

1 Thursday, 21 January 2016

2 (10.00 am)

3 Statement by THE CHAIRMAN

4 THE CHAIRMAN: Alexander Litvinenko was born on
5 4 December 1962, a citizen of the Soviet Union. He died
6 aged 44 on 23 November 2006 in University College
7 Hospital London, by then a British citizen. Post-mortem
8 examination revealed that his death had been caused by
9 an ingestion of a fatal dose of the radioactive isotope
10 polonium-210.

11 The circumstances of his death attracted worldwide
12 interest and concern. They were referred to by the
13 foreign affairs select committee as "... a miniature
14 nuclear attack on the streets of London". In July 2007
15 the then Foreign Secretary observed that "the manner of
16 Litvinenko's death put many hundreds of other people at
17 risk". A motion of the United States House of
18 Representatives dated 1 April 2008 noted that
19 polonium-210 "could be used to kill large numbers of
20 people, or spread general panic and hysteria among the
21 public".

22 In the course of the inquest hearings, it was
23 submitted on behalf of media organisations that the
24 issues to which it gave rise "... include allegations of
25 state-sponsored assassination by radioactive

1 poisoning ..." of a British citizen in London, issues of
2 the greatest public concern.

3 Over nine years have elapsed since his death; and it
4 is appropriate that I should explain shortly why it has
5 taken so long for a full enquiry into his death to be
6 completed. The inquest into his death was opened by Her
7 Majesty's Coroner for Inner North London on
8 30 November 2006 but was adjourned pending the police
9 investigation into his death and any ensuing criminal
10 proceedings. The police investigation led to the
11 conclusion that the fatal dose of polonium-210 was
12 probably consumed by Mr Litvinenko on 1 November 2006
13 when in the company of Mr Andrei Lugovoy and
14 Mr Dmitri Kovtun, Russian nationals, at a hotel in
15 London. Warrants were in due course issued for their
16 arrest, and the Crown Prosecution Service sought
17 unsuccessfully to extradite them from the
18 Russian Federation to stand trial for murder.

19 On 13 October 2011, the inquest was resumed as it
20 had become clear by then that there was no realistic
21 prospect of the suspects facing a criminal trial, and on
22 7 August 2012 I was appointed to conduct the inquest.

23 In the course of my preparation for the inquest,
24 I was given access to sensitive government documents
25 that in my judgment were relevant to the investigation

1 that I was conducting. More particularly, those
2 documents raised a prima facie case that the Russian
3 state bore responsibility for Mr Litvinenko's death.
4 The law does not permit evidence to be taken in what are
5 known as secret or closed sessions at an inquest. But
6 the government material was of such sensitivity that it
7 could not be produced in any form of public or open
8 hearing.

9 The material was therefore necessarily excluded from
10 the inquest proceedings under the legal principle known
11 as public interest immunity. It had always been my view
12 that the question of possible Russian state
13 responsibility was one of the most important issues
14 arising from his death. It was an issue that I had
15 wanted to investigate at the inquest, but I considered
16 that I would be failing in my duty to conduct a full and
17 independent investigation if I did so in the knowledge
18 that there was relevant government material that I could
19 not take into account because of public interest
20 immunity.

21 I therefore wrote to Her Majesty's Government asking
22 it to exercise the power to establish a public inquiry
23 to replace the inquest. I did so because under
24 section 1(1) of the Inquiries Act 2005, that power may
25 be exercised where it appears to a minister that:

1 "Particular events have caused or are capable of
2 causing public concern or there is public concern that
3 particular events may have occurred."

4 The advantage of a public inquiry over an inquest
5 was that the rules governing an inquiry allow for
6 sensitive evidence to be heard in closed session.

7 However, the Home Secretary declined my request.
8 But her refusal to establish a public inquiry was
9 successfully challenged in the High Court by
10 Mr Litvinenko's widow, Marina Litvinenko. The judgment
11 in which the divisional court upheld the challenge was
12 handed down on 11 February 2014. It required the
13 Home Secretary to make a further decision as to whether
14 to establish an inquiry.

15 Thus, on 22 July 2014, almost two years after I had
16 been appointed to conduct the inquest, the
17 Home Secretary announced in a written statement laid
18 before the House of Commons that a public inquiry was to
19 be held into the death of Alexander Litvinenko under the
20 Inquiries Act 2005, and in consequence the inquest was
21 suspended.

22 I was appointed to chair the Inquiry. I was then
23 a serving judge of the High Court, an office from which
24 I retired on 19 September 2014, having reached the
25 compulsory retirement age. But my retirement did not

1 affect my position as chairman of the Inquiry.

2 The terms of reference for the Inquiry, terms upon
3 which I was consulted, are set out in full in my report
4 and on the Inquiry website. Paragraph 1 provides as
5 follows:

6 1. Subject to paragraphs 2 and 3 below, the
7 chairman is to conduct an investigation into the death
8 of Alexander Litvinenko in order to:

9 (i) ascertain, in accordance with section 5(1) of
10 the Coroners and Justice Act 2009, who the deceased was;
11 how, when and where he came by his death; and the
12 particulars required by the Births and Deaths
13 Registration Act 1953 to be registered concerning his
14 death;

15 (ii) identify, so far as is consistent with
16 section 2 of the Inquiries Act, where responsibility for
17 the death lies;

18 (iii) make such recommendations as may be
19 appropriate.

20 By her letter of appointment, the Home Secretary
21 invited me to complete the Inquiry by December 2015.

22 I opened the Inquiry on 31 July 2014. The final
23 open hearing took place a year to the day later on
24 31 July 2015.

25 On 15 December last, I announced that my report was

1 complete and that in accordance with the protocol agreed
2 with the Secretary of State, the report would be
3 delivered to her 48 hours before being tabled by her in
4 the House of Commons at 9.35 today.

5 It will shortly be published on the Inquiry website.

6 The Inquiry has been completed well within the
7 budget prepared by the Inquiry secretariat and adopted
8 by the Home Secretary in setting a budget cap.

9 I conducted open hearings at the Royal Courts of
10 Justice on 34 days in January, February, March
11 and July 2015. The open evidence is available to the
12 public in its entirety on the Inquiry website, the oral
13 evidence in the form of full daily transcripts. The
14 witness statements and the documents admitted into
15 evidence are also available on the website.

16 I also held closed hearings in the course of which
17 I heard oral evidence and considered documentary
18 material, the subject of restriction notices.

19 The findings of fact and the conclusions that I have
20 drawn from the facts are based upon the entirety of the
21 evidence that I have seen and heard, both open and
22 closed. They are mine and mine alone. I turn then
23 shortly to summarise the central findings of fact and my
24 conclusions as to how, when and where
25 Alexander Litvinenko came by his death, and as to where

1 responsibility for that death lies.

2 Alexander Litvinenko was born on 4 December 1962 in
3 the Russian city of Voronezh. He attended military
4 college graduating in about 1985 as a lieutenant and
5 served for approximately three years in the forces of
6 the interior ministry.

7 In 1988, he was recruited to join what was then
8 still called the KGB, and in 1991 was posted to KGB
9 headquarters in Moscow.

10 In September 2000, he left Russia in the
11 circumstances that I consider in detail in part 3 of my
12 report.

13 On 1 November 2000, he arrived in London with his
14 wife Marina and his son Anatoly where, in the transit
15 area of London airport, he approached the first police
16 officer that he saw and said, "I am a KGB officer and
17 I'm asking for political asylum".

18 He was granted asylum in due course, and on
19 13 October 2006, he and his family were granted British
20 citizenship.

21 41 days later, Alexander Litvinenko died at
22 University College Hospital, London.

23 The immediate cause of death was a cardiac arrest
24 from which the medical staff at the hospital were unable
25 to resuscitate him. But the cardiac arrest was the

1 result of an acute radiation syndrome caused by his
2 having ingested approximately 4.4 gigabecquerel of
3 polonium-210. The evidence indicates that there was
4 more than one intake of polonium-210. The second, and
5 fatal, ingestion occurred on 1 November 2006, the sixth
6 anniversary of his arrival in the United Kingdom seeking
7 asylum. The first, which had been about a hundredth of
8 the size, had occurred some 14 days earlier.

9 The evidence establishes that Mr Litvinenko ingested
10 the fatal dose whilst drinking tea from a teapot
11 contaminated with polonium-210 in the Pine Bar of the
12 Millennium Hotel in the West End of London in the
13 afternoon of 1 November in the company of Andrei Lugovoy
14 and Dmitri Kovtun. I am sure that Mr Lugovoy and
15 Mr Kovtun placed the polonium-210 into the teapot at the
16 Pine Bar and did so with the intention of poisoning
17 Mr Litvinenko.

18 I am also sure that the two men made the earlier
19 attempt to poison Mr Litvinenko, also using
20 polonium-210, at a meeting on 16 October 2006.

21 I am sure that Mr Lugovoy and Mr Kovtun knew that
22 they were using a deadly poison and that they intended
23 to kill Mr Litvinenko. I do not, however, believe that
24 they knew precisely what the chemical that they were
25 handling was or the nature of all its properties.

1 Mr Litvinenko did not, as has been suggested by
2 Mr Lugovoy and those representing him in the early
3 stages of the inquest proceedings and by other
4 commentators, poison himself with polonium-210, either
5 accidentally or deliberately.

6 The scientific evidence as to the sites of primary
7 contamination by polonium-210 detailed in part 6 of my
8 report demonstrates conclusively that
9 Alexander Litvinenko was poisoned by Andrei Lugovoy and
10 Dmitri Kovtun.

11 The further suggestion that has been made that
12 Mr Lugovoy had been the subject of a "set-up" is simply
13 unsustainable by reference to the objective scientific
14 evidence. There can be no doubt that
15 Alexander Litvinenko was poisoned by Mr Lugovoy and
16 Mr Kovtun.

17 The open evidence upon which I have arrived at that
18 conclusion is set out in considerable detail in parts 4,
19 5, 6 and 8 of the report.

20 My finding that Mr Litvinenko was poisoned by
21 Mr Lugovoy and Mr Kovtun raises a further question.

22 There is no evidence to suggest that either had any
23 personal reason to kill Mr Litvinenko. All the evidence
24 points in one direction, namely that when they killed
25 Mr Litvinenko, they were acting on behalf of someone

1 else. I have concluded that there is a strong
2 probability that when Mr Lugovoy poisoned Mr Litvinenko,
3 he did so under the direction of the FSB, the
4 Federal Security Service of the Russian Federation.

5 I have further concluded that Mr Kovtun was also
6 acting under FSB direction, possibly indirectly through
7 Mr Lugovoy, but probably in the knowledge that that was
8 the body for which he was acting.

9 I have further concluded that the FSB operation to
10 kill Mr Litvinenko was probably approved by
11 Mr Patrushev, then head of the FSB, and also by
12 President Putin.

13 These findings relating to Russian state
14 responsibility are based on evidence which I heard in
15 open and closed sessions of the Inquiry. My reasoning
16 for these conclusions in open is to be found in parts 9
17 and 10 of the report.

18 That concludes my short summary of the Inquiry's
19 core findings.

20 I should note at this point that, despite the welter
21 of public comment and speculation since November 2006,
22 there has not, until now, been a formal and independent
23 investigation tasked with enquiring into and making
24 findings about the circumstances of Mr Litvinenko's
25 death.

1 Our law requires that all violent or unnatural
2 deaths are investigated in this way. Had Mr Lugovoy or
3 Mr Kovtun been put on trial in this country for
4 Mr Litvinenko's murder, those proceedings may well have
5 satisfied this requirement. But, for the reasons that
6 I have explained, there have been no such criminal
7 proceedings. The requirement for a formal investigation
8 into Mr Litvinenko's death was therefore outstanding.
9 With the additional advantage, over and above the
10 evidence that an inquest or criminal trial would have
11 been able to consider, of having been able to examine
12 sensitive evidence in the closed sessions, that is the
13 function that I have now fulfilled.

14 As I have explained, the inquest into the death of
15 Alexander Litvinenko was suspended when my Inquiry was
16 established. I am not currently minded to reopen the
17 inquest as I have addressed all of the matters that
18 I would have been obliged to consider as a coroner.

19 Should any of the core participants wish for any
20 reason to apply to me to reopen the inquest, they should
21 communicate with the solicitor to the Inquiry within 28
22 days, and I will make a decision as to whether there is
23 sufficient reason to do so under paragraph 9(1) of the
24 schedule of the Coroners and Justice Act 2009.

25 It remains only for me to express my thanks to all

1 who have assisted me in this Inquiry, counsel and
2 solicitor to the Inquiry, the Inquiry secretariat, the
3 counsel and solicitors acting for the core participants,
4 in particular counsel and solicitor acting for Marina
5 and Anatoly Litvinenko, to the Metropolitan Police who
6 carried out the original criminal investigation into the
7 death of Alexander Litvinenko, an investigation
8 exemplary in its breadth and in its depth, and to all of
9 those who have facilitated the efficient running of the
10 proceedings, in particular the teams responsible for the
11 technical aspects of the Inquiry hearing, including the
12 simultaneous transcription of the evidence, and the team
13 of ushers who assisted greatly in the management of the
14 hearings.

15 As I have already indicated, my report will shortly
16 be available on the Inquiry website in its entirety.

17 (10.25 am)

18 (The Inquiry concluded)

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