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10		Monday, 30 March 2015
11	(11.00 am)	
12	THE CHAIRMAN: Yes, Mr Tam.	
13	MR TAM: May it please you, sir, today by way of evidence,	
14	we have Mr Paolo Guzzanti who will appear by video-link	
15	from Italy, and you can see him on the screens now.	
16	THE CHAIRMAN: Yes.	
17	MR TAM: Mr Mascall will also return to give evidence about	
18	a few sweeping-up matters, and there is one short	
19	witness statement to read at some convenient point	
20	during the day.	
21	THE CHAIRMAN: Thank you.	
22	MR TAM: I call Mr Guzzanti, please.	
23	MR PAOLO GUZZANTI (affirmed)	
24	(Evidence via video-link)	
25	Questions by MR TAM	

1 MR TAM: Mr Guzzanti, good morning, or I think good  
2 afternoon there in Italy. My name is Robin Tam. I'm  
3 one of the counsel to the Inquiry, and I'll be asking  
4 you most of the questions which we will ask you today.

5 First of all, can you hear me?

6 A. Yes, there are some difficulties with the audio. It is  
7 not always perfectly clear; just in case it's not,  
8 I will ask you to maybe repeat a few words, just  
9 (inaudible).

10 Q. Okay, thank you very much. You have with you, I think,  
11 to your right an Italian magistrate who is observing  
12 these proceedings, is that right?

13 A. Yes, correct.

14 MAGISTRATE: Yes, there is an Italian magistrate. I am  
15 Senor Moltevano(?) from Court of Appeal of Rome.

16 MR TAM: Good morning, sir, thank you for attending.

17 Mr Guzzanti, it's right, isn't it, that you have  
18 made a witness statement to the police?

19 A. Yes.

20 Q. You have a copy of that statement in front of you now,  
21 is that right?

22 A. I do.

23 Q. That's a statement which is dated 1 November 2013, is  
24 that right?

25 A. I guess so, yes, right.

1 Q. Because if you look in the first --

2 A. Yes, yes, true, November 1, yes.

3 Q. Good, thank you. If you need to refer to that

4 statement, please feel free to do so because I know that

5 the events that I'm going to ask you about took place

6 a long time ago, and if you need help by looking at the

7 statement, please do so. Okay?

8 A. Thank you.

9 Q. Mr Guzzanti, it's right, isn't it, that you were born

10 and grew up in Italy?

11 A. I can't hear you.

12 Q. I'll ask you again. Is it right that you were born and

13 grew up in Italy?

14 A. Yes, in Rome, actually, yes, born in Rome.

15 Q. For most of your working life, you have been

16 a journalist, is that right?

17 A. Yes, perfectly right, since I was (inaudible) until now

18 I can say, yes.

19 Q. When you started your career as a journalist, you were

20 also studying philosophy at the same time, is that

21 right?

22 A. Yes, that's right.

23 Q. At a university in Rome, is that right?

24 A. At a university in Rome, correct.

25 Q. As a journalist, is it right that you started your

1 career working for a political magazine called Il Punto?

2 A. Correct, it was a weekly magazine.

3 Q. Mr Guzzanti, I have to say the audio here is dropping  
4 out from time to time, so if the same is happening for  
5 you, please will you say so.

6 A. Yes, sometimes there are small problems but I will tell  
7 you. So far I can understand you.

8 Q. We will do our best.

9 A. Thank you.

10 Q. After Il Punto, is it right that you then worked for  
11 a newspaper called Avanti?

12 A. Yes, Avanti, first of all Il Punto, a weekly magazine  
13 until 1965. Then I went to Avanti which was the  
14 socialist official paper until 1972. Then I went in  
15 Calabria, southern region of Italy, where I was  
16 editor-in-chief of a local newspaper until 197 -- at the  
17 end of 1975, and I was hired in the newborn newspaper  
18 La Repubblica. I served as a special (inaudible)  
19 journalist and also editor-in-chief for many years until  
20 1990 when I left La Repubblica and I went to La Stampa  
21 which is Turin newspaper, the third newspaper, and  
22 I remained there until 1999 when I went to Il Giornale  
23 as a deputy editor.

24 Q. And was --

25 A. And I --

1 Q. Were you working for Il Giornale until you retired?

2 A. Yes, and actually I am still external collaborator of  
3 Il Giornale after retiring. I still write there,  
4 occasionally I still write there.

5 Q. Thank you. I want to ask you one question about  
6 La Repubblica. When you were at La Repubblica, did it  
7 have a political leaning to one side of the political  
8 spectrum or another?

9 A. Political leaning?

10 Q. Yes. Do you understand --

11 A. Of course, in general. Sorry, sir. In general, roughly  
12 speaking, yes, La Repubblica was in Italy, still is, and  
13 always was, the leading newspaper of the Italian left.  
14 At the time was very pro the arrangements between the  
15 Italian Communist party and the democratic Catholic  
16 party, which was the aim, the line, for this newspaper,  
17 especially under the direction of the editor,  
18 Eugenio Scalfari, who was also the founder of the  
19 newspaper, now retired (inaudible) a very famous  
20 journalist, and opinion leader.

21 Q. Okay, thank you.

22 Now, I want to ask you about a book called The  
23 Mitrokhin Archive which was published in 1999. That was  
24 a book that was written from the memoirs of -- sorry, it  
25 was written in part by a Russian who used to be an

1 officer of the KGB, is that right?

2 A. You mean Mr Vasili Mitrokhin?

3 Q. Mr Mitrokhin, that's right.

4 A. Mr Mitrokhin, yes, Mr Mitrokhin was, as we learned  
5 later, a Russian citizen after the collapse of  
6 Soviet Union, so he left Russia, not Soviet Union  
7 technically, and went as a guest or protected by the UK  
8 Parliament, and he started collaborating with British  
9 secret services under the supervision of Mr Christopher  
10 Andrew, who was an academic and also, I guess,  
11 (inaudible) helped him (inaudible) historic matters in  
12 the secret services for Soviet and Russian history.

13 Mr Mitrokhin brought from Russia with his, you know  
14 very (inaudible) --

15 Q. Sorry, Mr Guzzanti --

16 A. -- a certain number of records.

17 Q. Sorry, Mr Guzzanti, we lost some of that answer.  
18 Mr Mitrokhin brought from Russia -- can you pick it up  
19 from there? Mr Mitrokhin brought from Russia ...?

20 A. Yes, if I remember correctly, he came from Latvia  
21 (inaudible) it wasn't my personal experience, it was I  
22 read, what told me also Professor Christopher Andrew,  
23 here in Rome at dinner, public news, there is nothing  
24 unknown or just (inaudible). So he was an escaped man  
25 from Russia. After he retired, he was a retired man,

1 with (inaudible) lots of records, and records were  
2 studied and interpreted, as I understood, by the British  
3 secret service, MI6.

4 And after that, after a while, the British secret  
5 service distributed to the allies, the allied countries,  
6 but not only, I don't have the whole idea of how many,  
7 which exactly countries in the world. But you can say  
8 countries with (inaudible).

9 Q. Sorry, we've lost the picture at the moment. Can you  
10 still hear me?

11 THE CHAIRMAN: I think we've lost everything, Mr Tam.

12 MR TAM: I fear that's so.

13 THE CHAIRMAN: Would you like me to rise while it's sorted  
14 out?

15 MR TAM: I would be grateful.

16 (10.15 am)

17 (A short break)

18 (10.18 am)

19 MR TAM: I'm sorry for those technical difficulties. We  
20 think that we've now reestablished communication, so  
21 we'll give this another try.

22 Mr Guzzanti, I'm sorry about the interruption. Just  
23 before we had to break, you were telling us that the  
24 information brought by Mr Mitrokhin was, as you  
25 understand it, disseminated to other countries, and it

1           also formed the basis of this book called

2           The Mitrokhin Archive, didn't it?

3    A.   Two different things.  First one, a book came out and  
4           was a book in English printed and spread all around the  
5           world.  And it showed this in Berlin, Germany, and this  
6           was just a book, a book written (inaudible) by Vasili  
7           Mitrokhin and his mentor or his mate Christopher Andrew.  
8           And it was about the KGB operations in the world as they  
9           come out the secret documents that Vasili (inaudible) as  
10          an employee of KGB daily with a (inaudible) took with  
11          a little mini pencil and hide in his socks.

12                 The point is this gentleman came out from Russia  
13                 with a huge mass of information and he wrote a book.  In  
14                 the book, there are not the whole information brought  
15                 from Russia, it's just a book, but this book, as soon as  
16                 it was in the bookshops, was immediately commented, and  
17                 all over the world did not make a great impression.  It  
18                 was a book about espionage, about KGB (inaudible),  
19                 nothing more.  In Italy, and only in Italy something not  
20                 expected happened, and what happened was that inside  
21                 Italian left, especially inside the Italian communist  
22                 left, a kind of internal civil war.  Many Italian  
23                 communists began to accuse the other Italian communists  
24                 to be or having been a KGB spy amongst themselves, and  
25                 which turmoil, a political turmoil in Italian panorama.



1           So me, as a journalist, I was curious to understand  
2 why it was happening this way, subtle statements, not  
3 clear, one against the other; this was the reason why  
4 the chief of the former Italian Communist party,  
5 Massimo D'Alema, who was also the prime minister, the  
6 prime minister coming from the former Communist party in  
7 Italy, decide to suggest to build up a Parliamentary  
8 commission in order to understand exactly why, what,  
9 when, who was involved in this Mitrokhin archive, but  
10 also The Mitrokhin Archive didn't contain full  
11 (inaudible) names but only Russian nicknames. So it was  
12 impossible to understand, or you could just guess by  
13 a few hints, but normally there were (inaudible) people,  
14 often said Italian, sometimes they were not Italian, but  
15 mostly they were Italians, in Italy (inaudible) and with  
16 strange names, say Russian nicknames.

17           So what went out immediately was that these files  
18 had been delivered to Italy by the British secret  
19 service to the Italian secret service with no  
20 regularity, sometimes one a day, sometimes one a year,  
21 sometimes hundreds in a few days, it depended on the --  
22 how -- what made the document, with a very complicated  
23 procedure inside the secret service, the Italian secret  
24 service, these documents were classified, organised and  
25 put in specific part which was part of the Italian law

1           how to treat, how to use restricted or secret documents.

2           So this proposal of the Parliamentary commission was  
3           agreed more or less by all parties, and then the  
4           legislature ended 2000, and the new elections were for  
5           2001, and that's when the new Parliament elected,  
6           presented as a law, if you want to make in Italy  
7           a Parliamentary commission, you need to approve a law  
8           ordering to make a commission and acquiring the  
9           questions, commission is called to give answers.

10          So what happened was a huge debate in Italian  
11          Parliament with two chambers, senate and lower chambers,  
12          commission, very long process. At the end of the  
13          process, after (inaudible) the commission was  
14          established, and I was one of the members of the  
15          commission, and then I was elected chairman of this  
16          commission which happened, if I remember correctly,  
17          on June 2002.

18          That's roughly the story of the Italian commission.

19          The main point, the commission had to give answers  
20          to the Parliament, what happened in the buildings of the  
21          Italian secret service, to the documents, secret  
22          documents, provided by the UK to Italy and provided to  
23          all the other countries, Western countries or just  
24          countries considered friends by the UK Parliament.

25          What we found out, amongst many other things, is

1 that the purpose of the UK government was to provide  
2 a light in order to give the information to intelligence  
3 investigation, not judicial investigation, to be used as  
4 intelligence materials. And we found after an  
5 exhausting process, where witnesses were recusant, where  
6 general lies, where everybody, or almost everybody,  
7 actually we had a couple of very loyal officers who told  
8 us the truth, they spent years just in order to cover up  
9 the whole information, even building new illegal  
10 building inside the compound Italian secret service,  
11 SISMI, which means Italian military secret service.

12 It was a long, long (inaudible) in order to  
13 understand what happened to those documents.

14 The purpose of this was we -- yes, sir.

15 Q. I just want to go back a little bit in time and to ask  
16 you this: before the commission was actually set up, had  
17 you already been interested in this topic?

18 A. Absolutely, yes, I was a journalist, and I was extremely  
19 intrigued. This strange, unexpected -- I said  
20 (inaudible) meaning this fight inside Italian left, and  
21 it was clear that parts of the Italian Communist party  
22 was very close to the former Soviet Union, and probably  
23 possibly to the KGB, and another part, which is just  
24 history as we learned later, was extremely close to  
25 Western powers, especially the United States of America

1 and the UK.

2 So it made sense that what when the Soviet Union  
3 collapsed, also the Italian Communist party collapsed  
4 and it changed its own name, no more Italian Communist  
5 party, but the Democratic Party of the Left.

6 And so there was a big, big shock inside this party,  
7 and many members or representatives, intellectuals, took  
8 positions different -- in different ways. It was clear  
9 there was a KGB party, a centre party and an untied KGB  
10 party (inaudible) party, so that's the way to say, which  
11 was extremely interesting, and I covered as I could the  
12 continued development until one day I received a call by  
13 Mr Silvio Berlusconi, who was just the leader of this  
14 centre right party which was Forza Italia. And he asked  
15 me: would you like to be a member of the Parliament and  
16 be part of the proper -- the commission that I think  
17 will make -- will make with the other party, are you  
18 interested, because you know a lot, you have written  
19 a lot, could be a good idea for you.

20 I said yes, of course, immediately. I have  
21 not political interests actually, but journalist  
22 interests, I could go directly to the documents, go to  
23 the files, have the power of the investigation. So  
24 I say yes, I was included in it. I was elected in the  
25 senate and when after one year of a huge, huge, hard

1 debate, which was a kind of battle very, very hard, the  
2 law finally passed, it was approved, and the commission  
3 governed itself on the very first day, and the chairman  
4 was the senator Andreotti, who was a well-known former  
5 politician. And it was a petition in order to elect  
6 a new president and I was elected, and since then I was  
7 the chairman, president of the Mitrokhin Commission and  
8 in the end of the legislature which was April 2006.

9 By the way, Mr Litvinenko died months later when the  
10 Mitrokhin Commission was already expired, six months.

11 Q. Yes, and we've heard from Mr Scaramella about the  
12 chronology of that, about the timing of all of that.

13 You've told us about the main part of the  
14 commission's work. When was the report into that part  
15 of the commission's work completed?

16 A. I'm not sure if I correctly understand. Was completed  
17 the part in order to answer the question to the  
18 Parliament, you mean?

19 Q. You have told us that the commission was set up to look  
20 at the way that the Italian secret service had dealt  
21 with the information provided to it.

22 A. Yes.

23 Q. When was your report into that completed?

24 A. Well, before that commission -- two years before the  
25 commission expired, if I remember correctly it was in

1           2004, I guess in spring, I cannot be sure now, but if  
2           it's important I can provide you almost immediately  
3           a date. Anyway, the point is that we were ready, we,  
4           the commission, hosted by 40 members, 20 from the lower  
5           chamber and 20 from the senate, 20 and 20 representing  
6           all the parties registered in the Parliament, two or  
7           three I remember at that time different communist  
8           parties, but left, right, centre, they were all  
9           represented, we had an office of presidency,  
10          a secretary, a very strict and complicated procedure in  
11          order to accept or not accept a witness, et cetera.

12                 So we were able to answer the question posed by the  
13          Italian Parliament a lot earlier before the date of  
14          expiring of the commission. In fact, we had two more  
15          years almost that we dedicated to other stories  
16          connected with the KGB. Amongst them, the most famous,  
17          was the one about the attacks to the Polish Pope, Paul  
18          John II and Ali Agca, this kind of -- and we found a lot  
19          of new (inaudible) as well as in other operations  
20          probably connected with the KGB. Amongst them, the Red  
21          Brigade when we went in Budapest to speak with the  
22          Hungarian judge, a lot of things which happened after we  
23          already approved and delivered to the Italian Parliament  
24          the answers, the documents answering almost or --  
25          I don't remember, there were almost 20, 22, I don't

1 remember exactly questions and almost all of them were  
2 answered by our investigation.

3 But the questions were mostly technical, meaning  
4 they want to know why the procedural (inaudible) if it  
5 was broken, by whom, where now, right now, the documents  
6 we were (inaudible). For instance, we found that many  
7 documents disappeared, just because they scrambled the  
8 order, so it was impossible to find them amongst  
9 millions of different files, it just was a little  
10 difficult.

11 But we delivered the answers, the answer in -- I  
12 suppose in April 2004, but I may be wrong, and then  
13 after that, two years later, I tried to make a second  
14 document regarding other things, nothing to do with  
15 The Mitrokhin Archive, but about KGB operations in  
16 Italy, but the electoral campaign, it was already in,  
17 and many members of the commission are campaigning. So  
18 the votation(?) couldn't be carried out because there  
19 was not the legal number.

20 This was the whole, quote unquote, second report.  
21 But this second report had nothing to do with the report  
22 requested by the law in order to answer the questions in  
23 the Parliament.

24 THE CHAIRMAN: I think the answer to your question  
25 was April 2004.

1 MR TAM: Sir, yes, I think that's right, but I have to say,  
2 it is useful to have the other detail because it will  
3 reduce a number of interchanges that we need to do in  
4 this link.

5 THE CHAIRMAN: Yes.

6 MR TAM: Mr Guzzanti, whose idea was it to go on to  
7 investigate other things after you had produced your  
8 first report?

9 A. Yes, after the first report, the president's office, it  
10 was a monarchy(?) permission, he decided to do this or  
11 that; there was a collective office composed by all the  
12 members of parties in the commission, and because a book  
13 went out with the last interview of the dying Pope  
14 Karol Wojtyla, in this book there were a few lines with  
15 just like hints that maybe, that Pope always denied,  
16 maybe the secret Bulgarian services could have a role in  
17 the attack carried out by Ali Agca in 13 May 1981.

18 So we decide to reopen this investigation, calling  
19 all the investigators, all the judges, all the  
20 prosecutors, who participated or helped the first  
21 process, the first court against Ali Agca and others,  
22 and we discovered lots of impressive news that if you  
23 want I can tell you, but it will take a long time.  
24 Anyway, this was one of the things, and one was were the  
25 guerrilla organisation, Red Brigade, well known at the



1 time all over the world, what is connected or not with  
2 external secret services and especially with the Soviet  
3 KGB and eastern (inaudible). This was the main  
4 question, especially in Italy, at the time, were the  
5 Red Brigade directed or they were acted or directed by  
6 outside, or just a kind of revolutionary boy scouts.  
7 (inaudible) and republic, the judges in Budapest -- the  
8 public prosecutor office in Budapest, the whole  
9 commission went there, there were 20 of us, we had  
10 a very nice relationship with them, and they proved that  
11 many members of Italian Red Brigade were under the  
12 control of the terrorist Carlos, of Carlos the Jackal  
13 now serving for life twice in Paris. And this  
14 organisation was monitored and directed in Budapest by  
15 both KGB for the Soviet Union and Stasi for eastern  
16 Germany, which meant that Italian Red Brigade were  
17 connected with this network, it was a great story for  
18 this, and just a couple of things I remembered, there  
19 was --

20 Q. Mr Guzzanti, forgive me, does it follow from what you've  
21 said that the idea for doing further investigations came  
22 from members of the commission, is that right?

23 A. Yes, well, I don't remember exactly. I was extremely  
24 pro the (inaudible) because the commission life  
25 prolonged, was upgraded for a couple of years, and we

1           were spending public money and we were under the media,  
2           and I found honest and useful to use this commission in  
3           order to extend the investigation on all of the possible  
4           KGB activities in Italy, but I wasn't alone. It was put  
5           in votation, it was debated, it was a long, long,  
6           debate, we did a lot for a long time, (inaudible), and  
7           at the end of the debate, there was a motion, the motion  
8           was adopted and it was approved, so we could act with a  
9           full formal (inaudible).

10        Q. Mr Guzzanti, in your statement, you say that in about  
11           2003, you first met Mr Scaramella. Is that right?

12        A. Yes, it is.

13        Q. How were you --

14        A. As I told you -- pardon?

15        Q. How were you introduced to him?

16        A. Well, as I already declared in the statement, I gave it  
17           to the Metropolitan Police, one of the consultants in  
18           commission had, as I said, 40 members, had a certain  
19           number of external posts also, decided by the different  
20           parties. I mean in fact every party had a right to have  
21           its own consultant.

22                One of those consultants was a judge, a former  
23           prosecutor, Dr Matassa, who told me, this prosecutor was  
24           specialised in environment crimes and nuclear waste, and  
25           he told me to have met in the United States in

1 (inaudible) if I remember correctly in the (inaudible)  
2 Italian member who (inaudible) Mr Scaramella, extremely  
3 (inaudible) and extremely competent in this manner, very  
4 well connected. The different offices of investigation  
5 in different countries involved or designed to  
6 (inaudible) of a safe environment. So he said he would  
7 be a very good help for this commission, he knows  
8 Russia, he knows secret services, he has very good  
9 connections.

10 So we started it immediately, because Mr Matassa  
11 gave me his cellphone number, and I said: Mr Scaramella,  
12 I would be interested to talk to you; and he said: very  
13 well, I'm very honoured, I'm in London now, if you have  
14 any chance to come. And so I went to London and we had  
15 dinner together, with former -- I guess he's still  
16 alive, Russian refugee with Mr Suvorov, I guess that  
17 Suvorov is a nickname, because he's also a writer, if  
18 you go on the internet you will find thousands of pages  
19 about this man. And he was the only one coming not from  
20 the KGB but from the GRU, meaning the army, the Soviet  
21 army, the Russian army secret service, which is  
22 a totally different thing than the KGB; and this  
23 gentleman invited us to dinner in La Tellata(?), Italian  
24 name, La Tellata, we met, and I never saw again  
25 Mr Suvorov, but I started talking with Scaramella. And

1 after a while, I don't remember exactly how long, maybe  
2 one month, but I cannot be sure, I brought his name to  
3 the commission, and I suggested to hear this gentleman  
4 and decide if he will be useful for us or not. What  
5 happened, Mr Scaramella was invited by the commission  
6 and he had a long interview with a member of the  
7 president's office (inaudible), and at the end, the  
8 whole representative group of the commission approved  
9 his hiring as a consultant.

10 Q. Mr Guzzanti, it's right, isn't it, that Mr Scaramella  
11 was tasked with three areas of investigation. I have  
12 this down here as the illegal financing of the Communist  
13 party of Italy by the Soviet Union, that was one of  
14 them, the links between Russian secret services and  
15 organised crime and terrorism in Italy, and the third  
16 one was the KGB's power to manipulate Western media. Is  
17 that right?

18 A. Yes, it's right, sir.

19 Q. Yes. In carrying out his work for the commission, it's  
20 right, isn't it, that Mr Scaramella was himself in  
21 contact with Mr Litvinenko?

22 A. Yes, I don't remember that exactly when. I cannot  
23 reconstruct the date, but Litvinenko was introduced to  
24 Mr Scaramella by the same Suvorov, Mr Suvorov,  
25 Victor Suvorov I was talking about before. Mr Suvorov

1 and Mr Litvinenko were in some way close, I don't know.

2           Anyway, Suvorov, as Scaramella mentioned, I wasn't  
3 there, Mr Scaramella told Mr Suvorov told him,  
4 Scaramella, that the young former Soviet officer, or  
5 Russian officer, Alexander Litvinenko, could be very  
6 useful for his work, in particular Mr Litvinenko could  
7 have the tools, human tools, in order to understand why  
8 the Russian media were unleashed against us of the  
9 Mitrokhin Commission, and we were all surprised that out  
10 of the blue the Russian media, newspapers, especially  
11 newspapers, launched a continuous attack against this  
12 Italian Parliamentary commission, like we were back to  
13 the times of the old Soviet Union, it was amazing, and  
14 I couldn't understand, the tone was very threatening,  
15 very harsh and very impressive.

16           So one of the things I asked Scaramella to ask  
17 Mr Litvinenko to just try to explain about his own  
18 friends or former comrades in the army, whatever, to  
19 explain what was going on in Moscow about us,  
20 Mitrokhin Commission in Italy. Why we were always, all  
21 days, under the attack, as we were at that time.  
22 Mr Litvinenko, as Mr Scaramella told me, had, he said,  
23 three people in -- I think in Moscow, I cannot swear it  
24 was Moscow, or other city, but I guess in Moscow. One  
25 of them was an (inaudible) general. He didn't make his

1 name until this man was killed, and two colonel  
2 lieutenants, something like that. I never knew their  
3 names, and Litvinenko fed Scaramella with pieces of  
4 information asserting that this information came from  
5 one or the other of his sources still alive in Russia.

6 Then he told us, told us, told Scaramella -- I never  
7 spoke personally with Litvinenko, because Litvinenko  
8 wasn't a member of the Italian commission, he wasn't  
9 a consultant of Italian commission, I never introduced  
10 him to the commission; he was a personal source, I was  
11 perfectly aware of, of Mr Scaramella who, yes, he was  
12 a consultant of commission.

13 So as a personal source, he fed Scaramella,  
14 Scaramella referred to me, and many times the  
15 information wasn't so important, and so I discharged  
16 them at the time.

17 Q. Does it follow that you yourself never met  
18 Mr Litvinenko?

19 A. Never, I only spoke with him once by telephone, we were  
20 in Rome, and Scaramella was talking with him, and he  
21 said Paolo, he called me by name, Sasha wants to say hi  
22 to you. I said okay, hello, hello, Mr Guzzanti --  
23 I guess ten seconds, 15 seconds, that was all my  
24 personal contact with this poor man.

25 Q. Okay, did Mr Scaramella tell you about the occasions

1           when Mr Litvinenko came to Italy to see him?

2   A. This was supposed Scaramella business. I didn't have  
3       any part on this continuous contact between Scaramella  
4       and Litvinenko about other things, other issues, than  
5       the Mitrokhin Commission. I know, I also saw the  
6       pictures, I also heard some phrase of recorded tapes,  
7       that Litvinenko was in some way, I don't know if you use  
8       the verb "to hire(?)", yes, but he was a paid  
9       collaborator of Mr Scaramella as responsible of the --  
10      a company...

11 Q. Are you thinking of Mr Scaramella's other project, the  
12      ECPP?

13 A. Yes, correct, exactly, that was the word I was looking  
14      for, yes.

15 Q. Did your commission ever pay money to Mr Litvinenko?

16 A. Never, never, not a penny, ever.

17 Q. Not even for his expenses?

18 A. Not even.

19 Q. So --

20 A. (inaudible) you say?

21 Q. Expenses. For example, if he spent money to travel to  
22      Italy to see Mr Scaramella, or had to stay in a hotel?

23 A. Nothing, everything was on Scaramella wallet, and  
24      actually, I didn't even know in advance. Sometimes he  
25      said: oh, by the way, last week Sasha, as he called him,

1 Sasha came to Naples, so we spent two or three number of  
2 days in Naples, so we chat a lot and he told -- he fed  
3 us with a lot of information.

4 Sometimes Scaramella, that is my impression, tried  
5 to involve me myself in order to enter in this  
6 Litvinenko debriefing, which was actually a debriefing,  
7 because I saw this container with I don't know how many,  
8 hundreds of different tapes, all filled by Litvinenko  
9 during his trips in Italy, especially in Naples, which  
10 is the city of Mr Scaramella.

11 So everything was out of the border, out of the  
12 control of the Mitrokhin Commission. This was part of  
13 a personal relationship between Scaramella and  
14 Litvinenko involving also other people, and I never had  
15 and I never want to have more details than necessary and  
16 actually they were not necessary for my job, also  
17 because they regarded many things happening in Russia  
18 after the communism fall. Our law said that we were  
19 allowed to investigate until the end of communism and  
20 the end, formal end of KGB. Everything which happened  
21 after 1992, 1993, wasn't the business of Italian  
22 Parliament.

23 Q. I want to ask you about a topic which is about any  
24 threats that you received or were aware of, any threats  
25 to your safety, that you received or that you were aware



1 of that was related to your work for the commission. Do  
2 you understand?

3 A. Yes, I do.

4 Q. First of all, Mr Guzzanti, can you tell us, did you  
5 yourself ever receive any threats personally?

6 A. No, sir, the answer is clear, I never received any  
7 direct threats. The threat came throughout what  
8 Scaramella reported from, quote unquotes Mr Litvinenko.  
9 So Mr Litvinenko was the source of Scaramella, and  
10 apparently Litvinenko knew things that we don't know.

11 At that time there are some threat, the only  
12 difficult situation which we could not -- I could not  
13 call a threat was when Scaramella told me that  
14 Litvinenko was aware of a traffic of weapons, unknown  
15 weapons, sometimes it appeared to be chemical weapons or  
16 nuclear weapons or just pistol guns, nobody knew,  
17 a traffic of weapons from Ukraine to Naples, passes --  
18 going back and forth, Kiev to Naples, bringing supplies  
19 for Ukrainian workers in Naples, so (inaudible) wine and  
20 food, whatever.

21 So when Scaramella told me that Litvinenko announced  
22 that a special -- a truck (inaudible), I don't know,  
23 I never saw it, a car was travelling to Italy from  
24 Ukraine bringing some weapons, probably intended to be  
25 used for a terrorist attack, and this was words coming

1 from Scaramella, coming from Litvinenko, I immediately  
2 suggested Scaramella to go to the police, to go to the  
3 magistrature, and say what he knew, because if you have  
4 criminal news about what things are about to happen,  
5 I guess the best thing to do is go to the police and  
6 release the statement you can release, which he did,  
7 and -- but that day, I don't remember now that day, but  
8 it's on the papers, the day when this car coming from  
9 Ukraine was stopped by the Italian police, Scaramella  
10 was fed by many info coming from Litvinenko saying which  
11 was the plaque of the car, the numbers of the people  
12 inside, and where the car was hour after hour. I also  
13 asked him: how can Mr Litvinenko know, have this in  
14 progress information. He said: I don't know, I don't  
15 know, this is just Sasha with his own information.

16 So at the end that day the car was stopped, and the  
17 Italian police found two very brand new made grenades,  
18 a type of grenades, I'm not expert in ballistics, but  
19 grenades used against tanks, against armoured car, and  
20 they were inside a thick bible, the bible was excavated  
21 and inside the bible were -- so the people inside, the  
22 people travelling with this car were arrested, were  
23 arrested and then took in court under the charge of  
24 traffic of arms.

25 This was the threat, meaning these arms were

1           supposed to be delivered to a Ukrainian former KGB or  
2           current KGB captain, Mr Talik, who was a refugee,  
3           illegal, living in Naples, and this guy would have been  
4           the receptor of the delivery which never happened  
5           because the police stopped it in advance.

6           So the Italian newspapers, especially in Naples,  
7           started to say that probably a terrorist attack against  
8           the Mitrokhin Commission, meaning its president,  
9           Paolo Guzzanti, probably against Mr Scaramella and/or  
10          others was about to carry out, and it was stopped by  
11          Italian police. So the editor of the main newspaper in  
12          Naples, Il Mattino, the director, the editor of this  
13          newspaper, Mr Orfeo, called me and say: hey, listen, I'm  
14          gathering gossip and rumours from the office of  
15          prosecutor that a terrorist attack was about to carry  
16          out against you. I said: really, who said that? My  
17          guys in the office said they reported this, gossip,  
18          leak, but nothing happened.

19          But what happened really was that the following day  
20          with no previous announcement, my protection, which was  
21          composed by one police car with two agents, was doubled,  
22          and so I found in front of my house two cars and four  
23          police agents armed with machine guns, very visible, by  
24          the way, very embarrassing for me, my little children to  
25          bring to school with this escort of armed people, it

1 was, how to say, not flattered.

2 This was connected, because the time was done, the  
3 Ukrainian grenade and following the decision. Nobody  
4 called me, nobody gave me any information, I knew  
5 nothing, just I faced a new situation and so I had no  
6 evidence of any kind, but just what was told at the  
7 time.

8 Q. The Ukrainian men were put on trial, weren't they?

9 A. The Ukrainian men?

10 Q. The Ukrainian men were put on trial?

11 A. Yes, they were arrested, they were put in jail, and they  
12 were put in court, and suddenly there was something  
13 changed, because I spoke -- I was called the same very  
14 day when Anna Politkovskaya was assassinated in Moscow,  
15 me and Mr Scaramella were summoned by the court judging  
16 those Ukrainian people, and we were just commenting the  
17 fact of the death, meaning the assassination of  
18 Anna Politkovskaya, which was very shocking for  
19 everybody, including Litvinenko, who spoke with  
20 Scaramella, saying -- crying, saying she was my best  
21 friend -- was a very dramatic moment. And the president  
22 of the court told me that those people arrested weren't  
23 certainly guilty because they weren't aware about the  
24 arms they were carrying.

25 So apparently -- and I released my witness statement

1           which was exactly about the car, the same things  
2           I already told you in advance, and then I went out of  
3           this trial, Scaramella too, and a few weeks later,  
4           a couple of weeks later, I guess, it was in October, or  
5           early November, I remember anyway a few weeks later  
6           Mr Litvinenko was killed alone with polonium, and so --  
7   Q.   Sorry, Mr Guzzanti, can I stop you there because I want  
8           to ask you about the day when you went to give evidence  
9           at the trial of the Ukrainians. Did Mr Scaramella tell  
10          you about another threat that day?  
11  A.   I would say no, I would say I don't remember.  
12  Q.   Do you remember Mr Scaramella telling you about a threat  
13          that he had been told of by Mr Limarev?  
14  A.   Ah, well, you know Limarev, we are opening a very big  
15          chapter about Mr Limarev.  
16  Q.   Well, Mr Guzzanti --  
17  A.   I don't remember --  
18  Q.   Mr Guzzanti, forgive me --  
19  A.   I want to answer your question directly.  
20  Q.   Yes, we're interested to know whether or not you knew  
21          about --  
22  A.   I wouldn't scare you about --  
23  Q.   I'm sure there are many things that can be said about  
24          Mr Limarev. But what I want to know is --  
25  A.   I beg your pardon, I was just joking.

1 Q. What I want to know, Mr Guzzanti, is whether  
2 Mr Scaramella told you about threats that Mr Limarev had  
3 told him about.

4 A. Well, the answer is I don't remember perfectly. I have  
5 a vague idea, because Scaramella was in close connection  
6 with Evgheniy Limarev, and sometimes he told me that  
7 Limarev was threatening him, sometimes that Limarev was  
8 a very good guy, sometimes that he was a very tricky  
9 guy, and I was actually, at the time, a little confused.  
10 The only thing I knew at the time that I didn't like  
11 this Mr Limarev, I didn't met before.

12 And so if you ask me if during the session of the  
13 trial Scaramella told me about a specific threat coming  
14 from Limarev, my answer cannot be but no, I don't  
15 remember, but also maybe, maybe, I cannot be sure  
16 100 per cent.

17 Q. Can I ask you to have a look at your witness statement,  
18 please. If you can go to page 6 of your witness  
19 statement, do you want to take your statement there, if  
20 you go to page 6, the page numbers are in the top  
21 right-hand corner?

22 A. Yes, sir, I'm on page 6.

23 Q. If you go to the bottom of that page, four lines up from  
24 the bottom, you said there:

25 "I have been asked if I recall a discussion I had

1 with Mario Scaramella in October 2006 when he related  
2 a conversation that he had had with a former  
3 self-proclaimed SVR agent called Evgheniy Limarev  
4 regarding the shooting of Anna Politkovskaya. I do  
5 recall such a conversation. It took place a day after  
6 Anna Politkovskaya was murdered in Moscow. At the time,  
7 myself and Mario Scaramella were in a police vehicle  
8 with my police bodyguards heading to the town of Teramo  
9 where the trial of the Ukrainians was taking place. We  
10 were both due to testify in that court case. During the  
11 journey Mario told me that he had received information  
12 from Evgheniy Limarev that we had both been placed on  
13 a Russian state blacklist along with Boris Berezovsky,  
14 Alexander Litvinenko, Oleg Gordievsky and  
15 Anna Politkovskaya."

16 Do you see that? Does that jog your memory at all?

17 A. Yes, I told you, yes, I also remember better, because as  
18 you can see exactly a threat, meaning it was they are  
19 planning to kill you tomorrow, but Scaramella was fed  
20 with a lot of emails from Limarev. That day, it was, as  
21 I said, a very special day, because it was the day of  
22 Anna Politkovskaya's assassination, and Scaramella, yes,  
23 now I remember better, yes, Scaramella referred to an  
24 email or emails, I don't know there may be one or more,  
25 about this blacklist he was aware of in Moscow with all

1 the enemies of the Russian state, so me, Gordievsky,  
2 Scaramella himself and Anna Politkovskaya, whoever --

3 Q. Mr Guzzanti --

4 A. This was -- call it a threat, this was a threat. Excuse  
5 me?

6 Q. -- can I ask you to go a few lines further down that  
7 page, page 7?

8 A. Yes.

9 Q. There's a sentence there that says:

10 "During that journey, Mario told me that he had had  
11 both phone calls and emails from Evgheniy Limarev who  
12 had told him that according to his [that's Limarev's]  
13 sources in Moscow, the new policy for state sponsored  
14 killing could involve the use of radioactive poisons  
15 such as thallium. I cannot recall if Mario Scaramella  
16 told me whether he received this information in an email  
17 or a phone conversation, but he seemed very worried  
18 about these developments."

19 Do you remember that part of the conversation?

20 A. Yes, I do. Now I'm reading it, I remember it, because  
21 I released this statement a couple of years ago, yes.  
22 And I cannot remember details, meaning there was a very  
23 full, very -- many, many emails, many contacts, by  
24 telephone and by emails, between Evgheniy Limarev, who  
25 was part later of a horrible publication against me,



1 much, much worse than a stupid terrorist attack, he did  
2 much better than just shoot me. Anyway, Limarev, yes --  
3 this was what Scaramella told me, that even nuclear  
4 weapons, among them thallium, yes, and, I do remember,  
5 you know better than me, that the first toxic or poison  
6 was traced in Litvinenko's body when Litvinenko was  
7 still alive in hospital, there was a deposit of  
8 a poisoning with thallium; and that was -- Scaramella  
9 called me, say, have you seen, have you seen, thallium,  
10 exactly what Limarev said, thallium is one of the  
11 poisons, nuclear --

12 Q. You see, Mr Guzzanti, what is --

13 A. I remember this conversation, and the fact that  
14 Scaramella positively made.

15 Q. Are you sure that that part of the conversation took  
16 place on that day when you gave evidence in the trial of  
17 the Ukrainians?

18 A. Yes, I do, because I gave a lift to Scaramella because  
19 Teramo is a little town amongst the mountains, so  
20 anyway, because we were to the same place, doing the  
21 same thing, and I was under protection, so I was always  
22 driven by police car, so I said we can bring also  
23 Mr Scaramella with us. So we spent, I don't know,  
24 a couple of hours, the time, the whole drive, talking,  
25 chatting, and (inaudible) because by the way,

1 I didn't -- was aware, yes, I didn't read -- I didn't  
2 know that Anna Politkovskaya was killed, was the main  
3 title all over the world, so shame on me, and Mario told  
4 me, by the way he gave me this information (inaudible),  
5 yes, so the location, the place, the day are correct.

6 Q. There's one other threat that I want to ask you about  
7 and find out if you knew about it at the time. When  
8 Mr Scaramella came to London at the very end  
9 of October 2006, he brought with him an email that he  
10 had received from Mr Limarev dated 30 October 2006.

11 Did you know about that email at the time?

12 A. I suppose yes. I suppose -- I'm very sorry if my  
13 reports are vague, because there was a huge (inaudible)  
14 of emails and Scaramella, Limarev had emails, adding the  
15 blacklist. There was also -- Scaramella told me that he  
16 felt been very pressured by Limarev and scared by his  
17 (inaudible). I didn't read the email, but he said that  
18 Limarev was using him in order to have him scared and  
19 feeling in a very dangerous position. Also Scaramella  
20 repeated the following day, which was I guess the day  
21 when Litvinenko was poisoned, or the day before, I don't  
22 remember, the day of the poisoning was November 2, if  
23 I remember rightly?

24 Q. The 1st.

25 A. The 1st, yes. And Scaramella was very nervous and he

1 called me many times to say, you know, I want to see now  
2 Sasha because it's very important that Sasha has many  
3 things to do, but I want to have him aware of the email  
4 that Limarev is referring to, he said he had no time,  
5 but I begged him in order to meet together as soon as  
6 possible because I want him to be aware, and that's why  
7 he said they met at the famous sushi bar, Itsu sushi bar  
8 in Piccadilly. And so he was -- he had this  
9 conversation, I don't know if it can be useful for your  
10 investigation, but Scaramella described a very difficult  
11 and hostile relationship between Limarev and Litvinenko  
12 because Litvinenko was considered to be a man of  
13 Berezovsky. Berezovsky -- and Limarev who was keen to  
14 meet Berezovsky (inaudible), a Russian thing,  
15 complicated to understand --

16 Q. Mr Guzzanti, I'm interested to know about what you might  
17 have to say about your part in it. Can I ask you this  
18 about the emails between Mr Scaramella and Mr Limarev,  
19 is it right that there was an email account that they  
20 used to communicate between themselves and it was an  
21 email account that you also had access to?

22 A. Oh, this is -- yes, that's what Scaramella told.  
23 Probably (inaudible), because I remember there was  
24 acting in this typical too much for me mysterious way,  
25 because my opinion nothing would have been mysterious or

1 threatening, but he provide me with a code, so there was  
2 a code that had access to a special account of email so  
3 I could access to this email between himself and  
4 Limarev, which I didn't use.

5 Q. You did not use that, is that what you're saying?

6 A. I did not, yes.

7 Q. I'd like to ask you to look at a --

8 A. More precisely, if I remember correctly I tried and  
9 I failed, some internet thing, you know, you are not  
10 authorised, and I gave up and I didn't use this.

11 Q. Okay, Mr Guzzanti, I want to ask you to look at an  
12 email, please. In the documents that you have with you  
13 it's document number 2. For us in the courtroom it's  
14 INQ013784.

15 Do you see it's an email that appears to have been  
16 sent from Evgheniy Limarev to -- well, the address is  
17 blanked out there, but we know that this was provided by  
18 Mr Scaramella, and you see that the heading of the email  
19 is "Mario Scaramella/Paolo Guzzanti -- Security 2". Do  
20 you see that?

21 A. Yes, it's a little blurry, but, yes.

22 Q. I want to ask you this: have you ever altered the text  
23 of this email?

24 A. I would say no, but I also have to say I don't remember.

25 I have never a clear recall of that. I received --

1           excuse me, sir, I interrupted. You were asking?

2   Q. I was asking you if you actually remember ever having  
3       seen this email before.

4   A. A second, please. (Pause) This is a pure Limarev  
5       fabrication.

6   Q. Never mind that, Mr Guzzanti. All I want to know,  
7       please, is whether --

8   A. (inaudible) Litvinenko had received --

9   Q. Mr Guzzanti, I'm not asking you to comment on the  
10       contents of it. I just want to know had you ever seen  
11       this email before?

12           Mr Guzzanti, we've lost the picture. I want to know  
13       if you can hear us still, please.

14   A. Yes, I can.

15   Q. Okay.

16   A. Can you hear me?

17   Q. Yes, we can hear you. Let's try to do this just by  
18       audio for the moment.

19           Right, we have the picture back, thank you.

20           Mr Guzzanti what I want to know is whether you have  
21       ever seen this email before?

22   A. About this involvement of the Mitrokhin Commission,  
23       a citizenship for Litvinenko, no, absolutely nothing,  
24       not true, not even -- as I tried to say when we were  
25       interrupted by technology, it seems a typical Limarev

1 fabrication. He was, I guess --

2 Q. Mr Guzzanti --

3 A. (inaudible) of any kind of document. How can he say

4 that interests of the Mitrokhin Commission to obtain

5 Italian citizenship for Litvinenko? It's out of --

6 Q. Mr Guzzanti, please, I don't need to ask you what you

7 think of what's written in there. I just wanted to know

8 whether you have seen this before.

9 A. Okay. No. The answer is no.

10 Q. Thank you. Can you please have a look -- can you please

11 also have a look at document number 3 in the documents

12 that you've got with you. For us in the courtroom it's

13 INQ017458. Do you see that this is a similar email and

14 in the italics at the top of the page it says:

15 "Hi, that's all for now."

16 Then below that, it says:

17 "Urgent! -- MS/PG -- Security 3."

18 Do you see that?

19 A. Yes, I can see it.

20 Q. Just the very simple question, please, Mr Guzzanti --

21 A. Do you want me to read the letter?

22 Q. Yes, can you have a look because I've got a very simple

23 question. Have you ever seen this email before?

24 A. I don't think so, but let me just read. (Pause)

25 Well, I stopped reading at the half, but the answer

1 is no, not I can remember, I cannot swear I didn't.

2 I remembered nothing reading now in front of you.

3 Q. Thank you very much. I want to ask you about something  
4 slightly different, please, which is one part of the  
5 information which Mr Litvinenko provided to your  
6 commission. You've said in your statement that one of  
7 the ways that he did this was by providing tape  
8 recordings, that's videotape recordings of a statement  
9 which he gave in Russian translated into Italian. Do  
10 you remember those videotapes?

11 A. The videotapes? Yes, it was a DVD, actually. Yes, I do  
12 remember this. The most important document that  
13 Mr Litvinenko released for us, even if after the end of  
14 the commission and not more use, yes, I do remember,  
15 perfectly.

16 If I remember or if I'm aware of the contents of  
17 that statement, I remember that it happened in a hotel  
18 room and it was gathered by Mr Scaramella who caught the  
19 tape; I want to make an interview with Mr Litvinenko,  
20 and do you want to come with me; I said, no, I won't  
21 come with you to interview Mr Litvinenko, because I had  
22 no time for such a relationship. But I could send on my  
23 behalf a very close collaborator of mine, who is  
24 Mr Perlu Puccipotti(?), who at the time was one of my  
25 close friends and collaborators, met Litvinenko,

1 Alexander and Litvinenko, Maxim, who was at the time  
2 living in Italy in Ancona city, if I remember correctly,  
3 where he ran a restaurant or pizzeria or something like  
4 that, and where Sasha Litvinenko -- Alexander Litvinenko  
5 to go and live with his brother for his future, and this  
6 statement Litvinenko -- you can find it, it's easy, it's  
7 on YouTube, it's public, this video.

8 Litvinenko, Sasha Litvinenko, said that when he was  
9 about to leave -- you want me to tell you what is inside  
10 or not?

11 Q. What I want to ask you is this: you said that the  
12 recording was leaked from the commission. Is that  
13 right?

14 A. No, I personally closed this DVD in a safe, I put two  
15 officers in front of the safe, in order to protect this  
16 document, because it seemed to me not honest to send it  
17 out a few weeks or days before general elections,  
18 because this document accused without no proof, just  
19 Litvinenko quoting a dead general that at the time  
20 European commissioner and then Prime Minister in Italy,  
21 Romano Prodi, was a (inaudible) of the KGB, not an, but  
22 just the Italian man on whom the KGB backed it for the  
23 future, which was also confirmed later by -- okay,  
24 (inaudible).

25 So because there was this heavy accusation against



1 Romano Prodi, I thought it was totally improper to  
2 release publicly this interview containing no evidence,  
3 no proof, just the word of Alexander Litvinenko. But  
4 with my surprise, 48 hours later, I had locked in that  
5 formal way, signed in, stamped and whatever, in cabinet  
6 offices, this very document, this DVD, was in the hands  
7 of specific journalists, the newspapers continuously  
8 attacking with the Mitrokhin Commission.

9 So my -- I take care not to have it out, and it was  
10 immediately spread out, and again a new proof of the  
11 criminal way the commission Mitrokhin was ruled that  
12 spread documents with accusations against -- it was  
13 a very bad moment, and this was about this interview,  
14 and the interview, as I said, probably you know it  
15 because publicly you can find it on the internet.

16 Q. Are you saying, Mr Guzzanti, that this video was stolen  
17 from the commission's safe?

18 A. Or it was stolen by the Italian secret service who  
19 ordered the two carabinieri soldiers to (inaudible).  
20 They opened the safe illegally, and they took this piece  
21 illegally. That was information I gathered later, and  
22 I (inaudible), it was an electoral campaign, I was not  
23 any more the president of the Mitrokhin Commission, the  
24 commission, and it was a very bad time. My mother was  
25 dying by the way, and it was a very bad moment. I had

1 nothing to do, just see and watch what was going on, and  
2 it was a huge, huge (inaudible), a perfect fabrication  
3 in which Mr Limarev was the art director and that  
4 (inaudible) to me.

5 Q. Mr Guzzanti, I just have a few final questions about  
6 individual people. If you listen carefully to my  
7 questions, please.

8 There's a man called Semion Mogilevich who  
9 Mr Scaramella told you about. Do you remember him  
10 telling you that name? Do you want to see it written  
11 down? It's on page 8.

12 A. I'm aware of this name?

13 Q. Yes.

14 A. Oh, by the way, the name I couldn't remember before was  
15 General Gordievsky, Oleg Gordievsky, who stayed in  
16 (inaudible), so I just forgot that name.

17 So the name you are now asking about is --

18 Q. It's on page 8?

19 MS NICHOLLS: Could you repeat the question, please?

20 MR TAM: Yes, is it right that Mr Scaramella told you about  
21 a man called Semion Mogilevich?

22 A. Yes, he spoke sometimes of Mogilevich, yes.

23 Q. Apart from what Mr Scaramella told you, is there  
24 anything that you know independently about  
25 Mr Mogilevich?

1 A. Maybe I read what was consultable on the internet and  
2 articles, but I didn't pay much attention to this case  
3 because it was out of my jurisdiction, I was not accused  
4 about the scandal stuff Mr Scaramella was deeply  
5 involved in, I was not.

6 Q. The other two names are Andrei Lugovoy and  
7 Dmitri Kovtun. They are the two men who are accused of  
8 having murdered Mr Litvinenko. You know those two  
9 names, don't you?

10 Mr Guzzanti, we've lost the picture again.

11 Can I just see if you can still hear us?

12 MS NICHOLLS: We can hear you now.

13 A. We had an interruption.

14 MR TAM: Thank you, we've got you back, let me try that  
15 question again. The other two names are Andrei Lugovoy  
16 and Dmitri Kovtun. They are the two men who are accused  
17 of having murdered Mr Litvinenko. You know those two  
18 names, don't you?

19 A. If I heard ...?

20 Q. Do you know -- have you heard of those two names?

21 A. Well, I learned these two names as everybody else,  
22 actually. I didn't have the privilege to know their  
23 names before, but when they become public I -- yes.

24 Q. So they are not people who you know yourself? Sorry,  
25 let me rephrase that.

1 A. Never, no, no, no, sir, the answer is no.

2 Q. Thank you. The final question is can you just tell us  
3 in a couple of sentences, please, why you think that  
4 Mr Litvinenko was killed?

5 A. Well, it was pointing to the same conclusion. Nobody  
6 before in history was killed with that specific poison  
7 found, if I remember correctly, only after Litvinenko's  
8 death, in his urine sent to the military laboratory in  
9 the UK, and the polonium, the (inaudible) of polonium  
10 was never used, and in fact no hospital at the time, no  
11 hospital in London or in the world had a machine, such  
12 a machine as detecting -- who could detect this specific  
13 isotope. This was why Litvinenko's death should have  
14 been an inexplicable unexplainable death, vomiting,  
15 gastro-entero disease and nothing else. Instead it was  
16 for polonium which could not be detected in any hospital  
17 in the world, which means that the use of the substance  
18 was used only as a trigger for nuclear weapons, and only  
19 used in recent years by the Soviet Union and its own  
20 allies. It was dismissed on the triggers in the Western  
21 countries, using other substances.

22 The only country in the world that made with  
23 laboratory fabricating new polonium in a huge quantity  
24 was just the Soviet Union, and then Russia.

25 So then polonium could not at that time but come

1 from that country, and apparently two guys you mentioned  
2 before, Kovtun and Lugovoy, were strolling around, back  
3 and forth, leaving traces of this polonium here and  
4 where, as was found by the Metropolitan Police.

5 This is the -- the motive to me, you're asking my  
6 opinion, there was a huge motive, also for the Italian  
7 relationship of Mr Litvinenko, because it's very  
8 dangerous, maybe nobody noticed at the time, but he was  
9 very dangerous, and (inaudible) very dangerous, and  
10 (inaudible) to stop the statement of Litvinenko, and  
11 what else, Litvinenko also had threats, as Scaramella  
12 told me, he received a (inaudible) here before he  
13 started to cooperate with Scaramella.

14 Anyway, I have to say there is -- (inaudible) the  
15 fact that Litvinenko himself in poison died, the fact  
16 that he wrote completely his own hand, the statement  
17 accusing Putin to have him killed, I don't know, the  
18 point is there, Litvinenko himself appeared very well  
19 aware to have been killed by (inaudible).

20 That is why, I think, I suppose, I'm sure, that  
21 Litvinenko was killed, you ask me by whom, but that's  
22 another chapter, but Litvinenko was a victim of  
23 a murder.

24 MR TAM: Mr Guzzanti, thank you very much. Would you wait  
25 there just for a moment, please?

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Questions by MR EMMERSON

MR EMMERSON: Mr Guzzanti, I'm just going to ask you one or two further questions on behalf of Mrs Litvinenko.

A. Please.

Q. I'm going to try to keep my questions short and focused, and it would be really helpful if you could do the same with the answers.

A. I will try, sir.

Q. I understand. I appreciate you know a great deal about the subject that you're talking about, and it's tempting to wander a little. I just want to pick up first of all from the question and answer that you last gave to Mr Tam.

In your witness statement, I won't bother to take you to it unless you need me to, but for those who are following, it's page 5 of 10, INQ015662, there's a sentence in which you say this:

"It is my belief ..."

MS NICHOLLS: Can you give the reference again?

MR EMMERSON: Yes, it's page 5. It's quite a short passage. You won't find it hard to follow. At the bottom, you say:

"It is my belief that Alexander Litvinenko exposed himself to danger as a direct consequence of providing information to the Mitrokhin Commission."

1 A. Yes, sir, I confirm.

2 Q. Okay. First of all, are you suggesting there that in  
3 your opinion, the information he provided to your  
4 commission was or may have been a motive for his murder?  
5 Is that your belief?

6 A. In my belief, yes, it was very destabilising  
7 information.

8 Q. All right, thank you.

9 A. And especially in a country -- excuse me?

10 Q. I said thank you.

11 A. Thank you, sir.

12 Q. I'm just trying to keep to our promise to keep our  
13 questions and answers short. One of the issues that  
14 you've talked about with Mr Tam is the situation where  
15 Mr Litvinenko provided information to Mr Scaramella  
16 about a threatened attack involving two Ukrainians  
17 importing grenades into Italy. Do you remember that?

18 A. Yes, I do. Excuse me, your question, sir, is?

19 Q. Well, my question was do you remember giving evidence to  
20 Mr Tam about it. I'm going to move on. In relation to  
21 that incident, so that we can all have it absolutely  
22 clear, the two Ukrainians who were arrested with  
23 grenades inside -- concealed inside a carved-out  
24 compartment in two bibles, do I have it correctly  
25 understood that they were driving a vehicle, the

1 registration number of which had been provided in  
2 advance by Mr Litvinenko?

3 A. I can only say that that's what was said to me by  
4 Scaramella. I never talked with Litvinenko. So the  
5 answer to your question is, yes, Scaramella told me that  
6 Litvinenko had provided him the numbers of the plaques  
7 of the cars, and probably, if I remember correctly, two  
8 different cars, because they were switched. Anyway,  
9 yes, the answer is yes.

10 Q. Pausing there, just to see if we can narrow this down  
11 a little. Did Mr Scaramella tell you about this before  
12 the car was stopped or afterwards, before the arrests  
13 were made?

14 A. Yes, he didn't give me the number, he did not give me  
15 the number. I told him go right away to the police --

16 Q. Pause there, pause there.

17 A. -- which he did. Probably he -- pardon?

18 Q. Pause there. But he did tell you before the arrests  
19 that he had a number of the registration plate of the  
20 vehicle?

21 A. I would say yes, and I say I would say because of course  
22 he said that Litvinenko had the numbers, he said that  
23 he, Scaramella, provided the Italian police with the  
24 numbers, which logically means that Scaramella provided  
25 the Italian police with the numbers provided by



1 Mr Litvinenko. But I wasn't there, I didn't --

2 Q. Pausing there, you gave evidence in the trial of the two  
3 Ukrainians who were stopped, is that correct?

4 A. Maybe. Now I don't remember any details. The numbers  
5 were provided by Litvinenko.

6 Q. Pause for a moment. Pause for a moment. Pause for  
7 a moment. Something's got lost. The question I asked  
8 was: did you give evidence in the trial against the two  
9 Ukrainians?

10 A. I gave long statement, answer, as I'm doing now, many  
11 questions, and it's very likely I was asked also about  
12 these numbers and I answer --

13 Q. We're moving on from the numbers.

14 A. (Inaudible).

15 Q. Don't worry about the numbers. We're moving on from the  
16 numbers now. I'm just asking about the testimony you  
17 gave. Were you kept informed as a witness and  
18 a potential target, were you kept informed of the  
19 outcome of the prosecution against the two Ukrainians  
20 found with the grenades?

21 A. Yes, and the Ukrainians were released and found not  
22 guilty, and -- which was my opinion another entire  
23 fabrication, because nobody could say how, where, who  
24 put the grenades inside those peoples in the car, in the  
25 Ukrainian car, and why Mr Litvinenko, from London, knew

1 those numbers.

2 So I'm aware that what happened (inaudible), so the  
3 Ukrainian people (inaudible) were released and found not  
4 guilty, considered also kind of poor guys fell in  
5 something bigger than them. Anyway --

6 Q. Pausing there, pausing there, pausing there, given that  
7 the weapons were, you say, found concealed in bibles in  
8 their possession, are you suggesting that there was some  
9 sort of corruption in the Italian court that acquitted  
10 them, or do you have some other explanation?

11 A. No, corruption would not be the word I would choose.  
12 There is a difference in semantics between languages.  
13 So usually you use corruption meaning bribe, money,  
14 that's corruption. I exclude that. I cannot exclude at  
15 all that part of the Italian justice took part, one  
16 side, a campaign followed, a specific clear open  
17 operation which was in order to destroy all we found,  
18 all we did, and make up the Mitrokhin Commission a name  
19 (inaudible), a name you could not even pronounce if you  
20 want to be stopped in the street. This was the --

21 Q. Pausing there, because we've seen some information  
22 that's been published in La Repubblica and elsewhere  
23 containing allegations made by Mr Limarev and others  
24 which are apparently aimed at undermining the  
25 commission. Do I understand you to be saying that you

1 think that there are elements within the Italian  
2 establishment, judicial and legal establishment, that  
3 were setting out to undermine the commission for  
4 political reasons?

5 A. Yes, I can answer just giving you a clear example.  
6 Mr Limarev, we were talking about a few minutes ago with  
7 Mr Tam, provided the main left newspaper, La Repubblica,  
8 of this information that published on two page title  
9 like this and front page, that me, Senator Guzzanti,  
10 I used a little dirty office in (inaudible) where  
11 I didn't go for 20 years, in order to forge documents,  
12 forge fake documents, Mitrokhin documents, in order to  
13 (inaudible) and politically kill leaders of the Italian  
14 left.

15 Q. Pausing there, we've seen --

16 A. Of course that was totally invented.

17 Q. -- we have seen the publications that you're talking  
18 about, and so we're familiar with what was said and  
19 we've also had evidence from Mr Limarev, but what I want  
20 to try to understand from you as simply as possible is  
21 this: if there are, as you say, elements within the law  
22 enforcement and judicial system in Italy that were  
23 trying to undermine the work of the commission, what do  
24 you say is the reason for that, the reason why they were  
25 trying to undermine the work of the commission, in your

1 opinion?

2 A. Sir, I'm sorry, I can answer your question, but I'm  
3 obliged to give you a very Italian answer because you  
4 need to be with your feet in our shoes, which is not so  
5 easy, and (inaudible) unfortunately the Italian  
6 magistrature doesn't look like the UK magistrature or  
7 the other civilised and Western countries at all. We  
8 have a problem with some magistrates, not the  
9 magistrature, we have a huge problem every day on the  
10 front pages of the newspapers, this is a major political  
11 issue. So, yes, I believe (inaudible) at the time as  
12 I wrote in a very (inaudible) operation, and which is  
13 also the motive, motive is not money, there is no  
14 bribing, there is no money going around. There was  
15 a just a political fabrication for political purposes,  
16 absolutely, my experience, I also --

17 Q. Do you link this campaign with elements that were  
18 sympathetic to or involved with the Russian intelligence  
19 service? Is that what you're suggesting or not?

20 A. Absolutely, yes, absolutely, yes. I found myself in  
21 a very difficult political position because I was  
22 investigating about the former KGB, but then the new KGB  
23 went to the power in Moscow and so in Italy the former  
24 communist or -- we have a very, very great number still  
25 very pro Russia. To them there was added the new pro

1 Russia Italians of the right, Italian right side, and  
2 I was -- we were in the Mitrokhin Commission alone with  
3 these two powers coming one from the left and one from  
4 the right.

5 Q. One of the things that has been emphasised all the way  
6 through is that this was a bipartisan or multiparty  
7 commission, so we understand that the  
8 Mitrokhin Commission eliminated political bias, but what  
9 you're really saying is that there was a concerted  
10 campaign to undermine the work of the commission by  
11 elements in the Italian establishment in order to  
12 protect the relationship that they had with Russian  
13 intelligence services and organised crime, is that  
14 right?

15 A. I can just say, it's so obvious (inaudible) evidences  
16 produced of that, I would just answer please, sir, do  
17 (inaudible) at the time and make yourself your personal  
18 opinion, but you are right as an opinion, my opinion is,  
19 yes, absolutely.

20 Q. So pausing there, pausing there, just pause if you  
21 would. So when you told us about the incident in which  
22 the carabinieri or rather the office of the prosecutor,  
23 I think it was from Bologna, with the police, attended  
24 at the request of the Italian intelligence services and  
25 illegally removed the DVD containing an interview with

1 Mr Litvinenko, your assessment, as I understand it, is  
2 that the motive for that was to protect the FSB or the  
3 Russian intelligence services and their corrupt  
4 relationship with the Italian officials, is that right?

5 A. I don't think so. This could be one part of the motive,  
6 but I think that real big motive was to (inaudible).

7 Q. Sorry, we missed you, sorry, pause. Pause. We missed  
8 you. Could you just say that again. You said the real  
9 big motive, and then we lost you.

10 A. Okay. So the question was the purpose was not to -- in  
11 my opinion, of course -- was not to protect links  
12 between Italian and Russian authorities in the past and  
13 in the present, which are huge things and still were  
14 working, but was to destroy once and forever, which  
15 perfectly happened the Mitrokhin Commission, making it  
16 not reliable --

17 THE CHAIRMAN: Mr Emmerson, Mr Emmerson --

18 MR EMMERSON: Just a moment.

19 THE CHAIRMAN: Can we pause a moment.

20 MR EMMERSON: Just a moment, Mr Guzzanti.

21 A. (inaudible) they won, we lost.

22 MR EMMERSON: That's fine, just a moment.

23 THE CHAIRMAN: Mr Emmerson, I fully understand you are  
24 exploring the possible motive, but that is as far as it  
25 goes; I'm not going to be in a position to make any

1 findings about the adequacy or inadequacy of the Italian  
2 judicial system.

3 MR EMMERSON: No, certainly not. Let me move on, then, and  
4 deal with a number of questions that are much more  
5 specific.

6 Mr Guzzanti, I'm going to focus in now on some very  
7 specific questions, and I'd like you, if you can, just  
8 to give us the tightest, shortest possible answer.

9 First of all, I want to --

10 A. I will promise.

11 Q. First of all, I want to ask you about Mr Limarev. You  
12 have warned us that there's a thick book, and we don't  
13 need to know the thick book or the details of it, but if  
14 you would just to be writing the summary that would  
15 appear on the jacket sleeve, could you tell us what your  
16 assessment is of Mr Limarev.

17 You've already told us that he told a lot of lies,  
18 and you've said in your witness statement that he gave  
19 both good and bad information. Was he in your  
20 assessment working as some sort of double agent or  
21 providing information at the behest of some other  
22 authority? Can you give us some explanation or analysis  
23 of the pattern of information that he provided both to  
24 the commission and then about the commission in the  
25 outside world, as shortly as you can.

1 A. Just a second, sir. (Pause)

2 Well, if I understand correctly, you're asking me an  
3 opinion. First of all, Limarev never provided evidence  
4 to the commission. He wasn't a consultant of the  
5 commission, he had nothing to do with the commission.

6 Q. Well, pause there, he provided information to  
7 Mario Scaramella, didn't he? He provided information to  
8 Mario Scaramella, and in your witness statement on  
9 page 7 towards the bottom, you say:

10 "I believe that Evgheniy Limarev was using  
11 Mario Scaramella feeding him both good and bad  
12 information."

13 A. Yes, true. Actually, the idea I had of Limarev was of  
14 a man who, with two joysticks, administered (inaudible)  
15 and mixing them and confusing them, and when I went to  
16 visit him, because I went to confront him in his own  
17 house, he told me, and in his funny Russian accent,  
18 English, said: oh, Senator Guzzanti, I'm so sorry,  
19 I didn't see you, it was another man like you, same  
20 beard, he was in Naples.

21 Q. All right, without --

22 A. He was a liar. So you ask me opinion --

23 Q. Without descending into too much detail about particular  
24 conversations --

25 A. (Inaudible).



1 Q. -- did you form a view as to why he was lying to  
2 Scaramella some of the time and lying about the  
3 commission at other times? Did you have in your  
4 assessment a motive for that?

5 A. I'm trying to be short. There were not my but different  
6 opinions, one of them that Limarev lived in France and  
7 working in France under the control of French  
8 activities, the French authorities, probably he had  
9 a person linked with the French secret service. This is  
10 just a conclusion, not an evidence. You can think why  
11 was he in France working in the intelligence  
12 compartment, why there in the middle of the --

13 Q. Can I stop you for a minute? Can I stop you for  
14 a minute? It sounds from the beginning of this answer  
15 as though you don't know. You have no reliable  
16 assessment as to why you think Limarev has lied to and  
17 about the commission. Is that right, you don't have  
18 a solid basis for reaching any firm conclusions that we  
19 could rely on? It's all speculation, is that right?

20 A. Yes, sorry, I was trying to --

21 Q. We don't need to hear a long speculation. It won't help  
22 to hear long speculation. I was simply interested to  
23 know, given how important this is to the work of the  
24 commission, whether you had formed any sort of reliably  
25 based conclusion as to why Limarev lied to the

1 commission and about the commission.

2 A. Mr Limarev was a collaborator of the newspaper  
3 La Repubblica. He met, I don't know how many times but  
4 more than once its best journalists and he fed them with  
5 a list of supposed KGB agents, fabricated by myself. So  
6 I guess, if you ask me, his own interest was in order to  
7 receive something back from --

8 Q. Pause there, just pause, if you would. So essentially  
9 your view here is that Limarev had motives of his own?

10 A. Sorry, sir, can you repeat?

11 Q. Yes. I understand you to be saying your view is that  
12 you think that Limarev had motives of his own, private  
13 motives, rather than that he was acting on behalf of  
14 anyone else?

15 A. In my opinion, sir, he was just looking for money, so --

16 Q. That's fine, we can stop there, we can stop there.

17 That's fine. Two other very short questions.

18 A. Not about espionage.

19 Q. Two or very short questions, if I may. The first one is  
20 just a yes or no answer. In an article written  
21 in October 2006, or at least it appears to have been  
22 written, that's the date we have on our translation, you  
23 indicated that Anna Politkovskaya was herself involved  
24 with providing information to the Mitrokhin Commission.  
25 First of all, is that right?

1 A. What I knew at the time was that Politkovskaya was  
2 a close friend of Litvinenko, and Litvinenko had a lot  
3 of close friends providing him information that he  
4 provided --

5 Q. Mr Guzzanti, pause. In an article written by you is  
6 a sentence -- we can pull it up, if you like -- in which  
7 you say Politkovskaya had herself been in contact with  
8 Mitrokhin. Now, did she provide any information to the  
9 commission? She had a relationship with Mitrokhin, you  
10 say. Did she provide any information to the commission?

11 A. Directly, Anna Politkovskaya to the commission?

12 Q. Yes.

13 A. No, sir.

14 Q. If she knew Mitrokhin, why was the commission not  
15 seeking information from her directly?

16 A. Sorry, sir, I take a little time on this one. (Pause).

17 MS NICHOLLS: Would you give us the passage?

18 MR EMMERSON: Yes, it's only a sentence and I just read it  
19 to you. It's INQ016474. It's part of a newspaper  
20 article written by Mr Guzzanti in the Italian magazine  
21 Panorama dated, according to the translation,  
22 19 October 2006. There's a sentence referring to the  
23 fact, five or six lines down, that Politkovskaya was an  
24 associate with or had been in contact with Mitrokhin for  
25 a long time.

1           So the question I'm asking you, given that she was  
2 someone who you say was in direct contact over a long  
3 time with Mitrokhin, why didn't the commission have  
4 direct dealings with her in the course of its enquiry?  
5 She surely would have been a very useful source. Can  
6 you hear us?

7 A. Yes, sir, I read my -- the quote of my article. I had  
8 at the time no reason to ask Anna Politkovskaya to come  
9 as a witness of what, the fact that she knew  
10 Mr Mitrokhin herself?

11 Q. Or what she might have known about the information he  
12 could have provided.

13 A. Well, the information we were looking for were the names  
14 contained in the Mitrokhin archive, so whatever was  
15 their relationship of Mr Mitrokhin with  
16 Anna Politkovskaya was out of our investigation. It was  
17 a mistake but that's what I at the time thought.

18 MR EMMERSON: Thank you very much indeed. I won't take any  
19 more of your time.

20                               Further questions by MR TAM

21 MR TAM: Mr Guzzanti, I would just like to get you to repeat  
22 some words you used a few minutes ago because they have  
23 not come down on to our transcript.

24           You told Mr Emmerson that you thought that  
25 Mr Limarev was doing it for money. Do you remember that

1 just a few minutes ago?

2 A. As a general opinion when you asked me what was the  
3 purpose, I can answer he wants money, and I guess that  
4 also Scaramella paid him.

5 Q. Mr Guzzanti, listen, I think that you then said three  
6 words, can you just confirm whether or not you said  
7 this, I heard you say "not for espionage". Is that what  
8 you just said?

9 A. No, I can't, I can't exclude the one in the place of the  
10 other. It can be money and espionage or just money not  
11 espionage. I don't think opinions, I just think that  
12 Mr Limarev is a character, a main character, in the  
13 espionage world, the intelligence community. He is  
14 a man (inaudible) money, he is a rich man, making money,  
15 so I guess that he's not involved in KGB. He is a good  
16 manipulator, and he sells his manipulation and I saw him  
17 selling his manipulation. I hoped for him making money,  
18 (inaudible) nothing (inaudible) is a very benefactor guy  
19 of the humanity.

20 MR TAM: Mr Guzzanti, thank you very much for your help.

21 THE CHAIRMAN: Thank you very much indeed, Mr Guzzanti.

22 MR TAM: Thank you for helping us.

23 Sir, would that be a convenient moment?

24 THE CHAIRMAN: Yes. 2.15.

25 (1.10 pm)

1 (The short adjournment)

2 (2.24 pm)

3 THE CHAIRMAN: Yes, Mr O'Connor. Mr O'Connor, first of all,  
4 I'm sorry and apologise to everyone for having kept you  
5 waiting for the last ten minutes.

6 MR O'CONNOR: Sir, the next piece of evidence is a witness  
7 statement that's being read. The witness's name is  
8 Yelena Tregubova, and she gives her occupation as writer  
9 and journalist.

10 MS YELENA TREGUBOVA (evidence read)

11 MR O'CONNOR: "Between 1992 and 2006 I worked as  
12 a journalist and writer in Moscow for newspapers and  
13 magazines. For a period of time, I had Kremlin press  
14 pool accreditation that allowed me access to press  
15 briefings, et cetera, in the Kremlin and with Kremlin  
16 officials. It also allowed me to travel and  
17 cover/report on presidential activity both in Russia and  
18 abroad.

19 "In 1998, Alexander Litvinenko and other FSB  
20 officers gave a press conference where they revealed  
21 they had been ordered to kill Boris Berezovsky. I was  
22 not at this press conference but it was widely reported.  
23 Because of this press conference, Alexander Litvinenko  
24 and some of the other FSB officers who took part were  
25 subsequently sacked.

1           "The FSB unit which they worked for was disbanded.

2           "In December 1998 when I was a journalist working  
3           for Izvestia newspaper I interviewed Vladimir Putin who  
4           at that time was the head of FSB. He told me that he  
5           had sacked Litvinenko and disbanded his unit because  
6           'FSB officers should not stage press conferences and  
7           shouldn't expose internal scandals to the public'.

8           I became increasingly concerned about the war on the  
9           freedom of speech and civil rights in Russia which Putin  
10          and his team implemented and I published many articles  
11          criticising the Kremlin and Putin in person. Because of  
12          this, I was deprived of my Kremlin press pool  
13          accreditation by Putin's Kremlin press service. At this  
14          time I was working for Kommersant newspaper, which was  
15          owned by Mr Berezovsky. I knew Mr Berezovsky and had  
16          his telephone number as did most journalists in Russia.

17          "In autumn 2003 I published a book entitled 'Tales  
18          of a Kremlin Digger' which was extremely critical of  
19          Putin and the Kremlin.

20          "In February 2004, as I was about to leave my home,  
21          a bomb exploded outside the door to my apartment which  
22          was situated in a block of flats in downtown Moscow.  
23          That day I had ordered a taxi to take me to my old  
24          schoolteacher's birthday party. Before I left my flat,  
25          I received a call from the taxi company informing me the

1 taxi had arrived and was waiting outside. A few minutes  
2 later, I received a second call from a person with  
3 a different voice urging me to hurry up and go outside  
4 as the taxi driver was worried. The person calling me  
5 kept asking whether I was about to leave. I told the  
6 person that I was just about to come out from my flat.  
7 As I was about to leave I looked in the mirror and  
8 decided to fix my hairstyle. As I did so, I heard the  
9 explosion outside. This was only a few seconds after  
10 I told the person I was about to leave. I am sure the  
11 bomb was targeted at me due to my anti-Putin views and  
12 my book which had become a bestseller and was highly  
13 critical of Putin. The bomb exploded the same day that  
14 Putin was officially registered as a candidate for the  
15 presidency of Russia. I became extremely afraid. I am  
16 convinced I was being followed, that my phone was being  
17 tapped and that I was now a target of Putin and his  
18 secret service.

19 "After the bomb exploded, Mr Berezovsky contacted me  
20 and offered me protection which I accepted. For several  
21 months after I never went anywhere without bodyguards.  
22 I subsequently discovered that the company that had been  
23 providing my protection was run by Andrei Lugovoy.

24 "Later in 2004 I published a second book entitled  
25 'The Farewell of the Kremlin Digger' which details the



1 problems I had in getting my first book published and  
2 the attempt on my life with the bomb outside my  
3 apartment.

4 "In 2006, following the murder of fellow journalist  
5 Anna Politkovskaya in Moscow, I was so afraid I asked  
6 Mr Berezovsky to assist again with my protection.  
7 Mr Berezovsky said he had a contact who was with him in  
8 London at that time and could help me. He told me the  
9 name of the man that could help was Andrei Lugovoy.

10 "On 1 November 2006 I was still in Moscow when I had  
11 a telephone conversation on my Russian mobile phone with  
12 Andrei Lugovoy. He explained that he was in London with  
13 Mr Berezovsky who had asked him to assist with  
14 arrangements for my protection. He said he would  
15 contact me when he was back in Russia as he was very  
16 busy at that moment. He sounded very  
17 stressed/hurried/abrupt on the telephone.

18 "To my surprise, later that day, I think it was  
19 evening time, Lugovoy called me again and said he had  
20 finished his work for that day in London and now had  
21 time to discuss my protection arrangements. He sounded  
22 far more relaxed and happy. Protection and security  
23 arrangements were then put in place for me in Moscow by  
24 Lugovoy. This consisted of a car and bodyguards.

25 "Despite the protection, I continued to fear for my

1 safety and believed I was still being followed/watched  
2 by Putin's officers. I did not use the protection for  
3 a long period of time.

4 "In autumn 2006, I travelled to Israel in order to  
5 stay away from Moscow and be less stressed.

6 In December 2006 I travelled to London to spend  
7 Christmas with friends. By this time, I was aware that  
8 Mr Litvinenko had died due to being poisoned and I now  
9 became aware that Lugovoy was a suspect for the killing.  
10 I was now extremely afraid for my safety. Especially as  
11 Lugovoy was the man supposed to have been responsible  
12 for my protection and his team knew all of my schedule  
13 and details about my life.

14 "By January 2007, I decided it was not safe for me  
15 to return to Russia so I went and saw a solicitor who  
16 initiated my application for asylum to the UK  
17 government. My asylum application was granted in 2008.

18 "I never really knew Mr Litvinenko. I met him on  
19 one occasion only and that was at Mr Berezovsky's  
20 birthday party in 2004 which took place in  
21 Mr Berezovsky's house in Surrey. I had been invited to  
22 the party by Mr Berezovsky and he paid for my flights  
23 and accommodation. Mr Litvinenko introduced himself to  
24 me at the party but I did not discuss anything of  
25 significance with him."

1           Sir, that's the end of the statement.

2   THE CHAIRMAN: Thank you very much.

3   MR TAM: Sir, the last witness today is Mr Mascall, please,  
4       if I can recall him.

5   THE CHAIRMAN: Yes, thank you.

6           DETECTIVE INSPECTOR CRAIG MASCALL (resumed)

7                           Questions by MR TAM

8   THE CHAIRMAN: The sweeper role today, I think, Mr Mascall?

9   A. Apparently so, sir.

10   MR TAM: Mr Mascall, having been the first witness into the  
11       box when we started these proceedings, I'm now going to  
12       ask you to help us one more time with a number of points  
13       that have arisen and some points that will round out  
14       your evidence.

15   A. Yes.

16   Q. Can I please start with a question that arose about the  
17       tape of the interview conducted with Mr Lugovoy in  
18       Moscow?

19   A. Yes.

20   Q. You will recall, I think you were probably here when  
21       Mr Timmons and Mr Tarpey, amongst others, gave evidence  
22       about that.

23   A. I was, yes.

24   Q. And that there was some confusion between them as to  
25       whether or not there had ever been an object delivered

1           which purported to be a tape of Mr Lugovoy's interview.

2    A.   Yes.

3    Q.   And whether or not there had been any advance warning of  
4           the fact that there would be no actual recording of that  
5           interview.

6    A.   Yes.

7    Q.   Have you made some further investigations into that  
8           issue?

9    A.   I have, but I was aware of the facts when they were  
10           giving their evidence, yes.

11   Q.   Have you now checked the position in relation to those  
12           tapes?

13   A.   Yes.

14   Q.   From what you have discovered, is it right that the  
15           tapes that were actually delivered did not include any  
16           tape purporting to be that of Mr Lugovoy's interview?

17   A.   That's correct.  The first time we knew that the tape  
18           was not -- had not been handed over was when the  
19           exhibits officer examined it back in the UK.

20   Q.   In fact I think we can have his witness statement up on  
21           the screen at INQ014853.  We've had this up on the  
22           screen before, but this is Mr Hall's statement listing  
23           the items that were found in that package that had been  
24           handed over.

25   A.   Yes.

1 Q. We can see there, can't we, there's a covering letter,  
2 and then there are a number of tapes or a number of  
3 envelopes each containing a tape or tapes of interviews  
4 listed there by Mr Hall, and we can see, can't we, that  
5 there are tapes from each of the interviewees there  
6 other than Mr Lugovoy.

7 A. That's correct, yes.

8 Q. If we just go over to the next page as well, we can see  
9 the end of that list.

10 A. Yes.

11 Q. Is it your understanding that the team that were in  
12 Moscow actually didn't have any advance warning of the  
13 fact that Mr Lugovoy's tape was not going to be  
14 provided?

15 A. That's correct, they had no warning at all.

16 Q. Thank you. The next thing that I'd like to deal with  
17 with you is a document which you were shown that  
18 originated from Russia. Can we perhaps have this up on  
19 screen so we can see what it is. It's COM00046001.  
20 It's a crime scene examination report, and this relates  
21 to one of the aircraft that was examined in Russia, but  
22 can we go up to the very top left corner, please. Can  
23 we actually go back to the full page and then have the  
24 three lines in the very top right-hand corner there.  
25 Thank you.

1           Do you remember you were asked questions about this,  
2           there was the number 24, and then there was the  
3           underlined "annex 4"?

4   A.   Yes.

5   Q.   When you gave evidence about this document, you very  
6           fairly accepted that all you had was the face of the  
7           document?

8   A.   Yes.

9   Q.   When you were asked what you thought about annex 4, you  
10           thought it looked like it was annex 4 of a wider  
11           document?

12  A.   Yes.

13  Q.   Are you now aware that the solicitors acting for the  
14           ICRF, the investigative committee of the  
15           Russian Federation, have been able to help us with that,  
16           and they have explained that annex 4 just identifies  
17           a form number, so this form is in effect known as a form  
18           4, annex 4, rather than it being an annex 4 following  
19           after annexes 1, 2, 3 and 4?

20  A.   Yes, I understand that.

21  Q.   And you're happy to accept that?

22  A.   Yes.

23  Q.   Thank you. The third topic relates to one of the  
24           versions of the emails that passed between Mr Limarev  
25           and Mr Scaramella at the end of October 2006. Perhaps

1 if we can have up on screen INQ019859.

2 Do we see in the red writing in the top left-hand  
3 corner there that there are some identification marks;  
4 "op Whimbrel" relates to the Metropolitan Police  
5 investigation, doesn't it?

6 A. Yes.

7 Q. And then there's an exhibit number EL/8 which appears to  
8 relate to Mr Limarev or potentially to relate to  
9 Mr Limarev?

10 A. Yes.

11 Q. Then if we go back to the full page, we can see the  
12 heading of this email is  
13 "Mario Scaramella/Paolo Guzzanti -- security 2"?

14 A. Yes.

15 Q. That corresponds to an email that I showed Mr Guzzanti  
16 earlier today.

17 A. Yes.

18 Q. Then if we can have the previous page, please, 858, we  
19 have the bottom half of that page, again we see that is  
20 version of the email that says -- that starts "Hi!,  
21 That's all for now", and it's security 3?

22 A. Yes.

23 Q. Again which we looked at with Mr Guzzanti earlier. And  
24 I don't know if you were here for Mr Limarev's evidence  
25 when I asked him about these emails.

1 A. I was here for some of his evidence, yes.

2 Q. Some of his evidence, yes, but, at any rate, have you in  
3 fact done some further investigations into the  
4 provenance of this version of the emails which I showed  
5 Mr Limarev and to what EL/8 stands for?

6 A. Yes, on that particular document, sir, the red writing  
7 which you refer to at the beginning is simply from --  
8 has been printed from our system, so all of that red  
9 writing relates -- is a default, it was when we print  
10 off that document, they're all our reference numbers at  
11 the top.

12 All the exhibit numbers that begin EL are in  
13 relation to Evgheniy Limarev. When the French police  
14 attended his address, they seized documents at his  
15 address that they thought, in company with S015  
16 officers, that they thought were relevant to this  
17 investigation, and that is how that document was seized  
18 in its current format, so that document was seized with  
19 that yellow highlighting on it as it is.

20 Q. At Mr Limarev's address?

21 A. At Mr Limarev's address.

22 Q. If we can have, please, on the screen INQ020263, is this  
23 a witness statement made by a colleague of yours,  
24 Mr Walker, that explains that position?

25 A. Yes, it is.



1 Q. We see in the lower half of what's on the screen there,  
2 the numbers EL/1 to EL/8 and the French system using the  
3 initials from the person from whom the exhibits were  
4 actually seized?

5 A. That's correct, yes.

6 Q. Thank you very much. The fourth topic relates to the  
7 possibility that Mr Lugovoy and Mr Kovtun may have been  
8 in London on dates other than the ones that we have been  
9 primarily concerned with.

10 A. Yes.

11 Q. You'll remember probably that Mr Felshtinsky gave  
12 evidence whereby he was sure that he saw Mr Lugovoy in  
13 company with, he thought, Mr Kovtun on 12 October 2006  
14 rather than on the 16th.

15 A. Yes.

16 Q. Also you may recall that Mr Reilly gave some evidence  
17 that he thought he might have seen Mr Lugovoy and  
18 Mr Kovtun in London again some time around 25/26 October  
19 or thereabouts.

20 A. Yes.

21 Q. Have you had the chance to make some further enquiries  
22 about whether it is possible that Mr Lugovoy and  
23 Mr Kovtun came to London on other occasions that month?

24 A. Yes, we have.

25 Q. Can you basically tell us what have you been able to do

1 after this lapse of time?

2 A. Some of the checks we've redone, and we've also checked  
3 the checks that were done at the time. So when we were  
4 initially investigating it, we checked with the  
5 immigration service, which would have included their  
6 visa applications, we checked with Gullivers Travels,  
7 who were the holiday company that Mr Lugovoy seemed to  
8 book most of his trips through. There were financial  
9 checks done on the information that was available to us  
10 in relation to Mr Lugovoy's financial position. There  
11 was also the interviews with Lugovoy's associates in  
12 London who he met, and the actual examination of their  
13 passports themselves which showed the stamps, dates of  
14 entry in different countries, including coming into our  
15 country. So there was quite a lot of -- quite extensive  
16 investigation was done at the time to show when these  
17 people came.

18 But then there's also the fact that Mr Lugovoy and  
19 Mr Kovtun have provided their own explanation as to  
20 where they were, when they came to the country, when  
21 they left, and those accounts have proved in relation to  
22 their movements, have certainly proved accurate.  
23 There's no evidence to suggest, that I have seen, that  
24 either men were in the country on 12 October.  
25 Mr Reilly's recollection in relation to the

1 25/26 October, well, Mr Kovtun didn't come to the UK for  
2 the first time until the 16th and his accounts of his  
3 entry on the 16th to the 18th and on the 1st are the  
4 same as what we've discovered, there's nothing different  
5 there; and in relation to Mr Lugovoy being here on the  
6 25th and 26th, yes, he arrived very late in the evening  
7 of the 25th, and it is possible that he could have met  
8 him on the 26th, but only Mr Lugovoy, not Lugovoy and  
9 Kovtun.

10 Q. In doing these repeated checks, have you discovered  
11 anything which would cause you to doubt the previous  
12 view about when Mr Lugovoy and Mr Kovtun had come to the  
13 UK in October/November?

14 A. No, none at all, none at all.

15 Q. Thank you. The next topic is this, the contamination in  
16 Abracadabra and Hey Jo. There was a suggestion floated  
17 that that might have been contamination caused by  
18 Mr Litvinenko rather than by Mr Lugovoy and Mr Kovtun.  
19 Have you had an opportunity to check whether there is  
20 any evidence that Mr Litvinenko ever went to either  
21 Abracadabra or Hey Jo?

22 A. I have checked and I can find no evidence whatsoever  
23 that Mr Litvinenko ever went there.

24 Q. Thank you. Next, I want to ask you about some points  
25 relating to the evidence given by Julia Svetlichnaya

1 a couple of weeks ago. Can I ask you two specific  
2 questions first.

3 Is there any truth in the suggestion that she  
4 provided the Metropolitan Police with a 100 page dossier  
5 of confidential FSB material?

6 A. That's not true.

7 Q. She also provided some emails passing between herself  
8 and Mr Litvinenko to the Metropolitan Police, didn't  
9 she?

10 A. Yes.

11 Q. Did any of those emails include anything describing  
12 arrangements to meet or any reference to getting  
13 oligarchs to pay their share or to blackmail?

14 A. No, they didn't.

15 Q. Is it right that a colleague of yours is preparing  
16 a witness statement that will set out these points in  
17 more detail?

18 A. Yes, Ms Svetlichnaya and her solicitor had suggested  
19 from a very early stage in December 2006 that they had  
20 information of that nature, and it never got handed to  
21 the police, so Mr Taylor will give a statement detailing  
22 that process.

23 MR TAM: Sir, and that will be available in due course in  
24 the usual way.

25 THE CHAIRMAN: Thank you.

1 MR TAM: Thank you. Now, Mr Mascall, I want to turn next to  
2 the question about the cost of polonium.

3 A. Yes.

4 Q. There are a number of questions I'd like to ask you  
5 about this. Can I ask you, amongst your enquiries, did  
6 you identify any commercial transactions involving  
7 polonium in 2006?

8 A. Yes, we did.

9 Q. We have heard from Professor Dombey that the trade in  
10 polonium consisted of consignments being exported from  
11 a producer in Russia to customers in the US. Did your  
12 enquiries show this to be the case?

13 A. Yes, it was consistent with that.

14 Q. Have you been able to establish the quantities of  
15 polonium that made up these consignments in 2006?

16 A. Yes, the transaction in 2006 that we identified was  
17 approximately 2,500 gigabecquerels of polonium.

18 Q. So that one consignment contained many times the amount  
19 of polonium that Mr Litvinenko is believed to have  
20 ingested?

21 A. Yes, I believe Mr Litvinenko, it was assessed that his  
22 ingestion was about 4, 4.4 gigabecquerels.

23 Q. Have you been able to establish the purchase price of  
24 this consignment?

25 A. Yes, it was in the region of USD 20,000.

1 Q. Are you aware whether this pricing represented the  
2 standard commercial rate in 2006?

3 A. As far as I'm aware, that was the standard rate at that  
4 time.

5 Q. Thank you. The final topic, Mr Mascall, relates to the  
6 question of the potential responsibility of a number of  
7 people who have been mentioned in connection with this  
8 Inquiry and in relation to which I believe the  
9 Metropolitan Police reached certain views in the course  
10 of the investigation.

11 A. Yes.

12 Q. Can I ask you first -- sorry, let me ask you first, is  
13 it right that you made a witness statement regarding  
14 this topic on 15 January 2015?

15 A. Yes.

16 Q. Is it right that in the course of the police  
17 investigation that the approach taken by the police was  
18 that, as it was a criminal investigation, it really had  
19 to be led by evidence and not by speculation.

20 A. Yes, exactly. The senior investigating officer at the  
21 time said that there were numerous motives being bandied  
22 around. His view was that he didn't need a motive to  
23 prove murder and that he wanted to follow the evidence  
24 that was in front of us.

25 Q. Because if the investigation had led to individuals

1           actually being charged and brought before a court, the  
2           court could only have been able to act on evidence.

3    A.   Yes, correct.

4    Q.   I want to ask you about a number of individuals and the  
5           way that -- or rather what the investigation made of  
6           them.  Now, obviously the witness statement that you  
7           made in January predated the start of these Inquiry  
8           hearings?

9    A.   Yes.

10   Q.   There are -- a number of these people are people we have  
11          actually heard from directly?

12   A.   Yes.

13   Q.   And even if not, we have heard about them.  Would it be  
14          fair if I ask you simply about the way in which the  
15          investigation approached these individuals and ask you  
16          not to comment on the evidence that has been given,  
17          ie confine yourself to describing the police  
18          investigation.

19   A.   Okay.

20   Q.   The first individual who I'd like to touch on is  
21          Mr Scaramella.  We've heard from a number of sources  
22          that he was a long-standing associate of Mr Litvinenko's  
23          and that he was introduced to Mr Litvinenko by  
24          Victor Suvorov.  In fact we heard that from Mr Guzzanti  
25          earlier today?

1 A. Yes.

2 Q. That's consistent with what the investigation found?

3 A. Yes.

4 Q. The investigation found that Mr Scaramella and  
5 Mr Litvinenko had an amicable relationship over a number  
6 of years.

7 A. Yes.

8 Q. Have you found anything to suggest any disagreement or  
9 any reason for a disagreement between the two men?

10 A. No.

11 Q. Mr Litvinenko, we know, was poisoned or appears to have  
12 been poisoned on two occasions, 16 October and  
13 1 November.

14 A. Yes.

15 Q. Did the investigation find any evidence that  
16 Mr Scaramella had been in London on the first of those  
17 occasions?

18 A. Yes, we did, he --

19 Q. On 16 October?

20 A. Mr Scaramella did not meet Mr Litvinenko on the 16th and  
21 he was not in London on 16 November [sic], no.

22 Q. But we do know that he was here on 1 November?

23 A. That's correct.

24 Q. We've heard quite a lot of evidence about them meeting  
25 up in Piccadilly Circus and then going to the Itsu



1 restaurant.

2 A. Yes.

3 Q. There's been evidence that the two men were pleased to  
4 see each other. They hadn't seen each other for some  
5 time.

6 A. That's correct.

7 Q. Was there anything that the investigation uncovered that  
8 undermined that suggestion?

9 A. No.

10 Q. We've also heard that as far as the scientific evidence  
11 about Itsu was concerned, that where Mr Scaramella and  
12 Mr Litvinenko sat, the seats were relatively -- the  
13 seats and the table were relatively lightly contaminated  
14 compared to the adjoining table where Mr Litvinenko,  
15 Mr Lugovoy and Mr Kovtun had sat a couple of weeks  
16 previously?

17 A. Yes. Where Mr Scaramella had indicated he'd sat, there  
18 was a low level, I believe on the table where they sat,  
19 him and Mr -- sorry, Mr Scaramella and Mr Litvinenko had  
20 had a meeting, but on a table behind, there was a table  
21 with significantly higher readings.

22 Q. Sorry, Mr Mascall, attention has just been drawn to the  
23 fact that I may have asked the question unclearly, about  
24 16 October. Is there any evidence to suggest that  
25 Mr Scaramella had been in London on 16 October, the

1 first occasion on which Mr Litvinenko was poisoned?

2 A. No.

3 Q. Because --

4 A. That's what I said.

5 Q. That's gone into the transcript with the wrong month.

6 Did the investigation find any evidence that

7 Mr Scaramella either carried out the poisoning or that

8 he instigated it in any way?

9 A. No, none whatsoever.

10 Q. Can I then turn, please, to Mr Limarev.

11 A. Yes.

12 Q. Now, Mr Limarev is somebody who we've heard about today,

13 both from you and from Mr Guzzanti. We've now got quite

14 a lot of evidence about the history of the relationship

15 between them. The investigation was aware, wasn't it,

16 of Mr Limarev's self-described history as previously

17 employed by the SVR?

18 A. Yes.

19 Q. And also that his father had a connection to the Soviet

20 and Russian intelligence services?

21 A. Yes, I believe he was the head of the SVR.

22 Q. You are aware that the emails from Mr Limarev to

23 Mr Scaramella were one of the reasons for the meeting

24 between Mr Scaramella and Mr Litvinenko on 1 November?

25 A. That's correct.

1 Q. Did the investigation look at the possibility that  
2 Mr Limarev might have been implicated, that is to say he  
3 might have been part of a plot against Mr Litvinenko?

4 A. Yes, it was looked at, yes.

5 Q. Because obviously one possibility from those emails is  
6 that he was simply passing on a warning in good faith,  
7 that Mr Scaramella then passed on to Mr Litvinenko.

8 A. Yes.

9 Q. Was there another possibility for these emails and the  
10 effect that they had on Mr Scaramella?

11 A. Well, there are a number of possibilities, and as I've  
12 put in my statement, the two possibilities I raised were  
13 one that he was doing it out of, as you've explained,  
14 a warning, but the other one may have been as a reason  
15 to put Mr Litvinenko and Mr Scaramella together, but  
16 that is simply a view.

17 Q. Without evidence, is that any more than just  
18 speculation?

19 A. That's correct.

20 Q. Was there any evidence found by the investigation to  
21 link Mr Limarev to Mr Litvinenko's murder?

22 A. No, and the default position that we took on most of  
23 these is who was present when Mr Litvinenko was  
24 poisoned.

25 Q. Can I turn, please, to Semion Mogilevich.

1 A. Yes.

2 Q. Again, a man we have heard something of over the past  
3 few weeks including today.

4 We have now seen the documentary evidence showing  
5 that he's one of the FBI's top ten wanted people.

6 A. Yes.

7 Q. And quite a lot of information about him, and we've  
8 heard about the reasons why he was a person of interest  
9 for some investigations, and we've seen evidence which  
10 suggests that Mr Mogilevich has connections to powerful  
11 people in Russia.

12 A. Yes.

13 Q. Was that available to the investigation when it was  
14 being conducted?

15 A. I mean, that information came to light --  
16 Mr Litvinenko's statement to -- that he provided to  
17 Scaramella and information he was providing to the  
18 Mitrokhin Commission mentions Semion Mogilevich and  
19 I think Mr Litvinenko warned Mr Scaramella that they  
20 shouldn't be investigating Mr Mogilevich. That's where  
21 the initial information came from.

22 Q. During the course of the police investigation, did you  
23 see the transcripts of the tapes of Mr Kuchma?

24 A. Yes, I've seen sections, because I believe it's quite  
25 extensive, but I have seen sections of transcripts that

1           apparently are of this conversation, yes.

2   Q.   We've got those and we've got, amongst other things, the  
3           little additional statement that Mr Litvinenko gave,  
4           describing his own knowledge of some of the people  
5           mentioned --

6   A.   Yes.

7   Q.   -- in the transcripts.  There was also a mention of  
8           Mr Mogilevich in one of the due diligence reports,  
9           wasn't there?

10  A.   Yes, there was, yes.

11  Q.   The links between Mr Mogilevich, the investigations that  
12           concerned him and his own links to people in Russia,  
13           might be said to have formed a channel by which he could  
14           have instigated some harm done to Mr Litvinenko.

15  A.   Yes.

16  Q.   Is that something which the investigation considered?

17  A.   Considered, yes, it was certainly something that was  
18           looked at, and the links that connect Mr Mogilevich to  
19           other individuals in this investigation, but, as I said  
20           before, the default position was who could have poisoned  
21           Mr Litvinenko on the days that he was poisoned.  That's  
22           where we left it.

23  Q.   Did the investigation uncover any evidence that linked  
24           Mr Mogilevich directly to the poisoning?

25  A.   No.

1 Q. The next person, then, please, is Mr Attew. We've heard  
2 from Mr Attew at some length and he's described his  
3 relationship with Mr Litvinenko. From the evidence that  
4 we've heard, he appears to have been both a business  
5 associate and a friend of Mr Litvinenko's.

6 A. That's correct, yes.

7 Q. Did you in the investigation uncover any evidence that  
8 suggested any reason why Mr Attew might have wanted to  
9 do Mr Litvinenko any harm?

10 A. No, not at all.

11 Q. Any evidence that he was involved in the poisonings in  
12 any way?

13 A. No, the only evidence that connects Mr Attew to  
14 Mr Litvinenko's poisoning is the fact that we believe  
15 the first poisoning took place in the boardroom of  
16 Erinys which Mr Attew would have had access to, but on  
17 the date that that poison was administered, Mr Attew was  
18 not present.

19 Q. Then can I go on, please, to Mr Reilly who was at Erinys  
20 and appears to have been at that meeting in the  
21 boardroom.

22 A. Yes.

23 Q. Did you in the investigation uncover any evidence to  
24 suggest any reason why Mr Reilly might have wanted to do  
25 Mr Litvinenko any harm?

1 A. No, none at all.

2 Q. Or that he poisoned Mr Litvinenko or instigated it?

3 A. No.

4 Q. I think finally Boris Berezovsky.

5 A. Yes.

6 Q. Now, again, we've heard a great deal about Mr Berezovsky  
7 and about the relationship between him and  
8 Mr Litvinenko. Is it right that the investigation you  
9 conducted revealed evidence that's consistent with what  
10 we have now indeed heard of some sort of falling out  
11 between the two men in the summer of 2006?

12 A. Yes.

13 Q. And also evidence consistent with what the witnesses  
14 have told us about Mr Litvinenko's approach to arguments  
15 of this nature and also consistent with what was then  
16 described about the continuing contact between the two  
17 men?

18 A. Yes, I think certainly the understanding of the  
19 investigation team, certainly my personal understanding  
20 is they did have a falling out, there was a reduction in  
21 money, they made up and they carried on with their  
22 relationship.

23 Q. Did the investigation uncover any other evidence that  
24 suggested that Mr Berezovsky might have wished to do  
25 Mr Litvinenko harm?

1 A. No, none whatsoever.

2 Q. So we can take all of that from the evidence that we've  
3 heard about that during these hearings?

4 A. Yes.

5 Q. So in relation to these individuals, was it the view  
6 taken by the Metropolitan Police that there was no  
7 realistic possibility of establishing that any of them  
8 poisoned Mr Litvinenko or instigated the poisoning?

9 A. Yes.

10 Q. Does that remain the Metropolitan Police's view on the  
11 basis of the investigation carried out?

12 A. Yes.

13 MR TAM: Yes, thank you. Would you wait there for a moment.

14 MR EMMERSON: Nothing.

15 THE CHAIRMAN: Thank you very much indeed, Mr Mascall.

16 MR TAM: Sir, that completes the evidence today.

17 THE CHAIRMAN: Yes.

18 Discussion re legal matters

19 MR TAM: Sir, I'm aware that there are two topics on which  
20 submissions have been invited from the core  
21 participants.

22 THE CHAIRMAN: Yes, I'm very grateful to the core  
23 participants for their written submissions.

24 MR TAM: I'm grateful. Sir, it may be convenient if core  
25 participants and we were afforded an opportunity to



1           amplify, if desired, first of all the submissions on the  
2           legal points that have been addressed, although it's  
3           fair to say, I think, that all of us are pretty much  
4           unanimous on the topics that we have addressed in  
5           common.

6   THE CHAIRMAN: That was certainly my interpretation of the  
7           submissions.

8   MR TAM: It may be that others may have something to add.

9   THE CHAIRMAN: I suggest we deal with it subject by subject.

10   MR EMMERSON: Certainly as far as the principal issues of  
11           the evaluation of evidence, the drawing of inferences  
12           and the relationship proposed to open evidence, I have  
13           nothing to add to what is in the written submissions,  
14           unless there's anything you would particularly like me  
15           to address.

16   THE CHAIRMAN: Thank you, no. Mr Horwell, thank you for  
17           a very comprehensive response. Mr Garnham?

18   MR GARNHAM: No, thank you, sir.

19   THE CHAIRMAN: Mr Evans?

20   MR EVANS: No.

21   MR TAM: Sir, in which case I don't think there's anything  
22           that we would need to add to the written submissions  
23           that we've made to you.

24   THE CHAIRMAN: No. Standard of proof, there's a consensus,  
25           as I read it, and I intend to adopt and apply the

1 approach taken by Sir William Gage in the  
2 Baha Mousa Inquiry and I think nothing more needs to be  
3 said as to that.

4 MR TAM: Sir, yes.

5 THE CHAIRMAN: Adverse inferences. Again, the position, as  
6 I understand it, of all core participants now is that  
7 there is neither need for nor place for the adoption of  
8 the principles that have been developed in the criminal  
9 context with regard to adverse inferences in a public  
10 inquiry, the contrast being between inquisitorial and  
11 adversarial proceedings, and I was assisted greatly in  
12 this regard by Mr Horwell's submissions, and I adopt the  
13 submission that he made that a failure to participate or  
14 to give evidence has the obvious consequence that I will  
15 make findings of fact without the benefit or otherwise  
16 of such a contribution, and I don't think any more needs  
17 to be said as to that.

18 MR TAM: Sir, yes.

19 THE CHAIRMAN: The evidence of Mr Boris Berezovsky. I am,  
20 of course, aware of what can be described as the extreme  
21 terms in which Mrs Justice Gloster as she then was  
22 expressed herself in the judgment in the  
23 Berezovsky v Abramovich litigation. I will obviously  
24 give the most careful consideration to her findings.

25 I would simply observe that the reliance that can

1 properly be placed upon Mr Berezovsky's evidence may be  
2 informed by other evidence on the issues to which this  
3 Inquiry gives rise which are, of course, different from  
4 the issues that arose in the Abramovich litigation.

5 I shall also bear in mind that the evidence in his  
6 witness statements has not been tested by questioning by  
7 counsel to the Inquiry or other core participants, and  
8 again, unless there are any further submissions as to  
9 that, I think no more needs to be said.

10 The next point that has been raised is the interplay  
11 between section 2(1) and (2) of the Inquiries Act. So  
12 that what I am about to say has some meaning for the  
13 wider public, section 2 provides that, and I quote:

14 "(1) an inquiry panel is not to rule on and has no  
15 power to determine any person's civil or criminal  
16 liability; but

17 "(2) an inquiry panel is not to be inhibited in the  
18 discharge of its functions by any likelihood of  
19 liability being inferred from facts that it determines  
20 or recommendations that it makes."

21 As you, Mr Tam, have submitted, it is difficult to  
22 deal in the abstract with the interplay between those  
23 two sections, and that is a question upon which I defer  
24 giving any indication as to my approach until I see the  
25 evidential basis on which I have to approach it.

1           Any dissenters to that?

2           The final point is clarification of the position  
3           with regard to the open and closed hearings.

4           I shall perform a global analysis of the evidence  
5           adduced both in the open and the closed hearings, and it  
6           follows that any facts as found and recorded in the open  
7           section of the report will have been informed both by  
8           the evidence that I have heard over the last 29 days in  
9           the open hearings and any further open hearings that  
10          I have and by the relevant closed hearings.

11          I shall provide a single report to the  
12          Home Secretary, but the consequence of the restriction  
13          orders that have been made mean that parts will not be  
14          published if to do so would be to damage the national  
15          security or international relations. I hope that makes  
16          the position clear.

17   MR TAM:   Sir, yes.

18          Sir, indeed, the contents of the open report or the  
19          open parts of the report would have to conform to all of  
20          the restriction orders and restriction notices that have  
21          been made and the exact terms of them.

22   THE CHAIRMAN:  Precisely, yes.

23          Now, those are the issues that I think need to be  
24          addressed at this stage, Mr Tam.

25   MR TAM:   Sir, yes.

1 THE CHAIRMAN: You made further written submissions to me  
2 under the heading of credibility generally, but I don't  
3 think it's necessary for me to make any formal ruling as  
4 to that.

5 MR TAM: Sir, I respectfully agree. Sir, in which case that  
6 deals with those submissions on the legal points.

7 THE CHAIRMAN: Yes.

8 MR TAM: Sir, the other topic on which written submissions  
9 have been made by core participants is the question of  
10 Mr Kovtun's application for core participant status and  
11 what should be done procedurally as a consequence.

12 Sir, it may be that you'd like to hear from my  
13 learned friends orally on that topic, and then we can  
14 let you have the observations that we have to make on  
15 it.

16 THE CHAIRMAN: Yes, Mr Emmerson?

17 MR EMMERSON: Sir --

18 THE CHAIRMAN: Thank you for your written statement.

19 MR EMMERSON: -- I am very happy to say anything in public  
20 that you would like me to as to the position we take.  
21 Formally, sir, we have adopted a neutral stance, and  
22 recognising that Mr Kovtun's application falls within  
23 the terms of the rule and that the rule gives you power  
24 to grant core participant status at any time, somewhat  
25 surprisingly. So there is no legal impediment to you

1           considering and granting an application, even though it  
2           is made at this very late stage and even though it is  
3           bound to cause disruption and delay.

4   THE CHAIRMAN:  There are two points that may assist you if  
5           I indicate at this stage.  The first of those is that  
6           were I persuaded to grant core participant status, that  
7           does certainly not mean that I would reopen the evidence  
8           that I have heard to date.  The fact that the  
9           application is made at such a late stage is entirely his  
10          fault.  He could and should have made the application  
11          months and months ago.

12                 The second point to be made is that it would appear  
13          from the reports, media reporting of interviews with  
14          Mr Kovtun, that he is under the impression that if he is  
15          to be granted core participant status that he will have  
16          access to confidential material which is subject to  
17          restriction orders and restriction notices.  If that is  
18          his understanding or that of any who may be advising  
19          him, then they are mistaken.  He would be in exactly the  
20          same position as any other core participant, your  
21          client, or the Metropolitan Police.  They do not have  
22          access to the closed, secret material.

23   MR EMMERSON:  Yes, sir, and I entirely take the point, we  
24           too have seen Mr Kovtun's statements indicating that  
25           getting access to what he describes as the secret

1 evidence is part of his motivation for applying for core  
2 participant status.

3 Sir, we know that you are absolutely astute to  
4 ensure that these proceedings are not manipulated and  
5 Mr Kovtun is not used in one way or another as a Trojan  
6 horse for the Russian authorities.

7 THE CHAIRMAN: Again, forgive my interrupting, Mr Emmerson,  
8 but it may assist you and others who want to make any  
9 submissions if I indicate my provisional thinking on the  
10 issue, which is that if I am persuaded to accede to the  
11 application, I would not grant such status at this  
12 stage, because I am minded to rule that such grant would  
13 be dependent upon his complying with two preconditions.

14 The first is that he gives a confidentiality  
15 undertaking, although of course I am mindful as to what  
16 that would really mean, given that he is out of the  
17 jurisdiction, but nevertheless it is a point to be made,  
18 but secondly and much more important that he provides  
19 a written statement answering the questions that were  
20 posed as long ago -- two years ago in Russia and  
21 repeated most recently in a letter from the secretary to  
22 the Inquiry on 5 March, and secondly that he provides  
23 the documentary evidence that again in media interviews  
24 he has indicated that he possesses which are relevant to  
25 the issues to which this Inquiry gives rise.

1           If there is compliance, it is only if there is  
2           compliance, unless I am persuaded to the contrary, with  
3           those preconditions that I would grant the core  
4           participant status.

5 MR EMMERSON: I think if I may say so, it's right to record  
6           publicly as well that core participant status is not  
7           a prerequisite for him testifying. We are all very keen  
8           to hear his testimony.

9 THE CHAIRMAN: It's an entirely discrete issue, yes, and the  
10          grant or otherwise of core participant status would not  
11          affect his giving evidence and again I am minded to fix  
12          a date both by which those preconditions are satisfied  
13          and secondly the date upon which, if he does give  
14          evidence, that should be done.

15 MR EMMERSON: Sir, in those circumstances, plainly if the  
16          decision is taken, as you will see we are neutral on it,  
17          that he should receive core participant status once  
18          those criteria are met, I think it's important then that  
19          it be stressed clearly that there are very, very  
20          substantial restrictions on the material which will be  
21          disclosed to him and even further restrictions on the  
22          material that he could lawfully disclose to others.

23          There is, I am bound to observe, whilst all of us  
24          want to hear this man's testimony and have it properly  
25          scrutinised, there is an uncomfortable irony in somebody



1           who is a determined fugitive from British justice  
2           applying to this court to exercise its discretion to  
3           allow him not just to testify, effectively to mount the  
4           defence he's too cowardly to come and mount in  
5           a criminal court, but to be a participant. There is  
6           a certain distasteful discomfort about that, but I think  
7           we all recognise at the same time the more open and  
8           transparent and inclusive these proceedings are, the  
9           harder it will be subsequently to attack or undermine  
10          the Inquiry's findings by unfair criticism.

11                 So, for that reason and on that basis, we would not  
12          in any way stand in the way of whatever steps you think  
13          it most appropriate to get this individual's evidence in  
14          front of the Inquiry.

15   THE CHAIRMAN: Thank you. Mr Horwell, I'm most grateful to  
16          you for your submissions, and I see the force of the  
17          submissions of a staged approach. The difficulty about  
18          it, which I'm sure is one which you recognise, is that  
19          it may afford further opportunities for this matter to  
20          be strung out as each step falls due. That is why,  
21          that's the reason that underlies my provisional views  
22          expressed to Mr Emmerson first as to fixing a date  
23          relatively soon for delivery of statement and all  
24          material documents that he says he has, and secondly to  
25          fix a date now when he can deliver what he says that he

1           wants to deliver.

2   MR HORWELL:   Yes.

3   THE CHAIRMAN:  But don't let that inhibit you from --

4   MR HORWELL:   Sir, in view of what you have just said, I can

5           be very short indeed, because we've set out our

6           submissions in writing.

7   THE CHAIRMAN:  Yes.

8   MR HORWELL:   And because of the position of the

9           Metropolitan Police Service, we are the investigating

10          body.  I must make it very clear that we have no wish

11          whatsoever to obstruct in any way Mr Kovtun's recently

12          expressed desire to be a witness.  We welcome that

13          participation, but there are grounds for believing that

14          his application is not all that it seems.

15                 He expresses one view in writing and then another

16          view to journalists.  Now that we have sight of the

17          correspondence between the Inquiry and Mr Kovtun, it is

18          clear that Mr Kovtun was asked pertinent questions just

19          under two years ago.  Those questions were again put to

20          him at the beginning of this month, and there has been

21          silence from Mr Kovtun, and that undermines the

22          bona fides of these various recent applications.

23                 We simply say that there must be a cautious response

24          to what he has put in writing and, sir, in view of what

25          you have just said, we of course are very much in favour

1 of that staged approach.

2 Mr Kovtun has to prove his good faith in deeds now,  
3 not just in writing, and with a strict timetable this  
4 can be managed and plainly it will be.

5 THE CHAIRMAN: Yes, thank you. Mr Garnham?

6 MR GARNHAM: Sir, we note and are grateful for what you say.

7 We have no submissions to make.

8 MR EVANS: Sir, in the light of the indications you have  
9 made, we have no submissions to make either.

10 THE CHAIRMAN: Thank you.

11 MR TAM: Sir, in the light of those submissions and your  
12 preliminary indication, I don't think there is any need  
13 for me to take a great deal of time either.

14 Sir, technically, the designation as a core  
15 participant does not need to be conditional on the  
16 undertaking which you have indicated.

17 THE CHAIRMAN: No, it doesn't need to be, but I am --

18 MR TAM: Because that relates primarily to disclosure rather  
19 than to the relatively limited set of benefits that  
20 accrues from being a core participant.

21 THE CHAIRMAN: No, I'm bringing it forward simply as  
22 a further test of good faith, albeit it may not amount  
23 to much of a test.

24 MR TAM: Sir, yes, and I thought that it would be right to  
25 set that position out, although I don't seek to dissuade

1           you from that approach if you think that that would be  
2           of benefit in flushing out his real intentions and  
3           whether we will get positive cooperation from him.

4           Sir, when you come, however, to the details of the  
5           orders and directions which you give, we do respectfully  
6           submit that you will have to have regard to the need for  
7           the Inquiry to be completed in an efficient manner, and  
8           in particular keeping the timetable under the Inquiry's  
9           control.

10          Sir, I am grateful for your indication that the  
11          deadlines to be set will be strict ones, and that is  
12          what we would have submitted in any event, because we  
13          must make sure that the Inquiry's progress is not upset  
14          by this turn of events.

15   THE CHAIRMAN:  Yes.

16   MR TAM:  The corollary to that is that of course we must  
17          always guard against the risk of the process becoming  
18          drawn out by either a simple neglect or failure on  
19          Mr Kovtun's part to respond in good time or possibly  
20          through risks of manipulation of the process.

21          Sir, in addition to what you have mentioned, we also  
22          submit that it would be appropriate for you to tell him  
23          now the dates on which he will give oral evidence, if  
24          that is what he wishes to do, and also to tell him that  
25          given his late application to take part in these

1 proceedings, that we cannot foresee any circumstances in  
2 which those dates will change.

3 Sir, I can return to the question of the actual  
4 dates before you rise today.

5 THE CHAIRMAN: Yes.

6 MR TAM: Other points which it might be useful to make to  
7 Mr Kovtun --

8 THE CHAIRMAN: Forgive my interrupting, Mr Tam, but giving  
9 the indications that I have to Mr Emmerson and  
10 Mr Horwell, I was indicating an intention to make the  
11 core participant status dependent on production of  
12 a statement and documents. I would value your response  
13 and that of others as to whether those preconditions  
14 should also apply to his giving evidence.

15 MR TAM: Sir, yes, that must follow because one of the  
16 points which I was going on to make is that the oral  
17 evidence to the Inquiry which Mr Kovtun appears to be  
18 keen to give is not the whole process of his giving  
19 evidence. The process includes giving a written  
20 statement. It includes disclosure of the documentary  
21 evidence which you've already adverted to, and, sir, if  
22 it is your intention to approach this by making  
23 designation conditional on the production of evidence,  
24 then we need to know what it is that Mr Kovtun wants to  
25 do and whether he is in fact going to provide a witness

1 statement, if he's going to provide documentary  
2 disclosure, and if he will be giving oral evidence to  
3 the Inquiry; and the point that I was just making was  
4 that he should, we respectfully submit, also be told  
5 when that will be. That is a matter which you should  
6 keep firmly under control so that the timetable does not  
7 become derailed.

8 THE CHAIRMAN: Yes. A further point arises in relation to  
9 his evidence, which is the necessity for a warning as to  
10 self-incrimination in answering any questions that are  
11 put to him, and I need to know exactly what his position  
12 is as to that at this stage.

13 MR TAM: Sir, yes. That is --

14 THE CHAIRMAN: That is something that should also be  
15 embodied in directions that I give.

16 MR TAM: Sir, we respectfully agree, and that is something  
17 which he must address at the time that he provides the  
18 witness statement.

19 THE CHAIRMAN: Yes.

20 MR TAM: He needs to indicate unequivocally whether he is in  
21 fact going to give us full assistance or not.

22 THE CHAIRMAN: Yes.

23 MR TAM: That is all part and parcel of that.

24 THE CHAIRMAN: Yes.

25 MR TAM: Sir, one of the other points which needs to be made

1 to Mr Kovtun, we would respectfully submit, is this,  
2 that he has mentioned his desire to be able to question  
3 other witnesses in the Inquiry. Sir, you've already  
4 indicated that we're not going to reopen any of the  
5 evidence that's already been called, it is his fault  
6 that he has missed that, but in any event his ability to  
7 question other witnesses is governed by the rules, and  
8 he can only do so in accordance with the rules, and also  
9 in accordance with the procedure that has been adopted  
10 in this Inquiry for the giving of permission to ask  
11 questions and in accordance with the directions which  
12 you make in relation to each specific witness.

13 In particular, Mr Kovtun must appreciate that only  
14 recognised legal representatives will be permitted to  
15 ask questions of other witnesses.

16 THE CHAIRMAN: Yes.

17 MR TAM: Sir, finally, we would respectfully say this:

18 Mr Kovtun must be left in no doubt that he must comply  
19 strictly with the directions given by the Inquiry and  
20 with his own undertakings and promises. He, after all,  
21 is the person who now says that he wishes to have an  
22 opportunity to present his side of the story to  
23 the Inquiry, and he must understand that if he now  
24 prevaricates or delays at any step or if he fails to  
25 cooperate fully with the Inquiry, he may forever lose

1 the chance to have it taken into account.

2 THE CHAIRMAN: Yes. I propose to fix dates which, from his  
3 own assertions, there should be no problem in meeting,  
4 given that he says that he wishes to assist me and that  
5 he has the documentary evidence by means of which he  
6 intends to do so.

7 MR TAM: Sir, yes.

8 THE CHAIRMAN: I think what I am going to do now is to give  
9 some indication of the timeframe that I have in mind and  
10 then to rise shortly for you to have the opportunity to  
11 discuss it with the representatives of the core  
12 participants.

13 I am minded to direct a period of the order of  
14 a month, the end of April, possibly given that we have  
15 the short vacation now to the middle of April, but that  
16 is something which I would value your responses to, and  
17 the date that I have in mind to fix for his giving  
18 evidence is 27 July. Again, that is a matter I would  
19 like discussed with other core participants.

20 Shall I rise and you can address that.

21 MR TAM: I am grateful.

22 (3.26 pm)

23 (A short break)

24 (3.45 pm)

25 THE CHAIRMAN: Do we have a consensus, Mr Tam?



1 MR TAM: Sir, I'm grateful for the time that we have been  
2 given. I have discussed this with my learned friends.  
3 I've also considered the practical considerations that  
4 go into the correspondence between here and Russia.

5 THE CHAIRMAN: Yes.

6 MR TAM: The result of that is that for the provision by him  
7 of a witness statement, disclosure of documentary  
8 evidence and the other matters which we have discussed,  
9 the appropriate deadline for that should be Friday,  
10 22 May. Sir, it is a little bit more than a month from  
11 now, but there are practical reasons why the date has to  
12 be set in order to give Mr Kovtun a proper month in  
13 which to do the things which we would like him to do.

14 Sir, the appropriate thing would be to reduce the  
15 list of requirements into an order which we can do after  
16 you rise this afternoon.

17 THE CHAIRMAN: Yes.

18 MR TAM: Sir, the other thing to mention is that as far as  
19 the taking of his evidence is concerned, Mr Kovtun's  
20 evidence should start on Monday, 27 July.

21 THE CHAIRMAN: So that in effect gives two clear months  
22 between the date on which he will be obliged to produce  
23 his witness statement and documents and giving his  
24 evidence.

25 MR TAM: Indeed, that is right. So there is no pressure on

1 the timetable there, and his giving evidence is of  
2 course predicated on his demonstrating his good faith  
3 and his genuine willingness to participate by providing  
4 by 22 May that which you will direct him to do.

5 THE CHAIRMAN: Yes.

6 MR TAM: Sir, the evidence that he gives is likely to take  
7 more than a day. It may be two or three. What we have  
8 in mind is that closing submissions on the facts can  
9 then be made after Mr Kovtun's evidence, probably  
10 towards the end of that week.

11 THE CHAIRMAN: Yes.

12 MR TAM: Sir, in terms of timing, that is probably I think  
13 as far as we can go, we can usefully go, in court today.

14 THE CHAIRMAN: Yes.

15 MR TAM: So if that meets with your approval, then  
16 I respectfully suggest that we can then reduce all of  
17 this into formal directions in due course.

18 THE CHAIRMAN: Yes, thank you.

19 Well, I am going to set out what those directions  
20 should contain, Mr Tam.

21 As was made public at the last open hearing, I have  
22 received an application from Mr Dmitri Kovtun for the  
23 grant of core participant status.

24 Had that application been made when it should have  
25 been, then I would have granted it as plainly he falls

1 within the considerations identified in the Inquiry  
2 rules.

3 I also bear in mind that he was designated an  
4 interested person in the inquest proceedings although he  
5 did not take an active part.

6 Notwithstanding the very late stage at which this  
7 application has been made, I am minded to grant core  
8 participant status, but such grant will be conditional  
9 upon the fulfilment of the following preconditions,  
10 preconditions that will also serve as a means by which  
11 he can demonstrate his good faith.

12 First, he must give a confidentiality undertaking in  
13 the same manner as all other core participants.

14 Secondly, and as in the case of all core  
15 participants, he must, and I emphasise "must", provide  
16 a statement in detail including a response to the nine  
17 questions put to him almost two years ago in Russia by  
18 Major General of Justice Krasnov, and a tenth question  
19 which was added in the letter to him from the  
20 secretariat dated 5 March 2015.

21 That witness statement must be provided by 4.00 pm  
22 on Friday, 22 May of this year.

23 Thirdly, he has made reference in media interviews  
24 to documentary evidence and material which he says is  
25 relevant to the issues to which this Inquiry gives rise.

1 As with other core participants, he must disclose that  
2 written material, and again that disclosure must be made  
3 by 22 May.

4 Provided that he fulfils each of those requirements  
5 in full, I will grant him core participant status, but  
6 he and any who may be advising him should be under no  
7 illusions as to what that means.

8 First, it appears from the interviews that he has  
9 given to the press that he is under the impression that  
10 the grant of such status will entitle him to disclosure  
11 of confidential, classified material subject to  
12 restriction orders or notices. It will not. He is in  
13 exactly the same position as other core participants  
14 such as Marina and Anatoly Litvinenko and the  
15 Metropolitan Police who are not entitled to see the  
16 material which is subject to those orders and notices.

17 Secondly, if granted core participant status, he  
18 will only be able to question witnesses in accordance  
19 with the rules and procedure that I have adopted over  
20 the last 29 days of this hearing, namely by giving  
21 advance notice of the areas or issues that he wishes to  
22 explore, and furthermore he will only be able to put  
23 such questions to witnesses through a recognised legal  
24 representative.

25 Thirdly, I will not recall witnesses who have

1 already given evidence to me. He is too late for that  
2 and the responsibility is entirely his. This  
3 application could and should have been made months ago.  
4 I will not have these proceedings disrupted or  
5 manipulated as a consequence of the lateness of this  
6 application.

7 An entirely discrete issue is the question of his  
8 giving evidence. That does not of course depend upon  
9 grant of core participant status. He can give evidence  
10 whether or not he is a core participant, and I welcome  
11 the indication that he is willing to do so and assume  
12 that he is acting in good faith, but he must be warned  
13 that he may refuse to give evidence on the basis of  
14 privilege against self-incrimination, and I shall  
15 therefore further direct that he gives an indication by  
16 the same date upon which he has to produce both his  
17 witness statement and disclose the documents that he  
18 wishes to rely upon whether or not he will assert the  
19 privilege if he gives evidence.

20 He must understand that he will be expected to  
21 cooperate fully with the Inquiry in relation to  
22 practical steps that must be taken, whether in  
23 conjunction with the Russian authorities or otherwise,  
24 for his evidence to be given by video-link. Otherwise  
25 his indication that he wishes to give evidence to assist

1 me would be revealed as empty.

2 Finally, I am now going to fix the date upon which  
3 I will receive evidence from him, and that will be  
4 Monday, 27 July of this year. He must understand that  
5 that date is fixed. It will not be moved.

6 Mr Tam, are there any matters that I have omitted?

7 MR TAM: Sir, just in relation to the date, I wonder if it  
8 would be useful to make clear once again that we  
9 anticipate that his evidence is likely to take more than  
10 one day and that he should expect to have to make  
11 himself available for at least two or three days  
12 starting from Monday, the 27th.

13 THE CHAIRMAN: Yes, that is certainly the case. He must  
14 understand that if he gives evidence, it is likely to be  
15 for a period of two to three days.

16 MR TAM: I am grateful.

17 THE CHAIRMAN: Yes.

18 MR TAM: Sir, that, I think, deals with all of the matters  
19 arising out of Mr Kovtun's application for core  
20 participant status. Before you rise, I wonder if  
21 I might make a few final observations.

22 THE CHAIRMAN: Yes.

23 MR TAM: Sir, when these substantive hearings began on  
24 27 January of this year, you said that you expected to  
25 conclude the open hearings before Easter. As has

1 already been discussed today, Mr Kovtun's late  
2 intimation of a desire to become involved after all in  
3 this Inquiry and his express desire to give evidence has  
4 meant that further work will now have to be done towards  
5 that end. Otherwise, these open hearings have been  
6 completed as scheduled. We, counsel to the Inquiry,  
7 would like to express our gratitude to all who have been  
8 involved in making this process work efficiently. In  
9 particular, we would like to thank the solicitor to the  
10 Inquiry and all of the Inquiry team who have been  
11 visibly working in court and on video links but  
12 crucially also --

13 THE CHAIRMAN: Even today in Italy.

14 MR TAM: Even today in Italy, indeed. But crucially also  
15 invisibly working out of court and out of hours. In  
16 addition, we would like to thank everyone who has  
17 assisted in helping to ensure that witnesses attended to  
18 give evidence when scheduled. Without all of that, the  
19 process of getting witnesses to the Inquiry at the  
20 correct times, calling the evidence during these  
21 hearings, and ensuring that the media and public have  
22 been able to get access to the relevant material, would  
23 not have run as smoothly as it has.

24 In addition, we are grateful to the core  
25 participants and their legal teams whose helpful

1 cooperation has helped us to solve problems as they have  
2 arisen.

3 Finally, sir, you said on 27 January that you  
4 expected to report before the end of the year. I am  
5 happy to be able to say that we see no reason why  
6 Mr Kovtun's intervention should have any significant  
7 impact on this view.

8 THE CHAIRMAN: Thank you very much. I would personally like  
9 to endorse all that you have said about those who have  
10 contributed to the smooth running of this Inquiry. We  
11 have run to date to schedule, and I much appreciate all,  
12 in particular counsel to the core participants.

13 We now adjourn, then, certainly until 27 July.

14 Thank you very much.

15 (4.00 pm)

16 (The Inquiry adjourned until Monday, 27 July 2015)

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