

IN THE MATTER OF AN ARBITRATION UNDER THE
UNITED STATES - COLOMBIA TRADE PROMOTION AGREEMENT, SIGNED
ON 22 NOVEMBER 2006 AND ENTERED INTO FORCE ON 15 MAY 2012
- and -
THE ARBITRATION RULES OF THE UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW, AS REVISED IN 2013
(the "UNCITRAL Rules")

PCA Case No. 2018-56

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In the Matter of Arbitration Between:
1. ALBERTO CARRIZOSA GELZIS
2. FELIPE CARRIZOSA GELZIS
3. ENRIQUE CARRIZOSA GELZIS
Claimants,
and
THE REPUBLIC OF COLOMBIA,
Respondent.

- - - - -x Volume 2

VIDEOCONFERENCE: HEARING ON JURISDICTION

Tuesday, December 15, 2020

Washington, D.C.

The hearing in the above-entitled matter
convened at 9:04 a.m. (EST) before:

- MR. JOHN BEECHEY, CBE, Presiding Arbitrator
PROF. FRANCO FERRARI, Co-Arbitrator
MR. CHRISTER SÖDERLUND, Co-Arbitrator

ALSO PRESENT:

Registry of the Permanent Court of Arbitration:

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P R O C E E D I N G S

1
2 PRESIDENT BEECHEY: Ladies and gentlemen, good
3 morning. Day 2 of this Hearing, Jurisdictional Hearing.

4 Are there any housekeeping matters that the
5 Parties want to raise with us before we hear from the
6 United States?

7 MR. MARTÍNEZ-FRAGA: Good morning, Mr. President.
8 Not on Claimants' behalf.

9 PRESIDENT BEECHEY: Thank you, Mr. Martínez-Fraga.
10 And for Respondent? Mr. Di Rosa?

11 MR. DI ROSA: No, none for us. Thank you,
12 Mr. President.

13 PRESIDENT BEECHEY: Very well. In that event,
14 Ms. Thornton, the floor is yours.

15 style="text-align: center;">STATEMENT BY NON-DISPUTING PARTY

16 MS. THORNTON: Great. Thank you, Mr. President
17 and Members of the Tribunal for this opportunity. My name
18 is Nicole Thornton. I am the Chief of Investment
19 Arbitration and the Office of International Claims and
20 Investment Disputes at the U.S. Department of State.

21 The United States makes its submission pursuant to
22 Article 1022 of the U.S.-Colombia Trade Promotion
23 Agreement, or TPA, on issues of treaty interpretation. The
24 United States does not take the position on how these
25 treaty interpretation issues apply to the facts of this

1 case.

2 Moreover, as is the case with every statement we
3 make as a non-disputing party in this and all other cases,
4 including the Fireman's Fund Case under the NAFTA, no
5 inference should be drawn from the absence of comment on
6 any issue not addressed in this submission.

7 We have listened to the Disputing Parties' Opening
8 Statements with interest and would like to briefly address
9 a few issues that were raised in addition to those
10 addressed in our non-disputing party submission of May 1 of
11 this year.

12 The first issue concerns Footnote 2 to
13 Article 10.4 and the significance of the words "for greater
14 certainty" at the beginning of that footnote. As a general
15 practice, the United States uses the words "for greater
16 certainty" in its International Trade Investment Agreements
17 to introduce confirmation regarding the meaning of
18 "agreement." In U.S. practice, the phrase "for greater
19 certainty" signals that the sentence it introduces reflects
20 the understanding of the United States and the other
21 agreement party or parties of what the provisions of the
22 Agreement would mean even if that sentence were absent.

23 As a consequence, "for greater certainty"
24 sentences also serve to spell out more explicitly the
25 proper interpretation of similar provisions mutatis

1 mutandis and other agreements or in the same agreement.

2 United States has previously made a statement to
3 this effect in Footnote 24 of our non-disputing party
4 submission in Omega v. Panamá, an ICSID Arbitration
5 pursuant to the U.S. Trade Promotion Agreement and
6 Bilateral Investment Treaty with Panamá. And that
7 submission is publicly available on our website, and we
8 would be happy to provide it to the Tribunal and the
9 disputing parties, if that would be helpful.

10 The second issue concerns the expropriation
11 provision in Article 10.7, which is incorporated into
12 Chapter 12 via Article 12.1.2 (b). The expropriation
13 provision refers to Article 10.5, the Minimum Standard of
14 Treatment, in subparagraph (d) of Article 10.7.1. This
15 reference, Article 10.5, does not mean, however, that an
16 obligation to accord fair and equitable treatment is
17 incorporated either into Article 10.7 or Chapter 12.
18 Rather, the reference to 10.5 simply provides that to be
19 lawful under Article 10.7, an expropriation must comply
20 with all the parameters listed in subparagraphs (a) through
21 (d), including the customary international law minimum
22 standard of treatment.

23 As made clear in the first and second paragraphs
24 of Article 10.5, covered investments under the TPA must be
25 accorded customary international law Minimum Standard of

1 Treatment. Footnote 3, found at the end of Article 10.5's
2 title, further explains that Article 10.5 is to be
3 interpreted in accordance with Annex 10A, the customary
4 international law annex.

5 That annex confirms that Article 10.5 refers to
6 the Minimum Standard of Treatment and explains that the
7 Minimum Standard of Treatment refers to all customary
8 international principles that protect the economic
9 interests of aliens.

10 The Minimum Standard of Treatment is an umbrella
11 concept reflecting a set of rules that, over time, has
12 crystallized into customary international law, in specific
13 contexts.

14 And currently customary international law has
15 crystallized to establish a Minimum Standard of Treatment
16 in only a few areas. One such area expressly addressed in
17 Article 10.5.1 and 2(a) concerns the obligation to provide
18 fair and equitable treatment. The fair and equitable
19 treatment obligation includes, as stated in
20 Article 10.5.2(a), the obligation not to deny justice in
21 criminal, civil, or administrative adjudicatory
22 proceedings.

23 Another such area concerns the obligation to
24 provide full protection and security, which is addressed in
25 Article 10.5.1 and 2(b). The Minimum Standard of Treatment

1 also includes the obligation not to expropriate covered
2 investments except under the conditions specified in the
3 separate article devoted to expropriation, namely,
4 Article 10.7.

5 It is this latter component of the Minimum
6 Standard of Treatment that is being referred to in
7 Article 10.7.1(d). There is no ability to bring a fair and
8 equitable treatment claim under 10.7 in a Chapter 10
9 arbitration. Such a claim must be brought under
10 Article 10.5. Similarly, there is no ability to bring a
11 fair and equitable treatment claim in Chapter 12 by virtue
12 of Article 10.7.

13 An FET claim can only be brought under
14 Article 10.5, which is not incorporated into Chapter 12.
15 There is no FET obligation falling within the scope of
16 Chapter 12.

17 The third issue we would like to address concerns
18 the shared interpretations of the State Parties to the TPA
19 as to its provisions and Article 31(3)(a) and (b) of the
20 Vienna Convention on the Law of Treaties. Although the
21 United States is not a party to the Vienna Convention, we
22 consider that Article 31 reflects customary international
23 law on treaty interpretation.

24 Dates are well placed to provide authentic
25 interpretation of their treaties, including in proceedings

1 before investor-State tribunals like this one. TPA
2 Article 1022 ensures the non-disputing TPA Party has an
3 opportunity to provide its views on the correct
4 interpretation of the TPA. And the United States
5 consistently includes provision for such submissions in its
6 Investment Agreements.

7 Article 31 of the Vienna Convention on the Law of
8 Treaties recognizes the important role that the State's
9 Parties play in the interpretation of their agreements. In
10 particular, Paragraph 3 states that, "in interpreting a
11 treaty, there shall be taken into account, together with
12 the context, any subsequent agreement between the Parties
13 regarding the interpretation of the Treaty or application
14 of its provisions and any subsequent practice in the
15 application of the Treaty which establishes the agreement
16 of the Parties regarding its interpretation."

17 Article 31 of the Vienna Convention is framed in
18 mandatory terms. Subsequent agreements between the Parties
19 and subsequent practice of the Parties shall be taken into
20 account. Notably, several Investment Tribunals constituted
21 under the NAFTA have agreed that submissions by the NAFTA
22 Parties in arbitrations under Chapter 11, including
23 non-disputing party submissions may serve to form
24 subsequent practice.

25 For example, the Mobil v. Canada Tribunal found

1 that arbitral submissions by the NAFTA Parties constituted
2 subsequent practice and observed that: "The subsequent
3 practice of the Parties to a treaty, if it establishes the
4 agreement of the Parties regarding the interpretation of
5 the Treaty, is entitled to be accorded considerable
6 weight." And I would point you to Paragraphs 103, 104, and
7 158-160 of the Mobil v. Canada Decision on Jurisdiction and
8 Admissibility of 2018.

9 The Tribunal in Bilcon v. Canada reached a similar
10 conclusion at Paragraphs 376-379 of its January 2019 Award
11 on Damages, as did the Tribunal in the Canadian Cattlemen
12 for Fair Trade v. The United States at Paragraphs 188-189
13 of its January 2008 Award on Jurisdiction.

14 The International Law Commission has likewise
15 commented that subsequent practice may include statements
16 in the course of a legal dispute. Accordingly, where the
17 TPA Parties' submissions in an arbitration evidence a
18 common understanding of the given provision, this
19 constitutes subsequent practice that must be taken into
20 account by the Tribunal under Article 31(3)(b).

21 To sum up on this third issue, if the Tribunal
22 considers the concordant interpretations presented by the
23 two TPA Parties in this proceeding, as a subsequent
24 agreement under 31(3)(a), as a subsequent practice under
25 31(3)(b), or both, on any particular provision, the outcome

1 is the same. The Tribunal must take the TPA Parties'
2 common understanding of the provisions of their Treaty as
3 evidenced by their submission into account.

4 A fourth point the United States would like to
5 raise, just as a brief observation, is with respect to the
6 negotiation of the financial services chapter of the NAFTA.
7 When negotiating the chapters of trade agreements such as
8 the financial services chapter of the NAFTA, the United
9 States uses interagency committees called trade policy
10 review group and the trade policy staff committee to make
11 decisions on what to propose to include in the text of the
12 Agreement. These committees are made up of 20 different
13 executive branch agencies. The U.S. position with respect
14 to the scope of NAFTA Chapter 14 was not decided by one or
15 even a few individuals.

16 In the same vein, complex international trade
17 negotiations reflect input from multiple different
18 participants in each of the countries that is party to the
19 Agreement. No one participant's recollections substitute
20 for formal travaux préparatoires or other record of the
21 negotiations.

22 Finally, for the avoidance of doubt, we stand by
23 the interpretations on all other matters set forth in our
24 written non-disputing party submission from May 1st of this
25 year.

1 Thank you, Mr. President and Members of the
2 Tribunal, for your time and attention.

3 PRESIDENT BEECHEY: Ms. Thornton, thank you very
4 much indeed.

5 As I understand it, the Parties have proceeded on
6 the basis that, to the extent they wish to comment upon the
7 matters that we've just heard, they will be doing so in
8 their Closing Submissions.

9 So, with that being the case, we can proceed, I
10 think, to the examination of the Fact Witnesses for the
11 Claimants; correct?

12 MR. MARTÍNEZ-FRAGA: Correct.

13 PRESIDENT BEECHEY: Very well. Now, the order, as
14 I understand it, is Mr. Enrique Carrizosa and then
15 Mr. Alberto Carrizosa and then, finally, Mr. Felipe
16 Carrizosa. We will proceed on that basis.

17 Mr. Reetz, I think you are introducing the
18 evidence of Mr. Enrique Carrizosa.

19 MR. MARTÍNEZ-FRAGA: Mr. President and Members of
20 the Tribunal, I'll have to respectfully absent myself so
21 that Mr. Reetz can take my place.

22 PRESIDENT BEECHEY: All right. No, that's fine.

23 The other point is that as soon as you are ready
24 to go, I shall ask the PCA to put up on the screen the
25 Declaration that will require the witnesses of fact to make

1 before we go any further.

2 (Overlapping speakers.)

3 PRESIDENT BEECHEY: So, when you're ready,
4 Claimants, please let me know.

5 MR. REETZ: If Mr. Carrizosa is ready, I'm ready,
6 Mr. President.

7 THE WITNESS: Yes, I am. Thank you.

8 PRESIDENT BEECHEY: Very well.

9 ENRIQUE CARRIZOSA GELZIS, CLAIMANTS' WITNESS, CALLED

10 PRESIDENT BEECHEY: Good morning, Mr. Carrizosa.

11 I think you will have been aware, from yesterday's
12 proceedings, of the identity of the three Members of the
13 Tribunal. We are grateful to you for giving your evidence.
14 Before that evidence is introduced, you have in front of
15 you, I hope, on the screen a declaration, and I should be
16 grateful if you would read that into the record.

17 THE WITNESS: Yes. Thank you, Mr. President and
18 the Tribunal.

19 I solemnly declare, upon my honor and conscience,
20 that I shall speak the truth, the whole truth, and nothing
21 but the truth.

22 PRESIDENT BEECHEY: Thank you very much.

23 Mr. Reetz.

24 MR. REETZ: Thank you, Mr. President.

25 DIRECT EXAMINATION

1 BY MR. REETZ:

2 Q. Mr. Carrizosa, you've submitted a Witness
3 Statement in this proceeding; is that correct?

4 A. Yes, I have.

5 Q. And do you have that in front of you?

6 A. I do have it.

7 Q. Are there any corrections that you'd like to make
8 to your Witness Statement?

9 A. I did find some mathematical errors, I think. I'm
10 sorry. That was--it's on Paragraph 42, Page 6. It says
11 that I own and control 13.3420. That number actually
12 should be the same number that we see on Number 43, which
13 is 13.3353. Unfortunately, I don't know if that's a typo
14 or something, but it should be 13.3353.

15 And the graph that is on Page 8, likewise, where
16 my name is, that also has the wrong number, and it should
17 be 13.3353.

18 Q. And apart from those corrections, do you stand by
19 the contents of your Witness Statement?

20 A. I do.

21 Q. Thank you.

22 Mr. Carrizosa, could you please tell us your
23 nationality?

24 A. I am a dual national, Colombian and American.

25 Q. And how did you become a Colombian citizen?

1 A. I was born a Colombian citizen.

2 Q. How did you become a U.S. citizen?

3 A. I was also born a U.S. citizen.

4 Q. In which country do you presently live and work?

5 A. I presently live in Colombia.

6 Q. And where do you work at present?

7 A. Same. I live and work in the same country.

8 Q. And for how long have you lived and worked in
9 Colombia?

10 A. I moved to Colombia in 2004, and it's been
11 16 years since I moved here with my wife.

12 Q. Is it fair to say that you have chosen to make
13 your life in Colombia?

14 A. No. I think it's important to put into context
15 how 16 years ago my father was stepping down, and he,
16 speaking very frankly with me, was asking me to come to
17 Colombia alongside my brothers to take care and step up, to
18 take care of business.

19 Prior to that, actually, when I graduated from
20 high school, here at the American school, to me, there I
21 had very clear that I had a choice that I wanted to live in
22 the United States. I only applied to American universities
23 and made multiple choices of staying in the United States
24 until that time in 2004.

25 Q. Okay. You mentioned that--your father's request

1 16 years ago. Why are you living and working in Colombia
2 today?

3 A. My business requires it. There's multiple
4 elements to our business, but the company was founded by my
5 father in Colombia, and a lot of its operations are in
6 Colombia, and, really, being local is an important element
7 of being able to manage and oversee that business.

8 Q. Can you explain why that is?

9 A. Our business has--one of the main parts of that is
10 a construction business. Obviously a very local business.
11 We also have an energy business where we have done multiple
12 projects in Colombia, but right now we are mostly invested
13 in Panamá. And then we have an investment portfolio that
14 we have most of our assets there in the United States. So,
15 across that, really, the active part of our business is in
16 Colombia, and all the oversight that we do really
17 necessitates being local.

18 Q. We are conducting this Hearing today over Zoom, an
19 electronic conferencing platform.

20 With the technological changes and social changes
21 at that the pandemic has brought us, hasn't that changed
22 whether you need to be in Colombia to run your business?

23 A. Well, I think out of necessity everything has gone
24 virtual. We have managed this very responsibly. We have
25 had everyone that we can at home. People that need to be

1 on the work sites, well, we take all the necessary
2 protocols for that, and so actually I spent the last four
3 months in United States. I had to--I traveled on a
4 humanitarian flight to be with my family that's in
5 Michigan, my in-laws, my father-in-law, sister-in-law, and
6 I was there and I was able to keep working because it was
7 all virtual; but, to be honest, it is going to be--I think
8 once this is all done and over, to me--you know, it is just
9 my personal view--it is going to go back the way it is.

10 So many opportunities come out at meetings,
11 whether it's a get-together or a convention or the like.
12 That's how a lot of opportunities arise, is by being
13 present. So, as soon as we go back to normal, I imagine
14 that's going to happen.

15 And, obviously, I'm sure there will be a lot more
16 virtual meetings going forward, but I find it hard to
17 believe that it will be replaced.

18 Q. Mr. Carrizosa, do you understand that one of the
19 issues in this case is which of your two nationalities is
20 dominant and effective?

21 A. Yes, I understand that.

22 Q. I'd like to ask about how you view yourself
23 subjectively.

24 Do you feel that your citizenship ties are
25 stronger with Colombia, with the United States, or with

1 both countries equally?

2 A. No. To me it is very clear that it's the United
3 States.

4 I was raised by my American mother. My father,
5 who is Colombian, he's a self-made man. He worked
6 tremendously, but unfortunately that meant he wasn't very
7 present, and it was my mother who raised me.

8 I went to an American school. I went to an
9 American University. I did my master's. I married
10 American, although values, traditions, holidays, vacations,
11 even when living in Colombia, were mostly to the United
12 States.

13 So, to me, I've always felt American while being
14 in Colombia, and obviously more so when in the United
15 States.

16 Q. Okay. Tell us a little bit about what it's like
17 for you to live in Colombia as someone who feels
18 predominantly American.

19 A. Well, it's a little challenging. It is
20 obviously--it is one of those things where you don't quite
21 fit in. One of the things--like, I watch American TV
22 shows. Even back when I was little, my mom would rent all
23 of the Betamax shows, movies, and so on. I'm one of those
24 people that doesn't quite get the joke which I'm around
25 Colombians. You feel a little bit of outsider.

1 Obviously I've lived in Colombia and in the United
2 States, but it's one of those things where you kind of live
3 in a little bubble, especially when I was younger. Being
4 in the American school, everything there is in English.
5 When I'd come home, everything was in English with my
6 mother, traditions and so forth. So, that's kind of the
7 way we lived our lives.

8 Q. Tell me about--let me ask it differently. Are
9 there aspects of your family life that you view as relating
10 primarily to your Colombian nationality or your American
11 nationality?

12 A. Can you repeat the question? I'm sorry.

13 Q. Sure. I'm asking about the aspects of your family
14 life and whether you find that some of them relate more to
15 your Colombian or American nationalities?

16 A. Oh. No, it is predominantly American. I mean, my
17 mother is American, my brothers are American, my wife, my
18 children. I have aunts and cousins.

19 It's predominantly American. I mean, at home, all
20 we do is speak English. All our traditions are
21 traditionally American. So, it's very U.S.-centric.

22 Q. I'd like to ask you about a few things in your
23 Witness Statement starting with Paragraph 29 on Page 5.
24 I'll read it to you, but feel free to refer to it also.

25 In the fourth sentence of Paragraph 29, you

1 say: "I still spend at least 70 days per year in the
2 United States."

3 Is that a true statement?

4 A. Yes, that is a true statement. In fact, my
5 average is probably higher than that.

6 Q. How do you know?

7 A. I pay taxes, and I've always paid taxes, in the
8 United States, and ever since moving back to Colombia, my
9 tax accountants ask me how many days I spend in the United
10 States. So, I actually keep very detailed records of my
11 entries and exits to United States. I verify that with my
12 Outlook calendar, and I have very precise records of that.

13 Q. Okay. Let me ask a related question: Are you
14 aware that, in its submissions, Colombia has emphasized
15 that, since 2004, you've spent most of your Thanksgivings
16 and all of your Halloweens in Colombia? If you're aware,
17 to start.

18 A. Well, it's true. I mean, Halloween is not a
19 national holiday here or in the United States. To do
20 international travel for Halloween would be ridiculous and
21 exhausting; but, nonetheless, the way we celebrate it here
22 is very much in the American fashion. We set up trick or
23 treats and haunted house in our house. It has been
24 contagious, that even our neighbors have now added up to
25 our traditions of enjoying Halloween.

1 Also, from the business side, that's a tradition
2 that we started quite a long time ago, where now we started
3 decorating the office and to--it's crazy. It's like a
4 haunted house in the office. People always ask us "What's
5 up with your bosses?" the way we decorate our office. And
6 it's really in that spirit, you know, that kind of--that we
7 really enjoy Halloween.

8 Thanksgiving, I've actually--ever since, as the
9 brothers, we got the apartment in Miami, I personally have
10 been flying more to Miami to spend it with my
11 in-laws--that's more in recent history--because they live
12 in Michigan. And so, really, to travel for a four-day
13 weekend to Michigan, which takes a whole day, it's too
14 complicated, but more recently, now that we can meet up in
15 Miami, we have been doing that more recently.

16 But also holidays like 4th of July. I probably
17 spend half of those in the United States, and similarly
18 Christmas I alternate, because obviously I have family here
19 in Colombia. I alternate with my family and my in-laws,
20 and so half of our Christmases are in the United States.

21 Q. Okay. Let me turn to Page 6 of your Witness
22 Statement, please, and to Paragraph 40. And in that
23 paragraph, you say: "I'm registered to vote in
24 presidential elections in the United States."

25 Is that a true statement?

1 A. Yes, it is.

2 Q. Are you aware that Colombia has found no record of
3 your being registered to vote in Florida?

4 A. That's because I'm registered to vote in Illinois.
5 I was--I lived in Illinois prior to moving to Colombia.

6 Q. I'd like to turn to Paragraph 30 of your Witness
7 Statement, which is back on Page 5. In the second sentence
8 of that paragraph, you say: "Culture and traditions in my
9 household are the culture and traditions of the U.S."

10 Do you see that?

11 A. Yes.

12 Q. Does that mean that you don't attend cultural
13 traditions in Colombia?

14 A. Of course not. I do live in Colombia. I
15 definitely partake in local culture elements. But, for me,
16 it's still clear that I have even probably been to more
17 cultural events in the United States, whether it's the
18 symphony, whether it's the opera, whether it's the theater,
19 like the Steppenwolf in Chicago, but I've definitely
20 participated in cultural events in Colombia.

21 Q. And, finally, Mr. Carrizosa, you mentioned that
22 you plan to retire in the United States. Why in the United
23 States?

24 A. To me, it's more where I feel that I'm in my
25 element. It's where--the way I have raised my family. I

1 have two daughters. They have been raised primarily
2 American. Whenever we travel to the United States, we feel
3 like we're in our element. We're at home.

4 To me, it is just very clear that, once I don't
5 have the responsibility that I have or can do more from the
6 United States, I would definitely do so. That's where I
7 would feel most comfortable.

8 Q. Thank you, Mr. Carrizosa.

9 MR. REETZ: I have no further questions.

10 PRESIDENT BEECHEY: Thank you, Mr. Reetz.

11 Hand over now to Mr. Di Rosa for
12 cross-examination.

13 Now, Mr. Di Rosa--forgive me--please bear in mind
14 the admonition from the Tribunal in both the prehearing
15 conference and yesterday, that what we are really
16 interested in is cross-examination that goes to the real
17 points you want us to focus on for the purposes of any
18 award that follows.

19 MR. DI ROSA: We will do our best, Mr. President.

20 PRESIDENT BEECHEY: Okay.

21 CROSS-EXAMINATION

22 BY MR. DI ROSA:

23 Q. Mr. Carrizosa, thank you for testifying this
24 morning.

25 You should have been given a link to access

1 certain documents that we will be referring to.

2 Do you have that in front of you?

3 A. No. I have the Transcript on my iPad over here,
4 but I do not have another link. I don't know if there's an
5 email that I should check.

6 MR. REETZ: I will ask our team.

7 MR. DI ROSA: Yeah, you should have received it.

8 All right. I think we can proceed for now.

9 THE WITNESS: Do you want to put it on the screen?
10 How would you rather do this?

11 BY MR. DI ROSA:

12 Q. We will deal with it when we get to it. If we
13 need to refer to a document, then we'll sort it out. I'm
14 hoping your team will send you the link if you don't have
15 it.

16 A. Okay. Let me know when I--if I should check my
17 email.

18 Q. Fair enough.

19 All right. So, Mr. Carrizosa, I'm going to be
20 asking you a series of very short and very simple
21 questions. Your counsel will have the opportunity to come
22 back to allow you to clarify certain points or to ask you
23 follow-up questions. So, you know, I'm hoping that you
24 will give relatively short answers, given that we have a
25 time limitation here. So, I apologize in advance if I have

1 to interrupt you due to a long answer to my question.

2 Okay?

3 And before we start, let me ask you one question.
4 When you filed your Request for Arbitration in this
5 Arbitration, you and your brothers used the last name
6 "Carrizosa Gelzis." I apologize if I'm mispronouncing the
7 second one.

8 Is that your mother's last name, Gelzis?

9 A. Yes, that's correct. That's my mother's maiden
10 name.

11 Q. And that's a Colombian tradition, to use your
12 father's name and last name, kind of like Gabriel García
13 Márquez, or similar?

14 A. Both last names are required in Colombia. That is
15 traditional in Colombia.

16 Q. All right. Are you testifying from Colombia right
17 now?

18 A. Yes, I am in Bogotá.

19 Q. You indicated during your direct examination just
20 now that you have been a dual Colombian and U.S. national
21 since your birth in Bogotá; correct?

22 A. Correct.

23 Q. And you acquired your U.S. nationality through
24 your mother; correct?

25 A. Yes, that's correct.

1 Q. Your mother was born in Latvia, but naturalized in
2 the U.S. around age 16; is that correct?

3 A. She naturalized around 1954, or I think a little
4 bit before that; but around that age, correct.

5 Q. Your mother is the sole claimant in the parallel
6 ICSID Case; is that correct?

7 A. Yes, I believe that's correct.

8 Q. You currently reside in Bogotá?

9 A. Yes. Yes, I reside in Bogotá.

10 Q. How long have you lived in Bogotá?

11 A. I've been living in Bogotá the last 16 years.

12 Q. In Bogotá, do you live in a house or in an
13 apartment?

14 A. I live in an apartment.

15 Q. Do you own the apartment or do you rent it?

16 A. I own the apartment.

17 Q. How long have you owned the apartment?

18 A. 13 years.

19 Q. And you've been living in that apartment
20 uninterruptedly since you first bought it 13 years ago?

21 A. Yes, except for whenever I travel outside Colombia
22 for vacation or for work, obviously.

23 Q. You're married, Mr. Carrizosa?

24 A. Yes. I'm married to Mereke Evelyn Decker, a U.S.
25 citizen.

1 Q. And your wife lives with you in your apartment in
2 Bogotá?

3 A. Yes. I live with my whole family in my apartment.

4 Q. So, that includes your two daughters; is that
5 correct?

6 A. Yes, of course.

7 Q. And they were--both of your daughters were born in
8 Bogotá; is that right?

9 A. Yes. They were both born in Bogotá, and they were
10 both born Colombian and American citizens.

11 Q. In what year were they born?

12 A. Annabelle was born in 2007, and Aria was born in
13 2009.

14 Q. Have your daughters lived with you in Bogotá since
15 they were born in 2007 and 2009 up until now?

16 A. Yes, they have.

17 Q. Your father has passed away already; is that
18 right?

19 A. Yes, that's true. He passed away two years ago.

20 Q. Did he live in Bogotá?

21 A. Yes. He lived in Bogotá at the time of his death.

22 Q. Your mother resides in Bogotá; is that correct?

23 A. Yes. My mother also resides in Bogotá.

24 Q. Since what year has your mother been residing in
25 Bogotá?

1 A. 1962.

2 Q. Your two brothers, Enrique and Felipe, who are the
3 Co-Claimants in this Arbitration, also live in Bogotá; is
4 that right?

5 A. My brothers are Alberto and Felipe. I'm Enrique.

6 Q. I'm sorry. You're Enrique. Apologies. That's an
7 error here.

8 A. They do, but--both of my brothers do live in
9 Bogotá.

10 Q. Apologies.

11 Do you have any other siblings other than Alberto
12 and Felipe?

13 A. No, I do not. Those are my two brothers.

14 Q. Now, according to Colombia's migratory records, in
15 2014 you spent 286 days in Colombia and 78 days abroad.

16 Do you have any reason to dispute those figures?

17 A. I would have to look at it, because--actually, I
18 definitely dispute the figures of how much time I've spent
19 in the United States. The records that you guys have have
20 a lot of missing information, but the general--the general
21 time that I'm in Colombia versus abroad, which is one part
22 of one of exhibits that I've seen, those numbers are
23 correct, but the U.S. time is incorrect.

24 Q. So, we based those figures that we included in our
25 pleadings on the records that we received, the official

1 immigrations that we received from the Colombian
2 Government.

3 Now, you mentioned just now that--in your direct
4 examination that you think that you spent more than 70 days
5 a year, or at least 70 days a year, in the U.S. That's the
6 point that we had disputed in our pleadings. And you
7 referred to your tax documents, and also you say you
8 confirmed it in your Outlook.

9 Did you submit either your tax documents or your
10 Outlook documents as documentary evidence in this
11 Arbitration?

12 A. No, I didn't; but if you want to, we can look at
13 the records that you got from Colombia and we can see what
14 I'm referring to in terms of the problems that those data
15 files have.

16 Q. According to the official immigration records we
17 have received, from 2004 to 2018, you have spent a total of
18 4,220 days in Colombia and 1,206 days outside of Colombia,
19 so about a 4-to-1 ratio.

20 Does that sound about right to you?

21 A. Yeah, in terms of--I guess I just want to make
22 sure I'm clear. If you're talking about the time abroad,
23 those figures are correct. The figures that you have of my
24 time in the United States are incorrect. And it's--

25 Q. Apologies. I'm not talking about your time in the

1 United States. I'm just talking about in Colombia and
2 outside of Colombia. Those figures that I just cited are--

3 (Overlapping speakers.)

4 (Stenographer clarification.)

5 Q. Yes. The question was: I was speaking about your
6 days in Colombia and your days outside of Colombia. Do
7 those figures that I cited, 4,220 and 1,206, sound about
8 right to you?

9 A. Yes, that sounds about right.

10 Q. So, Mr. Carrizosa, I meant to tell you at the
11 beginning: We can't speak over each other because we have
12 interpreters and stenographers who need to hear the
13 complete statement or question. So, let's try to--we both
14 need to try to finish our statement and allow the other
15 person to finish their statement.

16 A. Will do. One of the problems with these
17 platforms, yes. I was trying to finish my answer.

18 Q. I understand.

19 Okay. Mr. Carrizosa, do you have a Colombian
20 driver's license?

21 A. I do.

22 Q. Do you have a driver's license issued by any state
23 or jurisdiction in the United States?

24 A. No, I don't, because I'm not allowed to. One of
25 the ways to get a U.S. driver's license is that you have to

1 establish residency. It's the primary means of
2 identification. So, I've actually tried, but since I'm not
3 a resident in the United States now, I cannot have one.

4 Q. Understood. You voted in the--you made a
5 reference to being registered to vote in the United States,
6 and I'll come back to that, but you did vote in the 2018
7 presidential and congressional elections in Colombia; is
8 that correct?

9 A. Yes.

10 Q. You also voted in the 2014 presidential and
11 congressional elections in Colombia; is that correct?

12 A. Yes, it is. I try to make a point of trying to
13 vote in Colombia. It's something that--it's very important
14 in regards to just how fragile the democracy here is. So,
15 that's something that--I have consistently been voting in
16 Colombia.

17 Q. Did you vote in the U.S. presidential elections
18 that were held last month?

19 A. Yes, I did.

20 Q. Where did you vote?

21 A. Illinois, by mail. I was actually in Michigan
22 when I mailed it in. But I voted.

23 Q. Did you vote in the 2016 presidential elections in
24 the U.S.?

25 A. No, I did not vote in the 2016, but I did

1 participate in the way that I donated to the presidential
2 elections and senatorial elections, but I did not actually
3 vote.

4 Q. Did you vote in the 2012 presidential elections in
5 the U.S.?

6 A. No, I did not. But, once again, I did donate to
7 the presidential campaign.

8 Q. What is your profession?

9 A. I'm an industrial engineer. I studied at
10 Northwestern University in Evanston, Illinois, and then I
11 got a master's in business administration from the Kellogg
12 School of Management, also of Northwestern University in
13 Evanston, Illinois.

14 Q. Where are you currently employed?

15 A. I am currently employed in Colombia.

16 Q. But at what company or institution?

17 A. The name of the company is called
18 I.C. Inversiones.

19 Q. That's a company incorporated in Colombia?

20 A. That's correct.

21 Q. How long have you been employed at that company?

22 A. Pretty much since I came back 16 years ago.

23 Q. All right. So, you were employed there in 2014
24 and 2018; correct?

25 A. Yes.

1 Q. Do you have an office in Bogotá?

2 A. Yes, I do. I have an office in Bogotá. Yes.

3 Q. Do you have any office space in the United States?

4 A. No. It's not necessary. I usually travel for
5 business. I will either work out of whatever offices I'm
6 visiting, and/or the hotels, but it's not necessary for me
7 to have an office in the United States.

8 Q. You're currently the Chairman of the Board of the
9 company that you just mentioned; right, I.C. Inversiones?

10 A. Yes, that's correct.

11 Q. And the company is headquartered in Bogotá, is it?

12 A. Yes.

13 Q. Since what year have you been the Chairman of the
14 Board of I.C. Inversiones?

15 A. About four or five years ago.

16 Q. And you were also the President of that company
17 from 2010 to 2016; is that correct?

18 A. Yes.

19 Q. In 2014 and 2018, you were a representative of a
20 company called I.C. Inversiones S.A.S.; is that correct?

21 A. That's the same company I was referring to
22 earlier.

23 Q. Okay. Fair enough.

24 We saw references to you being a representative,
25 and I guess that's what confused me. What does a

1 representative do, and when were you a representative, as
2 opposed to Chairman of the Board or President, which are
3 the two roles that we just talked about?

4 A. In Colombia there's a legal representative, which
5 is usually a position that is required by Colombian law.
6 That usually means an administrator or someone who can
7 legally represent the company. And being a board member is
8 a different thing. So, those are two different functions
9 within the company.

10 Q. I see. In 2014 and 2018, you were similarly a
11 representative of a company called Industrias y
12 Construcciones I.C. S.A.S.; is that correct?

13 A. That's our construction company.

14 Q. And that company is also incorporated in Colombia?

15 A. Yes.

16 Q. You were also a representative of a company called
17 Inversiones Burgos Monserrat S.A.S.; is that correct?

18 A. Yes. That company is also--yes. Sorry.

19 Q. And you were a representative of that company in
20 2014; correct?

21 A. Correct.

22 Q. And that company is also incorporated in Colombia;
23 correct?

24 A. Yes. The family business has multiple companies
25 in Colombia, as well as other parts, including the United

1 States.

2 Q. You were similarly a representative of a Colombian
3 company called Manufacturas de Oriente S.A.S. in 2014 and
4 2018; is that right?

5 A. Yes. That's another company.

6 Q. Also incorporated in Colombia; correct?

7 A. That's correct.

8 Q. You were similarly a legal representative of a
9 Colombian company called Vanguardia Asesoría S.A.S. in
10 2014; is that correct?

11 A. Yes. I mean, these are obviously a list of
12 companies that we manage, and our--the reason why we need
13 to live in Colombia is multiple ownings are in Colombian
14 companies, and we need to be here to oversee them.

15 Q. Correct. I'm just trying to get a sense of the
16 full range of your professional activities.

17 And, you know, you said that these legal
18 representatives are administrators and serve on the Board,
19 so I'm just trying to get a full sense of this. Just one
20 more, then. Let me ask you about this company, Vanguardia
21 Inversiones S.A.S.

22 What was your role in that company?

23 A. Also legal representative.

24 Q. So, you were a legal representative at that
25 company from 2011 to 2018; is that right?

1 A. That sounds about right.

2 Q. That company is incorporated in Colombia as well;
3 correct?

4 A. That's right.

5 Q. Have you served in an analogous role in any U.S.
6 company?

7 A. We have a company that owns some holdings in the
8 United States, where I have that directorship role. And--

9 Q. What's the name of that company?

10 A. Arch Finale (phonetic.)

11 Q. Any others?

12 A. Where I have a directorship role outside, no.

13 Q. In 2014 you were a member of the Board of
14 Directors of company called Carbones De Samaca S.A.; is
15 that right?

16 A. Yes, that's correct. That's another investment
17 that--another investment company that we had.

18 Q. Also a Colombian company; right?

19 A. Yes.

20 Q. And in 2018 you were a member of the Board of
21 Directors of a company called VTU de Colombia S.A.; is that
22 right?

23 A. Yes. That's another Colombian company.

24 Q. Okay. Have you ever worked in a government entity
25 or agency?

1 A. No.

2 Q. You said that you--

3 PRESIDENT BEECHEY: A point of clarification.
4 Forgive me, Mr. Di Rosa. The last two companies you
5 mentioned, Mr. Carrizosa, are those also family companies
6 or are they independent entities, independent corporate
7 entities?

8 THE WITNESS: Those two entities are where we are
9 associated with third parties. We had a minority stake in
10 Carbones De Samaca and that was part of our family
11 business, and--

12 (Audio distortion.)

13 (Stenographer clarification.)

14 THE WITNESS: VTU--can you hear me now? VTU de
15 Colombia. That company was--is also part of the family
16 business, when we had a majority ownership there as well.

17 PRESIDENT BEECHEY: Thank you. Forgive me, Mr. Di
18 Rosa.

19 MR. DI ROSA: No problem, Mr. President.

20 BY MR. DI ROSA:

21 Q. Mr. Carrizosa, you indicated in your Witness
22 Statement and also in your direct examination that you
23 moved to Colombia to help with the family business; is that
24 correct?

25 A. That's correct. In 2004.

1 Q. And you also said in your Witness Statement that
2 you live in Colombia because your business ventures are
3 there; correct?

4 A. Can you repeat the question?

5 Q. Yes. You said that in Paragraph 33 of your
6 Witness Statement, you said that you live in Colombia
7 because your business ventures are there, business
8 activity?

9 A. Yes, that's correct.

10 Q. That means that you live in Colombia because
11 Colombia is the center of your economic and professional
12 life; is that correct?

13 A. No. No. I think that it's important to really
14 understand that we have a multiple Colombian companies and
15 a lot of those structures is for the different kind of
16 business, lines of business that we have. But our business
17 has significant activities elsewhere. We have the
18 construction business, which is a lot of what you've been
19 mentioning. We have an energy business which has a very
20 important investment in Panamá. And our passive portfolios
21 are mostly outside the United States.

22 Aside from that, from a personal level,
23 practically all my savings and everything that I plan to
24 retire on, my health insurance, my life insurance is all in
25 the United States. And so, for me, my well-being has most

1 to do with the United States. And aside from the fact that
2 all our businesses all end up in a U.S. corporation as
3 well. So, for me, it's much more, much broader than in
4 Colombia.

5 Q. What do you mean by "all your businesses end up in
6 a U.S. corporation"?

7 A. Through the line of ownership. Those
8 companies--they are ultimately held by a U.S. corporation.

9 Q. I see. You said earlier that you owned the
10 apartment that you live in Bogotá; correct?

11 A. That's true.

12 Q. Do you or does your family also have a vacation or
13 country home of some sort?

14 A. Yes. You mentioned that company at one point,
15 Burgos Monserrat. The three brothers own that company
16 which owns that weekend house. It is
17 roughly--what?--three hours from Bogotá.

18 Q. I see. And how often do you visit the country
19 home?

20 A. I haven't had a chance to go this year. It's
21 probably, on average, pre-pandemia, I'd probably go six
22 times a year.

23 Q. Do you own other real estate in--sorry.

24 Do you own other real estate in Bogotá or anywhere
25 else in Colombia?

1 A. No. Just the apartment and that vacation house.

2 Q. Do you have any employees working for you on your
3 properties?

4 A. Yes. I have a household help in this apartment
5 and we also have help at the weekend house.

6 Q. Do those employees live on your properties?

7 A. I have a live-in maid in my apartment and the
8 other properties are all day maids, day help.

9 Q. Do you own any real estate in the United States?

10 A. Yes. An apartment in Miami.

11 Q. But you don't own that yourself. It is owned by a
12 BVI company, according to our records; is that correct?

13 A. Yes. Yeah, since then that company has migrated
14 and is now in the United States, and we are owners of that
15 company indirectly.

16 Q. We understand that the apartment is located in a
17 place called Sunny Isles, Florida. That's in the Miami
18 Beach area; correct?

19 A. That's correct.

20 Q. And you said that the property is owned jointly
21 with your brothers; correct?

22 A. Yes.

23 Q. Is it fair to say that it's a vacation home rather
24 than a place of permanent residence?

25 A. Yes, it is a vacation home.

1 Q. Do you or any company that you control own any
2 other real estate in the United States?

3 A. No.

4 Q. Sorry. I'm going to need a real answer because
5 the stenographer needs to take it down, Mr. Carrizosa.

6 A. No.

7 Q. Do you own any cars or other vehicles in Colombia?

8 A. The vehicles that we use are owned by our
9 companies.

10 Q. Do you have a driver in Colombia?

11 A. Yes, I do.

12 Q. You said in your Witness Statement that you have
13 passive investments in the U.S. and you referred to them
14 again in this cross-examination; correct?

15 A. Correct.

16 Q. Did you attach to your Witness Statement any
17 documentary evidence of those investments?

18 A. I make reference to them, but I don't attach bank
19 statements. I'm not sure exactly what you're asking for.

20 Q. You currently have or have had investments in
21 Colombia; correct?

22 A. Yes. I have a--on personal level I have a
23 brokerage account and bank accounts here in Colombia, but
24 my brokerage and bank accounts in the U.S. are far, far
25 more significant and important to me.

1 Q. So, unlike with respect to your investments in the
2 U.S., in your Witness Statement you did not mention your
3 investments in Colombia; is that correct?

4 A. I did. I made a reference to how much of my
5 investments are in the U.S. v. Colombia, Paragraph 34.

6 Q. You didn't specify what your investments consist
7 of, did you?

8 A. It is what I was just mentioning, like those
9 brokerage accounts and bank accounts in Colombia.

10 Q. Right. But you didn't mention those in the
11 Witness Statement; correct?

12 A. No. No, I just made a reference to it. Like I
13 said, anything in Paragraph 34 about the 90 percent of them
14 are in the United States and the other 10 percent would be
15 in Colombia.

16 Q. Do you have any investments in Colombia in
17 commercial real estate or in commercial enterprises?

18 A. Personally, no. Just the ones we've talked about.

19 Q. Do you have any investments in Colombia in stocks
20 or in bonds?

21 A. Yeah. I have a, through the mandatory pension
22 program that is in Colombia, those are--those investments
23 are made in stocks and--and, yeah, in bonds--sorry, stocks
24 and bonds.

25 Q. You don't own any other stocks and bonds beyond

1 those that are invested in the pension fund?

2 A. Well, and the ones that I have in my brokerage
3 account, I have some bonds there as well.

4 Q. Brokerage account in Colombia?

5 A. Yes. The one--as I mentioned to you that have a
6 bank account and brokerage account in Colombia.

7 Q. Okay. You pay income taxes in Colombia; correct?

8 A. Yes, and in the United States.

9 Q. But in the United States all U.S. citizens are
10 required to pay U.S. income tax regardless of where they
11 reside; is that correct?

12 A. Yes, that is correct.

13 Q. Do you pay Property Taxes in Colombia?

14 A. Of course. I own this apartment.

15 Q. Do you pay Social Security taxes in Colombia?

16 A. Yes. That's required and it's automatic from my
17 paycheck.

18 Q. When was the last time you had a job in the United
19 States?

20 A. 2004. I worked for Bain & Company and prior to
21 that I worked for Marakon Associates, and prior to that I
22 worked at General Motors.

23 Q. You just made reference to your Colombian pension
24 plan. You referred in your Witness Statement to your
25 contributions to a U.S. retirement fund but you did not

1 mention your contributions to a Colombian pension fund; is
2 that correct?

3 A. I do contribute because to the Colombian pension
4 fund through the requirement through my paycheck. But,
5 honestly, I don't necessarily count on that. It's a
6 minimum contribution, and it is not significant to my
7 retirement plans.

8 Q. Right. My question, though, was did you mention
9 that in your Witness Statement?

10 A. Probably not because I don't give it much
11 importance.

12 Q. Did you provide any documentary evidence of your
13 contributions to a U.S. retirement fund?

14 A. I have an IRA and Roth IRA in the United States.

15 Q. Right. But you didn't attach to your Witness
16 Statement any evidence of that; correct?

17 A. No, I did not attach those statements.

18 Q. Do you have any medical insurance in Colombia?

19 A. I have the nationally mandated social health plan,
20 EPS. My real health insurance and the health insurance
21 that I and my wife and kids live off is the one in the
22 United States, and that's how we actually access
23 healthcare.

24 Q. You mention that you have life insurance in the
25 United States. Do you also have life insurance in

1 Colombia?

2 A. Yes. I also have a life insurance in Colombia.

3 Q. Do you have any professional liability insurance
4 in Colombia?

5 A. Well, it's also regulated through the ARL, and so,
6 that is just--it's each--every company has to have that.

7 Q. So, it's automatic?

8 A. Umm-hmm.

9 Q. Do you have professional liability insurance in
10 the U.S.?

11 A. No. I work in Colombia.

12 Q. You referred to your position at I.C. Inversiones.
13 Does your salary from that entity get deposited in one of
14 your bank accounts in Colombia or one of your bank accounts
15 in the United States?

16 A. A bank account in Colombia. Yes.

17 Q. Do you belong to any social clubs?

18 A. Yes. I belong to three social clubs, Club el
19 Nogal, which is an urban club. I primarily use that as my
20 place for a gym, and also for meeting spaces. It has
21 breakout rooms and the like. And that's primarily what I
22 use that club for.

23 The second, Club Lagartos, it is a golf club, even
24 though I don't really golf. My wife and I joined that club
25 really to be able to have a safe place to be able to go

1 out--be outside with my daughters because there is not
2 really a safe place, parks in the city are not that safe.
3 And then the third is in relation to the weekend house that
4 we were talking about earlier that is also part of a club.
5 There, we go to spend the weekends and we mostly stay
6 around in the house. Those are the three clubs.

7 Q. All right. Thank you. And do you host events
8 there at any of these clubs such as birthday parties or
9 anniversary parties and the like?

10 A. Not frequently but we have. We used the Club de
11 Nogal once for one of the kids' birthday parties. But most
12 of plans are in our home.

13 Q. Are you a member of any social clubs in the United
14 States?

15 A. No. No. It wouldn't make sense for me to be part
16 of a social club.

17 Q. You mentioned that you're a member of the golf
18 club but that you don't really play golf.

19 Do you do any other sports?

20 A. I do biking and mostly gym workouts like, you
21 know, doing weights. So, I mix it up between spinning and
22 a little bit of weight training.

23 Q. Do you belong to any cycling club?

24 A. No.

25 Q. Are you a member of any sports club or gym in the

1 United States?

2 A. No, it wouldn't make sense for me.

3 Q. What other hobbies do you have? And I know we
4 don't have much time. Beyond, you know, work and family,
5 it's hard, but just curious.

6 A. No. I dedicate a lot of time to my family, but I
7 have a little bit of interest in photography and food and
8 wine, I guess.

9 Q. Are you a member of any club or group relating to
10 photography or wine?

11 A. No.

12 Q. Do you go to church, Mr. Carrizosa?

13 A. No, I don't. I used to when I was younger, but
14 not currently.

15 Q. What church did you go to when you were younger?

16 A. Cristo Rey.

17 Q. Is that a church in Colombia?

18 A. Yeah.

19 Q. A Catholic Church, is it?

20 A. Yes.

21 Q. Did you receive your first communion in
22 Colombia--communion, first communion?

23 A. That's correct.

24 Q. You stated in your Witness Statement that you
25 travel the world using your U.S. passport.

1 Do you remember saying that?

2 A. Yes.

3 Q. Now, I'm not sure about the current status but as
4 least until earlier this year it was easier to travel
5 internationally with a U.S. passport than the Colombian
6 passport. For example, because many places that did not
7 require visas from U.S. travelers did require visas from
8 Colombian travelers.

9 Would you agree with that proposition?

10 A. I'm sorry. What's the question?

11 Q. That was a long question, wasn't it?

12 I'm saying, at least until earlier this year, it
13 was, in general, easier to travel internationally with a
14 U.S. passport than a Colombian one because there weren't as
15 many requirements for visas, for example.

16 Would you agree with that?

17 A. If I understand your question, I choose to travel
18 with the American passport, not just because it's easy, but
19 that's because--how I identify myself. It's something that
20 when I'm in a foreign country, I would rather identify
21 myself as an American traveling abroad. It is not
22 necessarily because it's easy.

23 Q. You also mentioned that you have Global Entry in
24 the United States. Is that correct?

25 A. That's correct.

1 Q. And Global Entry is a preapproved mechanism for
2 expedited entry at U.S. airports; is that right?

3 A. Yes.

4 Q. Do you recall in what year you obtained Global
5 Entry in the United States?

6 A. I think it's in my Witness Statement.

7 Q. Yeah. You said 2016, that is at Paragraph 38 of
8 your Witness Statement.

9 Does that sound right to you?

10 A. Yes, that sounds right.

11 Q. 2016 was the year in which Colombian nationals
12 first became eligible for Global Entry membership.

13 Did you know that?

14 A. No, to me it wasn't relevant. I applied to Global
15 Entry as a U.S. citizen.

16 Q. Did you know that Global Entry first became
17 available to U.S. citizens in 2008?

18 A. This date has a lot to do with when I started
19 traveling quite frequently to Miami, and it is something
20 that I did in order to be able to get the expedited entry.
21 And I applied to it as an American citizen.

22 You're on mute, I can't hear you.

23 PRESIDENT BEECHEY: Mute, Mr. Di Rosa.

24 MR. DI ROSA: Yes. No, I apologize.

25 BY MR. DI ROSA:

1 Q. Thank you, Mr. Carrizosa, I really don't. I have
2 only one more question, really, for you.

3 Did you attend the FIFA World Cup in 2018?

4 A. No.

5 Q. All right.

6 MR. DI ROSA: That's all I have for you,
7 Mr. Carrizosa. I thank you very much for your help.

8 THE WITNESS: Sure.

9 PRESIDENT BEECHEY: Thank you, Mr. Di Rosa.

10 Is there any reexamination.

11 MR. REETZ: Mr. President, I just have one
12 question, if I may.

13 PRESIDENT BEECHEY: Please, go ahead.

14 MR. REETZ: Thank you.

15 REDIRECT EXAMINATION

16 BY MR. REETZ:

17 Q. Mr. Carrizosa, why is that you have club
18 memberships, office space, a driver, household employees
19 and the like in Colombia and not in the United States?

20 A. I live in Colombia. It's in my Witness Statement.
21 Those are the--all part of, I think, of living here.

22 MR. REETZ: Thank you. Nothing further,
23 Mr. President.

24 PRESIDENT BEECHEY: Thank you very much.

25 Mr. Söderlund, Professor Ferrari, any questions

1 for the Witness?

2 ARBITRATOR SÖDERLUND: No, thank you.

3 ARBITRATOR FERRARI: Same here. Thank you for
4 asking.

5 PRESIDENT BEECHEY: Thank you very much, indeed.

6 Mr. Carrizosa, thank you very much for your time
7 and for giving us the benefit of your evidence. I can say,
8 I think, that I can well understand why anybody would apply
9 for Global Entry to get into the United States if it means
10 you don't have to endure those queues in Miami. It has
11 happened all too often.

12 THE WITNESS: It used to be easier, but I
13 definitely--I'm glad I had the benefit of that.

14 PRESIDENT BEECHEY: Very well. Thank you very
15 much for your time. You are released as a Witness.

16 THE WITNESS: Thank you.

17 PRESIDENT BEECHEY: Now, is it Mr. Martínez-Fraga
18 back in charge? Yes, it is.

19 Shall we take our break now, so you can reorganize
20 for the next witness? Does that make sense?

21 MR. MARTÍNEZ-FRAGA: Yes, sir.

22 PRESIDENT BEECHEY: Very well.

23 We will stop then for 15 minutes now, and then we
24 will proceed with Mr. Alberto Carrizosa's evidence at 25
25 minutes past the hour, my time and yours, as well. Okay.

1 MR. DI ROSA: Mr. President, can I just ask
2 opposing counsel if they can confirm that the Witness has
3 access to the documents in the record that were sent in the
4 bundle that was supposedly emailed to them today or--yeah,
5 today.

6 MR. A. CARRIZOSA: No, I do not.

7 MR. DI PIETRO: And, Mr. President, if I may.

8 PRESIDENT BEECHEY: Yes, Mr. Di Pietro.

9 MR. DI PIETRO: Thank you. We have provided the
10 Witnesses with links to the HighQ file-sharing platform,
11 and they should find it in their inbox. Even though we
12 proceeded under the assumption that cross-examining counsel
13 will display the relevant documents through the
14 screen-sharing function pursuant to Paragraph 58 of
15 Procedural Order Number 3, and the bundle of PDF documents
16 will be for the benefit of counsel or opposing counsel
17 only. Thank you. But we have shared the link, so it's--

18 PRESIDENT BEECHEY: Very well.

19 MR. A. CARRIZOSA: I'm sorry, Domenico, but I'm
20 checking my email, and I do not have that link.

21 Do you know what time it was sent?

22 MR. DI PIETRO: Certainly, maybe 20 minutes ago or
23 30 minutes ago. It was sent earlier for
24 Mr. Enrique Carrizosa.

25 (Overlapping speakers.)

1 PRESIDENT BEECHEY: Gentlemen, may I suggest this:
2 Sort this out over the break, but, in any event, I would
3 ask Mr. Di Rosa whether it is possible to screen-share if
4 you're going to use these documents because that way the
5 Tribunal has got it immediately in front as well.

6 MR. DI ROSA: Of course, Mr. President. We will
7 do that.

8 PRESIDENT BEECHEY: Indeed. Very well. Thank you
9 very much, indeed. We will start again at 27 minutes past
10 the hour. How about that?

11 MR. DI ROSA: Thank you.

12 PRESIDENT BEECHEY: Thank you very much, indeed.

13 (Brief recess.)

14 ALBERTO CARRIZOSA GELZIS, CLAIMANTS' WITNESS, CALLED

15 PRESIDENT BEECHEY: Our next Witness, then, is
16 Mr. Alberto Carrizosa.

17 Have you been able to sort out the documents over
18 the break?

19 THE WITNESS: Yes, I have.

20 PRESIDENT BEECHEY: Very well. Thank you.

21 In any event, as I understand it, we'll have the
22 benefit of the screen.

23 Is that right, Mr. Di Rosa?

24 MR. DI ROSA: That is correct, Mr. President.

25 PRESIDENT BEECHEY: Thank you very much. All

1 right.

2 Mr. Carrizosa, good afternoon. You've been
3 following proceedings this morning, so you know the
4 routine. Apart from bidding you welcome and to thank you
5 for your time, would you be kind enough to read the
6 declaration which should come up in front of you
7 momentarily?

8 THE WITNESS: Yes. Thank you, Mr. President.

9 I solemnly declare, upon my honor and my
10 conscience, that I shall speak the truth, the whole truth,
11 and nothing but the truth.

12 PRESIDENT BEECHEY: Thank you very much indeed.

13 I'll invite Counsel for Claimants to introduce
14 your evidence.

15 MR. MARTÍNEZ-FRAGA: Thank you.

16 DIRECT EXAMINATION

17 BY MR. MARTÍNEZ-FRAGA:

18 Q. Mr. Carrizosa, you filed a Witness Statement in
19 this case?

20 A. Yes, I did.

21 Q. Are there any corrections you'd like to make to
22 that Witness Statement?

23 A. Yes. There's two small corrections on Page 4,
24 Paragraph 25. It should read "Industrias" instead of
25 "Interventorías."

1 Q. Okay.

2 A. And then on Page Number 6, Paragraph 37, spine
3 surgery was in September 2002, not 2001.

4 Q. Okay. Anything else, sir?

5 A. No. That is it.

6 Q. Other than those corrections, sir, do you stand by
7 your Witness Statement?

8 A. Yes, I do.

9 Q. Mr. Carrizosa, why are you testifying in the
10 English language?

11 A. It's the language I feel most comfortable with.
12 My mother spoke to us in English since we were born, and I
13 went to an American school, and basically most of my
14 life--I read in English, I watch TV in English, and,
15 although I am very fluent in Spanish, I prefer the English
16 language; and for the benefit as well as the Tribunal, I'll
17 be speaking in English.

18 Q. Sure. Are you familiar with the United States
19 Armed Forces Selective Service?

20 A. Yes, I am.

21 Q. And how did you become familiar with United States
22 Armed Forces Selective Service?

23 A. While I was in high school in Miami, the Army
24 recruiters came by promoting for us to go there, but it was
25 only until I went--when I turned 18 and at Boston

1 University, I sent in my card.

2 I was always very interested in the Navy and the
3 U.S. Air Force, but I felt it was my patriotic duty to do
4 something that was important for the country, and at that
5 time, it was--it had recently become voluntary. A few
6 years before, it was obligatory, but I am not exactly sure
7 when, that specific date, but I felt it was something
8 important to give back.

9 Q. Just to be clear, sir, when you registered, was it
10 voluntary or was it mandatory?

11 A. It was voluntary.

12 Q. Okay. Sir, did you testify that in 2007 you
13 returned to Colombia from the United States?

14 A. Yes. After Colombia's crisis and what was done to
15 us by the Colombian Government, we had businesses in the
16 U.S., and it was a family decision that I return to
17 Colombia and take care of those businesses. We developed a
18 fiberoptic submarine cable, that it left Miami to connect
19 to 16 different jurisdictions in the Caribbean Basin
20 region, which probably today a British company called
21 Cable & Wireless owns that cable. And I think this
22 particular cable is the one that is giving us access to
23 this videoconference at this moment.

24 We are also involved in different venture capital
25 communications. That was at the beginning of what ended up

1 being the dot-com bubble, so we invested and basically the
2 family business put up a lot of capital in order for us to
3 come out of the crisis created by the Colombian Government
4 to us.

5 I returned in 2007 once the businesses in the
6 United States were sold, and some of them were subject to
7 the dot-com bubble and had to be liquidated. So, once
8 those particular businesses that required my physical
9 presence in the United States, I returned to Colombia to
10 take care of businesses in Colombia, where the knowledge
11 and expertise I came back to as Chairman of our
12 infrastructure development companies, where we put our
13 knowledge into place for the family businesses.

14 Q. When you say the infrastructure companies, are
15 those the IC group of companies?

16 A. Yes. Many of the companies in Colombia all have
17 the IC acronym, and that one was particularly called IC
18 Asesorías y Proyectos, which did electrical power plant in
19 Panamá and another electrical power plant in Chile, and we
20 also had some power investments in Colombia. But the
21 majority of those companies' investments are today in
22 Panamá.

23 Q. And did you assume a leadership role in those
24 companies?

25 A. Well, I don't have any personally. I was

1 Chairman, and as Chairman, I had a strategic oversight role
2 in which I needed to be involved in looking at the specific
3 strategy.

4 Q. Would you agree with me that you work in Colombia;
5 right?

6 A. Yes. I live in Colombia the majority of the time.

7 Q. Sure. And in what country do you have the greater
8 part of your personal assets? In Colombia?

9 (Overlapping speakers.)

10 A. Sorry. My personal assets. Sorry. Go ahead.

11 Q. I'm sorry, sir.

12 The question is: In which country do you have the
13 majority of your personal assets? In Colombia or in the
14 United States?

15 A. In the United States. When I started working out
16 at--as a stockbroker in New York, I became familiar with
17 investments and ever since I've held all my assets there.
18 The great majority of the assets today, I believe, it is
19 like 90 percent, 10 percent in Colombia. So, I do keep
20 them in the United States, mostly Bank of America and
21 Merrill Lynch. Today I believe it's called Merrill, but I
22 still call it Merrill Lynch.

23 Q. But you have bank accounts in Colombia as well;
24 right?

25 A. Yes, I do. I have my checking and savings

1 account, which is opened by the company that I'm employed
2 by and I'm paid there, and I also have a stock brokerage
3 account here as well to manage liquidity.

4 Q. Do you own stocks and bonds in Colombian
5 companies?

6 A. Directly through the stock brokerage, I own
7 approximately 300 shares of Davivienda, which costs maybe
8 \$1,500. But the shares are mostly through what's
9 called--the equivalent of a mutual fund in Colombia. They
10 are called "carteras colectivas." But it is basically a
11 mutual fund, and so, through those, I probably do own
12 different financial instruments.

13 Q. Do you have a pension fund in Colombia?

14 A. Yes. The obligatory pension fund, which you can
15 choose either the equivalent of the a U.S. Social Security
16 or the equivalent of a private pension fund. It was a
17 system copied from Chile, and in that private pension fund,
18 we are obligated to pay in, and after a certain amount,
19 once you reach a minimum, you can put everything in a
20 voluntary account, and that voluntary account--it's
21 permitted under Colombian law that you can invest it
22 in--overseas, and so I have--all my voluntary account now
23 in Colombia is invested in the U.S.

24 Q. Are you planning to avail yourself of that pension
25 fund to retire?

1 A. No. The pension system here in Colombia is--every
2 day it is under scrutiny. Every day it is more
3 complicated, and the Social Security system is always
4 reducing the value of the pensions, while the private
5 system--especially with interest rates the way they are,
6 there's absolutely no way anybody can get a pension through
7 the system here. So, no, for me, that's why I keep my
8 investments in the United States.

9 Q. Sure. Do you file tax returns in the United
10 States?

11 A. Yes, I do.

12 Q. Sure. Do you pay taxes in the United States?

13 A. Yes, I do. Since 1989, I paid taxes when I was
14 employed there, and as it is an obligation, I do pay and
15 file taxes, the same thing as in Colombia. I do pay and
16 file taxes here as well.

17 Q. Personally and subjectively, what nationality do
18 you primarily consider yourself to be? A U.S. national or
19 a Colombian national?

20 A. U.S. national. When I was in high school, I went
21 to apply for colleges. I applied for all only colleges in
22 the United States. It was something that was my plan all
23 along. And I applied as a U.S. citizen, even though at
24 that time in--30 years ago, a little over 30 years ago,
25 U.S. colleges, top schools were looking for international

1 students, and I probably would have had a better chance. I
2 ended up in Boston University, which at that time wasn't
3 one of the top 50 schools. Today it is, but also when I
4 travel, I travel as a U.S. citizen almost exclusively, and
5 wherever I go, I identify myself as a U.S. citizen, except
6 when, for legal reasons, I have to do so as a Colombian
7 citizen.

8 Q. Ultimately, sir, what are your affinities? For
9 example, what type of holidays do you celebrate? What kind
10 of music do you listen to?

11 A. Okay. Well, ever since I was a kid, I listen to
12 music in English. Most of the bands I like are English,
13 not American. But when in school, we used to travel to
14 Miami. We would bring back records, the vinyls, and share
15 them with the friends here and produce cassettes.

16 I'm probably speaking like in dinosaur right now,
17 but, for me, the same thing. When I travel to the U.S.,
18 I'm very close to the symphony and the metropolitan opera,
19 which I've been a member since I lived in New York.

20 But as to holidays, Thanksgiving is really very
21 important to us. It's a holiday that my mother and her
22 family in the U.S. have always celebrated, and it is truly
23 a very, very important holiday; although since most of the
24 time we have been in Colombia, we have been celebrating it
25 here. I do take the day off and cook the turkey.

1 Also, Christmas in Colombia is celebrated on the
2 24th, on the eve, and our tradition has always been to
3 celebrate Christmas on the 25th. That's when we give out
4 gifts. Here in Colombia, it is baby Jesus that gives out
5 the gifts, and in the U.S. tradition, it is Santa Claus.
6 So, although Santa Claus is an international symbol in many
7 places, we tend to decorate Christmas trees and lighting in
8 a very American fashion.

9 For employees at the company level, we have put in
10 traditions such as Easter egg hunts during Easter. Easter
11 is a religious holiday in Colombia or it's Palm Sunday. We
12 celebrate with Easter egg hunts and bunnies and all that,
13 that is eventually looked at in a ridiculous manner. But
14 we found that the children really enjoy those.

15 And the same thing with Halloween. We dress up
16 the office for a whole month. Everybody calls us the crazy
17 gringos.

18 And, you know, Independence Day, we have many
19 years celebrated it in the United States, and, you know,
20 see the fireworks and go out to either the tailgate-type
21 parties or--but especially fireworks are something that we
22 always think about.

23 And so, culturally I'm much more in tune with U.S.
24 holidays. Colombian holidays tend to be completely legal,
25 and it's just that you get the day off of work and

1 basically that's it.

2 Q. Sir, if you live in Colombia and you work in
3 Colombia, is it fair to say that the center of your
4 financial life has to be Colombia?

5 A. No. As I mentioned, from the family business
6 point of view, our companies have significant assets
7 invested in the United States, of which I am the manager
8 for those. And I spend a lot of time doing that. I guess
9 today Bloomberg TV is my favorite TV show, from the amount
10 of hours I spend on it. But from the personal standpoint,
11 as I mentioned before, I keep the significant majority of
12 all my assets in the U.S.

13 Q. Why do you live in Colombia, sir?

14 A. Because family businesses are here, and although
15 we are currently in the process of trying to transfer
16 management--we have begun processes of independent board
17 members, and an independent CEO four years ago. But from
18 the family business point of view, every day we're moving
19 towards being able to permit a structure that will allow
20 businesses to be run without our physical presence.

21 Q. But those businesses in Colombia are valuable, you
22 agree?

23 A. Yes, they are.

24 Q. Isn't that a significant contact with Colombia?

25 A. Yes. The businesses, family businesses started by

1 my father, have a significant value, and the reason we work
2 and live in Colombia is because those businesses that
3 survived need to be taken care of.

4 Q. Sir, how were those businesses managed before you
5 returned to Colombia in 2007?

6 A. While I was away, my brother Felipe and my father
7 were responsible of taking the businesses in Colombia
8 while, as I mentioned before, I had to go to the U.S. to
9 take care of the businesses that we had in the U.S. My
10 brother Enrique, as previously stated, came down to
11 Colombia as well to start taking care of those businesses.

12 Q. Sir, in the COVID era, you've been managing, I
13 presume, your business virtually.

14 Has that worked?

15 A. Yes. Unfortunately, I have to say that, although
16 it is our intention to switch management into a role where
17 it can be independent, the internet-based, the companies
18 have suffered significantly this 2020. And, although some
19 of the areas have been affected directly by the pandemic,
20 other areas, I believe, by not having the particular
21 hands-on experience and physical presence, have also been
22 affected.

23 Q. One last question, sir. The businesses in
24 Colombia, are they held in Colombia?

25 A. The top corporate structure is a U.S. business

1 incorporated in Delaware, which is the owner of all the
2 subsidiaries that eventually operating companies are in
3 Colombia. Well, some of the operating companies are in
4 Colombia.

5 Q. Does your family business have holdings outside of
6 Colombia, other than the United States?

7 A. Yes. In Panamá there's an operating company,
8 power generation company, and we also, through the
9 investment platform, we do have passive investments in
10 Europe, but they are not of a significant amount.

11 Q. Sir, you have no office space in the United
12 States; is that right?

13 A. That is correct.

14 PRESIDENT BEECHEY: Mr. Martínez-Fraga, that was
15 the third final question, and you are nearly out of time.

16 MR. MARTÍNEZ-FRAGA: I have no further questions.
17 Thank you. Thank you, Mr. President.

18 PRESIDENT BEECHEY: Thank you very much.

19 THE WITNESS: Thank you.

20 PRESIDENT BEECHEY: Thank you.

21 Mr. Di Rosa.

22 MR. DI ROSA: Thank you, Mr. President.

23 CROSS-EXAMINATION

24 BY MR. DI ROSA:

25 Q. Mr. Carrizosa, thank you for testifying today.

1 You're testifying from Colombia right now, are
2 you?

3 A. Yes, that is correct.

4 Q. Are you in Bogotá?

5 A. Yes.

6 Q. Is that where you have been living this year
7 during the pandemic lockdown?

8 A. Yes.

9 Q. You have been a dual Colombian and United States
10 national since birth; is that right?

11 A. Yes, that is correct. I was born a Colombian and
12 a U.S. citizen.

13 Q. And you were born in Bucaramanga--sorry--is that
14 correct?

15 A. Bucaramanga.

16 Q. Bucaramanga. Is that right?

17 A. Yes. That is a small town. Well, today it's a
18 1 million-person city, but I moved there when I was four
19 years old to Bogotá to attend the U.S. school here.

20 Q. What part of Colombia is Bucaramanga in?

21 A. It's the northeast in a department called
22 Santander.

23 Q. Is that where your father was from?

24 A. Yes.

25 Q. All right. So, you have been residing in Bogotá

1 since when?

2 A. I first moved to Bogotá somewhere around 19--well,
3 I moved from Bucaramanga to Cleveland, where we lived there
4 for about six months while my parents were trying to
5 organize their life in Bogotá, which is around 1970. From
6 1970 to 1983, I lived in Bogotá. Between 1983 and 1990, I
7 lived in the U.S. between Boston, New York, and Miami. And
8 then in the year 1999 to 2007, I was residing in Miami.

9 Q. All right. But since 2007 until now, you have
10 been residing in Bogotá; is that right?

11 A. Yes. That is correct.

12 Q. In Bogotá, do you live in a house or an apartment?

13 A. In an apartment.

14 Q. Do you own that apartment?

15 A. No.

16 Q. According to Colombia's migratory records, in
17 2014, you spent 325 days in Colombia and 39 days abroad.

18 Do you have reason to dispute those figures?

19 A. In which year? Sorry. I didn't hear.

20 Q. In 2014.

21 A. 2014. Well, it sounds about right, but I don't
22 have the specific numbers.

23 Q. Yeah. No, I'm just asking for a general.

24 Obviously, I don't expect you to know exactly how many days
25 you were anywhere in a given year, but roughly that sounds

1 about right to you?

2 A. Yes.

3 Q. And in 2018, the migratory records of Colombia
4 show that you spent 300 days in Colombia and 65 days
5 abroad.

6 Does that also sound about right to you?

7 A. Yes.

8 Q. According to your records--to our records, from
9 2007 to 2018, you have spent the total of 3,406 days in
10 Colombia and 948 days outside of Colombia.

11 Does that seem about right to you?

12 A. Yes.

13 Q. Are you married?

14 A. No, I've never been married. I have been divorced
15 twice, but I've never legally married. I had two life
16 partners. One was American and we lived together for
17 approximately 16 years, and then I lived with a Colombian
18 for many years, then was divorced approximately 10 years
19 ago. But I still maintain a relatively close relationship
20 with her.

21 Q. Okay. And do you have any children?

22 A. No. My ex-partner had a daughter, and I raised
23 that daughter as my own. But, no, I do not have any
24 children of my own.

25 Q. Are you referring to your Colombian ex-partner?

1 A. Yes.

2 Q. And you raised her daughter? Is that it?

3 A. Yes.

4 Q. And was that in Colombia?

5 A. Yes.

6 Q. Where does she live now?

7 A. She lives in Colombia.

8 Q. Okay. Do you have any aunts and uncles--aunts or
9 uncles in Colombia?

10 A. I currently only have two aunts. I have one aunt
11 that lives in the United States.

12 Q. All right. So, one lives in Colombia, and one in
13 the United States?

14 A. Yes. Yes. My uncles all have passed away.

15 Q. All right. Were all your uncles and aunts
16 Colombian nationals?

17 A. Two of them were, and one of them was from the
18 U.S.

19 Q. All right. Do you have any first cousins in
20 Colombia?

21 A. Yes, I do. I have first cousins in Colombia, and
22 Spain, Honduras, and the United States.

23 Q. All right. And of all those people, how many of
24 them are Colombian nationals?

25 A. How many are Colombian nationals? Sorry. I'll

1 have to count.

2 Q. Approximately?

3 A. Around seven.

4 Q. Seven out of how many?

5 A. Nine.

6 Q. Sorry? Nine?

7 A. Nine. Yes.

8 Q. So, seven of nine are Colombian nationals. And
9 how many of those nine live in Colombia right now?

10 A. Five.

11 Q. All right. And do you recall in 2014 and 2018 how
12 many of those cousins lived in Colombia over the last few
13 years? Has it been significant?

14 A. No. I think it's--the ones that live outside of
15 Colombia, I think, have lived there for a significant
16 amount of time. Let's say it was over 2000--you know,
17 previous to 2014, but I really couldn't say when
18 specifically they moved.

19 Q. But the five that live in Colombia have been there
20 for many years?

21 A. Yes.

22 Q. All right. Do you have a--I guess you--your
23 brother Enrique mentioned that you have a country home
24 near--I guess three hours away from Bogotá; is that right?

25 A. Yes, that is correct.

1 Q. Do you go there often?

2 A. No. I go there approximately--it's a golf club,
3 and I never played golf. The intention was mostly to have
4 business relationships from people that we have
5 relationships with, but since--I don't know--probably for
6 the past five or six years, I've maybe gone down three or
7 four times per year.

8 One of the reasons is they are rebuilding a road
9 that took over six years to build. It seems that every
10 administration wanted to rebuild and restart a road. So,
11 at one point in time it took over five hours to get to a
12 place that is only less than 30 miles away.

13 Q. Do you own property and real estate in Colombia
14 other than a vacation home?

15 A. No, I do not.

16 Q. You mentioned that you don't own your current
17 apartment.

18 Do you rent?

19 A. Yes.

20 Q. Do you have a Colombian driver's license?

21 A. Yes, I do.

22 Q. Do you have a driver's license issued by any state
23 or jurisdiction in the U.S.?

24 A. No. I no longer have one. I had a Florida
25 driver's license, but since I'm not a resident of Florida

1 anymore, I'm not permitted to have a driver's license.

2 Q. Okay. When did you last have a Florida driver's
3 license?

4 A. I think it expired--well, I guess sometime after
5 2007. I don't know. 2009, 2010. I don't have a date, but
6 around then. It expired some few years after.

7 Q. Okay. All right. So, I do want, Mr. Carrizosa,
8 to explore with you this issue of the Selective Service,
9 because I think we have a fairly different understanding of
10 what that is and what its implications are and how one
11 enrolls in it.

12 Now, in what year did you enroll in the Selective
13 Service in the U.S.?

14 A. It should have been 1988.

15 Q. 1988. Okay. And you are aware, are you not, that
16 by U.S. federal law, almost all able-bodied male U.S.
17 citizens are required to enroll in the Selective Service
18 system within 30 days of turning 18? Were you aware of
19 that?

20 A. No. I was aware of it after. As I said, it
21 wasn't an obligation. And at that particular moment in
22 time, it was changing from the draft to the Selective
23 Service, and that--I did it mostly because I like the idea
24 of the U.S. Armed Forces.

25 Q. Right. But, you know, you mentioned the Army.

1 You didn't, though, enlist in the Army; is that
2 correct?

3 A. That is correct.

4 Q. All right. And the purpose of the Selective
5 Service is for the U.S. Government to know who and where to
6 draft people if it were to become necessary to do so during
7 a military conflict; is that right?

8 A. Yes, that is correct.

9 Q. Did you know that the last time the Selective
10 Service actually resulted in people being conscripted into
11 military service was during the Vietnam War?

12 A. Yes.

13 Q. All right. And the military services that are
14 truly voluntary in the United States are the Army, the
15 Navy, the Air Force, the Marines, and the Coast Guard.

16 You did not enlist in any of those services, did
17 you?

18 A. No. At that point in time, my interest was more
19 in business, and that's why I went to business school.

20 Q. All right. Were you subject to compulsory
21 military service in Colombia?

22 A. It is--here, it is--well, in Colombia it is
23 obligatory, but I was not selected. At that time I was a
24 very lanky and uncoordinated kid. Although I was one of
25 the tallest ones at school, I was never selected to play

1 basketball, and the military definitely did not want me
2 there.

3 Q. Wait. So, you were exempted on the basis that you
4 were tall and lanky? Is that it?

5 A. Well, I was exempted for physical condition.

6 Q. All right. But if you had not been exempted for
7 physical condition, you would have been required to do
8 military service in Colombia; is that right?

9 A. Well, there's--it's 100 percent of people that are
10 selected are not obligated to serve. There's some kind
11 of--I don't know--like a bingo. You know, they choose
12 selectively who goes and who doesn't.

13 Q. I see. But--so, it's not obligatory to go to boot
14 camp or some sort for a month or two months or any period
15 of time for everyone?

16 A. No.

17 Q. All right. Now, you voted in the 2018
18 presidential and congressional elections in Colombia;
19 right?

20 A. 2018 in Colombia? Okay. Yes.

21 Q. And you voted also in the 2014 presidential and
22 congressional elections in Colombia; correct?

23 A. Yes.

24 Q. And you have contributed financially to various
25 political campaigns in Colombia over the past few years;

1 correct?

2 A. Yes. As part of doing business in Colombia, you
3 have to be close to the political parties, and it is a
4 customary tradition to provide support to the political
5 parties.

6 Q. Did you make any contribution at any point to
7 political campaigns in the U.S.?

8 A. Yes. However, it was for a congressional seat,
9 but that was around the year 2000, and I'm ashamed to say I
10 do not remember the name of the person I did so. So,
11 that's why I am--I don't include it anywhere.

12 Q. I see. So, the last time you contributed to a
13 political campaign in the United States was around the year
14 2000?

15 A. Yes. Correct.

16 Q. What about in Colombia? In what years did you
17 make political campaign contributions in Colombia? Is it
18 like an every-year-type of thing?

19 A. No. On the individual level, I donated for the
20 last presidential campaign the equivalent--it was 5 million
21 pesos, which should be the equivalent of maybe \$2,000, to
22 that campaign. In previous campaigns, it was the companies
23 that would give those donations.

24 Q. And so, when you say "the last campaign," that was
25 2018; is that correct?

1 A. Yes.

2 Q. And did you also contribute for the preceding
3 presidential or congressional elections in 2014?

4 A. It was probably done under the corporate level,
5 but I believe that particular year, we did not, because the
6 candidate that was leading at that time was not part of the
7 party that we were interested in having.

8 Q. Okay. Have you ever run for public office,
9 Mr. Carrizosa?

10 A. No, never.

11 Q. What do you consider your profession to be?

12 A. I'm a business administrator, although I guess--I
13 don't know how you would define--I guess an entrepreneur
14 and business investor.

15 Q. Okay. And where would you say you are currently
16 employed?

17 A. I have local employment in Colombia through one of
18 the family businesses called Vanguardia Inversiones, but
19 the majority of my work today is managing the family
20 business portfolio, which is located in the U.S., so I
21 spend most of my time working for the investment area of
22 the company.

23 Q. And what's your role in Vanguardia Inversiones?

24 A. There, I am the CEO and, legally, the legal
25 representative which is a required by Colombian law, that

1 anybody that has the ability to bind the company has to
2 show up as a legal representative in the Chamber of
3 Commerce. So, that role is specifically in terms of
4 legality, and not in terms of organization of the
5 companies. So, in certain cases it's the lawyers that act
6 as legal representatives, but since this particular company
7 doesn't have that much need for lawyers to be involved, I
8 do it myself.

9 Q. All right. Thank you.

10 And how long have you been the CEO and legal
11 representative of Vanguardia Inversiones?

12 A. Well, my employment changed from one of the
13 Companies, which was I.C. Investment Management. It was
14 switched over maybe five or six years ago, but I'll tell
15 you the truth: I do not recall the specific date.

16 Q. All right. So, around 2015? Does that sound
17 about right to you?

18 A. Yes, maybe. As I said, it is a--business roles
19 within the family business change. So, yes, approximately.
20 I don't recall.

21 Q. Okay. And Vanguardia Inversiones is one of the
22 Colombian companies that the family owns; is that right?

23 A. That the family business owns, yes.

24 Q. Before being CEO at Vanguardia Inversiones, did
25 you have a different role there?

1 A. I was a board member for I.C. Investments, where
2 my brother Enrique is the Chairman, and since--I had
3 responsibilities of running the infrastructure development
4 company until management was changed there, and we created
5 a structure where we now have four independent board
6 members and the three brothers are board members. So, my
7 day-to-day operating role of infrastructure was moved to
8 managing the investment portfolio.

9 Q. And at some point were you the CEO of
10 I.C. Investments as well?

11 A. I was the CEO of I.C. Investments back in
12 2000--no, before 2000. That was, like, between 1997
13 to--yeah, right around 1997 to 1999.

14 Q. I see. And so, what role did you have most
15 recently in I.C. Investments?

16 A. Board member.

17 Q. Board member. From what year to what year?

18 A. From approximately 2009--yeah, around 2009, 2007,
19 until today.

20 Q. All the way through today. Okay.

21 A. Yes.

22 Q. You've been working in Colombia since 2007, when
23 you moved there, until now; correct?

24 A. Yes. Colombia is the place of my residence.

25 Q. But it's also where you've been working since

1 2007; correct?

2 A. Yeah. As I mentioned, I worked on the investment
3 portfolio, which is overseas, the majority of the time.
4 But my physical location is in Colombia.

5 Q. And you have an office in Bogotá; correct?

6 A. Yes, I do. I think I mentioned that before, but,
7 yes.

8 Q. Sorry. Yeah, you did.

9 And where--is that in an office building in
10 Bogotá?

11 A. Yes.

12 Q. And you said you do not have an office space in
13 the U.S.?

14 A. That is correct. That is what I said previously.

15 Q. All right. Aside from these two companies you
16 mentioned, Vanguardia Inversiones and I.C. Investments, in
17 2014 and 2018 you were also a legal representative of a
18 company called Industrial de Construcciones S.A.S.; is that
19 correct?

20 A. Yes. That's a real estate development company
21 that my father had founded. This year it turned 50 years
22 in Colombia. It's a company that is in wind-down. But,
23 yes, I was the legal representative.

24 Q. And you were the legal representative there from
25 2010 until 2018; does that sound about right?

1 A. I believe I'm currently the legal representative
2 still.

3 Q. Since when? Approximately. It's not a memory
4 test. I apologize.

5 A. No, but it's been many years. I don't know.
6 10 years?

7 Q. Okay. All right. And that's one of Colombian
8 companies also of the family business?

9 A. That was an original family business. So, my
10 father had another partner, and back in 1990, they decided
11 to split up, but they maintained that company. So, it's
12 60 percent owned by my father, which eventually moved into
13 what we call the family business.

14 Q. I see. And you have also been involved as a legal
15 representative of a number of other companies in Colombia:
16 Manufacturas de Oriente S.A.S., for example;
17 VTU de Colombia, S.A.; Inversiones Burgos Monserrat S.A.S.;
18 and Vanguardia Asesorías Inversiones--I'm not sure if that
19 is different from Vanguardia Inversiones S.A.S. It looks
20 like it is; right?

21 A. Yes, it is.

22 Q. You were the legal representative of all these
23 companies during the last 10 years; correct?

24 A. Yes, although I don't think I was legal
25 representative of VTU. I was part of the board of VTU.

1 But, yeah, I have been legal representative for the family
2 businesses. I don't know. There must be at least 20
3 different companies of where I show up as a legal
4 representative.

5 Q. I see. And in those 20 companies in Colombia,
6 aside from legal representative, what role do you have?
7 Are you a member of the board or anything else?

8 A. By Colombian law, you are only allowed to be on
9 five boards. So, of those 20, there would be approximately
10 five boards where I'm permitted to be on. Many of the
11 companies do not require boards, like the S.A.S. companies,
12 which are similar to the limited liability companies in the
13 U.S., are not required to have boards.

14 But, no, my only function in those companies was
15 just to be a legal representative.

16 Q. Well, right, but you also said that you were
17 permitted to be on five boards.

18 Were you actually on five boards of the 20
19 companies that the family owns?

20 A. Yeah, probably. Yes.

21 Q. All right. Did you have an analogous role in any
22 U.S. company?

23 A. I was on the board of a Virginia company called
24 Wireless Ventures between--I believe it was 2002 to 2007.

25 I was also on the board of a Canadian company that

1 was listed on the stock market, which was called Global
2 Light, and that was somewhere between 1999-2001.

3 And our investments in corporations in the U.S. do
4 not require those board memberships, as I mentioned. It's
5 like the legal--the limited liability companies in the U.S.
6 that don't require boards. So, no, we don't--I don't have
7 a similar responsibility as required by law in Colombia.

8 Q. Okay. So, since 2007, you have not had any
9 managerial or advisory role in any U.S. company; is that
10 correct?

11 A. That is correct, although I was involved in a
12 company called Signature Systems, which was--I was there as
13 a--on the strategic advisory board, although that is not a
14 legal requirement board, and it's not listed anywhere.

15 I had participated in that board until my brother
16 Enrique took over a few years later. That must have been
17 somewhere around--what?--between, like, 2010, 2014, around
18 that time.

19 Q. So, you didn't mention this company in your
20 Witness Statement, did you?

21 A. No, I didn't mention the--the companies I
22 mentioned are all where we have our employment, and not
23 where we have investments.

24 Q. All right. But you have not been involved in this
25 Signature Systems company since sometime between 2010 and

1 2014; is that right?

2 A. Yeah, that is correct. I assist when--when they
3 have shareholders' meetings, I do assist, but my brother
4 Enrique is the one that is responsible for that company.

5 Q. All right. So, you know, I'm going to ask you
6 also about a couple other questions--companies, excuse me,
7 and maybe--I don't know if these are part of the 20
8 companies or not. So, I'm just going to ask you the
9 question and you can tell me.

10 In 2014 and 2018, you were a member of the Board
11 of Directors of a company called Carbones Samaca S.A.; is
12 that right?

13 A. I believe that was my brother Enrique. I do not
14 remember--sorry, there's called an alternate board member
15 in case somebody doesn't assist, but--so, I believe I must
16 have been an alternate board member, because I don't
17 remember going to any of the board meetings.

18 Q. Okay.

19 PRESIDENT BEECHEY: So, just to be clear, when you
20 say "assist," you mean attend?

21 THE WITNESS: Yes. Yeah, go to; like, be there.

22 BY MR. DI ROSA:

23 Q. Right. "Asistir" is a common Spanish word for
24 "attend"; right?

25 And so, that's also a Colombian--is that one of

1 the companies that the family owns, the Colombian companies
2 that the family owns?

3 A. That was a minority shareholding in a company
4 there.

5 Q. Okay. And in 2018, you were also a member of the
6 Board of Directors--and you'll tell me if it was, you know,
7 in an alternate capacity--of a company called Gas
8 Gombel S.A.; is that right?

9 A. Yes. That's another one that I didn't attend to,
10 so, yes, I must have been an alternate.

11 Q. All right. And is that a Colombian company that
12 is part of the family business?

13 A. We own a minority shareholding in that company,
14 approximately 40 percent of the company. That is a gas
15 propane distribution company.

16 Q. All right. Have you ever worked in a government
17 entity or agency anywhere?

18 A. No. I believe you asked that before, but, no.

19 Q. No, I asked you if you ran for public office.

20 A. Oh, okay. Sorry. So, no, I have not.

21 Q. Okay. All right. Do you or any company that you
22 control own any real estate in the United States other than
23 the Miami Beach home that we discussed with your brother
24 Enrique?

25 A. Well, through the investment company we have a

1 private equity investment in Starwood Capital, and Starwood
2 Capital is a big operator of property development in the
3 U.S. We invested in their funds in a completely limited
4 partnership way. So, we--I guess, directly, we do not own
5 any property additional to the property that is owned in
6 Miami.

7 Q. All right. Do you own any cars or other vehicles
8 in Colombia?

9 A. No. The vehicles are owned by the company which
10 I'm employed for, and they provide me with a car.

11 Q. And a driver as well?

12 A. Yes.

13 Q. All right. You talked a lot during your direct
14 examination, and you also alluded in your Witness
15 Statement, to the various investments that you say you have
16 in United States.

17 But you did not attach any documentary evidence
18 concerning any of those investments to your Witness
19 Statement; correct?

20 A. Well, I attached my Witness Statement, which is a
21 document. But if you are asking as to whether I included
22 statements, no, I did not include any statements for any of
23 the bank accounts that I have, either in Colombia or in the
24 United States.

25 Q. I'm just rereading the Transcript here. You say

1 you attached your Witness Statement. You mean you attached
2 your Witness Statement to the Memorial; is that correct?

3 A. Yes.

4 Q. But my question is: Did you attach to your
5 Witness Statement, or to the Memorial, any evidence of any
6 of these investments in the United States that you are
7 referring to?

8 A. As I said, I did not attach any statements
9 involving any of the properties owned.

10 (Interruption.)

11 (Stenographer clarification.)

12 (Discussion off the record.)

13 BY MR. DI ROSA:

14 Q. Mr. Carrizosa, you said--and sorry to insist on
15 this, but you said--when I asked you if you attached any
16 documentary evidence to your Witness Statements or to your
17 pleadings, you said no, you did not attach any statements
18 involving any of the property.

19 Are you referring to--well, what kind of
20 statements are you referring to?

21 A. Documents. Yes. I have not attached any
22 documents.

23 Q. Okay. Do you have investments in Colombia?

24 A. Yes. I have some investments in Colombia, but one
25 is a property--Inversiones Burgos Monserrat, which owns a

1 property at the golf club; and whatever I have in my
2 pension system, obligatory pension system; and all other
3 investments would be in my brokerage account, but that
4 brokerage account is not very significant.

5 Q. Okay. You said during your direct examination
6 that you pay income taxes in both Colombia and the U.S.;
7 correct?

8 A. Yes. That is correct.

9 Q. But you also agree that all U.S. citizens must pay
10 U.S. income tax, regardless of where they reside; is that
11 right?

12 A. Yes. And that's the same thing for Colombia as
13 well.

14 Q. Okay. And I assume you pay property taxes and
15 Social Security taxes in Colombia as well?

16 A. I don't own any property, so I do not pay property
17 taxes. And what was the other tax that you mentioned?

18 Q. Social Security.

19 A. Yeah. Social Security tax, yes. According to
20 Colombian law, the company pays approximately 10 percent of
21 the wage, and the person pays approximately 4 percent of
22 the wage.

23 Q. All right. Thank you.

24 When was the last time that you had a job in the
25 United States, Mr. Carrizosa?

1 A. Formal employment contract was back in 1989 to
2 around--sorry, 1988 to 1989--'90, sorry.

3 Q. All right.

4 A. And then I worked for Shearson Lehman Hutton which
5 at that time was one of the largest brokerage companies in
6 the United States, a division of American Express.

7 Q. Do you have any medical insurance in Colombia?

8 A. Yes. The obligatory pension medical service.
9 Here, they divide it into what is called an EPS and ARL and
10 prepaid. And I have to contribute to those three, but my
11 medical insurance for the U.S. and internationally is a
12 separate company which I pay.

13 Q. Do you have professional liability insurance in
14 Colombia?

15 A. For one of the boards, there is directors'
16 insurance, but the ARLs are the ones that are considered to
17 be professional insurance.

18 Q. What are ARLs?

19 A. I really don't know what the acronym is for, but
20 it was insurance system in place for professional risk, so
21 if you're an employee, and you get hurt on the job or
22 something happens to you in the employment, those are
23 covered by the ARL. While the EPS is a different system
24 which is completely parallel and analogous, and apparently
25 that one only works when you're on your own time and off

1 the job.

2 Q. Do you have any professional liability insurance
3 in the United States?

4 A. No, I do not.

5 Q. Do you have any life insurance in Colombia?

6 A. Yes. I have one policy.

7 Q. Do you have life insurance--sorry. Go ahead.

8 A. Sorry. Sorry. I was going to say I had life
9 insurance in the U.S.

10 Q. Okay. That was going to be my next question.

11 All right. So, you have life insurance in both
12 places?

13 A. Yes. By proportionally, my life insurance is in
14 the U.S. about maybe 90/10; 90 in the U.S., 10 in Colombia.

15 Q. You mentioned in--during your direct examination
16 that you have bank accounts in Colombia as well as in the
17 U.S.; correct?

18 A. Yes, that is correct.

19 Q. And does your salary from Vanguardia Inversiones
20 get deposited in one of your bank accounts in Colombia or
21 in the U.S.?

22 A. In Colombia, it's a law in Colombia that, if
23 you're employed in Colombia, then you must be paid in
24 Colombia in Colombian pesos.

25 Q. Right. Do you go to church, Mr. Carrizosa?

1 A. No, I no longer go to church.

2 Q. Did you at some point?

3 A. Yes. When I was--my father was quite religious,
4 and we had to go to church with him on Sundays, Roman
5 Catholic, but once we moved to the United States, I no
6 longer went to church.

7 Q. And this was a Cristo Rey church that your brother
8 mentioned?

9 A. Yeah, primarily to that one, but I think there was
10 other ones as well.

11 Q. In Colombia, you mean?

12 A. Yes.

13 Q. And you received your first communion in Colombia?

14 A. Yes.

15 Q. Do you belong to any social clubs?

16 A. I belong to two social clubs, one is Club de
17 Nogal, which is a business club. It is located within city
18 limits. Its primary purpose is meeting rooms, conference
19 rooms, restaurants, although it does have other type of
20 amenities that primary reason for me to be in that club was
21 because it was convenient and safe, although that one was
22 known for terrorist bombing, which you might have known.

23 It was subjected so it was closed for a few years.
24 But it is still considered to be a safe and convenient
25 place to work to hold meetings. And the other one is Mesa

1 Yeguas, which is a golf club where we own the property that
2 is within the club.

3 Q. I see. So, one of these clubs is in Bogotá, and
4 the other one is near your country home; is that correct?

5 A. It's a--the country home is inside the club.

6 Q. The golf club. Correct.

7 A. Yes.

8 Q. All right. Do you--are you a member of any social
9 club in the United States?

10 A. No, I am not.

11 Q. Are you a member of any other type of club in
12 Colombia, whether it's, you know, related to a sport or a
13 hobby or anything else?

14 A. No. I don't participate. The closest
15 affiliations I have are with New York City ballet and
16 Metropolitan Opera, which I have a membership there, but
17 that's more of--I mean, mostly because when I lived there,
18 I enjoyed very much, and I feel that New York is where I
19 plan to retire, so I continue to hold close ties with New
20 York, but, as to club memberships or any type of, you
21 know--well, American Automobile Association, but I don't
22 know if that's considered a club or not. But, no, I don't
23 have any sports affiliations, hobby in that sense that...

24 Q. All right. We do understand that you have an
25 interest in mountain climbing, though. Is that true?

1 A. Yes. When I was a child, one of the most
2 important aspects that my parents did for me, they took us
3 to Yosemite National Park in California when I was 10, and
4 I was so completely impressed and in awe of the landscapes,
5 that led, as I mentioned, that I was very lanky and tall
6 and not very coordinated, for me climbing was a sport that
7 I participated in, and so eventually my hiking took me to
8 become a mountain climber, and that's a particular activity
9 I enjoy.

10 And whenever I can, I go in the U.S. national
11 parks and take a hike. I had an injury in the year 2002,
12 which curtailed my activities in the mountains, but I still
13 do a lot of hiking.

14 Q. Good. And you sponsored at one point a team of
15 Colombians that climbed Mount Everest; is that correct?

16 A. Well, Granahorrar, the bank, when I was in
17 Colombia at that time and I was acting in the Board, I
18 found these Colombian climbers that were very interested in
19 climbing Mount Everest, and so we sponsored the team from
20 the corporate level, in which we believed that, you know,
21 the hurdles of mountain climbing are very similar to the
22 hurdles of business, where challenges have to be taken step
23 by step, and so that reinitiated my thoughts of the
24 mountains.

25 So, from Granahorrar we began to sponsor the team.

1 Eventually, when the Government took away the bank, we,
2 through the family businesses, we continued to sponsor the
3 teams for approximately three years, additionally. And
4 so--so, yeah, we have many pictures in our offices of,
5 including Mount Everest with the Company logo on the
6 mountaintops.

7 Q. Good.

8 And around the time of that Everest expedition you
9 were interviewed for a short documentary, that was called
10 "Los pasos del viento o Colombia en el Everest," which
11 means, in English, "The steps of the wind or Colombia at
12 Everest"; is that right?

13 A. Yes. I believe that was in 2002. That was for an
14 expedition that was sponsored--well, cosponsored. The
15 majority sponsor was Aguas Manantial, which is a division
16 of Coca-Cola bottling company. So--and so, yes, I was
17 interviewed by the director of the film.

18 Q. All right. And in that interview, you said, and I
19 quote "I, through my relationships with certain of the
20 companies that I work with saw that this could be an
21 opportunity for a national display, because, for me, this
22 was a purpose. For me, this was not placing three guys on
23 the peak of Mount Everest. For me, this was placing the
24 Colombian flag on the top of the world."

25 Do you remember saying that?

1 A. Well, that was many years ago. But, yeah, I
2 assume you took it from the recording, so I'm sure it is
3 correct.

4 Q. Yes. No, we have a transcript in the record at
5 R-0343. Those are the words that you said.

6 So, you know, there's a reference here you said
7 you saw this as an opportunity for a national display. By
8 that, you mean--you meant a Colombian display; correct?

9 A. Well, the--Colombia did not participate in these
10 expeditions as a nation. They did not sponsor. It was not
11 a Colombian team, as I mentioned. In 1997, we had the
12 first expedition to Everest, which was sponsored by
13 Granahorrar, then there is other expeditions to Himalayas.
14 When the Companies were in crisis because the most
15 significant asset of the family business was taken away, we
16 were limited on our opportunities to sponsor.

17 In 2001, the main sponsor was the Coca-Cola
18 bottling company division called Manantial, which is water,
19 and I helped cosponsor that team, and so Manantial did make
20 a display after because since the Government didn't give
21 any money, but they did take the credit, but since the
22 mountaineers were Colombian, it was in my thoughts that,
23 yes, it was a great accomplishment for Colombia to raise
24 that flag. U.S. flag has been raised on Mount Everest many
25 times, and so it did not make sense for us to sponsor that

1 endeavor from Colombia.

2 Q. All right. So, it was important to you to have
3 Colombia's flag planted at the top of the highest place of
4 the world. Is that fair to say?

5 A. Yes. As I said, we live in Colombia, and we have
6 to follow customs and social activities. And it was
7 important for the Colombian businesses to have that
8 Colombia flag raised on Everest. That along with the
9 Colombian flag, there is many flags of our company that our
10 company, if you'd like me to show those, I'd be glad to.
11 I've made many presentations of those photographs, but,
12 yes.

13 Q. All right. Thank you, Mr. Carrizosa.

14 So, I want to turn to something that you said
15 earlier today during Mr. Martínez-Fraga's examination of
16 you. You said--and I'm quoting here from the
17 Transcript--"wherever I go, I identify myself as a U.S.
18 citizen except when, for legal reasons, I have to do so as
19 a Colombian citizen."

20 And I believe you may have said that as well in
21 your Witness Statement. And so, I want to take you--and
22 you're referring here--when you say "for legal reasons,"
23 you're referring to this Law 43 of 1993; correct?

24 (Overlapping speakers.)

25 A. Well, yes, that's one of the laws, I believe.

1 That one is specifically for migration when traveling in
2 and out of Colombia, I have to present myself with the
3 Colombian passport. So, when I travel into and out of
4 Colombia, I have to do so as a Colombian. And the same
5 thing with legal representations of the Company.

6 There, as a legal representative, or as an
7 employee, it is required to have the Colombian name and the
8 Colombian identification number for all those activities.
9 So, it's not only for that migration activities, but for
10 any other activity that may have a binding or legal effect
11 with Colombia.

12 Q. I see. So, and, you know, I want to seize on that
13 last thing that you said. You know, you say the law is
14 "not only for the obligation, I guess, to declare yourself
15 Colombian is not only for migration activities, but any
16 other activity that may have a binding or legal effect with
17 Colombia."

18 So, I want to take you to a document that is at
19 Exhibit R-0119 in the record, and you can open it in the
20 link if you want, but, you know, we're just going to put it
21 on the screen. And maybe that will be easier for everyone.

22 And let's see if we--you know, we'll try to pull
23 it up. Give us a minute here.

24 Okay. So, there it is on the screen. And what
25 this is, it's a pleading that you submitted to the

1 Inter-American Commission on Human Rights on
2 20 of July 2016. And the style, I understand, is a
3 supplementary pleading. It's a pleading that you submitted
4 in this proceeding that you commenced in 2012 at the
5 Inter-American Commission on Human Rights.

6 And near the top of it, I think you identify
7 yourself--yeah, right in this document. Yeah, we're
8 highlighting it now.

9 You identified yourself as Colombian; right? And
10 provided your Colombian cédula de ciudadanía number, that's
11 the national ID number; correct?

12 A. Yes.

13 Q. So, you did identify yourself as Colombian in this
14 petition which you signed in 2016; correct?

15 A. Yes. Under advice of counsel at the time, I was
16 to do it as a Colombian, but I, from my understanding of
17 the Tribunal, if I'm correct, we're not supposed to be
18 speaking about the merits of the process, but--

19 (Overlapping speakers.)

20 Q. No. I'm not going to ask you about the merits of
21 this and about these formal aspects.

22 And you agree that the Inter-American Commission
23 on Human Rights is an international organization; correct?

24 A. Yeah. It is subscribed to the OAS.

25 Q. Right. And so, none of the Colombian laws,

1 including Law 43 that we were talking about a moment ago
2 were relevant in this context; correct?

3 MR. MARTÍNEZ-FRAGA: I'm going to object to the
4 question. I'm sorry to have to interpose the objection,
5 but he's a fact Witness. He doesn't know the law, or how
6 they are relevant to an Inter-American Treaty or the United
7 States is not even a party.

8 MR. DI ROSA: Well, he did say that he identifies
9 himself as a U.S. citizen, except when, for legal reasons,
10 he has to do so as a Colombian citizen.

11 BY MR. DI ROSA:

12 Q. So, my question, I guess, ultimately to
13 Mr. Carrizosa is do you interpret that you were legally
14 obligated by Colombian law to identify yourself as a
15 Colombian in the Inter-American proceeding?

16 A. Yes. That was under advice of counsel at the
17 time, I was told to do.

18 Q. So, your counsel told you that Law 43 and other
19 legal obligations under Colombian law applied to this
20 Inter-American proceeding; is that correct?

21 A. Law 43, no, but Mr. Eduardo--

22 (Overlapping speakers.)

23 (Stenographer clarification.)

24 MR. MARTÍNEZ-FRAGA: I am speaking, I'm raising an
25 objection, renewing an objection, which is the witness is

1 now being asked attorney-client communications. I allowed
2 the witness to first talk about advice of counsel as the
3 basis for having to state that he was a Colombian national.
4 But I--there are two related objections.

5 One, this is a clear attorney-client
6 communication, and, secondly, even if it weren't, he's
7 asking on the relationship of domestic law to international
8 Tribunals whether it's compulsory under domestic law to
9 have to disclose one nationality or allege one nationality
10 for subject matter jurisdiction.

11 Now, we can give a legal opinion on the
12 Inter-American Convention. Colombia has a reservation that
13 excludes the United States. It has a reciprocity
14 reservation. So, if you are a citizen of a country that is
15 not a signatory, then you have--there will no reciprocity.
16 So, they have to be obvious, but the objection, it stands.
17 It's attorney-client and calls for a legal conclusion.

18 MR. DI ROSA: Fair enough. Mr. Martínez-Fraga.
19 I'm just going to withdraw the question and pose a
20 different one that's purely factual. Okay.

21 BY MR. DI ROSA:

22 Q. Mr. Carrizosa, unlike in this international
23 arbitration in which you identified yourself as a dual
24 national in the Inter-American proceeding, you identified
25 yourself exclusively as Colombian; is that correct?

1 A. Yes. That's what the text says.

2 Q. All right. And the same was true in subsequent
3 submissions to the Inter-American Commission such as the
4 third revision Petition that you filed in 2018. Would that
5 be right? I can put it on the screen, if you wish, we'll
6 do it.

7 A. Yes, I believe so.

8 Q. Right. There, also you were identified as
9 exclusively Colombian, or at least there was no disclosure
10 of the U.S. nationality; correct?

11 A. Yes, that is correct.

12 Q. All right.

13 MR. DI ROSA: Well, that's all I have for you
14 Mr. Carrizosa. Thank you very much for your testimony.

15 THE WITNESS: Well, thank you very much.

16 Members of Tribunal, is there anything else for
17 me?

18 PRESIDENT BEECHEY: There are two potential
19 obstacles before you are allowed out of the chair. The
20 first is that I have to ask Mr. Martínez-Fraga whether he
21 has any questions in redirect.

22 MR. MARTÍNEZ-FRAGA: None.

23 PRESIDENT BEECHEY: None. And the second is
24 whether my colleagues have any questions to put to you.
25 Mr. Söderlund.

1 ARBITRATOR SÖDERLUND: No, thank you.

2 PRESIDENT BEECHEY: Mr. Ferrari.

3 ARBITRATOR FERRARI: No, thank you.

4 PRESIDENT BEECHEY: In that event, Mr. Carrizosa,
5 your testimony is complete. Thank you very much, indeed.
6 And you are released as a Witness.

7 THE WITNESS: Thank you very much, Mr. Chairman.

8 PRESIDENT BEECHEY: Thank you.

9 Very well. Mr. Di Rosa, my compliments. You
10 ended bang on the dot as far as the next break was
11 concerned, so we will stop now for 15 minutes. And then
12 resume with the final evidence of the day, which is from
13 Felipe Carrizosa. Okay?

14 MR. DI ROSA: Sorry, did you say 50 or 15?

15 PRESIDENT BEECHEY: 15. You don't get away with
16 50 just yet.

17 MR. DI ROSA: Well, the day is almost over,
18 Mr. President. When would we have a--I mean, if we go--if
19 we do the cross-examination of Mr. Felipe Carrizosa, then
20 that's the end of the day, I believe. So, it might make
21 sense to, at least for the sake of the stenographer and the
22 interpreters, to take a longer break now. But, you know,
23 I'm in your hands, obviously.

24 PRESIDENT BEECHEY: Well, let's take a 15-minute
25 break now, and we'll work it through. And if we end at

1 what would have been the long adjournment, we end then.

2 MR. DI ROSA: All right. Fair enough. Thank you.

3 PRESIDENT BEECHEY: Very well. Thank you very
4 much, indeed. We will start again at 5 minutes past the
5 hour. Thank you.

6 (Brief recess.)

7 PRESIDENT BEECHEY: Very good. I think we have
8 all the key ingredients.

9 Mr. Di Rosa is the constant presence for
10 Respondent. We have a change of team, I believe, among
11 Counsel for Claimants to do introductions.

12 Mr. Felipe Carrizosa I can see, so welcome to you.

13 We will start, if we might.

14 I can't hear you at all.

15 FELIPE CARRIZOSA GELZIS, CLAIMANTS' WITNESS, CALLED

16 THE WITNESS: I said thank you, Mr. President.

17 PRESIDENT BEECHEY: That's better. Okay. Very
18 well.

19 In this case, if somebody would be kind enough to
20 put up the Declaration, we will invite Mr. Carrizosa to
21 make his declaration.

22 THE WITNESS: I solemnly declare, upon my honor
23 and conscience, that I shall speak the truth, whole truth,
24 and nothing but the truth.

25 PRESIDENT BEECHEY: Thank you very much indeed.

1 Mr. O'Dear, your witness, I think, to lead.

2 MR. O'DEAR: Thank you, Mr. President.

3 DIRECT EXAMINATION

4 BY MR. O'DEAR:

5 Q. Mr. Carrizosa, you filed a witness statement in
6 this case in May of 2019; correct?

7 A. Correct.

8 Q. And does that remain your true and accurate
9 testimony in this case?

10 A. Yes, it does.

11 Q. Would you please tell us when and how you became
12 an American citizen?

13 A. I was born an American. My mother is American, my
14 father is Colombian, but they made that decision before I
15 was born. So, I was born and raised as an American.

16 Q. Before you were born, had they made the decision
17 that you would be raised and educated as an American?

18 A. Yes. They made that decision. They thought that
19 me and my brothers should be raised as Americans living in
20 Colombia.

21 Q. And is that, in fact, how your parents raised you
22 and your brothers?

23 A. Yes.

24 Q. So, in your mind, would it be fair to say that the
25 issue of your predominant nationality being an American was

1 settled by your parents long before any of the events that
2 gave rise to this proceeding?

3 A. Yes. Of course. They chose that for us, so we
4 were born American.

5 Q. Your Witness Statement, sir, is in English, and
6 you're testifying here today in English.

7 Why is that?

8 A. Well, I'm fluent in English and Spanish. I also
9 speak German, but I'm more comfortable speaking English,
10 and for the benefit of everybody and the Tribunal.

11 Q. I want to ask you about your education. Were you
12 educated in American or Colombian schools?

13 A. I have an American education. I went to CNG,
14 which is an American school in Bogotá, Colombia. It
15 originally was the Anglo-American School, and I went there
16 from elementary through middle school, and there they teach
17 a curriculum to prepare students to go to college and the
18 universities in the United States.

19 After that, I went to high school in an American
20 high school, Gulliver Prep School. I graduated there in
21 1986, and I went on to Lehigh University in Bethlehem,
22 Pennsylvania, and I have a Bachelor of Science in civil
23 engineering, and that was in 1990. And then after that, I
24 studied the German language in Germany at the Goethe
25 Institute, and, finally, I--in Colombia, I got an M.B.A.

1 from Colombian University, INALDE.

2 Q. And as I understand it, that was later, in 2006,
3 the M.B.A?

4 A. In 2006, yes. That's when I got my M.B.A. degree,
5 correct.

6 Q. When you travel, on which passport do you travel?

7 A. The majority of times I travel with my U.S.
8 passport. Unless, when I return to Colombia, then I'm
9 required to present myself with my Colombian citizenship.

10 Q. You mentioned a period where you studied in
11 Germany. Did you also have a job in Germany?

12 A. Yes. I applied for a job there in Germany, yes.

13 Q. In order to get a job in Germany, did you have to
14 complete an application?

15 A. Yes. Yes, I did.

16 Q. And this was right after your graduation from
17 college in Pennsylvania; correct?

18 A. Correct.

19 Q. Did that application ask you whether you were--or
20 which particular country you were a citizen of?

21 A. Yes. They asked me, and I applied as an American
22 citizen; and not only the working permit, but also what
23 they call the staying permit. And I identified myself as
24 an American.

25 Q. I want to ask about your family.

1 Do you have continuing family ties in the United
2 States today?

3 A. Yes, I do. My mother is American, and my mother
4 has family in the United States. They are originally from
5 Michigan. Now they've moved to Colorado. I remember
6 spending many summers in Michigan, as well as Christmases
7 and Thanksgiving. I mean, there are a few times where we
8 actually made the trip to Michigan just to spend
9 Thanksgiving with them. I have great memories. And now
10 that they are in Colorado, I have visited with them there
11 as well.

12 Q. Okay. You were married, as I understand it, but
13 are now divorced; correct?

14 A. Yes. Correct.

15 Q. But you have two daughters?

16 A. I have two daughters--two daughters, and they are
17 also American. I am raising them as American. They enjoy
18 the American traditions and values, and my eldest daughter
19 just got accepted to Boston University, so she'll be
20 attending Boston University next year; and my youngest,
21 she'll probably also study in the United States.

22 Q. Okay. So, you attended high school in Miami. You
23 attended college in Pennsylvania. You studied and worked
24 for three years in Germany. And then in 1994, you moved to
25 Colombia; is that correct?

1 A. Correct.

2 Q. Can you tell us why you moved to Colombia in 1994?

3 A. I moved to Colombia because of the family
4 business. I felt I needed to go back to Colombia and be
5 part of the business, especially the operating businesses.
6 We have businesses outside of Colombia, but those are
7 passive investments that I feel don't require my physical
8 presence. But the Colombian operating companies, those do.

9 For example, the real estate development company,
10 I worked there for 23 years, and that's a business; as
11 everybody knows, it is location, location, location. So,
12 it is something I had to be there to get to know the
13 different pieces of land. There is a lot of public
14 relations involved in that and just knowing people who have
15 land in order for them to develop it, and so I was very
16 hands-on for 23 years up until 2018.

17 Q. Okay. Do you intend to live in Colombia the rest
18 of your life?

19 A. No. We are transitioning so that we'll be able to
20 retire and specifically in the United States. I worked in
21 the construction company, in the real estate development
22 company, up until 2018, and because, as we are in a
23 transition, we are hiring independent executives to be able
24 to run those operating companies. So, we are taking action
25 and we have taken actions in that direction so that one day

1 we will feel at ease and be able to retire outside of
2 Colombia.

3 Q. Okay. You've testified here today and in your
4 Statement that your primary residence since 1994 has been
5 in Colombia. Yet, you see yourself, and have throughout
6 your life, as predominantly American.

7 Can you please explain to us why you see yourself
8 as predominantly American?

9 A. I'm predominantly American because I was born an
10 American, I was raised as an American, I have an American
11 education. And so--and all the traditions and values that
12 I have, I believe to be American. So, I grew up and became
13 an adult in the United States, so I identified myself with
14 their cultures, philosophies, and values.

15 Q. Let's talk about culture. You mentioned
16 holiday --tell us about the holidays that when you were
17 going up, and still today, that you celebrated and that you
18 identified with is because they were predominantly
19 American?

20 A. All holidays that are American we celebrated since
21 I was a kid. St. Valentine's Day is an American tradition;
22 in Colombia, the equivalent is on a later date. But on
23 February 14, we would be spending time celebrating that
24 day.

25 Easter, even though it's a religious holiday, we

1 celebrated the American way with the Easter bunny and so
2 forth since I was a kid. My mother has always set up
3 Easter baskets and everything, as we are doing now with my
4 daughters.

5 Then summers, the majority of the summers, our
6 summer vacations, have been in the United States. Of
7 course, we have traveled to other countries, but we always
8 went back home to the United States. As well with my kids,
9 with my daughters, the majority of our vacations are in the
10 United States.

11 So, and then Thanksgiving comes around, and that's
12 an extremely important holiday. I mean, just getting
13 prepared for it takes three or four days. We do that whole
14 bit. When it's possible, we have traveled. And if not,
15 every single time we have celebrated it here.

16 Halloween is very special and done differently.
17 My brothers have expanded on that.

18 And Christmas as well. We celebrate on the 25th;
19 whereas, in Colombia, we celebrate more on the 24th, the
20 eve of Christmas. So, yes, we do celebrate Christmas on
21 the 24th, but mostly it is spent on the 25th.

22 Q. What about the July 4 holiday? Did your family
23 celebrate that at all?

24 A. Yes. When it was vacation time and we're in the
25 United States, I have wonderful memories of having

1 hamburgers, hot dogs, corn on the cob, the whole bit. And
2 then when we're not, in Colombia, I mean, we greet each
3 other, and I'll send my mother a happy Fourth of July, as
4 well as St. Patrick's Day.

5 I mean, that's an very important date for my
6 mother since it was on that day that she arrived to United
7 States from Latvia when she was a small child after World
8 War II. And so, she arrived on that date, and it's very
9 important. So, I follow that and I send her greetings
10 every year on that date.

11 Q. You mentioned language earlier. What was your
12 primary language spoken with your mother in your home
13 growing up?

14 A. English. At all times, it was English, with her
15 it was. Sometimes my friends would come to my house, and
16 they would find it odd that I would be speaking English to
17 my mother. I never thought any different. So, I was
18 raised speaking English and, obviously, at the same time
19 Spanish, but it's my primary language.

20 I mean, when I watch TVs, when I watch Netflix,
21 all the movies are in English. I barely watch local TV.

22 The music I listen to is all in English. My
23 favorite genre is jazz, which originated in the United
24 States. And, of course, it is listened to worldwide, but I
25 identify myself with that, the music.

1 And the books I go through, I actually go through
2 audible books, audiobooks, and I go through 20 or 40 a
3 year, and 98 percent of them are in English.

4 Q. Okay. How about your financial ties? Where are
5 the bulk of your personal financial assets held?

6 A. The majority of my personal assets are in the
7 United States. Ever since I started working, my savings
8 have gone to the United States. That's where I feel them
9 to be safe. And I think they get better returns there, and
10 so I have been doing that for a very long time.

11 Q. There has also been discussing about retirement
12 funds or retirement plans. Where are the bulk of your
13 financial savings for retirement held?

14 A. Yes. In the United States. Those savings is what
15 I hope, you know, will help me out with my retirement.

16 Q. You do participate, however, on a compulsory basis
17 in the Colombian retirement program?

18 A. Yes, as it's obligatory. Yes.

19 Q. Okay. Respondent has made much in the briefing
20 and here today of the fact that for many years you've held
21 a number of positions in the family business in Colombia.

22 Do you see that fact, the fact that you've lived
23 and worked in the business for a number of years as
24 inconsistent with your view that you are predominantly
25 American?

1 A. No, not at all. I mean--

2 Q. Can you tell us why?

3 A. Yes.

4 Q. Can you tell us why?

5 A. I was born American. I was raised American. I
6 have American education, and all that happened before going
7 to the family business. By that time, I've been
8 predominantly American. Even when I went to Germany, you
9 know, I lived and worked in Germany, but I considered
10 myself American.

11 Q. Okay.

12 MR. O'DEAR: Okay. Thank you.

13 I have no further questions, Mr. President.

14 PRESIDENT BEECHEY: Thank you.

15 Mr. Di Rosa.

16 MR. DI ROSA: Thank you, Mr. President.

17 CROSS-EXAMINATION

18 BY MR. DI ROSA:

19 Q. Mr. Carrizosa, good afternoon now.

20 A. Good afternoon.

21 Q. Are you testifying from Bogotá right now,
22 Mr. Carrizosa?

23 A. Yes, I am.

24 Q. Is that where you've been quarantined during the
25 pandemic this year?

1 A. Yes. Correct.

2 Q. Now, you've been a dual Colombian and U.S.
3 national since your birth; correct?

4 A. Correct.

5 Q. And you, like your brother Alberto, were born in
6 Bucaramanga; right? I always get that wrong. I apologize.

7 A. Yes. Bucaramanga.

8 Q. Bucaramanga. Yes.

9 And how long have you been residing in Bogotá?

10 A. Since 1994. I was born in Bucaramanga, and then,
11 as I mentioned, the schooling was here in Colombia; but
12 then I moved to Miami, then Pennsylvania, and then in 1994,
13 I came back to Colombia.

14 Q. Right. So, you've been residing in Colombia for
15 the last 26 years-plus; correct?

16 A. Yes.

17 Q. Do you live in a house or in an apartment in
18 Bogotá?

19 A. I live in an apartment in Bogotá.

20 Q. All right. Do you own or rent that apartment?

21 A. The one I'm in at the moment? It is family
22 business-owned.

23 Q. I see. According to our records that we obtained
24 from the Colombian migration authorities, in 2014 you spent
25 311 days in Colombia and only 53 days abroad.

1 Do you have any reason to think those figures are
2 inaccurate?

3 A. I don't think they are inaccurate around that.

4 Q. And in 2018, according to the same type of
5 records, you spent 302 days in Colombia and 62 days abroad.

6 Does that sound about right to you as well?

7 A. That sounds about right, yes. I mean, the real
8 estate development company, it requires a lot of work. So,
9 as you can see, I didn't take much vacation time.

10 Q. And the records also show that from 2001 until
11 2018, you spent a total of 5,270 days in Colombia and
12 643 days outside of Colombia.

13 Does that also seem roughly accurate?

14 A. It seems roughly accurate, yes.

15 Q. All right. Now, you said in response to your
16 counsel's question that you had been married before, but
17 are no longer married; is that right?

18 A. Correct.

19 Q. And your former wife was Colombian, was she?

20 A. She is Colombian, yes.

21 Q. And you were married in Colombia; correct?

22 A. Correct.

23 Q. The ceremony, I mean? Yeah.

24 A. Yes.

25 Q. And you lived together in Colombia the entire time

1 you were married?

2 A. Yes.

3 Q. And you have two daughters; correct?

4 A. Correct.

5 Q. And they were both born in Bogotá; correct?

6 A. They were both born in Bogotá, but they are both
7 American citizens as well.

8 Q. But they are Colombian citizens also?

9 A. They are.

10 Q. So, they are dual?

11 A. Yes, they are dual.

12 Q. Thank you. And how old are they?

13 A. The youngest is 8 and the eldest is 18.

14 Q. Sorry. I didn't mean to get you in trouble with
15 that question.

16 Now, do your daughters currently live with you or
17 with their mother in Bogotá?

18 A. They live with their mother, but I see them quite
19 often.

20 Q. And their mother lives in Bogotá right now as
21 well; correct?

22 A. Yes.

23 Q. And both the daughters--well, what year were you
24 divorced?

25 A. The divorce was--I believe it was 2014, 2015.

1 Q. Okay. So, up until then, your two daughters lived
2 with you and your wife, and then since 2014 until now, both
3 of the daughters reside primarily with their mother in
4 Bogotá; is that right?

5 A. Yes.

6 Q. All right. Your daughters attend the Colegio
7 Nueva Granada school in Bogotá; is that correct?

8 A. Yes, they do.

9 Q. You talked about that with your counsel as well.
10 What year did they start studying there,
11 approximately?

12 A. Can you repeat the question?

13 Q. Sorry. In what year did they start attending the
14 Colegio Nueva Granada in Bogotá, the school?

15 A. They usually start when they are four years old,
16 both of them.

17 Q. All right. So, roughly from 2006 in the case of
18 your oldest daughter and 2016 in the case of your youngest
19 daughter? Is that about right?

20 A. That's about right.

21 Q. All right. And they have been at that school the
22 whole time?

23 A. Yes, they have.

24 Q. All right. Now, that's the same school that you
25 went to as well; right?

1 A. Yes. It's an American school that I went to since
2 I was a kid.

3 Q. Right. I heard that a couple times already, that
4 it's an American school, but it is a private school;
5 correct?

6 A. Correct.

7 Q. And, in fact, would you disagree with the
8 proposition that it's the most expensive private school in
9 Bogotá?

10 A. I can't attest to that, that it's the most
11 expensive.

12 Q. But it is a very selective, very exclusive school;
13 correct?

14 A. By many, it may be considered, yes.

15 Q. All right. You also--I mean, with respect to the
16 American school aspect, I wanted to ask you also: Is it
17 not true that the Colegio Nueva Granada is accredited by
18 the Colombian Ministry of Education?

19 A. Yes, it is.

20 Q. So, that means that people who graduate from that
21 school are able to go to university in Colombia; correct?

22 A. Yes. Even though it's a prep school for U.S.
23 colleges and universities, the curriculum is also for, you
24 know, students being able to go to Colombian universities.

25 Q. Right. In your Memorial, in Footnote 294, you

1 reference the school's webpage. So, we took a look at the
2 webpage, and it said that 79 percent of the students at the
3 Nueva Granada school are Colombian.

4 Does that sound right to you?

5 A. That sounds about right.

6 Q. And the website says that only 10 percent of the
7 students are American students.

8 Does that also sound about right?

9 A. That could be right, yes.

10 Q. All right. Do you have a Colombian driver's
11 license?

12 A. Yes, I do.

13 Q. Have you--well, do you have a driver's license in
14 any U.S. state or jurisdiction?

15 A. No, I don't, but I did have one. I did have a
16 Florida driver's license while I was living in Miami, and I
17 used that same driver's license when I went to college in
18 Pennsylvania. Then, after that, I do not have it, since
19 I've not resided in the United States.

20 Q. All right. So, you haven't had a driver's license
21 in the United States since the 1980s, basically; is that
22 about right?

23 A. Yes. Correct.

24 Q. And you voted in the 2018 presidential and
25 congressional elections in Colombia; correct?

1 A. Correct.

2 Q. And you also voted in the 2014 presidential and
3 congressional elections in Colombia; correct?

4 A. Correct.

5 Q. Did you vote in the U.S. presidential elections
6 held last month?

7 A. No, I didn't. I haven't voted in the United
8 States. I primarily think that, you know, democracy in
9 United States is not at risk. I do believe here in
10 Colombia there have been candidates that are at risk, so I
11 felt that I should participate more in Colombian elections,
12 you know, thinking about the family business.

13 Q. I see. So, have you ever voted in a presidential
14 U.S. election?

15 A. No. No, I haven't, because I feel that it doesn't
16 really make a difference. There won't be many big changes
17 there, independently of which party wins.

18 Q. You have contributed financially to political
19 campaigns in Colombia over the past several years; correct?

20 A. So, the family business has; and once, I did, for
21 someone that I actually knew. And that was for the city
22 council.

23 Q. Have you made any contribution to political
24 campaigns in the United States?

25 A. No.

1 Q. Have you ever run for office, for public office?

2 A. No, I haven't.

3 Q. Have you ever worked for a government agency or
4 institution?

5 A. No, I haven't.

6 Q. What do you consider your profession?

7 A. I'm a civil engineer, but I have acted more as
8 manager.

9 Q. And where would you say you're currently employed?

10 A. I'm currently employed in Bogotá. The name of the
11 company is Vanguardia Inversiones.

12 Q. All right. We talked about that with your brother
13 Alberto. What role do you have at Vanguardia Inversiones?

14 A. I'm a manager.

15 Q. All right. How long have you been in that
16 position?

17 A. Two years. I worked at the construction firm up
18 until 2018.

19 Q. I see. So, the--

20 (Overlapping speakers.)

21 A. --last year.

22 Q. So, you were not at Vanguardia Inversiones in any
23 capacity before 2018?

24 A. Before? No, no. My employer was
25 I.C. Constructora.

1 Q. All right. And that's a Colombian company?

2 A. Yes. It's a real estate development company.

3 Q. All right. And what role did you have at the
4 construction company?

5 A. I was president of the company.

6 Q. From what year to what year?

7 A. It's in the Witness Statement.

8 Q. Approximately?

9 A. Well, I worked there for 23 years, but--

10 Q. Oh, okay. So, you just don't remember how long
11 you were president?

12 A. The answer to the question is that I was the
13 General Manager from 1997 to 2005, and then from 2005 until
14 2018 I was President.

15 Q. I see. But you worked uninterruptedly at the
16 Colombian construction company for 23 years?

17 A. Yes.

18 Q. Do you currently have an office in Bogotá?

19 A. Yes.

20 Q. And is that in an office building somewhere?

21 A. Yes. It's in the same office building where my
22 brothers have the office.

23 Q. All right. Do you have any office space anywhere
24 in the United States?

25 A. No, we don't. I mean, our investments in the

1 United States are passive investments. There aren't any
2 operating companies. So, we don't feel that we need to be
3 present there, and we don't need to get offices there.

4 Q. So, your employment has essentially been at these
5 two Colombian companies; right? I.C., the construction
6 company, for 23 years, and then about two or three years at
7 Vanguardia Inversiones; is that right?

8 A. Approximately. Yes.

9 Q. Okay. And your counsel said that--or he asked
10 you, and you said, you spent three years in Germany,
11 working; correct?

12 A. Correct.

13 Q. So, you've had 26 years employed in Colombia;
14 before that, three years in Germany.

15 Have you ever been employed in the United States?

16 A. No, I haven't. After graduating from college, I
17 went to Germany and I wanted to get experience in
18 construction, that that would be valuable for me and for
19 the family business. So, that's why I went to Germany and
20 then came back.

21 Q. All right. And aside from your--I guess would you
22 call them your full-time jobs?--at these two companies,
23 I.C. and Vanguardia, you also had certain roles in other
24 companies as well, and I want to ask you about those.

25 You were, for example, a representative, in 2014

1 and 2018, of a company that we haven't talked about yet
2 with either of your brothers, so I want to ask you about
3 it. It is called Covitotal S.A.S.; is that correct?

4 A. Correct.

5 Q. And that's a company incorporated in Colombia?

6 A. Yes.

7 Q. Is it one of the family companies, or no?

8 A. Yes, it is. It's a family company that is related
9 to the real estate development company. So, it had one
10 project under its name.

11 Q. Okay. And then you also were a representative of
12 another I.C. company called I.C. Inmobiliaria S.A.; is that
13 right?

14 A. Yes. That's the one that has the commercial
15 development to it.

16 Q. And do you recall during what years you were a
17 representative of that company?

18 A. Not specifically, but--I can't find it at the
19 moment, but maybe--

20 Q. All right. If I told you it was from 2010 to
21 2015, would that sound about right?

22 A. That sounds about right, yes.

23 Q. Okay. Then there's a company called Industrias y
24 Construcciones I.C. S.A.S. You were a representative there
25 as well?

1 A. Yes. That's also related to the real estate
2 development.

3 Q. And if I put it to you that you were there from
4 2014 to 2017, would that sound about right to you?

5 A. Yes. That sounds about right.

6 Q. So, you served as a representative in a number of
7 Colombian companies during the period between 2014 and
8 2018.

9 Did you serve in an analogous role or similar role
10 in any U.S. company?

11 A. No, I didn't. The ones we have mentioned there
12 are operating companies, and those are the ones that
13 require my physical presence. And our investments in the
14 United States do not require a physical presence, so we
15 don't have that structure in the United States. So, I do
16 not have it.

17 Q. In 2014 and 2018, you were also a member of the
18 Board of Directors of a company called Inversiones Codego
19 S.A. Is that correct?

20 A. Correct.

21 Q. And that is also a Colombian company; correct?

22 A. Yes.

23 Q. In the period between 2014 and 2018, were you a
24 member of any Board of Directors of a U.S. company?

25 A. No.

1 Q. Do you have a vacation home other than the one
2 we've been talking about with your brothers?

3 A. No. The same ones.

4 Q. Yeah. And how often do you get to the family
5 country home?

6 A. The one here in Colombia? It varies from, you
7 know, six times a year, as well as the apartment in Miami.
8 Whenever I get a chance, we will go back to Miami.

9 Q. Are there particular events that you have? Like,
10 do you have a family reunion every year at the property in
11 Colombia, the vacation home, or are there certain holidays
12 or special events that you celebrate together there with
13 your brothers and their families?

14 A. Well, usually each of us take turns going to
15 the--to that home here in Colombia. But there have been
16 celebrations. When my aunt from the United States and my
17 cousins from the States came to Colombia, we took them to
18 that vacation home.

19 Q. All right. Do you have any employees working for
20 you in your apartment?

21 A. Yes. I have an employee, but she's a day maid.

22 Q. Okay. Do you own or does any company that you
23 control own any real estate in the U.S. other than the
24 Miami Beach home that we talked about with your brothers?

25 A. No.

1 Q. Do you own any cars or other vehicles in Colombia?

2 A. The cars that I have are owned by the family
3 business.

4 Q. Right. And they give you a driver as well?

5 A. Yes.

6 Q. You mentioned today and also in your Witness
7 Statement that you have--I think you said 90 percent of
8 your passive investments are in the U.S.; is that correct?

9 A. Yes. That's correct.

10 Q. Did you attach to your Witness Statement any
11 documentary evidence of any investment in the U.S.?

12 A. No.

13 Q. You have investments in Colombia; correct?

14 A. Yes. Primarily the family business. That is a
15 large part of our net worth and that is in Colombia. And
16 but there is a large part of our net worth also in the
17 United States, as my brothers have explained.

18 Q. But you also have shares in a Company called
19 Davivienda; is that right?

20 A. Indirectly, yes.

21 Q. Okay. And that is a--what is that? A Colombian
22 real estate company or what?

23 A. Davivienda is a bank.

24 Q. Oh, it's a bank. Okay.

25 A Colombian bank; correct?

1 A. Yes, a Colombian bank.

2 Q. Do you have any investments in Colombian stocks or
3 bonds?

4 A. I have an account and that account--it does invest
5 in the stocks, primarily.

6 Q. Okay.

7 (Overlapping speakers.)

8 A. Yeah.

9 Q. And you pay income taxes in Colombia; correct?

10 A. Yes, I do.

11 Q. And you pay Social Security taxes there as well?

12 A. Yes, correct.

13 Q. You didn't mention any of the Colombian taxes that
14 you pay in your Witness Statement; correct?

15 A. Correct. I didn't specify, yes.

16 Q. You contribute to a Colombian pension plan as
17 well; correct? Plan.

18 A. Yes, I do. As it is obligatory.

19 Q. All right. You have medical insurance in
20 Colombia?

21 A. Yes, I do. And as well as in the United States.
22 The bigger insurance that I have for major procedures is
23 based in the United States.

24 Q. You have bank accounts in the U.S., as you said,
25 in your Witness Statement.

1 Do you also have bank accounts in Colombia?

2 A. Yes, I do.

3 Q. But you also did not mention the bank accounts in
4 Colombia in your Witness Statement; correct?

5 A. No, I didn't.

6 Q. And you did not attach to your Witness Statement
7 any evidence of your--of the existence of bank accounts in
8 the U.S.; correct?

9 A. No, I didn't.

10 Q. Does your salary from Vanguardia Inversiones get
11 deposited in a Colombian--in one of your Colombian bank
12 accounts?

13 A. Yes, it does. And then what I've done is, after I
14 save it for a period of time, I've taken them over to my
15 American bank account, as I mentioned. That's where I'm
16 saving for my retirement.

17 Q. Do you belong to any social clubs, Mr. Carrizosa?

18 A. Where? I'm sorry?

19 Q. Anywhere. Social clubs, I was referring to.

20 A. In general, in Colombia, I'm a member of three
21 social clubs. One of them is El Nogal, which is business
22 related, and I have used it for business meetings and
23 reunions, and then La Pradera and as well as the one in
24 Mesa Yeguas, which is the vacation home.

25 And I am a member of the entrepreneur

1 organization, even though it's not a social club, it does a
2 social component to it. It was originally from the United
3 States. It was founded there in the United States. The
4 majority of the members are American, but it's a global
5 organization. And so, there I have a lot of social
6 activity and connections and making friends. So, there is
7 that social component as well as doing networking for
8 business purposes.

9 Q. Okay. Now, you said with respect to--is it El
10 Nogal, the business club that you mentioned?

11 A. Yes.

12 Q. You said that you have used it for "business
13 reunions."

14 By that, do you mean business meetings?

15 A. Yes. Correct.

16 Q. The Spanish word "reuniones" means "meetings";
17 correct?

18 A. Yes.

19 Q. And typically associated reunions with gatherings
20 of groups after a long time, like family reunions and
21 alumni reunions from universities and such.

22 But that's not what you are referring to there, of
23 course.

24 A. Yes, for business meetings. Correct.

25 Q. All right. Are you a member of any social club or

1 any other kind of club in the United States?

2 A. No. Just the one I mentioned, EO, which is the
3 Entrepreneur's Organization, which is based or founded
4 originally in Alexandria, Virginia.

5 Q. All right. Where is that headquartered now?

6 A. I believe the headquarters are still there.

7 Q. But so, this is like a Colombian branch that you
8 attend or what?

9 A. No. Well, it's a chapter, a Colombian chapter.
10 I'm a member of the Colombian chapter, but it's a global
11 organization and they meet in various parts of the world.
12 So, I have gone to conferences in the United States, and as
13 I mentioned, there is a component, a social component to
14 it. A lot of networking, so that is something I have been
15 a member since--well, it has been 16 years. A little more.
16 So, that's an integral part of, you know, my social life
17 and I find it quite important for me.

18 Q. Have you ever been to the headquarters in
19 Alexandria, Virginia of that organization?

20 A. No, I haven't.

21 Q. You mentioned three clubs that you were a member
22 of, and I think you only mentioned two so far. Unless I
23 missed one. I apologize.

24 There is El Nogal and then this organization that
25 we just talked about. What's the third one?

1 A. Club La Pradera.

2 Q. La Pradera. That's a social club in Bogotá;
3 correct?

4 A. It's outside of Bogotá.

5 Q. Outside of Bogotá. Okay.

6 And are your ex-wife and children also members of
7 that club?

8 A. Yes, they are.

9 Q. Have you hosted big events there such as birthday
10 parties or anniversary parties?

11 A. No, I haven't.

12 Q. Do you do any sports?

13 A. Yes. I do biking, I run, I do some swimming, and
14 I have done some golfing. I'm a member at these two clubs.
15 There is golf. I play once in a while. I mean, I think
16 it's important for public relations to meet up with people
17 while I'm living here.

18 Q. Aside from the two golf clubs, are you a member of
19 any sports club or sports team?

20 A. No.

21 Q. All right. Are you a member of any golf club or
22 sports team in the United States?

23 A. No, not necessarily. The sport that I practice is
24 triathlon, and whenever I compete in the triathlon, I have
25 to sign up for the triathlon association in the United

1 States, but usually that's done for the races.

2 Q. So, it's not a club or organization as such that
3 you're a member of?

4 A. No.

5 Q. Do you go to church, Mr. Carrizosa?

6 A. I used to. The Catholic Church. I think. I'm a
7 believer, but I don't practice that often.

8 Q. All right. But you received your first communion
9 in Colombia, did you?

10 A. Yes, I did. And my confirmation was in Miami.

11 Q. All right.

12 MR. DI ROSA: I have no further questions for you,
13 Mr. Carrizosa. Thank you very much.

14 THE WITNESS: Thank you, Counselor.

15 PRESIDENT BEECHEY: Mr. O'Dear, any questions in
16 reexamination.

17 MR. O'DEAR: Nothing further, Mr. President.

18 PRESIDENT BEECHEY: Thank you. Anything from my
19 two colleagues.

20 ARBITRATOR SÖDERLUND: No, thank you.

21 PRESIDENT BEECHEY: Very well, in that event
22 Mr. Carrizosa, thank you very much for your time and for
23 your evidence. That's the end, and you're released.

24 THE WITNESS: Thank you, Mr. President and Members
25 of the Tribunal.

1 PRESIDENT BEECHEY: Not at all.

2 Well, now, Mr. Di Rosa, Mr. Martínez-Fraga, that,
3 I think, is the end of the day, isn't it?

4 MR. O'DEAR: It seems like it.

5 PRESIDENT BEECHEY: Right. In terms of planning
6 for tomorrow, are you intending to use the full day for
7 Mr. Wethington and Mr.--for Professor Mistelis? Just as an
8 indication at this stage. I'm not going to hold you to it.

9 MR. DI ROSA: Mr. President, we're not sure,
10 obviously, because it depends on how it goes. We will
11 abide by the time limits that were established, so that
12 would be the outer limit of the time we would use.

13 PRESIDENT BEECHEY: Very well. That's fair
14 enough.

15 Mr. Martínez-Fraga, silence indicates
16 acquiescence; is that right?

17 MR. MARTÍNEZ-FRAGA: Yes. Yes. I think we will
18 probably use the 30 minutes allotted for each.

19 PRESIDENT BEECHEY: All right. Very well. Sorry,
20 there was some feedback from somewhere.

21 If there's to be any presentation in advance, if
22 it is possible to make sure that we have the materials, or
23 if it's not going to be a standard direct examination, but
24 more of presentation, what has become sort of the standard
25 Expert presentation, if you would be kind enough to make

1 sure we get any overheads in advance, would be grateful.

2 MR. MARTÍNEZ-FRAGA: Absolutely. I don't
3 anticipate that we are going to have any evidence
4 whatsoever.

5 PRESIDENT BEECHEY: Okay. That's fine.

6 MR. MARTÍNEZ-FRAGA: Or authority. One only, I
7 think.

8 PRESIDENT BEECHEY: All right. Mr. Di Rosa?
9 Can't hear you.

10 MR. DI ROSA: We don't believe so, Mr. President.

11 PRESIDENT BEECHEY: Very well. All right. Okay.
12 Well, unless the Parties have anything else, then we will
13 adjourn for the day.

14 Are there any further points or is that it?

15 MR. MARTÍNEZ-FRAGA: Not for Claimants, thank you,
16 Mr. President, Members of the Tribunal.

17 MR. DI ROSA: Nothing further from us,
18 Mr. President. Thank you very much.

19 PRESIDENT BEECHEY: Very well. Not at all. In
20 that event, we'll adjourn and we'll start again at
21 2:00 p.m. GMT tomorrow.

22 Thank you very much indeed.

23 ARBITRATOR FERRARI: Thank you very much.

24 MR. DI ROSA: Thank you. Good night.

25 MR. MARTÍNEZ-FRAGA: Thank you.

1 PRESIDENT BEECHEY: Good night.

2 (Whereupon, at 12:54 p.m. (EST), the Hearing was

3 adjourned until 9:00 a.m. (EST) the following day.)

CERTIFICATE OF REPORTER

I, Dawn K. Larson, RDR-CRR, Court Reporter, do hereby certify that the foregoing proceedings were stenographically recorded by me and thereafter reduced to typewritten form by computer-assisted transcription under my direction and supervision; and that the foregoing transcript is a true and accurate record of the proceedings.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to this action in this proceeding, nor financially or otherwise interested in the outcome of this litigation.


Dawn K. Larson