to pause there. That agreement
6 that's referenced dated May 25th, 2013, which agreement is
7 that, which document?

8 A This is referring to the contractual agreement purchase
9 of rights between DATISA and CONMEBOL.

10 Q Is that a document you testified about before the lunch
11 break?

12 A Yes, sir.

13 Q Continuing on: Is the exclusive owner of all the
14 commercial rights available now and/or in the future on a
15 worldwide basis with respect to the tournament, as defined
16 below. And so who is the exclusive owner of those rights
17 under the terms here?

18 A DATISA.

19 Q And CONMEBOL and DATISA have the intention to partner
20 with the Confederation of North, Central America Caribbean
21 Association Football, CONCACAF, to host and participate in
22 Copa America Centenario 2016 and CONCACAF wishes to partner
23 with DATISA with respect to the tournament, CONCACAF and
24 DATISA, each a party hereunder and together, the parties.

25 Just, generally speaking, what was the purpose of

1 this document?

2 A The purpose of this document was an agreement between
3 DATISA and CONCACAF in order for DATISA to have all the
4 necessary parties involved, CONMEBOL and now CONCACAF and be
5 able to hold the tournament in the U.S.A. and have exclusive
6 rights for such tournament.

7 Q What plans, if any, were made to publicly announce this
8 centennial tournament?

9 A It was agreed between DATISA, DATISA partners, CONMEBOL
10 and CONCACAF to make a public announcement of the launching of
11 this tournament in different occasions in different parts of
12 the globe.

13 Q Were there any plans with respect to an announcement or
14 launch in the United States?

15 A Yes, sir.

16 Q What plans were those?

17 A There were plans to launch through a big press conference
18 at the tournament in the City of Miami, Florida.

19 Q Did that event in fact take place in Miami?

20 A Yes, sir.

21 Q When did it take place?

22 A End of April, beginning of May 2014.

23 Q Did you travel to Miami for the event?

24 A Yes, sir.

25 Q Did Julio Grondona attend?

1 A No.

2 Q What plans, if any, did you have to meet with your DATISA
3 partners in Miami?

4 A We had plans to meet among the DATISA partners and in
5 particular with the head of Traffic, which my case I haven't
6 been able to meet for a long time.

7 Q Why did you want to meet with the head of Traffic?

8 A I wanted to meet with the head of Traffic because since
9 we agreed CONCACAF bribes, in particular the \$10 million,
10 he -- and the schedule I received from Enrique Sanz I share it
11 and discuss it with Full Play Group owners, Mariano Hugo
12 Jinkis, but never received final approval on how those bribes
13 were going to be paid from the owner of Traffic, Jota Hawilla.

14 Q Did you, in fact, meet in Miami with the Jinkises and
15 Jose Hawilla?

16 A Yes, sir.

17 Q Did the subject of the bribe payment obligations come up
18 during that conversation?

19 A Yes, sir.

20 Q What concerns, if any, did you have at that point about
21 Traffic's willingness or ability to continue with the
22 arrangement?

23 A I was unsure why if Traffic ex-employee now became a
24 secretary general of CONCACAF, I'm referring to Enrique Sanz
25 who was the Traffic employee and I met him then later as

1 secretary general of CONCACAF. Another employee of Traffic,
2 Aaron Davidson had the first meeting that put up all of
3 these -- ended up putting up all of these bribe payments in
4 CONCACAF, and why is it that a year later from that those
5 discussions I spoke in Zurich in March of 2013 still didn't,
6 Jota Hawilla, approve and agree on the scale of bribe payments
7 for the CONCACAF and I wanted to address him regarding that.

8 Q And what about to what extent, if at all, did the
9 potential sale of Traffic factor as a concern?

10 A It was a big concern because we were listening to rumors
11 that Traffic was entertaining conversations with a Spanish
12 worldwide media and production company named Mediapro, and we
13 thought that those conversations were pretty advanced and --
14 or maybe with some other potential buyers and we were afraid
15 that if he went ahead and finally executed selling his stake
16 in Traffic, then we wouldn't have an agreement in place like
17 they were for 2015, '19 and '23, and the initial payment for
18 the bribe payments for the execution of the special occasion
19 ones we were not going to have an agreement in place in order
20 to be able to pay the CONCACAF. Also the CONMEBOL bribes in
21 connection with the Centenario in 2016 in the U.S.

22 Q Was the Centenario, in fact, announced during that event
23 in Miami?

24 A Yes, sir.

25 Q And what was the setting of that announcement?

1 A It was -- it was an important press conference. You had
2 the St. Regis Hotel in Miami with some ex-soccer stars and
3 most of CONMEBOL and CONCACAF authorities, and obviously
4 members of the worldwide press.

5 Q After the trip to Miami, where did you go?

6 A When I left Miami I went to Las Vegas.

7 Q What for?

8 A I went because I went to assist to a boxing fight between
9 Mayweather and Maidana.

10 Q Who, if anyone, from CONMEBOL did you see while you were
11 in Las Vegas?

12 A Luis Chiriboga.

13 Q At that point who was -- what position did Luis Chiriboga
14 hold?

15 A Luis Chiriboga was the president of the Ecuador Soccer
16 Association, Soccer Federation at that moment which was the
17 beginning of May 2014.

18 Q Where specifically did you see him in Las Vegas?

19 A I gave him two tickets for the boxing fight and I had
20 dinner with him after the boxing fight.

21 Q And what, if anything, did he tell you with respect to
22 Torneos and its business with CONMEBOL?

23 A He was extremely happy because now the Copa America
24 Centenario was a reality and he expressed big gratitude and
25 committed loyalty for all his life.

1 Q After your trip to Las Vegas, when was the next time you
2 saw any of the defendants here on trial?

3 A If I recall, at the end of May in Buenos Aires,
4 Argentina.

5 MR. UDOLF: What year?

6 Q What happened at the end -- you want to add to that
7 answer?

8 A No, sir.

9 Q What happened --

10 THE COURT: Do you want to mention a year?

11 MR. NITZE: Yes.

12 Q Are we still in 2014 or what year are we talking about?

13 A At the end of May, 2014.

14 Q What happened in Buenos Aires at that time?

15 A There was a Copa Sudamericana group that was going to
16 place in Buenos Aires, Argentina and there was CONMEBOL
17 executive committee that took place in Buenos Aires, Argentina
18 around the end of May 2014.

19 Q Did you see Marco Polo DeI Nero around the time of that
20 executive meeting?

21 A Yes, sir.

22 Q In what context?

23 A In coffee, small coffee table I had a meeting with Marco
24 Polo DeI Nero and Julio Grondona in the Sheraton Hotel in
25 Buenos Aires, Argentina close to the area where they had the

1 executive committee meeting.

2 Q What request, if any, did Marco Polo DeI Nero have for
3 Julio Grondona at that time?

4 A Marco Polo DeI Nero approached Julio Grondona and told
5 him that himself, Jose Maria Marin and the majority of the
6 presidents of soccer associations wanted to vote and throw
7 Eugenio Figueredo out of the presidency of CONMEBOL at that
8 same gathering.

9 Q What did Marco Polo propose to do after Eugenio Figueredo
10 was to be thrown out?

11 A He was proposing Julio Grondona to take that decision at
12 that same moment and to appoint Juan Angel Napout as president
13 of CONMEBOL.

14 Q What response, if any, did Julio Grondona have to
15 proposal?

16 A Julio Grondona's response to that proposal is that he
17 liked the idea of Napout being the next president of CONMEBOL,
18 but that was a very stupid decision to throw Eugenio Figueredo
19 out only one year after they throw Nicolas Leoz out for bribe
20 accusations, and less than one month before, you're talking
21 about the end of May 2014, less than one month before of
22 Brazil 2014 FIFA World Cup and Eugenio Figueredo was the
23 president now, at that moment, of the committee that FIFA put
24 together for that World Cup.

25 Q So was Eugenio Figueredo thrown out during that meeting?

1 A Julio Grondona prevailed, Eugenio Figueredo was not
2 thrown out.

3 Q Did you speak with the defendant Juan Angel Napout during
4 those days in Argentina at that time?

5 A Yes, sir.

6 Q And what concern, if any, did he express to you in
7 connection with his position at con CONMEBOL?

8 A He wanted to understand -- he wanted to understand
9 whether that decision of Julio Grondona was a tactical
10 decision for that moment in time, or this meant Julio Grondona
11 was not going to support him in the long run to become
12 CONMEBOL president, or if Julio Grondona was in some way
13 supporting Eugenio Figueredo to keep that position.

14 Q What answer, if any, did you have to that question?

15 A I answered him what Julio Grondona said, it was by
16 beginning of 2015 the original Leoz mandate is going to finish
17 and Eugenio Figueredo's mandate will complete the mandate and
18 finish, and at the beginning of 2015 there will be an election
19 and he was going to support Juan Angel Napout to be the
20 incoming or new president of CONMEBOL.

21 Q And why would it make sense to ask you this question
22 about what Julio Grondona's position was?

23 A For two reasons: One, because Julio Grondona was a key
24 decision man for an important decision in CONMEBOL. And,
25 second, he wanted to have my opinion whether Julio Grondona

1 was saying the truth or if he was promising that same thing to
2 some other people like Eugenio Figueredo or other CONMEBOL
3 soccer executives that were also having that idea in their
4 minds.

5 Q Was there a World Cup hosted in 2014?

6 A Yes.

7 Q Where was it played?

8 A In Brazil.

9 Q Did you travel to Brazil around the time of the Cup?

10 A Yes, sir.

11 Q Did you go right at the start of the Cup, before the Cup,
12 when did you go?

13 A I went some days before the Cup started.

14 Q Why did you go before the Cup started?

15 A Because, as usually, it was going to be a CONMEBOL
16 gathering and then there was going to be a FIFA congress right
17 before the World Cup and to be hosted in the World Cup
18 territory, in this case in Brazil and it was hosted in Sao
19 Paolo, Brazil.

20 Q And during which month, which period of time was the
21 World Cup played in Brazil, if you recall?

22 A It was played between mid-June 2014 and mid-July 2014, a
23 month.

24 Q Did you see Juan Angel Napout in Brazil during the period
25 when the World Cup was played there?

1 A Yes.

2 Q Did there come a time during that period when you had a
3 private dinner with Juan Angel Napout?

4 A Yes.

5 Q Where was that dinner?

6 A At the Copacabana restaurant named Cipriani, the
7 Copacabana restaurant Cipriani. The Copacabana has hotel in
8 Rio de Janiero has many restaurants but one is Cipriani close
9 to the pool and we had dinner there.

10 Q What subjects did you discuss at that dinner?

11 A One of the main subjects we discussed at that dinner was
12 the process, the process till the beginning of 2015 and his
13 interest and Julio Grondona's support to become the next
14 CONMEBOL president. So there were many political discussions
15 and who is who in that political race, Grondona support, and
16 then other concerns that I had the day he becomes the
17 president of CONMEBOL.

18 Q What concerns did you have looking ahead to the day he
19 might become president of CONMEBOL?

20 A My concern was what was he going to do in the long run
21 with Copa Sudamericana and Copa Libertadores contracts and
22 also even his initial tight relationship with Hugo and Mariano
23 Jinkis, how that would play versus Torneos y Compentencias,
24 Fox and TNT.

25 Q During the World Cup in Brazil how, if at all, did you

1 communicate with Juan Angel Napout when you weren't with him
2 in person?

3 A Either by phone or by WhatsApp.

4 Q What is WhatsApp?

5 A WhatsApp is a common application in order to send and
6 receive text messages on the phone, on the mobile phone.

7 Q I ask you to look in your binder, if you could to
8 Government Exhibit 976 marked for identification. It should
9 be at the back of the binder.

10 A Which number?

11 Q 976.

12 MR. PAPPALARDO: Your Honor, if I can make one
13 standing objection. This is the subject matter of the
14 previously ruled upon and I just want to note that for the
15 record.

16 THE COURT: All right, for the reasons previously
17 articulated --

18 MR. PAPPALARDO: Exactly.

19 THE COURT: -- I overrule that objection.

20 BY MR. NITZE:

21 Q Do you have the document in front of you?

22 A 976?

23 Q Yes.

24 Do you recognize the information contained in this
25 document?

1 A Yes, sir.

2 Q What is this document, what does it contain?

3 A My WhatsApp conversations with Juan Angel Napout.

4 Q Where were you when you had these conversations with Juan
5 Angel Napout?

6 A 17 of June 2014, I was in Brazil. And the last one
7 July 13, 2014, I was in Brazil.

8 Q Did you review this document before your testimony today?

9 A Yes, sir.

10 Q Is it an accurate copy of the communications you had with
11 Juan Angel Napout during the dates indicated?

12 A Yes, sir.

13 MR. NITZE: Your Honor, the government offers 976
14 along with 976T and 976T-2. 976T contains an English language
15 translation, 976T-2 is the same, it just has the translation
16 below the Spanish for ease of reference.

17 THE COURT: Okay. I understand there is an
18 objection, but I'll admit 976, 976T and 976T-2.

19 (Government Exhibit 976, 976T, 076-2, was received
20 in evidence.)

21 Q Mr. Burzaco, if you could turn further along in the
22 binder, you'll see the exhibit marked 976T-2 which will
23 contain Spanish and English language together.

24 Do you have it?

25 A Yes.

1 MR. NITZE: Your Honor, if I may publish to the
2 jury?

3 THE COURT: Yes.

4 (Exhibit published.)

5 BY MR. NITZE:

6 Q And, Mr. Burzaco, it should show up on your screen as
7 well, if you prefer to look at the screen that's fine
8 obviously.

9 Starting with the first entry where the pen is
10 pointing on the screen, what is the date of the first entry on
11 this document?

12 A June 17, 2014.

13 Q There is a time indicated there 10:15:03. Do you know if
14 that was Brazil time?

15 A After I read this document for the first time 10 days ago
16 I realize that was not Brazil time.

17 Q What in the document gave you the understanding that it
18 was not Brazil time, if you remember?

19 A Yes, sir, I remember, because I realized I learned that
20 some moment that Juan Angel Napout was congratulating me for
21 the match, that it was Switzerland/Argentina and I remember
22 being at that match and it didn't make sense that he was
23 congratulating me when the match didn't finish and Argentina
24 scored the goal in the last minute. So I didn't think he knew
25 the future, but the time was wrong. And that's how I figured

1 out and I mentioned that there is something strange with the
2 time.

3 Q Do you know if there is a time difference during certain
4 times of the year between Brazil and Paraguay?

5 A Yes.

6 Q What time difference is there, if you know?

7 A Paraguay this time of year is one hour earlier than
8 Brazil.

9 Q So the first two entries, the first two exchanges --
10 messages, rather, it says, Juan Angel. Who does Juan Angel
11 refer to just for the record?

12 A The defendant, Juan Angel Napout.

13 Q And it says, Are you there? Then it says -- he says, At
14 the Sofitel. What is the Sofitel?

15 A Sofitel he's referring to the Sofitel Hotel in
16 Rio de Janiero.

17 Q Down at the line with the timestamp 10:41:43, still on
18 this first page, Juan Napout says, Ale, if you can get me a
19 VIP for tomorrow. What is a VIP?

20 A VIP in this context is a special ticket that normally
21 FIFA executives or higher ranking top executives get and they
22 have a lot of them and he's asking me for this sort of special
23 type of ticket for a match that was going to be played the
24 next day.

25 Q Down a few lines at 10:42:20 he says, Thanks in advance,

1 but don't tell Eugenio. Who is Eugenio?

2 A Eugenio Figueredo.

3 Q At that point what position did Eugenio Figueredo have?

4 A He was the president of CONMEBOL at that point.

5 Q At the line with the timestamp of 11:53:21 you say, I
6 think I'll get it. He says, Thank you, Ale -- excuse me, one
7 moment. He says, Thank you, Ale, you are the best. And in
8 the Spanish it's "Gracias, Ale, sos un capo," what did you
9 understand it to mean by un capo?

10 A He's using a slang to say meaning you are the best. You
11 are very efficient. The best.

12 Q Okay. Then he says, Ale, you are the best and you're a
13 friend. And then you say, I'm going to need one in Russia. I
14 hope you remember me when you are in the ExCo.

15 What were you intending to convey there?

16 A I have to go back to the page, please.

17 Q Let me see if I've got it. I got ahead of the screen.

18 A I can --

19 Q Don't worry I'll keep track here.

20 So, again at the line timestamped 12:00:42 you say,
21 Right, I'm going to need one in Russian and I hope you
22 remember me when you are in the ExCo. What did you intend to
23 convey by that?

24 A I intend to convey that today I am getting you a VIP
25 ticket but in four years from now you are going to be the

1 president of CONMEBOL, you are going to be in the FIFA
2 executive committee, in my mind maybe Grondona was not going
3 to be around any more because he was old and a little tired of
4 life, and then I might need you. I might need you to get a
5 VIP and maybe other things. That's what I am trying to
6 express in that line.

7 Q Okay.

8 (Continued on the next page.)

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1 BY MR. NITZE: (Continuing.)

2 Q Okay. Then he says --

3 A When you're in the ExCo. I'm referring to the FIFA ExCo,
4 the FIFA executive committee.

5 Q Then he says, "Ale, I live for my friends and then I bet
6 on you from the beginning. I hope you remember what I told
7 you in South Africa about only trusting you."

8 What do you understand him to mean by that?

9 A I understood he was referring to a conversation we had in
10 South Africa where notwithstanding -- where notwithstanding he
11 was coming in as one member of the group of six and he was a
12 member of Hugo Jinkis and Full Play, linked with Copa America.
13 He showed me that he trusted me more than anyone else in the
14 CONMEBOL universe of sports companies and production
15 companies.

16 Q Had he expressed a sentiment like that to you before you
17 received his check?

18 A Yes.

19 Q Just once or how often?

20 A Many, many times, in particular in the last year before
21 this WhatsApp, this chat.

22 Q Turning to the next line at 12:06:16 he says: "And
23 Mr. JG," he says, "Don JG," in Spanish. "Mr. JG can trust me
24 because I'm all about the code."

25 What did you understand him to mean by that?

1 A I understood that in the relationships there are written
2 rules and there are invisible codes that and Julio Grondona
3 was mainly concerned with people respecting those invisible,
4 not written codes, and Juan Angel was conveying me the message
5 that Julio Grondona should trust him appointing him as
6 president of CONMEBOL because he was going to follow -- he was
7 going to follow thereafter.

8 MR. NITZE: I'm sorry.

9 THE COURT: Okay.

10 Q On the top of the second page, June 17, 2014, time
11 stamped 12:24:27 it says, "Mr. Julio is all right, right?
12 That's what matters."

13 First of all, who is Mr. Julio?

14 A Don Julio is Julio Grondona.

15 Q And what do you understand him to be asking when it says,
16 "Mr. Julio is all right; right?"

17 A I understood he was not asking me about his health
18 condition, but he was asking me if he was still involved with
19 electing him the next CONMEBOL president.

20 Q I will just note there are some number markings, page
21 numbers at the bottom of this exhibit. I'm at page number
22 six. June 19, 2014, starting at timestamp 7:28.24, Napout
23 says "Hello Alejandro, how are you?" You say, "Fine and you?
24 Chatting with Sergio J."

25 Who is Sergio J?

1 A Sergio Jadue is the president of the Chilean Soccer
2 Associate.

3 Q Juan Angel Napout says he's happy that he's good and I
4 think he's very busy with the project, the expression in
5 Spanish is *creo q esta a fl1 con el proyecto*.

6 What do you understand that to mean?

7 A I understood and understand that the Sergio Jadue is
8 fully committed with the project as having Napout as the next
9 CONMEBOL president.

10 Q Page seven. June 19, 2014 --

11 A Sorry?

12 Q Excuse me. Page seven, June 19, 2014 at timestamp
13 7:53:01. It says, "Ale, Cartes's private secretary wants to
14 buy eight ticket for Argentina/Iran. Can you help me?"

15 Who is Cartes?

16 A Horatio Cartes is the president of Paraguay at that time
17 of the WhatsApp and he currently holds the same position.

18 Q When you say the president of Paraguay, you mean the
19 president of the country?

20 A Yes, the president of the country of Paraguay.

21 MR. NITZE: Public Government Exhibit 60 in
22 evidence.

23 (Exhibit published.)

24 Q Who is that?

25 A Horacio Cartes.

1 THE COURT: Perhaps it's a good time to stand up
2 folks and stretch your legs.

3 Let us know when you are ready.

4 MR. NITZE: I'm ready.

5 THE COURT: Okay. Have a seat, everyone.

6 Q So on the June 20, 2014, timestamp 16:13:23 on page nine,
7 Mr. Napout says, "I was just talking with Cartes and he
8 resolved the entire trial and did it all because of me."

9 What trial is he referring to, if you know?

10 A If I recall correctly, it's -- it's referring to a trial
11 between CONMEBOL and an entrepreneur Paco Casal and a company
12 related to him that he used to handle the Copa Sudamericana
13 sponsorship and billboard program.

14 Q And the next line he says, "Eugenio has three families."
15 What does that mean?

16 A Basically he's saying that Eugenio is not a person of
17 loyalty. That he has not only loyalty to Full Play and to
18 Torneos, he's also loyal to this entrepreneur, Paco Casal.

19 Q And Eugenio refers to who?

20 A To Eugenio Figueredo.

21 Q Page 10, June 20, 2014, at the time stamp 18:06:47 you
22 write, "Eugenio wrote to me that they're fixing it. He gets
23 jealous when he sees our good vibe."

24 And what did you mean by this jealousy?

25 A Basically I am saying that Eugenio Figueredo who also has

1 aspirations to continue as president of CONMEBOL after the end
2 of this mandate at the beginning of 2015, that's not like when
3 I spent lots of time talking with Juan Angel Napout.

4 Q And further on that page timestamp 19:10:17, you say "no
5 worries. In the end everything is going to turn out fine and
6 just the way we talked about. You hold down your troops."

7 What do you mean by that?

8 A To stay calm, that at the end of the next seven months he
9 will become the next CONMEBOL president or -- president for
10 four years, that he has to take care about keeping the group
11 of six troops together without fights among them about the
12 subject.

13 Q And then he says in response, "Yes, everyone is calm.
14 Sergio is great. The only sweeper is Chavez, but he always
15 goes to the right place," now in Spanish referred to as a
16 Libero. What is that in reference to?

17 A Basically he's saying that Chavez, Chavez the president
18 of the Bolivian Soccer Federation is not very reliable. He
19 can go to one side or to the other. The temptations can push
20 him to one side or the other, but at the end of the day he
21 knows how to end up in the right position, meaning that he was
22 going to support Napout in this case.

23 Q Page 11 of the exhibit, June 20, 2014, timestamp 19:12:50
24 you say, "I would like to get together and speak in private
25 next Monday."

1 Why did you want to get together and speak in
2 private with Juan Angel Napout?

3 A I wanted to have a conversation with him in private in
4 order to address all of these political issues that we were
5 exchanging by WhatsApp and in order to understand and seek his
6 commitment on what is he going to do when he really has the
7 presidential powers because he becomes the president of
8 CONMEBOL.

9 Q Did you end up having a private meeting with Juan Angel
10 Napout in private?

11 A Yes, sir.

12 Q And in the end was it a lunch?

13 A No.

14 Q Did you share a meal with him?

15 A We had dinner at the Cipriani restaurant at the
16 Copacabana, Paris hotel in Rio de Janeiro.

17 Q So, turning to page 15 of the document, June 23, 2014,
18 timestamp 19:32:01. Juan Angel Napout says, "Yes, I just
19 walked in." You say, "I will be ready to eat in about 30. I
20 made a reservation at Cipriani." Mr. Juan Angel Napout says,
21 "Yes, of course, the two of us." And you say, "By ourselves
22 at 9 o'clock."

23 A Yes.

24 Q Was that the dinner conversation you referred to earlier?

25 A Yes. Obviously it's not that I took one hour and 30

1 minutes. I took 30 minutes and we had dinner at 9 o'clock,
2 because it says 19:32 time and to have dinner in 30 minutes
3 and then we met at 9 o'clock.

4 Q So this here is another indication in addition to the
5 goal of conversation you referred to that the time is off by
6 an hour?

7 A Yes, sir.

8 Q To what extent, if at all, did the subject of bribe
9 payments come up during that dinner?

10 A It was one of the topics we discussed.

11 Q And what did you discuss in that connection?

12 A I discussed about bribes, the fact that a decision taken
13 to exclude from the CONMEBOL revenues, from the CONMEBOL
14 treasury, the payment of the bribes to the group of six and to
15 Marin and Marco Polo, a decision taken a year before, was not
16 something that it was agreed and it was putting a bigger
17 burden outside of the original agreement. And regarding bribe
18 contracts, I discussed the interest of both Teleglobo and
19 Torneos to further extend the Copa Libertadores and Copa
20 Sudamericana after their expiration in 2032. And that we were
21 hoping, we Torneos and Teleglobo, we were hoping that once he
22 becomes the president he will make another four-year
23 expectation and the basis for doing so was the policy that
24 FIFA was taking worldwide with some of its contracts,
25 sponsorship contracts and TV rights contracts, that by that

1 moment, 2014 FIFA was signing contracts until the end of 2030.
2 So following that example.

3 Q Page 15, June 24, timestamp 8:23:39, Juan Angel Napout
4 says "Our dinner was the best. Thank you." Two lines later
5 you say, "Very good, talk and great dinner."

6 Is that referring back to the dinner you just
7 testified about?

8 A Yes.

9 Q Page 18, June 24, 2014, timestamp 16:33:29. Juan Angel
10 Napout says, "Marco Polo needs six tickets for tomorrow. He
11 owes us VIP there." You say, "Argentina." He says, "Yes. He
12 just asked me." And you say, "I have six in different
13 categories but they're not mine. They belong to AFA. They
14 have to pay or ask JG for them. I have to report them to an
15 AFA administrator when I arrive."

16 At the start of that who is Marco Polo. Who is Juan
17 Angel Napout referring to when he says Marco Polo?

18 A Juan Angel Napout is referring to Marco Polo Del Nero.

19 Q At that point in time what position is Marco Polo Del
20 Nero have?

21 A Marco Polo Del Nero was at that time together with Jose
22 Maria Marin at the CONMEBOL executive committee and he was one
23 of the CONMEBOL members at the FIFA executive committee.

24 Q At the top of page 19, Juan Angel Napout says, "Yes, I
25 will pay for them. No drama." You say, "They are not VIP.

1 Let me see what is in the envelope. Pay for them and charge
2 them to CONMEBOL. They should have a budget for tickets for
3 the remaining matches."

4 He says, "Hold them, I'll pay for them and CONMEBOL
5 will pay later. The important thing is to do right by Marco
6 Polo. Let me know and I will close and give you the money."

7 When he says, "the important thing is to do right by
8 Marco Polo," what did you understand him to mean by that?

9 A I understood that they should be on good terms with Marco
10 Polo Del Nero in order to get Marco Polo Del Nero and Brazil's
11 support for the election for Napout as the new president of
12 CONMEBOL in the beginning of 2015.

13 Q And at that point based on your observations and
14 discussions what was the relationship like between Juan Angel
15 Napout and Marco Polo Del Nero?

16 A I started to realize, especially after the May 2014
17 meeting 45 days before, that Marco Polo Del Nero proposing to
18 fire Eugenio Figueredo and Juan Angel Napout before the World
19 Cup and now I'm starting to realize more and more that Marco
20 Polo Del Nero was one of Napout's biggest allies.

21 Q Page 27 of the exhibit, timestamp 11:33:42. Juan Angel
22 Napout says, "Take care of me with the boss." Who is the
23 boss?

24 A Julio Grondona.

25 Q And the next line says, "He is making head" and there's a

1 translator note, "I'm not familiar with this expression." The
2 Spanish is *Le Sigue haciendo la cabeza*. What does that mean?

3 A This line refers to Eugenio Figueredo and it explains
4 that Eugenio Figueredo is trying to manipulate Grondona in
5 order for Grondona not to support Napout, but to vote for
6 Eugenio Figueredo's continuing with the election at the
7 beginning of 2015. He was talking about the presidential
8 position of CONMEBOL.

9 Q And moving further down from that line you say, "Yes."
10 And Juan Angel Napout says, "I know it from" -- our
11 different -- "from four different sources so please speak with
12 him. Please, Ale. And you said, "Yes, he does, but the cards
13 have been dealt already."

14 What did you mean by that?

15 A He's asking me to speak once more with Julio Grondona and
16 to reassure that he will vote for Juan Angel Napout for the
17 next CONMEBOL president at the beginning of 2015 and in
18 this -- he's insisting me his opinion and I'm saying be calm,
19 the cards are dealt. Be calm. This is already decided that
20 Julio Grondona is head.

21 Q Juan Angel Napout says, "You calm me down. I want to go
22 hand-in-hand with him."

23 What do you understand him to mean when he says, "I
24 want to go hand-in-hand with him"?

25 A He says this is an expression like when the father takes

1 the bride to the altar in the sense of saying he wanted to
2 reach the presidency of CONMEBOL taken by Julio Grondona's
3 hand, which as I explained was a key decision in CONMEBOL in
4 big matters and like a king maker.

5 Q And then he says, "That's what Horacio told me and you'll
6 hear about it." What did you understand him to be referring
7 to Horacio?

8 A Horacio Cartes, the president of Paraguay.

9 Q And he says, "Stay close to Don Julio. He told me."
10 What does it mean when he says, "Stay close to Don Julio, he
11 told me"?

12 A Horatio Cartes, C-A-R-T-E-S, has given Juan Angel Napout
13 the advice to keep attached, stay close to Julio Grondona and
14 then he will arrive to the right port, the right place which
15 in this case we were talking about the presidency, to get the
16 position of president of CONMEBOL in the beginning of 2015.

17 Q The last line on this page, page 27 of the exhibit, June
18 29, 2014, 12:17:33 you write, "We have to wait for the World
19 Cup to be over without making any noise."

20 And turning to the top of the next page, Juan Angel
21 Napout says, "That's what I do, I swallowed it all and you
22 know that I'm by myself and quiet at the Sofitel." And you
23 say, "My advice is for you to firm up your connections but
24 show independence in front of Julio and that way he will feel
25 that the two of you" -- "feel that the two of you together are

1 one block."

2 What do you mean by this advice?

3 A I mean knowing Julio Grondona pretty well that the fact
4 that he was running around, getting -- trying to get
5 everyone's support, now very close to Jose Maria Marin and
6 especially to Marco Polo Del Nero, wouldn't be the best
7 introduction or approach to reach Julio Grondona who wanted to
8 be himself the king maker.

9 So my advice is make all of your connections, keep
10 your block together, but let Julio Grondona feel -- make him
11 feel as if he's electing you the next president and not that
12 you are coming with the majority of presidents and imposing
13 such decision over him.

14

15 (Continued on the following page.)

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1 (Continuing)

2 Q And he says: Thank you, Ale. That is the advice of a
3 true friend and that's what I'm trying to do.

4 And you say: He's not very trusting of people up
5 north so you have to be tactful.

6 When you're referring to the people up north, what
7 do you mean by that?

8 A I mean the president of Venezuela Soccer Federation,
9 Colombia Soccer Federation, Peru Soccer Federation and Ecuador
10 Soccer Federation.

11 Grondona was always a little bit more distant to
12 those soccer federations and, in a certain way, to those
13 presidents.

14 MR. NITZE: Page 38, July 2nd, 2014, time stamp
15 10:04:51 and following.

16 One line from Napout says: How are you.

17 You say: Fine. You?

18 He says: Yes, Ale, for the semis in Sao Paolo. The
19 Attorney General of the state wants to buy four.

20 Top of the next page he says: I wouldn't ask
21 Eugenio for anything else, but we have a trial over there.
22 There are two judges mad because I refused.

23 And you say: Okay.

24 Q Now, what is he asking you for here?

25 A He's asking me for tickets -- for tickets for a semifinal

1 that was going to be played in Sao Paulo, Brazil, and
2 approximately ten days after; one week after.

3 Q And tickets for whom?

4 A For the Paraguay Attorney General.

5 MR. NITZE: Page 41, July 7, 2014, time stamp
6 14:18:07.

7 You say: Maybe instead of having dinner on
8 Thursday, we can have breakfast on Friday with Campos Pinto.

9 You say that.

10 Q Who is Campos Pinto?

11 A Marcelo Campos Pinto was, for a long time, the top person
12 responsible within Tele Globo of the sports division.

13 Q Then you say: I was talking to Marco Polo, everything
14 was great.

15 And what are you referring to there?

16 A That I had a conversation with Marco Polo Del Nero and
17 he's fine and supportive.

18 Q And supportive of what?

19 A Supportive of Juan Angel Napout project of becoming the
20 next president of CONMEBOL.

21 Q And this meeting that you're discussing with respect to
22 Marcelo Campos Pinto, what was that about?

23 A The meeting with Marcelo Campos Pinto was a continuation
24 of the dinner I had at Cipriani Restaurant. It was a
25 continuation of the dinner at Cipriani. It was a breakfast

1 finally organized for Marcelo Campos Pinto to express his
2 support for Juan Angel Napout as the next president of
3 CONMEBOL, and also a meeting to confirm Juan Angel Napout's
4 plan when he becomes the president, and in particular, the
5 plans to extend contracts for Copa Libertadores and
6 Copa Sudamericana beyond 2022.

7 MR. NITZE: Page 46 July 11, 2014, 17:28:35.

8 You ask: Any news about the tickets?

9 Juan Angel Napout says: I spoke with Marin and
10 Marco Polo. I'm waiting for a respirar from both.

11 Then he says: For an answer.

12 Q Do you know what this is about?

13 A Yes.

14 Q What?

15 A Basically, Argentina arrived to the FIFA World Cup 2014
16 final. There are thousands of Argentinians trying to, or
17 going to Brazil, and even Grondona, and all of his influence
18 couldn't handle so many, such a big demand of tickets, VIP
19 tickets, and all types of requests.

20 So at this moment I'm going -- I'm trying to seek
21 Juan Angel Napout's help, and he is an intervention with
22 Marco Polo Del Nero and Marin in order to see if they have
23 tickets available since Brazil was eliminated in the
24 semifinals. They lost by big score with Germany. And now,
25 many Brazilians, probably wouldn't want to go to see the final

1 because they were very annoyed and sad. So there should be
2 many resident tickets available in order to cope with
3 Argentinian fans' demand.

4 MR. NITZE: And on page 48 July 13, 2014, at
5 20:28:38.

6 Juan Angel Napout says: Thanks to you. I will
7 visit you soon. Let me know when you think the environment is
8 right and I'll go.

9 And you say: Beginning of August?

10 He says: Perfect; three or four. Noted.

11 And you say: Wednesday, the 6th, to see JG on
12 the 7th.

13 Q What is this you're referring to with Wednesday the 6th
14 to see JG?

15 A We are talking about the beginning of August, and I am
16 trying to set, once more, a meeting between Juan Angel Napout
17 and Julio Grondona, at Julio Grondona's apartment in
18 Porto Madero, Buenos Aires.

19 Q After the World Cup in Brazil, what, if anything,
20 happened to Julio Grondona?

21 A At the end of July 2014, he passed away.

22 Q And how, if at all, did his death affect the political
23 alignment at CONMEBOL?

24 A Can you repeat the question please.

25 Q Yes.

1 How, if at all, did the death of Julio Grondona
2 affect the political alignment at CONMEBOL?

3 A To a great extent.

4 Q And how so, specifically?

5 A Well, they basically, immediately after Julio Grondona
6 passed away, at the funeral, they had a meeting. I was not in
7 Paraguay for that meeting. But the beginning of August 2014,
8 Grondona passed away the last days of July, they provoked that
9 meeting in Asuncion -- there was a meeting in Asuncion,
10 Paraguay, and Juan Angel Napout was appointed president of
11 CONMEBOL, to finish the mandate that started with Leoz, that
12 continue with Eugenio Figueredo, until the beginning of 2015.

13 Q What happened with the FIFA executive committee seat that
14 had been held by Julio Grondona?

15 A The FIFA executive committee seat that Grondona had was
16 given to Luis Bedoya, president of the Colombia Soccer
17 Federation.

18 Q Turning your attention to September of 2014.

19 Did you travel to the United States?

20 A Yes, sir.

21 Q What for?

22 A For two reasons.

23 Q What were those reasons?

24 A The first reason, I went to Las Vegas again to see the
25 rematch between Mayweather and Maidana.

1 And this time, by chance, because he was there for a
2 musical festival, I met again Chiriboga, and I gave him two
3 tickets for the boxing fight, and didn't have dinner, but had
4 a long conversation up the Las Vegas Strip because we couldn't
5 get a taxi back.

6 Q And what other reason did you have for going to the
7 United States?

8 A After going to Las Vegas, I went to Miami, and there was
9 a meeting organized in Miami by the Fox Sports authorities
10 between Fox Sports top authorities, Luis Bedoya and Juan Angel
11 Napout.

12 Q Which Fox authorities specifically are you referring to?

13 A I'm referring to Hernan Lopez and Carlos Martinez, the
14 top authorities in the Fox Sports business.

15 Q And where did you meet them?

16 A At the Greek restaurant named Milos in Miami Beach.

17 MR. NITZE: If I could publish just to the witness,
18 Your Honor, Government's Exhibit 460 for identification.

19 THE COURT: All right.

20 Q Do you recognize this document?

21 A Yes, sir.

22 Q And what does it depict?

23 A The Milos restaurant in Miami Beach.

24 MR. NITZE: The Government offers 460.

25 THE COURT: Any objection?

1 ALL DEFENSE COUNSEL: None, Your Honor.

2 MR. NITZE: And if we could publish.

3 THE COURT: Okay. 460 is admitted.

4 (Government's Exhibit 460 received in evidence.)

5 (Exhibit published to jury.)

6 BY MR. NITZE:

7 Q What was the purpose of the meeting that you had at
8 Milos?

9 A The main purpose of the meeting at Milos was handling a
10 discussion I been entertaining with Fox Sports authorities
11 that involved CONMEBOL.

12 The discussion that we were having with Fox Sports
13 authorities was eliminating intermediate vehicles, such as
14 T&T, which was the right holder in the relationship between
15 Fox Sports and CONMEBOL. And by doing so, Fox Sports would
16 have a direct conversations and contract with CONMEBOL, and in
17 that context, Fox Sports would renew production contracts with
18 Torneos y Competencias, which was long-time production, the
19 production company broadcasting the Copa Libertadores match
20 for Fox Sports.

21 Within those discussions also there was a
22 negotiation regarding an increase that all parties would give
23 CONMEBOL, starting in year 2016, for the period of '16, '17
24 and '18. I believe I mentioned before, yesterday, that every
25 three years CONMEBOL had the possibility of rediscussing the

1 amount, depending on economic conditions, and -- well, that
2 time was coming and in the context of reshuffling and
3 remodifying CONMEBOL contracts, it was a good opportunity to
4 establish the higher payment for Copa Sudamericana,
5 Copa Libertadores rights and under the contracts with
6 CONMEBOL.

7 Q You testified earlier about an entity called T&T based in
8 the Netherlands that had certain contracts with Globo.

9 Do you remember that testimony?

10 A Yes, sir.

11 Q And were those contracts -- did they relate to the
12 Copa Libertadores and Sudamericana?

13 A Yes, sir.

14 Q And were those contracts part of this discussion at the
15 restaurant in Miami?

16 A No. We were always speaking about the rights for the
17 Americas, excluding Brazil, and also we were not talking about
18 the rights outside of the America, which were already set in a
19 part of the contract with Full Play and Torneos, after 2018.

20 Q And why weren't the contracts for the rights in Brazil a
21 part of the discussion?

22 A Because by September 2014, the five persons that we were
23 having lunch together at Milos restaurant in Miami Beach, knew
24 that part of the funding for the bribe payments under the
25 CONMEBOL Copa Sudamericana and Copa Libertadores contracts,

1 was coming from Globo payment to T&T Netherlands, and from
2 them, to the executives.

3 So, me, Hernan Lopez, Carlos Martinez and me, nor
4 Juan Angel Napout, nor Bedoya wanted to modify that structure.

5 Q After the meeting in Miami in September of 2014, did
6 there come a time when you traveled to Asuncion again for
7 CONMEBOL meetings?

8 A Yes, sir.

9 Q And when was the next time you did that?

10 A By mid- end October 2014. In October 2014.

11 Q And why did you travel to Asuncion at that time?

12 A It was my first travel to visit to Asuncion de Paraguay
13 after Grondona passed away and Argentina soccer association
14 had a new president Luis Segura, who used to be Julio Grondona
15 first vice president, he came up. And I traveled with him to
16 a CONMEBOL executive committee meeting.

17 Q And what concerns, if any, did you have about your place
18 at CONMEBOL now that Grondona was gone?

19 A Big concerns.

20 Q Why?

21 A Because Grondona was, in particular, since the end of
22 November 2009, when Nofal was weak and then passed away, and
23 then along all of those years, has been supporting and
24 protecting Torneos, helping Torneos, aiding Torneos,
25 benefitting Torneos, and I understood that now both Torneos

1 and me were orphan, in a certain way, and I was hoping that
2 the meetings in CONMEBOL went in the same direction and didn't
3 affect negatively the life, the life of the contracts and the
4 life of Torneos.

5 And also since before Nofal and then me, we used to
6 run by Julio Grondona all of the bribe payments, and he would
7 take this decision, oh, now Burga goes away, this comes in.
8 This is too much. This is too -- and 600,000 is not enough
9 for Marco Polo Marin, now 900,000 and all of those moves I
10 had -- I had the concern what was going to happen next.

11 On top of that, Eugenio Figueredo that was thrown
12 out of the presidency of CONMEBOL at the beginning of August,
13 earlier than he expected, because Grondona passed away,
14 already came to me saying that Juan Angel Napout, as part of
15 his resignation, he came up as president, told him that he was
16 going to continue having the presidential treatment in the
17 sense of getting \$1 million per year for Copa Libertadores and
18 Copa Sudamericana in terms of bribes.

19 MR. PAPPALARDO: Excuse me, Your Honor, when he said
20 he, who is he?

21 THE WITNESS: Eugenio Figueredo.

22 MR. PAPPALARDO: He --

23 THE COURT: No, you are not questioning him now,
24 Mr. Nitze is.

25 THE WITNESS: Sorry.

1 THE COURT: So overruled.

2 Just respond to Mr. Nitze's questions.

3 THE WITNESS: All right.

4 BY MR. NITZE:

5 Q You just were referring to he, somebody who is to receive
6 the presidential treatment.

7 Who are you referring to?

8 A I'm referring to the conversation I had with Eugenio
9 Figueredo, and the agreement Eugenio Figueredo told me he
10 reached with Juan Angel Napout, about Eugenio Figueredo
11 continuing to collecting, maybe for his lifetime, \$1 million
12 for the Copa Libertadores and Copa Sudamericana contracts.

13 Q So, Mr. Burzaco, what happened after you arrived in
14 Asuncion?

15 A After I arrive Asuncion, I was asked by someone close to
16 Juan Angel Napout to go to a room at the Bourbon Hotel.

17 Q And what is the Bourbon Hotel?

18 A The Bourbon Hotel is big hotel right next to the CONMEBOL
19 Convention and Museum, and right next to CONMEBOL headquarters
20 building that was built and I don't know if it was owned at
21 that moment, but it was built and it was like CONMEBOL Hotel.

22 Q Did you go to the room?

23 A I went to the room that they ask me to go.

24 Q Who was there?

25 A It was -- I went to the room and inside the room was Juan

1 Angel Napout and Marco Polo Del Nero.

2 Q And what happened after you got to the room?

3 A They went straight to the subject.

4 Q What was the subject?

5 A They went straight to the subject of bribes and basically
6 asking me to explain them what were the total bribes that
7 Julio Grondona was collecting for Copa Sudamericana and
8 Copa Libertadores and that's what I explained.

9 Q And what instructions, if any, did you receive after
10 that?

11 A Well, I went through all the money that Grondona
12 collected on a yearly basis for Copa Libertadores and
13 Copa Sudamericana, and I received the whole picture of how to
14 allocate the funds, the money, the bribes that Grondona used
15 to collect among all the soccer executives at CONMEBOL that
16 were collecting bribes at that point in time, October 2014.

17 Plus, they also resolved or who was going to collect
18 and how much was going to collect Luis Segura as the new
19 president of Argentine Soccer Federation, because Segura was
20 also inquiring me and asking me what's for him.

21 MR. NITZE: Could we --

22 THE COURT: Can I ask a point of clarification.

23 You used the word received the whole picture. Did
24 you mean the word received that someone told you there, or did
25 you explain the whole picture?

1 THE WITNESS: No. I explain -- I explained what the
2 whole picture was and, in particular, I explained what was the
3 total amount Julio Grondona was collecting until he passed
4 away for Copa Libertadores and Copa Sudamericana.

5 THE COURT: Okay.

6 Go ahead, Mr. Nitze.

7 MR. NITZE: I was going to say this might be a good
8 time to take a brief afternoon break.

9 THE COURT: Yes. Okay.

10 Why don't we take a 15-minute break, as per our
11 usual. So please be ready to go at 4:15, everyone.

12 Do not talk about the case, even amongst yourselves.

13 THE COURTROOM DEPUTY: All rise.

14 (Jury exits.)

15 (In open court; outside the presence of the jury.)

16 THE COURT: Have a seat, everyone.

17 Folks, you can take a break, if you want. You have
18 15 minutes.

19 (Recess taken.)

20 (In open court.)

21 (Judge PAMELA K. CHEN enters the courtroom.)

22 THE COURT: Ms. Abdallah is getting the witness,
23 have a seat everybody.

24 One question for you, Mr. Nitze. Do you have any
25 sense of how long you will be on the direct? Because we are

1 getting close to the close of the day anyway.

2 MR. NITZE: We are. I am hoping to finish the
3 direct by 5:30.

4 THE COURT: Okay. All right. That may be a logical
5 stopping point and then I will not have to explain anything.

6 Is it still the Government's plan, though, to put on
7 another witness between his direct and his cross?

8 MR. NITZE: At this point, I don't think it would
9 make sense.

10 THE COURT: Agreed.

11 MR. NITZE: And actually, I am hoping to be done by
12 5:30, but it would be good if we could just finish the direct
13 today and we can start with the cross tomorrow, so there won't
14 be any need for an instruction relative to that.

15 THE COURT: I think that is a good idea. Unless we
16 get some serious pushback from the jury, for example, someone
17 has to be somewhere, we will go, hopefully, as long as we need
18 to, but not much over 5:30 to get it done.

19 And then we have to deal with the Government's
20 application.

21 (Witness resumes stand.)

22 THE COURT: Let's get the jury.

23 THE COURTROOM DEPUTY: All rise.

24 (Jury enters.)

25 THE COURT: Please be seated, everyone.

1 Mr. Nitze, you may resume your examination.

2 Welcome back, ladies and gentlemen.

3 MR. NITZE: Thank you, Your Honor.

4 DIRECT EXAMINATION.

5 BY MR. NITZE: (Continuing)

6 Q Mr. Burzaco, before we return to the topic we were
7 addressing before the break, are you aware of a shorthand used
8 in chat communications for the city of Buenos Aires?

9 A Sorry. Can you repeat the question.

10 Q Yes. That was a confusing question.

11 Are you aware of a, or have you ever used a
12 shorthand that is an abbreviation for the words Buenos Aires,
13 the city of Buenos Aires, in text or chat communications?

14 A I would use for Buenos Aires, either BSAS or BA. Those
15 are typical abbreviations I use for the city of Buenos Aires.

16 Q Thank you.

17 So you were testifying before the break about a
18 meeting at the Bourbon Hotel in Asuncion, Paraguay in
19 October 2014, and you had indicated that you -- well...

20 What instructions, if any, did you receive from the
21 others who were present at the meeting, Juan Angel Napout
22 and/or Marco Polo Del Nero, in connection with the bribe topic
23 that you testified about earlier?

24 A Okay. I described and we went through all of the bribes
25 linked to Copa Libertadores, Copa Sudamericana contract, and

1 the first -- and what was Grondona collecting for that
2 purpose.

3 First, I described what each president of soccer
4 association was collecting; the members of the Group of Six,
5 or the four or five Group of Six. So I explained that after
6 Rafael Esquivel from Venezuela, Luis Bedoya from Colombia,
7 Luis Chiriboga from Ecuador, Sergio Jadue from Chile, Manuel
8 Burga was not collecting at that time anymore, Carlos Chavez
9 from Bolivia and Juan Angel Napout from Paraguay, were all
10 collecting \$400,000 per year.

11 So the first decision informed to me, or told to me,
12 was to raise all of those soccer executives to \$500,000 per
13 year. But then Marco Polo interfered and said in the case of
14 Juan Angel Napout, since he is now the president of CONMEBOL,
15 you should give him a presidential treatment and you should
16 raise the total amount paid to Juan Angel Napout to
17 \$1.8 million per year for these tournaments.

18 Now, Napout thanked, but made a small comment saying
19 that he wanted to continue collecting \$500,000 through
20 Jinkises and let's decide on a second stage, how he was going
21 to collect the 700,000 increase difference.

22 Then Juan Angel Napout spoke and said, now we have
23 Brazil's full support and, as you can see here in this meeting
24 room, now Marco Polo Del Nero is going to be the leading force
25 for us worldwide at FIFA and keep us glue within CONMEBOL.

1 So I suggest that for the Brazilians, meaning
2 Marco Polo Del Nero and Jose Maria Marin, instead of
3 collecting \$900,000 per year, they should raise to my same
4 level of 1.2 million per year for Copa Libertadores and
5 Copa Sudamericana. That was said by Juan Angel Napout.

6 And then Marco Polo Del Nero talked to me and said,
7 Alejandro, you know that at the beginning of next year, Jose
8 Maria Marin is going to finish his mandate as president of
9 CVF. He was going to complete the Ricardo Teixeira
10 presidential mandate as president of CVF by the beginning, at
11 some moment, at the beginning of 2015.

12 So Juan Angel Napout mentioned that the Brazilians
13 would go to 1.2 but Marco Polo Del Nero said, Alejandro,
14 please hold to the end of the first six months, to June, the
15 payment of the 1.2, because I am not going to share it with
16 Jose Maria Marin. I'm going to keep the 1.2 entirely for me,
17 because Marin is going to be out of the presidency of CVF.
18 I'm going to keep that money for me.

19 Okay. Well. So I ask him about Eugenio Figueredo
20 and the fact that he was collecting \$1 million. He left the
21 presidency in an urgency after Grondona died and now he's
22 claiming that he wants to keep collecting \$1 million.

23 What was their conversation with him? And they said
24 that they didn't assure him that he was going to continue
25 collecting \$1 million, but since he was still at the FIFA

1 executive committee, they wanted to have like a soft landing
2 and he should be paid \$300,000 for the year 2015 and
3 thereafter zero.

4 Okay. So that was Eugenio Figueredo.

5 Then I asked him, what about Argentina, Secretary
6 General Meiszner is collecting \$300,000 and Luis Segura is
7 asking me what's for me, the new president of Argentine Soccer
8 Federation. And they made all the demands with the reduction
9 of Figueredo, with Grondona passed away, with everything that
10 was already -- the amount the soccer, presidents of the Group
11 of Six, with increase to Napout, with increase to the
12 Brasileiros, and basically to Marco Polo Del Nero, and then
13 they said, well, there's \$300,000 left, start paying Segura
14 \$300,000 per year.

15 In that way, it matched the sources of funds, the
16 money that was paid to Grondona and to Figueredo with all the
17 increases to all the presidents.

18 They also give me a warning regarding Carlos Chavez
19 that was constantly coming to try to learn what was the
20 overall picture of bribe payments, exactly what I was
21 explaining, and we were discussing in that meeting; always
22 speaking with Copa Sudamericana and Copa Libertadores and he
23 has to be satisfied with \$500,000 per year.

24 (Continued on following page.)

25

1 DIRECT EXAMINATION(Continued)

2 BY MR. NITZE:

3 Q Did you mention during that meeting the previous increase
4 for Bedoya and Chiriboga up to \$600,000 per year?

5 A No. I didn't mention that in 2012 we started paying Luis
6 Chiriboga and Luis Bedoya an additional 200,000 and they were
7 already collecting \$600,000 per year. I mentioned that they
8 were collecting 400 and they say, well, they're going to go up
9 like all the other to 500.

10 Q What, if anything, Juan Angel Napout tell you about
11 whether to -- about the disclosure of the information that he
12 was to get 1.2 million now.

13 A He mentioned me when it was agreed that he was going --
14 after Marco Polo Del Nero's proposal that he was agreed that
15 he was going to collect \$1.2 million, that 500,000 should go
16 through the Jinkis Full Play normal flow of funds and the
17 remaining \$700,000 we were to discuss -- to reach the 1.2 we
18 were to discuss after that meeting in some other moment.

19 Q As far as you telling Hugo Jinkis or others about the
20 increase, what instruction, if any, did he give you?

21 A Well, as soon as we walk out of the meeting Marco Polo
22 Del Nero stayed in the room and Juan Angel Napout told me,
23 regarding Hugo and Mariano Jinkis, please don't tell them that
24 I am collecting \$700,000 more.

25 Q Who, if any, one at Torneos was responsible for keeping

1 track of these various payment obligations that you just
2 described?

3 A Eladio Rodriguez was responsible for keeping track,
4 making the actual payments and receiving acknowledgment.

5 Q What were his responsibilities at the company generally?

6 A He was the long-time head of the administrative
7 department.

8 Q And what sort of documents, if any, did he use to keep
9 track of the bribe payments?

10 A He used to keep spreadsheets or charts with sometimes
11 with a year, amount, nicknames, and he would have that to --
12 as a memory aid.

13 Q Did he keep any detailed charts or records of payments?

14 A I understand he kept more simple and more detailed charts
15 of payments.

16 Q Were there times when he would show you those documents?

17 A Yes, sir.

18 Q You mentioned nicknames, what sort of nicknames do you
19 remember, if any?

20 A In the case of Julio Grondona he would call him the Pope.

21 Q And in Spanish what would that be?

22 A Papa.

23 Q What about for Marco Polo Del Nero and Jose Maria Marin?

24 A As we see in the email, he was using the nickname he put
25 regard Brasileiro.

1 Q Did he ever use the word Cristina that you know of?

2 A Yes, sir.

3 Q And what's the significance of that name?

4 A Cristina used to be in -- until the end of 2015, Cristina
5 Fernandez De Kirchner used to be the president of Argentina.

6 Q And so what was the significance of that nickname in
7 those documents?

8 A He would capture payment to Jorge Delhon and Pablo
9 Paladino under their nickname Cristina.

10 Q Did you ever pay bribes to Cristina Kirchner?

11 A No.

12 Q To your knowledge did Eladio Rodriguez have a counterpart
13 at Full Play?

14 A Yes.

15 Q Somebody who performed the similar role to him at Full
16 Play?

17 A Yes, sir.

18 Q Do you know the name of that person?

19 A Santiago Pena.

20 MR. NITZE: I'm going to publish, if I could, Your
21 Honor, two exhibits in evidence. One Government Exhibit 67.

22 THE COURT: Okay.

23 Q Do you recognize the person depicted in Government
24 Exhibit 67?

25 A Yes.

1 Q Who is it?

2 A Eladio Rodriguez.

3 Q And do you recognize the person depicted in Government
4 Exhibit 64?

5 A Yes.

6 Q Who is it?

7 A Santiago Pena.

8 Q In the context of the payments of bribes, what work, if
9 any, did those two have to do together?

10 A They will sit down together and try to square numbers in
11 the sense of who paid who and how much and if there was any
12 unbalance account because someone for Torneos and Full Play
13 paid more than 50 percent of its share of business in terms of
14 bribes, they would seek ways to compensate the amounts in
15 order that the pro rata participations were followed by the --
16 by the final payments done by each party.

17 Q Did Torneos and Full Play have legitimate business
18 together, the two companies?

19 A Yes, sir.

20 Q Did you travel to Chile in 2014?

21 A Yes, sir.

22 Q Why did you go there?

23 A I went to Chile in November 2014 to attend to Copa
24 America 2015 draw that was going to take place in Chile in
25 November of 2014.

1 Q Were there any representatives of CONCACAF present there?

2 A Yes, sir.

3 Q And during your time in Chile did you have any
4 conversations with representatives of CONCACAF?

5 A Yes, sir.

6 Q With which -- with whom from CONCACAF?

7 A With the president of CONCACAF, Jeffrey Webb.

8 Q How is it that you came to have conversation with Jeffrey
9 Webb?

10 A Eugenio Figueredo approached me at the lunch and
11 indicated to me that Jeffrey Webb wanted to have a meeting
12 with me and he, Eugenio Figueredo, gave me Jeffrey Webb's room
13 number and asked me to go there later in the afternoon.

14 Q Did you go to Jeffrey Webb's room?

15 A Yes, sir.

16 Q And who was present in the room when you got there?

17 A I knocked the door and there were three people in the
18 room, one that I've seen close to Jeffrey Webb a number of
19 times but I didn't know who he was, and two others.

20 Q Was Jeffrey Webb also there?

21 A In -- yes, but in the second room attached to this living
22 room where I came in.

23 Q Did you end up having a private conversation with Jeffrey
24 Webb?

25 A Yes, sir.

1 Q And what, if anything, did he ask of you with respect to
2 the Copa Centenario bribe payment you testified about earlier?

3 A Basically he asked me when are you going to pay the
4 \$10 million in -- that you owe me, when are you going to pay
5 the \$10 million in bribes.

6 Q What answer did you have for him?

7 A Well, we are talking among the partners, we have to
8 discuss it further, you have to wait.

9 Q After you were in Chile for the draw, where did you go?

10 A I was in Chile for the draw, I went back to Buenos Aires,
11 Argentina.

12 Q Did there come a time when you had a conversation with
13 Hugo Jinkis relating to World Cup qualifier matches in
14 Paraguay?

15 A Yes, sir.

16 Q And what, if anything, did he tell you?

17 A In a number of meetings in Buenos Aires, Argentina in the
18 last quarter of 2014, he expressed me his disappointment with
19 Juan Angel Napout regarding World Cup qualifiers contracts
20 that Full Play have in place with Paraguayan Soccer
21 Association.

22 Q What did he say he was disappointed about?

23 A He told me he was disappointed because he had an
24 understanding with the Paraguayan Soccer Federation,
25 association and he had a bribe agreement in place for those

1 rights with Juan Angel Napout and the new president at that
2 time, Alejandro Dominguez of the Paraguayan Soccer
3 Federation -- Alejandro Dominguez was the president name, was
4 the president of the Paraguayan Soccer Association. Juan
5 Napout was -- decided to be president in 2014 of CONMEBOL. So
6 a new -- he went up to president of CONMEBOL and someone else
7 replace him at the Paraguayan Soccer Association, his name
8 is -- or was Alejandro Dominguez. And Alejandro Dominguez, to
9 answer your question, Alejandro Dominguez was challenging --
10 was challenging Hugo Jinkis and Full Play and Hugo Jinkis was
11 the expecting Juan Angel Napout to defend both their contracts
12 and the loyalty that he has given for those contracts.

13 Q Did you travel to Punta del Este in the early weeks of
14 2015?

15 A Yes, sir.

16 Q Wheres is Punta del Este?

17 A Punta del Este is a beach resort in Uruguay.

18 Q How far is it from Buenos Aires?

19 A It's a one-hour flight from Buenos Aires.

20 Q Why did you go to Punta del Este?

21 A I went to Punta del Este to participate in a series of
22 social events linked and around a soccer tournament that was
23 going to be played in Uruguay in summer, southern summer in
24 January 2015.

25 Q Did you see Juan Angel Napout in Punta del Este at that

1 time?

2 A Yes, sir.

3 Q Did the subject of Paraguayan World Cup qualifier matches
4 come up?

5 A Yes, sir.

6 Q How did it come up?

7 A I was surprised by Juan Angel Napout, now president of
8 CONMEBOL, not defending Hugo Jinkis in his discussions with
9 Alejandro Dominguez regarding the World Cup qualifiers and I
10 brought the subject to him.

11 Q And briefly what, if anything, did he say to you?

12 A Briefly he said to me that Hugo Jinkis is making a lot of
13 money with the World Cup qualifiers, that this was not subject
14 I have to take responsibility for and that Alejandro
15 Dominguez, as a first steps as a new president of the
16 Paraguayan Association is trying to have some goals, some
17 success and also that Alejandro Dominguez was not a very
18 successful businessman and he will probably request from Hugo
19 Jinkis a bribe, Hugo Jinkis will have to pay him something to
20 keep him satisfied.

21 Q Did the name Vierci come up during that conversation?

22 A Yes, sir.

23 Q In what context?

24 A He explained me that he -- that Juan Angel Napout
25 explained me that regarding that specific contract, the World

1 Cup qualifier contract, his loyalty and he would fight with
2 anyone that would try to challenging Alejandro Dominguez --
3 anyone that would try to challenge that World Cup qualifiers
4 contract with the Paraguayan Soccer Federation his loyalty was
5 with Vierci.

6 Q Do you know who Vierci is?

7 A I knew Vierci was a media entrepreneur in Paraguay, but I
8 didn't know and I don't know who he is.

9 Q Do you know his first name?

10 A No.

11 Q Turning to April of 2015, did you travel outside of South
12 America in connection with your work?

13 A April of 2015, yes.

14 Q Where did you go?

15 A I came to the U.S. and from the U.S. I went to Bahamas to
16 attend to a series of meetings in Bahamas in or around the
17 same time the CONCACAF congress was going to take place at the
18 big hotel in the Bahamas, Atlantis Hotel.

19 Q At that time what was the status of the Copa Centenario
20 project?

21 A At that time Copa Centenario was a reality, not a project
22 because all the contracts were signed and in place and in the
23 months previous, in the second six months of 2014, FIFA
24 approved that the Copa Centenario was going to be officially
25 in the FIFA calendar. And when FIFA blessed a tournament by

1 allowing it to be included in the FIFA calendar it would give
2 the right, the right, the empowerment to the soccer
3 federations of each country to demand the best players of the
4 world to wherever club they are playing to come and play for
5 the national team at such tournament. So FIFA approved the
6 Copa Centenario and included it in the FIFA world match
7 calendar.

8 Q Did Juan Angel Napout travel to the Bahamas?

9 A Yes, sir.

10 Q Did you speak with him there?

11 A Yes.

12 Q And what topics did you discuss with Juan Angel Napout in
13 the Bahamas?

14 A A number of different topics.

15 Q Just briefly what were they?

16 A Basically the topics were, modifications of contracts
17 between CONMEBOL, TNT and Fox Sports, World Cup qualifiers for
18 World Cup Russia 2018, and the number of national teams that
19 would qualify from South America. The other subject that we
20 discussed in the Bahamas was all of the political alignment
21 linked to the reelection of Blatter that was going to take
22 place in May 2015 in Zurich, Switzerland. And who was going
23 to vote for Blatter, who was not going to vote for Blatter and
24 what should be CONMEBOL's alignment going forward.

25 Q What interest, if any, did Juan Angel Napout express with

1 respect to the presidency of FIFA?

2 A He expressed me that CONMEBOL should have a strong
3 strategic alliance with Platini, that precisely at that moment
4 was Blatter's enemy but should not express it until one day
5 after Blatter is reelected. Then Blatter is going to be
6 reelected and CONMEBOL should group together with Europe with
7 Platini to try to form a majority of votes for the future
8 presidency of FIFA. And in that context he thought that four
9 years from there in 2019 either Platini or himself could be
10 the future FIFA president.

11 Q You mentioned the word "Platini," who are you referring
12 to?

13 A To Michel Platini the president of UEFA at that moment,
14 which is April 2015.

15 Q Where did you go when you left the Bahamas?

16 A I went back to the U.S.

17 Q How did you get there?

18 A Napout invited me to go in a private jet that was taking
19 him from Bahamas to Fort Lauderdale in Florida, close to
20 Miami.

21 Q Mr. Burzaco, did there come a time when you became aware
22 that U.S. authorities were investigating corruption in soccer?

23 A Yes, sir.

24 Q When did that happen?

25 A By the end of October, beginning of November 2014.

1 Q And just briefly, how did that come to your attention?

2 A I was asked by Hugo Jinkis for a coffee at a restaurant
3 in Buenos Aires and he explained me that he had very good
4 information about an investigation in the U.S.

5 Q And what did he say his information was?

6 A He said that the U.S. grab Jose Hawilla the Traffic
7 president and owner back in sometime probably in 2013, that
8 Hawilla was cooperating with the U.S. prosecutors to try to
9 grab other people and investigating corruption in soccer. At
10 that point I'm talking about late October, early November he
11 told me that. And he also told me that the source of all of
12 this information was a person, a Brazilian person that used to
13 work for Jota Hawilla that used for Traffic, an entrepreneur
14 that was already a partner of Full Pay in many businesses in
15 Brazil and that this Brazilian sports entrepreneur had given
16 Hugo Jinkis all of this information.

17 Q What was the name of that entrepreneur?

18 A Kleber Leite.

19 Q And what was the name of his company, if he had one?

20 A Klefer.

21 MR. NITZE: If I could briefly publish Government
22 Exhibit 49 in evidence.

23 (Exhibit published.)

24 THE COURT: All right.

25 BY MR. NITZE:

1 Q Who is depicted in Government Exhibit 49?

2 A Kleber Leite.

3 Q So if you knew or had information about a government
4 investigation, why did you travel from Argentina to Zurich in
5 May of 2015, as you testified at the start of your testimony?

6 A I traveled to the U.S. in April and then I traveled to
7 Zurich in May 2015 because I already took my internal decision
8 that if I broke the law in the U.S., as I suppose I did, I was
9 going to face it.

10 Q When you traveled to Zurich, what plans, if any, did you
11 have to meet with Juan Angel Napout?

12 A We made plans to meet in Zurich after I went -- after I
13 arrived. To make the plans before and we agreed to meet when
14 I arrived.

15 Q Did you meet with him?

16 A Yes, sir.

17 Q Where did you meet with him?

18 A I met him at the hotel Baur au Lac on May 26 at night and
19 we had dinner together.

20 Q And did you -- what plans, if any, did you have to meet
21 again after that?

22 A I ask him to have a more private meeting the next morning
23 at the Baur au Lac breakfast room because I was still having
24 demands from Eugenio Figueredo to collect the full
25 presidential right amount and from Carlos Chavez that he was

1 not satisfied with \$500,000 as bribe, as new bribe level
2 payment per year.

3 Q And did you end up having that second meeting with
4 Mr. Napout?

5 A No.

6 Q Why not?

7 A No, sir.

8 Q Why not?

9 A I was staying at the nearby hotel, the Park Hyatt and the
10 next morning, which would be May 27 in the morning, I walked
11 from the Park Hyatt Hotel to the Baur au Lac Hotel, and I
12 learned on the way through two different communications that
13 there was the criminal investigation in the U.S. have gone
14 further and I was, together with many other soccer officials,
15 on the front page of the New York Times.

16 Q Did you end up going to the Baur au Lac?

17 A Yes, I learned that they were putting people in prison in
18 the Baur au Lac and I decided to go anyway. I asked the
19 security guard to let me in.

20 Q And, just briefly, what was happening at Baur au Lac when
21 you got there?

22 A I went to the breakfast room, I arrived at nine and it
23 was a complete anarchic situation with people very worried. I
24 believe I recall Jose Maria Marin's wife crying and Jose Luis
25 Meiszner there and many people trying to -- Juan Angel Napout,

1 Perogia, they were all running around trying to get Swiss
2 lawyers for the CONMEBOL executives that were imprisoned ed by
3 Swiss authorities. Marco Polo Del Nero was also there. They
4 were all discussing about what happened that early -- early
5 that morning and not many people had felt or I realized wanted
6 to speak with me and to my -- to my -- that was one of the
7 subjects. And the other subject was how are we going to vote
8 in the presidential election given all of that, we need to
9 keep the Blatter votes. So in parallel there was a political
10 discussion regarding the presidential election in FIFA and if
11 this U.S. process and people soccer, officials being put in
12 jail was going to effect or not Blatter getting reelected and
13 how was the CONMEBOL members going to vote. So all of that
14 was happening at the breakfast room. I stayed like one hour
15 and a half there and then I went to the lobby.

16 Q Did you leave Switzerland that day?

17 A Yes, sir.

18 Q Where did you go?

19 A I went to Milano, Italy.

20 Q Why did you go to Italy?

21 A After being at the Baur au Lac for two hours, I asked the
22 policeman to let me out to open the door, I left the hotel and
23 I met with a lawyer that was in Zurich at the Zurich coffee
24 house.

25 Q Without explaining what discussion you had with the

1 attorney, why did you go to Italy?

2 A I went to Italy two main reasons: One, I am an Italian
3 citizen and thought that any right that I have would be better
4 preserved there and, secondly, my Argentinian criminal lawyer
5 and friend who, at that time was in a tourist trip in Asia,
6 had spoken and had communicated that the fastest way he could
7 reach Continental Europe was on flight to Milan. I went to
8 Milan for those two reasons.

9 Q While you were in Italy what, if anything, did you decide
10 to do?

11 A While I was in Italy and after 48 hours of being afraid
12 of what I was already decided to do, I decided to come to the
13 U.S., to come as soon as possible, to accept all of the things
14 I had done bad, to take responsibility, to try to repair and
15 to cooperate.

16 Q When you made that decision, what understanding did you
17 have as to whether you could return home to Argentina?

18 A When I made that decision I learned I was able to return
19 to Argentina if I decided so.

20 Q Did you have your passports with you?

21 A Yes, sir.

22 Q Did there come a time when you turned yourself into the
23 Italian authorities?

24 A Yes, sir.

25 Q What request, if any, did you make of the Italian

1 authorities when you turned yourself in?

2 A I presented to the Italian authorities and as an Italian
3 citizen and I asked them if they could send me to the U.S. as
4 soon as possible.

5 Q Did you waive extradition to the United States?

6 A Yes. I waived extradition to the United States.

7 Q Did that decision to come to the United States or rather
8 to turn yourself in become public at that time?

9 A Yes.

10 Q How did it become public?

11 A While I was in common prison in my first day in the city
12 in Italy, the head of the police made a press conference.
13 When the judge gave me house arrest and the decision to come
14 outside the prison there was a large number of journalists,
15 photographers at the prison door.

16 Q And briefly, what, if anything, happened after that with
17 respect to your personal safety?

18 A Basically two days after that this news went to many
19 different places in the world. I received a call from my
20 brother Eugenio at very early in the morning Italy time and
21 explain me that my security or my life was at risk.

22 Q At risk in what sense?

23 A He learned because of his knowledge of security and
24 security system in Argentina, that an instruction was given to
25 police of the province of Buenos Aires, which is the biggest

1 province in Argentina, to shut me down.

2 Q What do you mean when you say shut me down?

3 A To make anything possible for me not to say anything in
4 the U.S. including killing me.

5 Q So the record is -- do you need a minute?

6 A No.

7 Q So the record is clear, Mr. Burzaco, you don't have any
8 reason to think that any of the defendants here on trial had
9 anything at all to do with that threat, do you?

10 A Nothing to do.

11 Q Mr. Burzaco, did there come a time when you came to the
12 United States?

13 A Yes, sir.

14 Q What happened after you arrived?

15 A I arrived to JFK Airport with two FBI officers that
16 picked me up in Milano and I came directly to the prosecutor's
17 office, next door, or on the building next door to the
18 courthouse, sorry.

19 Q Did you meet with prosecutors and federal agents?

20 A Yes, sir.

21 Q Did you meet with me?

22 A Yes, sir.

23 Q And during the weeks and months that followed, did you
24 meet with federal law enforcement agents and prosecutors
25 again?

1 A Can you repeat the question, please?

2 Q Yes. During the weeks and months that followed your
3 arrival in the United States, did you continue meet with
4 prosecutors and federal agents?

5 A Yes. I met many, many times with the prosecutors and
6 federal agents.

7 Q And did you provide information about your own conduct
8 that was not included in the charges against you?

9 A Yes, sir.

10 Q Did you provide information about individuals who were
11 charged in the indictment against you?

12 A Yes, sir.

13 Q Did you provide information about individuals who are not
14 charged in the indictment against you?

15 A Yes, sir.

16 Q Did you ultimately plead guilty to the charges against
17 you in that indictment?

18 A Yes, sir.

19 Q To what charges?

20 A Conspiracy to racketeering, conspiracy to wire fraud and
21 conspiracy to money laundering.

22 Q Did you plead guilty pursuant to a cooperation agreement?

23 A Yes, sir.

24 MR. NITZE: If I could publish just for the witness,
25 Your Honor?

1 THE COURT: Yes.

2 Q I have Government Exhibit 3500AB-3.

3 Mr. Burzaco, do you recognize this document?

4 A Yes, sir.

5 Q What is it?

6 A The cooperation agreement I signed.

7 Q Turning to the last page of the document, page 20, is
8 that your signature?

9 A Yes.

10 MR. NITZE: Your Honor, I move to admit Government
11 Exhibit 3500AB-3.

12 THE COURT: Any objection?

13 MR. PAPPALARDO: No objection.

14 MR. STILLMAN: No objection.

15 MR. UDOLF: No objection.

16 THE COURT: That exhibit is admitted or that
17 document rather.

18 (Government Exhibit 3500AB-3, was received in
19 evidence.)

20 BY MR. NITZE:

21 Q Mr. Burzaco --

22 THE COURT: Did you want to publish it.

23 MR. NITZE: If I could publish, please.

24 THE COURT: Go ahead.

25 (Exhibit published.)

1 BY MR. NITZE:

2 Q Mr. Burzaco, do you need a moment?

3 A No, thank you.

4 Q Is this your cooperation agreement?

5 A Yes, sir.

6 Q And turning to the last page of this document on the
7 left-hand side toward the bottom, is that your signature?

8 A Yes.

9 Q Is that my signature up on the right-hand side?

10 A Yes.

11 Q What is the date this agreement was signed?

12 A November 16, 2015.

13 Q Were you required to pay forfeiture under the terms of
14 this agreement?

15 A Yes.

16 Q How much?

17 A A total of \$21.7 million.

18 Q And were you required to forfeit anything else in
19 connection with this agreement?

20 A Yes, sir.

21 Q What?

22 A All my direct or indirect interests on a series of
23 companies that were listed in an exhibit, if I recall was
24 Exhibit A. Then we \$21.7 million I was requested to forfeit
25 all the amounts included in a list of accounts under Exhibit

1 B. And then all of the funds that would provide for an
2 additional relation to complete wherever necessary amount to
3 reach the \$21.7 million forfeiture.

4 Q What, if anything, were you required to do with your
5 ownership stake in Torneos?

6 A I was demanded to sell my Torneos interests in a period
7 of 14 months starting November 16, 2015.

8 Q Did you do that?

9 A Yes, sir.

10 Q How much did you sell it for?

11 A I sold my total interest in Torneos for \$23.8 million.

12 Q What is your understanding of your other obligations
13 under the terms of your cooperation agreement?

14 A The main obligation is to always say the truth.

15 Q Continue.

16 A Then I had some other obligations such as giving
17 testimony in all the trials and under investigations and even
18 if for a long period of time and also to assist to all the
19 meetings and all the requirements that the prosecutors would
20 make me in terms of meeting with them, related to this
21 investigation.

22 Q And what is your understanding of the government's
23 obligations under this agreement if you comply with the
24 obligations that you took on?

25 A The government's commitment is I say the truth and comply

1 with all of these obligations that they will provide a letter
2 to the Judge and...

3 Q And what is your understanding of what goes into that
4 letter?

5 A My understanding of what goes into that letter is a
6 hundred percent of everything I did bad, all the bribes to all
7 the people in the world, that I paid or I made Torneos pay and
8 all the associates of Torneos and partners of Torneos and also
9 what I achieved in terms of trying to repair what I did bad.

10 Q With respect to your immigration status, what is your
11 understanding of the obligations undertaken by the U.S.
12 Government in connection with this agreement?

13 A My understanding is that the U.S. Government on their
14 best effort basis was going to request the possibility for me
15 having an S-Visa.

16 Q When you say the government would request, do you mean
17 the U.S. Attorney's Office?

18 A Yes, I mean the U.S. Attorney's Office.

19 Q And to your knowledge is it the U.S. Attorney's Office
20 that decides whether you would be granted such a visa?

21 A My understanding is it is not the U.S. Attorney's Office
22 decision. The U.S. Attorney's Office I mean in Brooklyn.

23 Q To your knowledge, has the government, the U.S.
24 Attorney's Office, that is, applied for an S-visa on your
25 behalf?

1 A To my knowledge, they haven't done anything on that
2 respect.

3 Q What is the maximum sentencing penalty you face under
4 terms of your plea agreement?

5 A Sixty years of prison.

6 Q What is your understanding of who decides what sentence
7 you will receive?

8 A The judge.

9 Q What is your understanding about whether the government,
10 the U.S. Attorney's Office recommends a particular sentence?

11 A My understanding is that the government does not
12 recommend any sentence.

13 Q I'm going to read a portion of this agreement. I'm on
14 page 9 and it says at the end of paragraph 6: The office will
15 not recommend to the Court a specific sentence to be imposed.
16 Further, the office cannot and does not make a promise or
17 representation as to what sentence will be imposed by the
18 Court.

19 Mr. Burzaco, what sentence are you hoping to get?

20 A I'm hoping not to go to prison.

21 Q What is your understanding of what happens by the terms
22 of this agreement if you lie?

23 A If I lie, I don't comply with rule number one with the
24 condition present to do everything in this agreement, the
25 agreement is tear down and I don't have any agreement

1 whatsoever and I have to face the judge having lied, having
2 done everything bad, I will have to face anyway but having
3 lied in this -- well...

4 Q And as you sit here today, Mr. Burzaco, do you know what
5 your sentence will be?

6 A No.

7 Q Over the years that you've testified about, what is the
8 total amount of bribes that you paid to the defendant, Juan
9 Angel Napout?

10 A Actually paid?

11 Q Yes.

12 A Four and a half million dollars, Torneos and Torneos
13 partners in the Copa America business.

14 Q How much additional money had you and your partners
15 agreed to pay Juan Angel Napout at the time of your arrest in
16 May -- or excuse me at the time you turned yourself in in May
17 of 2015?

18 A Excluding payments for Copa Libertadores and Sudamericana
19 beyond 2015 and including all the committees for the Copa
20 America contract, \$9,700,000 in bribes committed.

21 Q During the course of the years that you testified about,
22 what is the total amount of bribes that you paid to the
23 defendant, Jose Maria Marin?

24 A Paid to Jose Maria Marin we paid 2.7, two million 700,000
25 dollars.

1 Q And how much additional money had you and your partners
2 agreed to pay him at the time that you turned yourself in to
3 the Italian authorities in May of 2015?

4 A We were committed to pay him \$5,950,000, assuming that
5 Marco Polo Del Nero at least would give him \$450,000 of
6 Copa Sudamericana Libertadores 2015 bribe payment that was
7 never paid out, made.

8 Q During the years you testified about, what is the total
9 amount of bribes that you paid to the defendant, Manuel Burga?

10 A The total amount of bribes paid to the defendant, Manuel
11 Burga was \$3,600,000.

12 (Continued on the next page.)

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1 BY MR. NITZE: (Continuing.)

2 Q And you and your partners?

3 A Yes, this is including Torneos folks, Hawilla, Traffic,
4 Full Play and the sponsors we were delivering.

5 Q And how much additional money had you agreed to pay the
6 defendant Manuel Burga at the time you turned yourself in to
7 the authorities in May of 2015?

8 A Given the fact that he was excluded from the Copa
9 Libertadores and Sudamerican on bribe payments from already
10 the time before, the total bribe commitments for Copa America
11 and Copa Centenario and the total bribe commitments to him
12 were \$3 million.

13 MR. NITZE: No further questions, Your Honor.

14 THE COURT: Thank you very much, Mr. Nitze. Ladies
15 and gentlemen, since we are so close to our normal ending
16 time, we are going to conclude the day with the end of this
17 witness' direct testimony and then of course, you will hear
18 cross-examination by the defense.

19 So before you go home tonight, I want to remind you
20 of the most important thing for you to keep in mind during the
21 course of this trial and unfortunately for you I am going to
22 say it multiple times is you cannot do any research or look up
23 anything on the news. You must avoid any news accounts that
24 touch upon anything relating to this case or this trial.

25 So, be sure to observe that. Do not talk about the

1 case to anyone. Do not even talk amongst yourselves. You
2 cannot talk to friends or family and if anyone tries to talk
3 to you, you must walk away and prevent that from happening.

4 Certainly if you learn of anyone talking to anyone
5 on the jury, you must let me know as soon as you can.

6 Secondly, I want to remind you, and this may seem obvious. We
7 obviously have a long way to go. We have only been in trial
8 now about three days so you have to keep an open mind, so
9 until you hear all of the evidence, you should not reach any
10 conclusions whatsoever.

11 You must wait until you hear all the evidence before
12 you start to come to any conclusions and wait until you start
13 deliberating amongst yourselves. Remember, keep an open mind.
14 Have a great night, everyone. We will see you tomorrow.

15 THE COURT CLERK: All rise.

16 (Jury exits.)

17 THE COURT: Have a seat, everyone.

18 MS. MACE: Your Honor, I ask that you reserve
19 discussion until after the witness is gone.

20 THE COURT: Correct.

21 (Witness steps down.)

22 THE COURT: So we have cleared out the witness. The
23 Government, I gather, has an application based on our prior
24 conversation.

25 MS. MACE: Yes, Your Honor. Should I set forth the

1 basis now?

2 THE COURT: Yes.

3 MS. MACE: Your Honor, the Government moves for the
4 remand of defendant Burga.

5 MR. UDOLF: Can we take this up at sidebar, Your
6 Honor?

7 THE COURT: I do not see any reason why we should.
8 Bail decisions are typically done in open court.

9 MR. UDOLF: Depending on Your Honor's ruling, it may
10 result in adverse publicity.

11 THE COURT: But we have a jury that is not reading
12 it so adverse publicity is not the issue.

13 MR. UDOLF: I haven't had an opportunity to review
14 the videotape yet at this point.

15 THE COURT: All of that may be true, but this is
16 like any other bail proceeding. It should be in the public.
17 We are not going to disclose anything that did not actually
18 occur in public either.

19 MR. UDOLF: In that case, I would ask that we not
20 continue until we've had an opportunity to view what the
21 Government has.

22 THE COURT: I have spoken to deputy about getting
23 some of the video surveillance or videotapes, but until I hear
24 from my deputy I do not know what the status of that request
25 is, but the Government should be able to put their application

1 on the record.

2 MS. MACE: Thank you, Your Honor. The Government
3 moves pursuant to 18 U.S.C. 3142 Supp F.2d, "A court may order
4 detention if there is a serious risk that the defendant will
5 attempt to obstruct justice or to threaten, injure or
6 intimidate a prospective witness or a witness. The Court's
7 findings must be by a preponderance of the evidence that the
8 defendant presents a risk of obstruction of justice."

9 That is taken from U.S. versus Friedman, 837 f.2d 48
10 in the Second Circuit 1988. Pretrial detention is justified
11 for a defendant who poses a threat to the integrity of the
12 trial process, rather than one who just merely poses a danger
13 to the community and courts are particularly concerned when
14 there is a danger or a risk to jeopardize the integrity of the
15 process and of the trial.

16 For that proposition we're referring to U.S. versus
17 La Fontaine 210 f.3d 125 at 134 Second Circuit year 2000.

18 The factual basis upon which the Government relies
19 is that yesterday morning Mr. Burzaco testified that he bribed
20 each of the defendant's, including Mr. Burga. After the lunch
21 break when Mr. -- excuse me, when Mr. Burzaco was brought back
22 into the courtroom to continue his testimony, Mr. Burga made a
23 gesture to Mr. Burzaco, a slicing motion against his throat.
24 At the first break Mr. Burzaco immediately informed the FBI
25 who reported this to the U.S. marshals and asked that they

1 preserve any videotapes.

2 When the witness was brought back into the courtroom
3 this morning, Mr. Burga again made the slicing motion against
4 his throat to Mr. Burzaco. In making its factual finding, the
5 Court can rely on several things. One, the observations of
6 the law enforcement in the courtroom and they're available
7 here. In addition, there are videos that the U.S. marshals
8 have preserved. I will note that I saw the one from yesterday
9 and is difficult to see. It's from the back of the courtroom,
10 but it corroborates the statements from Mr. Burzaco, as well
11 as what the prosecution team observed in court today.

12 There was a suggestion earlier today when we raised
13 this as sidebar that I'd like to respond to. I think I can do
14 so in open court unless --

15 THE COURT: I think that is fine. Whatever
16 arguments were at sidebar will have to be made in open court
17 so go ahead.

18 Q There was a suggestion that this was a matter of dry skin
19 and that Mr. Burga was simply itchy. I think common sense
20 allowed the Court to reject that. There's a significant
21 difference between scratching an itch and doing a slicing
22 motion.

23 In addition, I think the Court can rely on the
24 effect on the witness. The witness observed this, reporting
25 it the first time to the FBI and then this morning the Court,

1 I think, also observed the reaction of the witness when this
2 happened. The witness immediately broke down, was clearly
3 troubled and I think his response is something that the Court
4 can rely on in assessing what that gesture looked like and
5 what --

6 THE COURT: Could you stop tearing things. It is
7 little noisy up here by the court reporter.

8 Go ahead.

9 MS. MACE: The core issue, as I said at the
10 beginning, is just the integrity of this process. If there is
11 a risk to the integrity of the trial and the truth-seeking
12 function, that is something that should be taken extremely
13 seriously. The case law says the Court only need to find a
14 preponderance of the evidence.

15 THE COURT: Well, that, I have to take issue with
16 you on. Looking at Fontaine which is one of the cases you
17 cited, it seems to me I have to find either probable cause
18 that there was, in fact, some kind of witness tampering or
19 clear and convincing evidence of dangerousness or something in
20 that vein.

21 I do not think it is preponderance when we are
22 talking about dangerousness as opposed to risk of flight.

23 MS. MACE: Well, so, Your Honor there are a couple
24 of different provisions that apply here. Under the Bail
25 Reform Act there are three prongs I think that the Court can

1 proceed under; there is the risk of flight, there is
2 dangerousness and there is the risk of obstruction of justice.

3 And the case law clearly sets forth that this is
4 quote -- by the Court's finding must be, quote, by a
5 preponderance of the evidence that the defendant presents a
6 risk of obstruction of justice, end quote. That's U.S. versus
7 Friedman. With regard to that provision or that language in
8 La Fontaine, I think there is a possibility for the Court to
9 proceed in a revocation of bail hearing under the question of
10 whether there's probable cause to think that a defendant has
11 violated the conditions of his release by committing a new
12 crime and I would submit that there probable cause and
13 probable cause is a lower threshold than preponderance; that
14 the Court need only find probable cause to believe that there
15 has been a new crime committed, and here it's obstruction of
16 justice under 15 U.S.C. 1512, intimidation of a witness.

17 And the case law allows for the Court to take
18 control of a situation such as this and to make sure that
19 there is no effect on the judicial process and here there
20 already has been. The witness was effectively forced from the
21 stand because of this gesture and it delayed the trial and
22 there was a risk to the witness' availability. And, so, we
23 would submit, based on all of those things, that the Court can
24 make a relevant finding and remand the defendant.

25 THE COURT: Let me ask two questions; one, is it the

1 Government's theory with respect to witness tampering that
2 Mr. Burga's conduct is limited to what happened in this
3 courtroom, mainly allegedly making a gesture as if cutting
4 someone's throat, or does it extend to any other place or any
5 other evidence of anything occurring outside of the courtroom?

6 MS. MACE: We don't have evidence of anything
7 outside of the courtroom right now but I would suggest that
8 the fact that the defendant was willing to do it in the
9 courtroom in public here suggests that the risk is higher that
10 there could be obstruction outside of the courtroom as well.
11 In addition, I want to note that I think the risk of flight is
12 something the Court should consider as well. The defendant is
13 in a very different position now than he was before the trial
14 started.

15 He has now heard significant evidence against him
16 implicating him in the charged and so he now has an
17 understanding of some of the evidence that the jury will
18 consider. In addition, he faces now the realization that
19 there's another investigation into an obstruction of justice
20 that he could conceivably be charged with. That is very early
21 to say, but I will just note that that goes into the risk of
22 flight calculation; in that he now knows there is much more at
23 stake than he would have realized even a week ago.

24 THE COURT: I guess you answered the second question
25 that from the Government's point of view, the problem isn't

1 solved by simply, as I did at the sidebar, that Mr. Burga
2 could not reach for or gesture anywhere near his throat or his
3 neck.

4 In your mind, the other interests or the concerns
5 about risk of flight that might be implicated or other
6 obstructive conduct that is suggested by someone who would act
7 so boldly, and I'm putting words in your mouth, those would
8 not be addressed by simply instructing him henceforth not to
9 gesture at all.

10 MS. MACE: From the Government's perspective it
11 would not be sufficient. In case law, even one instance of a
12 witness intimidation is something the court can make a finding
13 that remand is appropriate.

14 THE COURT: Mr. Udolf has not had the benefit of
15 seeing the videotape that the Government has seen and I think
16 you have seen two days worth or one day's worth.

17 MS. MACE: I have only seen one day's worth. I saw
18 the clip. I was allowed to see it in the marshal's space. We
19 don't have a copy ourselves. We haven't seen the video from
20 today, but we saw it ourselves personally.

21 THE COURT: In the interest of disclosure, I saw the
22 video from this morning -- I'm sorry, it was from yesterday.
23 I saw the same one that the Government saw. I think that is
24 the only one that had been saved at that point.

25 But obviously you need to see it is the most

1 important thing and then make whatever arguments you want to.

2 MR. UDOLF: I can make some arguments right now that
3 need to be corrected right away, Judge. First of all, this
4 case is emblematic of the total lack of proportionality that
5 the Government has with respect to these defendants. I sat
6 next to this man and I've been around him for the past eight
7 months.

8 THE COURT: You mean this young man?

9 MR. UDOLF: No, I was pointing to where he was
10 sitting. This is a gentle, meek, timid man. I sat here while
11 he was sitting there yesterday and today. I never saw any
12 indication that he was making any gesture and, as a matter of
13 fact as I do all of my clients, I instruct them not to look
14 directly at the witness or make any gestures; not because
15 there was any risk, but that's what I always do. And as far
16 as I can tell, without looking at the video, he has -- he has
17 followed that. I didn't see any indication of that.

18 As a matter of fact, this morning when the witness
19 came in, I didn't even know the witness was in the courtroom.
20 I was looking and talking with him most of the time and I
21 didn't see him make any gesture. Now, I have seen him do
22 something like this a few times because he does have an
23 irritation because he has dermatitis -- I don't know if the
24 climate here in New York or the place he's staying or
25 whatever, but I have seen him do that and several of the

1 attorneys here that I've talked to, and Your Honor can canvas
2 it, have seen him do the same thing, but I've also seen Juror
3 No. 9 do the same thing and I don't think Juror No. 9 was
4 threatening the witness.

5 And another thing is that she says that the witness
6 became noticeably distraught and started crying this morning
7 when Mr. Burga supposedly did this. First of all, we were
8 told at sidebar this morning by Mr. Nitze that he saw him make
9 this type of gesture and he also saw him do something like
10 this (indicating) which on the street in New York where I grew
11 up means you are flipping somebody off. And that is hardly a
12 threat, Your Honor.

13 And as far as the touching of the throat, I think
14 they are mistaken, but he should be given the benefit of the
15 doubt because there are people here who saw this and saw him
16 basically scratching his neck a few times and I think it's
17 totally inconsistent with whatever -- what I know of him and I
18 will tell you that if Your Honor is inclined to remand him at
19 this point -- they've had five or six years to make this case.
20 I've had the past eight months, Judge. I'm working every
21 night. I'm working 16 to 18 hours a day with very little
22 sleep and I work with him. I cannot try this case. I'm going
23 to have to ask for a mistrial if he's remanded because I
24 cannot go on like this.

25 THE COURT: I understand the impediment it would

1 present at this point if he were remanded, but I think we have
2 to look at the objective evidence that does exist. Because
3 there is some videotape and having seen it as well, it -- it's
4 certainly not dispositive is what I can say in that it is
5 quite far away but it does corroborate the general statement
6 that -- the general observation that has been made that
7 Mr. Burga was gesturing around his throat area in a manner
8 that is not entirely inconsistent with what you did just now,
9 Mr. Udolf.

10 However, he was facing, as far as I could tell, the
11 witness and it was when the witness first came out, I think it
12 was yesterday. So, to the extent that you may not have seen
13 him doing that or may not have ever seen him facing the
14 witness, that, I think also contradicted by the videotape.

15 Now, there is some difference between the way the
16 Government describes the movement and the way you are
17 describing any movement you have seen. That is where I find
18 that the video does not really dispositively prove one gesture
19 over now because it is quite far away.

20 MR. UDOLF: Can I say one other thing, Judge?

21 THE COURT: Yes.

22 MR. UDOLF: They say this witness was visibly upset
23 this morning and was crying. This witness was crying when the
24 issue was raised as to -- as to the person that died yesterday
25 and that's the reason the person was crying. It was not

1 because Manuel Burga was scratching his throat.

2 THE COURT: I do not think you can actually speak to
3 why he was crying, I mean other than to try and suggest an
4 inference but the Government has actually spoken with the
5 witness.

6 MS. MACE: I have not, but the FBI has, and it was
7 in direct response to the threat by Mr. Burga. He was upset
8 by the fact that here in the United States he could be called
9 as a witness and face someone threatening him here in open
10 court and he was upset because of that.

11 THE COURT: Now, the one thing I will say is that
12 the Government says I should rely on the witness' reaction.
13 Obviously, I take that with some grain of salt because
14 obviously the witness legitimately can be afraid of harm given
15 his situation that he testified to on the record and given
16 some recent events and could perceive an action that
17 objectively, if viewed by other people, not in that situation
18 might not be perceived the same way.

19 That does not necessarily resolve anything either
20 because the truth is if someone is intending to scare someone,
21 they do take into account what that person's state of mind is
22 and given the sensitivity of the situation that this witness,
23 Mr. Burzaco, finds himself in, one could argue that it is
24 calculated, even if discrete, the gesture that was made.

25 Even if it is something more akin to, and I'm sort

1 of rubbing neck versus gesturing a straight line across my
2 neck, even that more innocuous-seeming gesture in a normal
3 situation could be perceived as threatening. So I think it
4 goes both ways.

5 The question I have for the Government is that it
6 seems important what the actual gesture was, I think. And I
7 have called upon the marshals to come up here and try to play
8 the video, but the question is I know that several people
9 observed it in the courtroom, including the Government team
10 and maybe other people.

11 I am somewhat loathe to put anyone under oath, but
12 you can represent to me as officers of the court, what exactly
13 you saw and try to describe it.

14 MS. MACE: There are agents here who are not at the
15 Government's table that could provide information if Your
16 Honor wanted it, but I think one thing that was very clear to
17 anyone who saw it was that there not a rubbing. There was a
18 back or under the hand like this. So it seems so unlikely to
19 be a scratch. It's not this, it's the hand like this
20 (indicating).

21 THE COURT: So it's clear --

22 MS. MACE: It's hard to describe.

23 THE COURT: In a straight-line motion across one's
24 neck, as opposed to cupping your throat and rubbing it.

25 MS. MACE: That's right, Your Honor.

1 THE COURT: And that is what the agents, you are
2 proffering would say, that the motion was with the hand
3 extended in a perpendicular plane across the neck in a
4 perpendicular manner.

5 MS. MACE: Yes.

6 THE COURT: Okay, underneath his collar. It may
7 seem odd to ask that, but if one is scratching in theory, they
8 might be scratching under their collar. They couldn't say one
9 way or the other?

10 MS. MACE: I'm happy to ask. I don't know the
11 answer to that question.

12 THE COURT: Would you do that?

13 MS. MACE: Sure. Just a moment.

14 THE COURT: We are still working on getting the
15 video.

16 So, I think while we are waiting for the video,
17 which hopefully will come, I think as the parties can
18 appreciate, there's again very serious interests at stake
19 here. Obviously the integrity of this process is paramount
20 and of course there is zero tolerance for any kind of
21 misconduct such as threatening a witness on the stand during a
22 trial.

23 On the other hand, Mr. Burga's ability to prepare
24 his defense will be significantly hampered if he is in
25 custody. There are just logistical issues that will make it

1 impossible for his lawyer to meet with him after the trial day
2 or virtually impossible to meet with him after the trial day.
3 What I would like to do is perhaps fashion some extremely
4 restrictive measures that do not involve jail, but as it is
5 now he is on a GPS monitor. He is confined to his place of
6 residence, current place of residence, except when in the
7 company of his lawyer.

8 MS. MACE: Your Honor, I actually think there is
9 something more akin to a curfew. Right now there are certain
10 hours set by the court that the defendant would be allowed out
11 without the presence of his lawyer.

12 THE COURT: True. What I am thinking of is
13 something -- because I am quite concerned about affecting the
14 process here. Especially because I do find, having viewed the
15 videotape, but I think Mr. Udolf should see it also, is not
16 resolving the question of what exactly the gesture was and I
17 did not see it myself and the most I can tell from the video
18 is that it does seem more consistent with one rubbing his neck
19 but it's such a terrible angle and so small and blurry and
20 terrible an image that I wouldn't even want to make a
21 particular finding on that.

22 I would prefer to try to fashion the most
23 restrictive but non-custodial arrangement, pretrial release
24 arrangement, which would be a complete home confinement on
25 electronic monitoring, no telephone, no computer access and

1 the only thing he would be allowed to do is really meet with
2 his lawyers.

3 MR. UDOLF: Judge, the Government can't seriously
4 contend that this person is a threat. If Your Honor wants to
5 give him a stern warning not to do it again. I think he's
6 chasing if he did do this. It's not going to happen again but
7 to restrict his movement really restricts me. I have to get
8 on a train to go to see him.

9 THE COURT: Just go to wherever he is. I do not
10 know what the arrangements are, but obviously you can come
11 closer to the courthouse.

12 MR. UDOLF: I've got documents in my hotel room.

13 THE COURT: It will be a bit more difficult, but it
14 won't be akin to being in jail, and this is something I take
15 seriously. In light of things that have been happening, I
16 don't take any of this lightly.

17 MR. UDOLF: Judge, what happened besides somebody
18 committed suicide?

19 THE COURT: I know, but it happened to be someone
20 committed suicide supposedly right after his name was
21 mentioned in open court here.

22 MR. UDOLF: It has nothing to do --

23 THE COURT: Again, I understand that, but that
24 explains why witnesses are on tenderhooks and I think in many
25 ways perceives some gesture.

1 MR. UDOLF: Your Honor, this witness broke down when
2 his plea agreement was discussed.

3 THE COURT: I certainly understand that given
4 everything that's happened. One can only infer that he is
5 worried and legitimately worried. You can call it a suicide,
6 but none of us know for sure and the timing is such that
7 people are legitimately afraid.

8 Again, none of this has to do with these defendants
9 in terms of we don't have any information suggesting these
10 defendants had anything to do with it. It could be just as
11 you say, but again my goal is to balance the safety and
12 security interests of the witnesses as well as protect your
13 client's rights to be able to defend himself.

14 I am not inclined to put him in prison because I do
15 realize in this situation where you had assumed that you would
16 have access to him freely during the non-trial day hours that
17 it would be a great encumbrance for you, I understand that,
18 but at the same time I really have to make sure that he or
19 anyone he might be communicating with or even anyone who might
20 perceive that what he is doing is threatening gets any ideas
21 and I certainly want to minimize the trauma or even emotional
22 harm, if you will, to witnesses who take that stand.

23 Now, like I said, I am trying to fashion something
24 that allows him to meet with you and you are going to have to
25 maybe adjust how you meet but at least he will not be in

1 prison. That is my solution to this. I want you to see the
2 videotape. I do not think it is consistent with what you are
3 saying. I do not think it entirely proves what the Government
4 saw. I take quite seriously and I credit fully that the
5 Government saw what they say they saw. These are not officers
6 of the court who take their obligation lightly and, quite
7 frankly, have as great an interest as you do in ensuring that
8 Mr. Burga gets as fair a trial as possible.

9 MR. UDOLF: I'm not suggesting anybody is lying. I
10 don't practice law that way and I don't think that of these
11 prosecutors do, but I think -- I've said earlier today, I've
12 been in the situation where counsel is in where I've lost some
13 people when I was a prosecutor and it shook me to a core and I
14 think -- I would suggest that possibly they were overreacting
15 or basically attached an undue emphasis or inappropriate
16 interpretation to what they saw based on --

17 THE COURT: I don't entirely agree. The gesture of
18 this is one that I think, and I'm gesturing with a straight
19 hand across my throat, is one that I think reasonably almost
20 anybody could interpret as threatening. Even flipping your
21 hand under the chin is meant to be provocative as well. You
22 have acknowledged that. I think these things in this context
23 and this setting and given that at the time, at least I saw
24 the tape, your client was facing the witness. There is no
25 question about that, just on the angle.

1 So, I take quite seriously that this my have been,
2 in fact, an effort to intimidate this particular witness who
3 gave, obviously, significant testimony for the last two days.
4 So you, yourself, have suggested that he is a very important
5 witness to the Government. So this -- all the facts
6 surrounding this give me some grave concern and I am trying to
7 address it without impairing his ability or your ability to
8 prepare.

9

10 (Continued on the following page.)

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1 (Continuing)

2 THE COURT: So, what I suggest -- and again, I am
3 hoping that the Marshals come up with the tape, so we can
4 revisit this issue -- but I do not think it is going to
5 resolve in my mind what happened.

6 What I have to go on is the Government's
7 representation about what they themselves and their agents
8 saw; the videotape which partially corroborates what they saw
9 at least in terms of the angle that I perceive your client is
10 facing, which is at the witness and happened to be to the
11 right of where you are sitting, so more of a direct angle and
12 obstructed by everything in between, and; what certainly was a
13 gesture towards his neck area for a fair amount of time. I
14 would say ten to fifteen seconds. It was not a casual
15 gesture.

16 So, given all of that, I certainly have a concern.
17 And I would find by a preponderance that there was some
18 attempt made to frighten the witness, because that is a low
19 standard, bear in mind, but it is enough for me to want to
20 increase the restrictions so that we do not have any other
21 conduct from your client.

22 So, my proposal is to effectively put Mr. Burga on
23 lock-down in the sense of he is confined to wherever it is he
24 is staying, he is on GPS, he will not have phone or computer
25 access. Obviously, if he wants to communicate messages to his

1 loved ones, he should do so through his attorney and that we
2 basically have Mr. Burga not be anywhere or be able to
3 communicate with anyone other than you so that he can prepare
4 for his trial.

5 MR. UDOLF: Judge, he's staying in the Park Slope
6 area. I'm staying in a nearby hotel. I mean...

7 THE COURT: Okay. That is good.

8 MR. UDOLF: Since he has to get home and be home by
9 the Court's previous order by 8:00 o'clock at night, the only
10 way I communicate with him in the evenings is by telephone.

11 THE COURT: Still, what I think you are going to
12 have to do, though, is do your communicating in person. I
13 mean, you meet with him, you talk with him. If there are
14 things you have to deal with, you should deal with him in
15 person.

16 Really, I am not taking this -- you have to
17 understand the situation right now is one that I cannot ignore
18 some of the background to this and right now I just do not
19 feel that I want to allow anything less restrictive. But
20 again, I am not going to put him in prison. I view that as a
21 significant encumbrance.

22 I have been informed, I think, that the Marshals are
23 coming up with a copy of the tape. Or at least a, when I say
24 a copy, I don't mean for anyone to take away but for us to
25 view. They are working on it.

1 I think what might make the most sense is that I
2 impose these new conditions for now. You can look at the
3 tape, you can address this issue again in the morning. But
4 for now, that is my proposal.

5 I assume the Government would prefer him to be
6 remanded but this is what I think is an appropriate compromise
7 that I believe addresses the security risks, such as they are,
8 and allows him to continue to prepare for trial.

9 MS. MACE: It is the Government's motion to have him
10 remanded. We understand the Court has made its decision.

11 I would suggest just that the Pre-Trial be involved
12 in this. They often have good ideas and good solutions for
13 how to maximize out-of-custody supervision. And the
14 restriction on the phone calls, we also do not want to prevent
15 any discussion between the attorney and the client and even in
16 prison they get to speak on the phone and so, we don't want to
17 limit that too much.

18 And so, I think that the home confinement, except
19 for when in court, is appropriate. And we would not ask,
20 given the Court's denial of our request for remand, we would
21 not ask that he be prevented from speaking on the phone to his
22 lawyer.

23 I would like to be able to confer with Pre-Trial
24 Services and, if appropriate, make additional recommendations
25 tomorrow morning.

1 THE COURT: That seems to make sense.

2 So, for the time-being Mr. Burga will not be allowed
3 to speak to anyone on the phone other than his attorney. And
4 obviously, we are going to have to figure out how to monitor
5 this condition going forward. And he is otherwise confined to
6 wherever he is living except for when he is here.

7 I guess the only question is whether or not if he is
8 in the presence of his lawyer, I guess we could, he could
9 actually be somewhere else, which is the way it exists now to
10 some extent trusting that Mr. Udolf as an officer of the Court
11 is not going to let him communicate with anyone outside of his
12 office.

13 MS. MACE: The main distinction would be, Your
14 Honor, that there is a curfew now such that Mr. Burga could
15 travel alone without his lawyer. And so, we would ask that
16 that not be -- remain in place.

17 THE COURT: Correct, right.

18 MR. UDOLF: I didn't understand what she just said.

19 THE COURT: The bottom line is home confinement, but
20 the only time Mr. Burga could be away from where his residence
21 is now is with you.

22 In other words, you would have to be in his presence
23 and so therefore --

24 MR. UDOLF: You mean on weekends, for example.

25 THE COURT: Yes.

1 MR. UDOLF: All right.

2 MS. MACE: Or after court.

3 THE COURT: Right or after court.

4 MS. MACE: We prefer you not meet at wherever the
5 meeting is.

6 THE COURT: So then you are going to have to, it is
7 going to be cumbersome because you will essentially have to
8 escort him back and forth. If you are both in hotels near
9 each other, that may not be a great encumbrance.

10 MR. UDOLF: I may be need to make other
11 arrangements.

12 THE COURT: You could stay in the same hotel. I do
13 not mean to be too obvious.

14 MR. UDOLF: It's a matter of limited funds.

15 THE COURT: Understood.

16 Unfortunately, under the circumstances -- and there
17 is a priority in keeping him out of prison so he is available
18 to you -- see what you can do.

19 We will reconvene on this in the morning. So, at
20 9:00 o'clock. We should be able to get Pre-Trial Services
21 then.

22 MS. MACE: They typically get in very early, so I
23 expect to be able to get an answer before then.

24 THE COURT: We will ask the Pre-Trial Officer who is
25 monitoring this case, I think it was Mr. Ilaria.

1 MS. MACE: Michael Ilaria.

2 THE COURT: We will ask him to come in, in the
3 morning as well and advise. So, that is the change for
4 Mr. Burga's bail for now, all right?

5 So, we will see you in the morning at 9:00 o'clock.

6 MS. PINERA-VASQUEZ: Your Honor, just before we go.
7 Because direct examination is over, we would like to reiterate
8 a request for any Jencks we have not received as to
9 Mr. Burzaco including what I understand is a report he made to
10 FBI yesterday. As Ms. Mace represented that there was
11 something they represented this whole incident to FBI so I
12 assume that there should be 302 since he reported some sort of
13 what was just expressed here.

14 So, we'd like a copy of all 302s, if we haven't
15 received them, and any other reports from any agency around
16 the world that exist regarding Mr. Burzaco's testimony.

17 MS. MACE: We do not have an obligation to collect
18 materials from any agency around the world, so we don't have
19 those in our possession.

20 We have produced the Jencks and Giglio material that
21 is in our possession.

22 It is my understanding there were no reports made as
23 of what happened yesterday and today.

24 THE COURT: All right.

25 So, the Government understands its obligation and

1 they are representing that they have turned over everything
2 they have in the way of 3500 and Jencks.

3 All right? So we will see you tomorrow morning,
4 folks.

5

6 (Matter adjourned to Thursday, November 16th, 2017
7 at 9:00 a.m.)

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WITNESS

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ALEJANDRO BURZACO

DIRECT EXAMINATION BY MR. NITZE

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