

Questions for Ricardo Martinelli

A. Programa de Ayuda Nacional: Dehydrated Food Matter

- From publicly available information, we understand that around December 2010 or January 2011, the Programa de Ayuda Nacional (“PAN”) contracted with Lerkshore International Limited for the purchase of dehydrated food for nutrition program for underprivileged children.
 1. We understand that, given your current situation, you may no longer have access to government documents, but if you have a copy of the contract, please provide it. If you do not have it available, from whom could we obtain it?
 2. Were you responsible for the appointment of Giacomo Tamburrelli as the Director of PAN?
 - a. How was Mr. Tamburrelli selected for this position?
 - b. Did you have any prior relationship with Mr. Tamburrelli? Please describe the nature of any such relationship.
 - c. Did you appoint any other management or senior officials to PAN? Who?
 3. How did Lerkshore come to be a party involved with this potential deal?
 - a. Did Lerkshore have prior experience in contracts involving the procurement/purchase of dehydrated food products?
 - b. Did Lerkshore have prior experience in servicing contracts involving nutritional programs?
 - c. Did you, personally and/or in your official capacity, have any prior relationship with Lerkshore?
 - d. Had Lerkshore performed any services or had prior contracts with your Administration?
 4. Do you or did you at any time have any ownership or beneficial interest in Lerkshore?
 5. Does or did any of your family members have any ownership or beneficial interest in Lerkshore?
 6. Was a request for proposals or other open procurement/bidding process held for this contract? Why or why not?
 7. Even if no tender process was undertaken, was more than one contractor invited to bid on the contract? Which contractor(s)?
 8. How much did the PAN pay for the dehydrated food from Lerkshore?
 - a. How were the pricing terms determined?
 - b. Were terms in line with reasonable fair market value for the product?

9. What was the role of Brazilian supplier Prativita Alimentos Nutricionais in the PAN contract with Lerkshore?
 - a. Was Prativita a party to the contract between PAN and Lerkshore?
 - b. Do you or did you have any ownership or beneficial interest in Prativita?
 - c. Does or did any members of your family have any ownership or beneficial interest in Prativita?
10. Are you aware of the terms of the arrangement between Lerkshore and Prativita?
 - a. What is your understanding of how much per unit did Lerkshore pay Prativita?
 - b. Were terms in line with reasonable fair market value for the product?
11. Were you aware of reports that children were falling ill after consuming the dehydrated food procured through Lerkshore?
 - a. When and how did you first become aware of the issue?
 - i. Did you learn that some of the dehydrated food products appeared to be contaminated?
 - ii. Did you learn that some of the dehydrated food products bore expired sell-by dates?
 - b. At that time, did your Administration conduct an investigation into the contaminated and/or expired product? Why or why not?
 - c. Did your Administration undertake any efforts to recall the distributed product?
 - d. Did your Administration suspend the contract with Lerkshore?
12. Was a second contract executed with Lerkshore following the January 2011 agreement?
 - a. Please provide a copy of the second agreement, or let us know from whom we can obtain.
 - b. Was a request for proposals or other open procurement/bidding process held for this second contract?
 - c. Was the contract executed before or after you learned of the contaminated/expired product issue?

B. Purchase of Italian Security Equipment: FINMECCANICA Matter

- From publicly available information, we understand that your Administration contracted with the entity Finmeccanica and its subsidiaries in connection with the acquisition of helicopters, a radar system, and a digital mapping system.
 1. We understand that, given your current situation, you may no longer have access to government documents, but if you have a copy, please provide the relevant contracts. If you do not have the contracts at your disposal, please let us know who can provide them.

2. Did your Administration conduct an assessment/needs study prior to entering into the contract?
 - a. Why or why not?
 - b. If yes, what agency conducted the assessment?
3. How did your Administration come to deal with Finmeccanica?
 - a. Did you, personally and/or in your official capacity, have any prior relationship with Finmeccanica?
 - b. Had Finmeccanica performed any services or had prior contracts with your Administration?
4. Did your Administration issue a public tender for the above enumerated contracts? If so, why or why not?
5. Even if no tender process was undertaken, was more than one contractor invited to bid on the contract? Which contractor(s)?
6. Do you know if the contracts were published in the Official Gazette? Why or why not?
7. Were the contracts, in their entirety including amendments, made public? Why or why not?
8. We understand Minister of Security Raul Molino signed the contracts on behalf of the Panamanian government.
 - a. What was Minister Molino's role in the contract negotiations?
 - b. What was Minister Molino's role in the approval of the contracts?
 - c. What is the nature of your relationship with Minister Molino?
 - d. During your Presidency, how frequently would Minister Molino consult with you?
9. Did former Italian Prime Minister Silvio Berlusconi have any role in the contract(s) between your Administration and Finmeccanica?
 - a. Did you personally meet with Prime Minister Berlusconi to discuss the contract(s)? When and where did such meeting(s) take place?
 - b. Was there ever a written or oral understanding between you and Prime Minister Berlusconi? What was the nature of the understanding?
 - c. If there was a written memorandum of understanding, and it is still available to you, please provide a copy. Otherwise, please let us know who would be the right point of contact to receive a copy of the contract/memorandum of understanding.
10. Do you or did you (or through any family members) directly or indirectly have any ownership, beneficial interest, or receive any benefit from any of the companies, their subsidiaries or parent companies listed below? If so, please elaborate on and provide documentation of any distributions or benefits received from such company.

- a. Finmeccanica
 - b. Agafia
 - c. Selex
 - d. Telespazio
 - e. AgustaWestland
 - f. Any other company in connection with the Finmeccanica contracts described above for the acquisition of helicopters, a radar system, and a digital mapping system.
11. Describe the extent of your relationship, directly or indirectly, with the following individuals and their role in connection with the Finmeccanica contracts described above for the acquisition of helicopters, a radar system, and a digital mapping system. Please also include the last time you were in contact with each of the individuals.
- a. Valter Lavitola
 - b. Paolo Pozzessere
12. According to media reports, when the Italian government started investigations of Lavitola and Finmeccanica, your Administration hired an attorney to follow the matter on behalf of the Panamanian government. Is this correct?
- a. Who was the lawyer that was engaged on behalf of the Panamanian government?
 - b. Did the lawyer take any action on behalf of the Panamanian government in these matters?
 - c. Did the Panamanian government join as a civil party in the case against Finmeccanica?

C. SAP SE Case

- From publicly available information, we understand that a U.S. federal judge in the Northern District of California identified you as one of several alleged co-conspirators in a bribery scheme that helped SAP SE to secure contracts with the Panamanian government. We understand the disclosure by the Court was made in connection with the U.S. government’s case against Vicente Garcia, a former executive at SAP. During Mr. Garcia’s sentencing, Judge Charles R. Breyer instructed him that, as part of his condition of his future supervised release, Mr. Garcia was to avoid contact with “any co-conspirators in this case.” Judge Breyer specifically named you and six other individuals as the unindicted co-conspirators.
 1. The Judge’s Order—which was initially made public on December 22, 2015—was subsequently sealed.
 - a. Did you or someone acting on your behalf move to have the Order sealed?
 - b. What was the reason for seeking to seal the Order?
 2. Have you ever met or had any contact with Mr. Garcia? If so, what is the nature of your relationship with Mr. Garcia?

3. Have you ever received any benefit(s) from SAP? If so, please describe the nature of any such benefits.

D. Companies and Assets Associated with Mr. Martinelli

1. Please provide a listing of all real estate property in the United States owned directly or indirectly by you, or on your behalf, or for your (or your family's) benefit.
2. Exhibit A attached hereto is a list of companies that, according to publicly available information, are companies owned, associated or affiliated with you.
 - a. In the attached spreadsheet, please confirm whether you are in fact associated (whether by direct or indirect ownership or affiliation) with each of the listed companies.
 - b. Please also provide an explanation of the business purpose of each such company.
 - c. Please indicate the country where the company is based, and if different, where it operates.
 - d. Please indicate where the company holds its bank account(s) and/or owns or is the beneficial owner of any real property.
3. Please provide copies of your personal tax returns filed by you or on your behalf in the United States from 2005 to present day.
4. Please provide copies of the tax returns filed in the United States by any companies in which you have a direct or indirect ownership interest from 2005 to present day.
5. It is our understanding that under Panamanian law, high-level public officials are required to submit an income and asset declaration upon taking and leaving office. Please provide each income and asset declaration that you, your wife, or anyone acting on your behalf have presented from 2005 to present day.