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Thursday, 19 March 2015

(10.00 am)

THE CHAIRMAN: Yes, Mr Tam.

MR TAM: May it please you, sir, today's live evidence
consists of one live witness, Professor Service.

THE CHAIRMAN: Yes.

MR TAM: May I ask for Professor Service to be sworn,
please.

PROFESSOR ROBERT SERVICE (sworn)

Questions by MR TAM

MR TAM: Professor, good morning.

A. Good morning.

Q. Could I please start by asking you to give us your full
name?

A. Robert John Service.

Q. Professor Service, you've been asked by the solicitor to
the Inquiry to assist us with a number of matters that
are within your field of expertise as a historian on

1 Russian history. Is that right?

2 A. That's correct.

3 Q. In that context, you've provided us with two reports,
4 haven't you? Do you have copies of those reports with
5 you?

6 A. I do.

7 Q. The longer one, the first one, is headed "Report for the
8 Litvinenko inquiry", and in fact what I'll ask to do is
9 for this to come up on the screen, please, it's
10 INQ019146. That's your first report, and it's dated
11 8 January 2015, isn't it? Then subsequently you were
12 asked to provide us with a supplemental report, a copy
13 of which you've also got with you?

14 A. I have, yes.

15 Q. That was dated 4 March, the 4th of this month.

16 Professor Service, as one of our expert witnesses,
17 what we will be doing is admitting the whole of your
18 reports as evidence in themselves. We will also, like
19 the other evidence that we have, be putting it up on to
20 the Inquiry's website, so those who are interested in
21 the Inquiry's work will be able to see what you have to
22 say in writing, and it means I won't have to go through
23 the rather laborious process to try to get you to
24 explain everything orally.

25 What I propose to do today is to go through your

1 reports in sections to get you to identify the sections
2 and what you're dealing with, and then to ask you
3 a number of supplementary questions, I hope to clarify
4 things as we go along. Is that okay?

5 A. Excellent.

6 Q. If we can please start with your own CV and your
7 expertise which is the first part of the report, is it
8 right that as an undergraduate you studied at
9 Cambridge University?

10 A. It is.

11 Q. At that time, were you a historian?

12 A. No, no, I wasn't, although I did history courses,
13 I studied ancient Greek and modern Russian.

14 Q. When you graduated, you were essentially graduating as
15 a linguist?

16 A. As a linguist and a literary specialist.

17 Q. You then went on to continue your studies at the
18 University of Essex, is that right?

19 A. That's correct.

20 Q. Did you change the focus of your studies at that stage?

21 A. Entirely. I moved from literature and languages to what
22 is rather pompously known as political science.

23 Q. Did you have a specialisation on a particular field?

24 A. Yes, Soviet government.

25 Q. Did you study that for your masters degree?

1 A. I did.

2 Q. Which you were awarded by the University of Essex?

3 A. That's correct.

4 Q. Then did you continue your studies at doctorate level?

5 A. I did. I stayed on and moved away from the purely
6 contemporary to the historical and I studied the period
7 of the Russian revolution.

8 Q. What you said in your report is organisational
9 transformation of the Communist party, is that right?

10 A. That's it.

11 Q. Was that the subject of your thesis?

12 A. It was.

13 Q. For the purposes of that thesis, did you spend some time
14 yourself in what was then the Soviet Union?

15 A. I did. I studied at Leningrad State University.

16 Q. How long was that for?

17 A. That was for six months.

18 Q. Have you spent much other time, extended time, in the
19 Soviet Union or in Russia?

20 A. Yes.

21 Q. How often have you visited?

22 A. Well, in the 1980s and 1990s, I used to go at least
23 once, sometimes twice, a year, less so recently.

24 Q. Was that the normal stuff of academic visits?

25 A. In London University where I worked at the time, we had

1 an exchange with the academy of sciences, so they were
2 coming over here and we were going over there, so I was
3 conducting research into historical topics but also into
4 contemporary Soviet politics. This was in the Gorbachev
5 period, so things were really buzzing then.

6 Q. Just going back to the chronology of your studies, were
7 you then awarded your doctorate?

8 A. I was, yes.

9 Q. Was that in about 1974?

10 A. I actually received it in my hands, I think, in 1976.

11 Q. Right. But by then you had already started teaching at
12 another university, hadn't you?

13 A. Yes, I taught at Keele University in the Russian studies
14 department.

15 Q. How long were you there for?

16 A. Until 1984.

17 Q. Where did you go then?

18 A. I then went to the London School of Slavonic and East
19 European Studies.

20 Q. Then how long did you stay at that institution?

21 A. I stayed there until 1998 when I moved to Oxford.

22 Q. What was the cause of your moving to Oxford?

23 A. Well, I disapproved of the strategy of my institution to
24 such an extent that I thought the finances would lead us
25 to ruin, so I applied to escape. I became a refugee.

1 Q. For those of us with a Cambridge background, one might
2 say you defected to the West.

3 At any rate, you obtained an appointment at
4 Oxford University, and did you subsequently become
5 a professor there?

6 A. I did, yes.

7 Q. Professor of Russian history?

8 A. Indeed.

9 Q. You remained in Oxford with that formal title until the
10 beginning of 2014, I think?

11 A. That's correct.

12 Q. Then you retired from teaching at that stage?

13 A. I have indeed retired from teaching. I still run
14 a seminar course there -- sorry, an evening seminar
15 lecture -- and lecture series, but I'm now an emeritus
16 professor there.

17 Q. You also have an appointment, I think, at one of the
18 American universities, is that right?

19 A. Yes.

20 Q. Where is that?

21 A. That's at Stanford. I'm a senior fellow at the Hoover
22 institution at Stanford University.

23 Q. How long have you held that appointment?

24 A. Well, under various disguises and titles, since 2004.

25 Q. In addition to teaching, is it right that you've also

1 written a great deal on the subject of Russia and
2 Russian history?

3 A. Yes.

4 Q. Your field of expertise covers the whole era, I think
5 from the mid-19th century, is that right?

6 A. From the late 19th century to the present day.

7 Q. So you've written books about all of that period,
8 focusing obviously on individual subjects, but
9 throughout that period, is that right?

10 A. Yes, that's correct, yes.

11 Q. You've also given many presentations and lectures on
12 these subjects, is that right?

13 A. Yes.

14 Q. Is it right that in 2011, you were also asked to be an
15 expert witness in another case which was quite high
16 profile?

17 A. Yes, that's correct, the Berezovsky v Abramovich trial.

18 Q. Is it right that you're also a broadcaster?

19 A. Yes, I've frequently broadcasted, yes.

20 Q. You also write for the print media?

21 A. Yes.

22 Q. We can see details of this set out in the first section
23 of your report, can't we?

24 A. Yes.

25 Q. Can I please then have up on the screen the second --

1 THE CHAIRMAN: I should say, Professor, that I've had the
2 considerable benefit of having read the current edition
3 of your history -- the Penguin history of Russia.

4 A. That's very good to hear.

5 MR TAM: Professor, can we have a look, please, at the
6 second page of your report. For those of us with
7 screens it's 019147. The top half of the page is your
8 CV; it's the second half of the page that I want to just
9 draw your attention to.

10 Do you here set out the instructions that you
11 received from Mr Smith, the solicitor to the Inquiry?

12 A. Yes.

13 Q. Setting out the topics on which you've been asked to try
14 to help us, and we've got the first three of those set
15 out on the screen there, and then if we go over to the
16 next page, please, do we see the balance of those eight
17 points that you were asked to deal with?

18 A. Yes.

19 Q. You've tried, haven't you, to assist us as best you can
20 on those topics?

21 A. Yes.

22 Q. I think it would be fair to say that in your report, you
23 don't cover them strictly in this order, but you've
24 dealt with the topics in an order which appeared to you
25 to be logical?

1 A. Yes.

2 Q. It broadly follows the scheme but not exactly and not
3 slavishly?

4 A. I think that's a fair comment.

5 Q. Would it be fair to say that you have prepared this
6 report -- in fact both of these reports -- from the
7 point of view of a scholar in this area rather than as
8 somebody who has specific knowledge about the evidence
9 that the Inquiry has seen and heard?

10 A. That's correct, I've followed most of the transcripts,
11 but obviously I'm not an expert on chemistry.

12 Q. Does that mean that you have now seen the evidence
13 that's been given that is relevant to the issues on
14 which you've been asked to help us?

15 A. Yes, I have looked at most of it, I think.

16 Q. In the introductory statement that then follows, you
17 confirm that you've approached this in the proper way as
18 an expert witness. We can see what you set out there.
19 Then you go on -- the heading is at the very bottom
20 of the page, "Limits of sources", but you go on to
21 a section in which you emphasise the difficulties that
22 there are in reaching any firm conclusions about some of
23 the matters in issue because of a lack of information,
24 is that right?

25 A. Yes.

1 Q. At paragraph 9, we can see there on the top of the page,
2 the page numbered 4, you have drawn attention to the
3 fact that public access to information about Russian
4 politics has undergone a severe constriction since
5 Mr Putin became the president in the year 2000, and you
6 draw attention, don't you, to the fact that that's
7 a marked contrast to the years that immediately preceded
8 his rise to power?

9 A. Yes. From about 1986 to 1987, through to the end of the
10 century, there was an opening of the information
11 channels which then was followed by a constriction of
12 those same channels when Putin came to power.

13 Q. When the first change came about, that's to say when
14 more information became available, who was in power at
15 that time?

16 A. Well, the big change came with the accession to power of
17 Gorbachev and the policy of glasnost, which involved the
18 ventilation of important and difficult public matters
19 that had previously been kept secret, so that the Soviet
20 Union was awash with an abundance of public information
21 in a way that hadn't ever taken place since the days of
22 the revolution in 1917, and that continued through the
23 1990s after the fall of the Soviet Union.

24 So the political system leaked like a sieve from the
25 middle of the 1980s through to the end of the century.

1 Q. You use the phrase "leaked like a sieve". Can I ask you
2 this. For those of us who don't speak Russian, the word
3 "glasnost" which was frequently used in the West, what
4 does that translate as?

5 A. Well, it's a word that is hardly translatable. It
6 actually isn't a Soviet invention. It can be traced
7 back to the 19th century. It's used even in Tsarist
8 governmental parlance and it essentially means the
9 accessibility for the public to information that is
10 being normally and officially secreted by the
11 government.

12 Wider than that, it involves an idea about the
13 ventilation, the public ventilation, of discussion and
14 enquiry into matters of public importance. So it's not
15 the same as our idea of, let's say, legal frameworks of
16 freedom of information law. It's a big idea about the
17 freedom of the public to have access to matters that
18 concern their lives and to the lives and activities of
19 their politicians.

20 Q. I think that sometimes the single English word
21 "transparency" has been used as a translation of the
22 word "glasnost". Have you seen that being done?

23 A. I've seen that, and it doesn't quite get the Russian
24 flavour of glasnost which is related to the word golos,
25 which is voice. Glasnost is noisy, noisy transparency.

1 It's hard to stress too vividly how important this was
2 to Russians in the Soviet Union, the idea that at last
3 they could talk about dead soldiers in Afghanistan or
4 the wives of Kremlin leaders or the factional battles
5 inside the Kremlin or the corrupt activities of
6 politburo members. That was a breach with everything
7 that had happened in the preceding decades, and a lot of
8 that, since the year 2000, has been clamped down on, not
9 entirely, but the contrast is quite drastic, and that's
10 what I was trying to get across in my report, that
11 actually what we have -- I know you're going to come on
12 to this -- but what we have access to is now so much
13 less than what it was between 1986 and 1987 and the year
14 2000.

15 Q. That change has been a deliberate policy change, has it?

16 A. It's undoubtedly a deliberate policy change, yes.

17 Q. Because in paragraph 12 at the bottom of this page, you
18 refer to politicians maintaining habits of discretion
19 even after leaving office:

20 "This did not happen accidentally or naturally."

21 A. Yes.

22 Q. Was it a policy change then that was not only a decision
23 made that this is how people should behave, but is
24 somehow enforced by those who are in power?

25 A. It's probably comparable to the way that

1 Sir Alex Ferguson ran Manchester United football club.
2 All the players know what the rules are. He doesn't
3 have to go to the media and explain how he is running
4 the club. Everyone knows that the boss has a particular
5 abhorrence of talking out of the portals of the team.

6 Q. The effect of that for scholars such as yourself is that
7 it becomes very difficult to work out what is actually
8 going on.

9 A. It has become a lot more difficult and we are now more
10 often using the old pre-1985 techniques of Kremlinology
11 than we ever needed to do in the late 1980s and all
12 through the 1990s.

13 Q. When you say the techniques of Kremlinology, what sort
14 of techniques are you talking about?

15 A. Well, techniques such as who is standing next to Putin,
16 who is left in Moscow when Putin goes on holiday, how
17 long was it since the last appearance on television of
18 Vladimir Putin; this has been a matter in the Moscow
19 media and in the London press only this week. That sort
20 of set of procedures that are the next best thing,
21 whereas in the late 1980s and through the 1990s,
22 ministers were arguing with each other in public. The
23 Congress of People's Deputies, which was the big
24 Parliament that Gorbachev set up in the late 1980s saw
25 minister arguing with minister openly and this was

1 televised, often live, on the main Moscow TV channels,
2 so that politics became a spectator sport.

3 Q. It sounds from the way you describe it like we're almost
4 back to the days of trying to work things out from who's
5 been airbrushed out of official photos.

6 A. Certainly a lot of airbrushing does go on with photos
7 now, when the president appears with wild animals in
8 Siberia, so the techniques of magazine photography are
9 really quite refined in the Moscow media at the moment.
10 I wouldn't say that anything like the extremes of the
11 Stalin era have returned, though, whereby someone is in
12 a photograph standing next to Stalin one day and then
13 the next day he's not on the photograph. That is not
14 happening so far as I know.

15 Q. Does that mean, then, that you sometimes have to try to
16 draw inferences simply from who is at an event?

17 A. Who is at an event is important. Who has replaced whom
18 in a particular ministry and what hints are there about
19 the new minister's policy in comparison with the old
20 minister's policies. This, for example, was important
21 when Alexander Kudrin, who was a quite sober finance
22 minister, stepped down from the finance ministry in
23 2011.

24 Q. That lack of information and resort to these techniques
25 of -- effectively of inference must make it much more

1 difficult to be confident about the conclusions that you
2 or any commentator can reach.

3 A. Yes, and it's not just a matter of policy. It's also
4 a matter of political relationships. The blanket of
5 near secrecy affects both policy discussions and the way
6 that one politician interacts with another politician.
7 The Kremlin is much more of a closed castle in our
8 century than it was in the last 15 years of the previous
9 century.

10 Q. In terms of the effect on what scholars and commentators
11 in the West have to say, does the need to resort to
12 these techniques of drawing inferences from fragments of
13 information mean that there is greater scope for
14 a divergence of views between commentators?

15 A. I think it's fair to say that there was always
16 a divergence of view even when there was a lot of
17 information, because whether you have little information
18 or a lot of information, you can still disagree, and,
19 for example, in the Gorbachev years, was he a realistic
20 reformer or someone who was leading the USSR to its
21 termination point, that was always a debate that went
22 on; or under Boris Yeltsin, are his reforms the best
23 that can be achieved in the given circumstances or does
24 his personal contribution -- he was notoriously drunk
25 and ill for much of the time -- does that affect what is

1 achievable?

2 So I think there's always going to be a good deal of
3 controversy in regard to Russian politics.

4 Q. At least if there's a lot of information around, you can
5 look critically at the information that any individual
6 commentator has relied on to base their conclusions?

7 A. Yes.

8 Q. If there's an absence of information, does it follow
9 that it's more difficult to work out who is more likely
10 to be right and who is just guessing in the absence of
11 information?

12 A. That's undoubtedly true.

13 Q. It's right, isn't it, that in this current approach of
14 secrecy, there has been one notable exception when
15 a politician left government and has talked relatively
16 openly about the things that went on.

17 A. Yes.

18 Q. And that's, I think, Mr Kasyanov?

19 A. Yes.

20 Q. Who was Mr Putin's first prime minister after his
21 election?

22 A. Yes.

23 Q. We'll come back to him and what he said, but he is an
24 exception but one of the few exceptions to this
25 approach, isn't he?

1 A. Yes, one of -- I think his -- and his book is not
2 a straightforward book of memoir; it is a series of
3 interviews that he gave so that his book -- in Russian
4 it's Bez Putina, Without Putin, his book is really very,
5 very unusual indeed. So the code of secrecy has been
6 observed to that extent.

7 Q. Scholars like yourself and other commentators obviously
8 have access to the information that's publicly
9 available. Do you know if many of them have the luxury
10 of talking directly to people in Russia who would
11 personally know the workings of the system and know
12 things that are, as far as the public is concerned,
13 things that ought to be kept secret?

14 A. I know of several colleagues who regularly interview
15 politicians who are members of the State Duma. I know
16 of colleagues who have interviewed ministers, but I know
17 of no Western colleague who has had access to the very
18 apex of power under President Putin.

19 So it's the very top -- it's the apex of the pyramid
20 we're talking about. That has been effectively barred
21 off from the rest of the pyramid, and that was the point
22 I was driving at in my report, and that's what's so
23 unusual about Kasyanov's book because he actually brings
24 into play his account of the division of labour between
25 himself and President Putin.

1 Kasyanov, I ought to say, was the Prime Minister
2 from 2000 to 2004.

3 Q. Thank you. The next section of your report which we see
4 at page 5 of your report, it's 150 on the screens,
5 refers to the debate on the Putin administration, and,
6 as we've touched on, the fact that there's a wide range
7 of thought among well-informed commentators; and in fact
8 just generally the study of history, of political
9 history is really like that anyway, isn't it, not just
10 to do with Russia?

11 A. Yes, you expect historians to fight over the bones of
12 historical episodes and this is no exception.

13 Q. What you've done in this section of the report is to
14 identify the various broad -- perhaps not schools of
15 thought but various broad approaches that different
16 groups of commentators have taken, is that right?

17 A. That's correct, yes.

18 Q. At paragraph 14 you've identified one extreme, we see
19 there in the third line of that paragraph, the depiction
20 of Mr Putin almost as the evil dwarf who operates from
21 his secret cave and controls every minute step taken by
22 his robotic minions?

23 A. Yes.

24 Q. It's very graphic language to illustrate a particular
25 concept, isn't it? It's a view which, at the extreme,

1 could be taken as we're now just back to how things were
2 in the Soviet Union and nothing has changed?

3 A. Yes, I think there's a lot -- especially in the media,
4 but also in scholarly contributions too, that's one of
5 the images that is put forward.

6 Q. At paragraph 15, you've identified as a prominent early
7 advocate of this point of view, Mr Felshtinsky from whom
8 we heard a few days ago.

9 A. Yes.

10 Q. But he's not the only person in this camp, is he?

11 A. Not at all.

12 Q. Halfway through paragraph 15 in relation to this group
13 or the people who take this approach, you say that their
14 work is characterised by careful reliable investigation
15 of evidence and it is to their merit that they have
16 exposed abuses of power in the Kremlin. You would stand
17 by that view, would you?

18 A. Very definitely. They have done terrific work in
19 digging out provable cases of abuse of power.

20 Q. What you then go on to say is that:

21 "Where they have attracted controversy is in their
22 general analysis of high politics. None has given undue
23 credit -- or indeed any credit at all -- to Putin for
24 any feature of his rule."

25 A. Yes.

1 Q. You think this is a group that tends to accentuate the
2 negative and fails to see the positive?

3 A. This is correct. They're like a group of gladiators on
4 one side of the debate, and to that group has been
5 added, since I wrote this report, the contribution of
6 Karen Dawisha, whose book Putin's Kleptocracy is
7 probably the most detailed denunciation of the Putin
8 administration that has yet come to light.

9 Q. You've referred to her book in your supplemental report,
10 and that's a book which we have seen extracts from
11 during the course of the evidence, so you would put her
12 into this group of people who have done a lot of good
13 work to expose bad things?

14 A. Yes.

15 Q. But don't give enough credit to Mr Putin for things he's
16 done which have not been bad?

17 A. I would -- I think they have -- I take a very dim view
18 of Vladimir Putin, very, very dim view of
19 Vladimir Putin, but I feel that some of this work that
20 we're talking about now concentrates on one particular
21 sector of public affairs in Russia to the exclusion of
22 others, so that there's not a rounded, comprehensive
23 portrait being offered, and this is partly because of
24 what's happened to scholarly work on Russia in recent
25 years, namely a compartmentalisation of attention.

1 What was much more prevalent in the late 1980s was
2 a willingness to bring everything together and to see
3 the Soviet Union in the round, but now we have scholarly
4 specialists on crime, on politics, on economics, on
5 sociology, who barely relate to each other, which is
6 a defect of our institutional encouragement to scholars
7 to write narrow monographs and avoid offering a big
8 picture.

9 Q. If somebody wants to get the big picture and get a view
10 in the round, they have to remember that when they read
11 one particular author or one particular book, that
12 they're only getting one piece of a jigsaw, is that
13 right?

14 A. I think that's absolutely the case. My only reservation
15 about what you've just put to me would be that it
16 doesn't mean that one has to drop one's negative
17 judgment on President Putin if one insists that Russian
18 politics is much more complex and broader than as
19 presented, say, in the works of some of these scholars
20 that we've been talking about.

21 Q. Just two questions before I leave this group. The first
22 is this: Mr Bukovsky gave evidence to us earlier this
23 week. His views seemed to fall within this group as
24 well.

25 A. Yes.

1 Q. The second thing is just to ask you about one word which
2 you used in paragraph 15 at the end of the fifth line
3 there, it's the word "corroborated", you see that
4 Mr Felshtinsky wrote a book and then in the fifth line:

5 "... in recent years, his kind of analysis has been
6 corroborated by Mr Lucas and Masha Gessen."

7 A. Yes.

8 Q. I want to ask you about the word "corroborated". We in
9 the law have a technical meaning for that. Can you just
10 tell us in what sense do you use the word corroborated?

11 A. If I tell you, will you tell me?

12 Q. It's a deal.

13 A. I just use it in a loose pseudo-scholarly fashion to say
14 that he's supplying a supportive analysis to the kind of
15 analysis that Felshtinsky --

16 Q. So these writers support what Mr Felshtinsky say or
17 agree with him?

18 A. Yes.

19 Q. And add to the body of work in this camp?

20 THE CHAIRMAN: So your response to that challenge, Mr Tam?

21 A. There's no getting away from it now.

22 MR TAM: I'll be corrected if I'm wrong, but we lawyers use
23 the word corroborated to indicate a situation where
24 there's independent evidence to support or confirm
25 a particular proposition. Is that the sense in which

1 you've used the word there?

2 A. Not confirm, but support, yes, I think Edward Lucas' and
3 Masha Gessen's books give support to the kind of
4 analysis that Felshtinsky and Alexander Litvinenko
5 proposed at the beginning of the century.

6 Q. Thank you. At the bottom of this page, paragraph 16,
7 you describe the people at the other end of the spectrum
8 who you say paint a more sympathetic portrait of
9 Mr Putin.

10 A. Yes.

11 Q. They are swimming against a tide and then they propose,
12 and if we go to the top of the next page, they:

13 "... propose the need to recognise that Putin as
14 president has had to face more objective political and
15 economic difficulties and that not all of them are of
16 his making."

17 First of all, do you agree that Mr Putin has had to
18 face political and economic difficulties and not all of
19 them are of his making?

20 A. Yes, I think that -- you're asking my opinion, my own
21 opinion, rather than --

22 Q. Yes, about whether or not Mr Putin has had to face
23 external difficulties.

24 A. Yes, I think the whole of the history of Russia in the
25 20th century shows that even the biggest jailers of the

1 system, such as Joseph Stalin or Vladimir Lenin, were
2 also prisoners of the same system, so that there were
3 always constraints on the freedom of action of dynamic
4 dictators, and actually that is probably true of most
5 dictatorships, that the appearance of a space of total
6 free will for the dictator to do exactly what he wants
7 when he wants to do it is illusory.

8 Now, the greatest example of this is Stalin's Great
9 Terror from 1937 to 1938 when millions of people were
10 thrown into the gulag or brutally executed. That system
11 could not be repeated ad infinitum without breaking up
12 the entire state, so that some compromises had to be
13 accepted by even Joseph Stalin for him to achieve his
14 other directives; so that coming back to the years of
15 Putin's rule, Putin has had to operate under the
16 pressure of needing to satisfy key groups in the
17 population if he was to sustain his power.

18 He in particular has to guarantee a minimal standard
19 of living to most Russians, notwithstanding the fact
20 that he can fiddle the elections, notwithstanding the
21 continual emasculation of electoral regularity, it is
22 still the case that he realistically has to accommodate
23 his policies to certain basic popular needs, and he also
24 has to accommodate himself to political pressures inside
25 the federal assembly, particularly within the

1 State Duma; and I think I itemise at some point how
2 difficult he found it to deal with certain -- or to push
3 through certain reforms that he wanted in the economy in
4 his first presidential term.

5 So he's by no means a leader who has total freedom
6 in what he does.

7 The third pressure on him is the elite, that tiny
8 elite, that surrounds him. Having put together this
9 elite which is motivated more by secret service
10 background and attitudes than was the case of the elite
11 around Boris Yeltsin, he cannot afford, easily afford,
12 to break with that set of attitudes that they all share.

13 So to that extent he's, in all those three
14 dimensions, he's a ruler who is always under pressure.
15 It's not easy to rule Russia. It is not an easy country
16 to be a dictator of.

17 Q. Are these points that you make on the next page of your
18 report on page 7 at paragraphs 20 to 22?

19 A. Yes.

20 Q. Mr Sakwa and Mr Chaisty you draw attention to first, and
21 in that paragraph, indeed, you're referring to the
22 country being difficult to rule.

23 A. Yes.

24 Q. Then at paragraph 22, the examples I think you were
25 thinking of, of Mr Putin finding it difficult to get

1 everything that he wanted through and into effect, is
2 that right?

3 A. That's correct.

4 Q. Can I just ask you, picking up on what you say about the
5 elite around Mr Putin that he has to satisfy. Some
6 people might characterise that as this elite of people
7 with -- or often with security service backgrounds
8 telling Putin what to do so that Putin is actually their
9 puppet rather than him being their ruler. Is that
10 a characterisation that you think has any merit?

11 A. That's one of those known unknowns about which I talk
12 elsewhere in the report. We simply do not know how
13 Putin reacted to what Patrushev, the director of the
14 FSB, wanted to do at any given time. We just do not
15 have that information.

16 The contrast here is with the Gorbachev years when
17 the KGB chairman, Kryuchkov, published several volumes
18 of memoirs and where his deputies also published their
19 memoirs and the contrast is also with the Yeltsin years
20 where Yeltsin's personal bodyguard, Alexander Korzhakov,
21 published an extraordinary set of revelations about his
22 disagreements with Yeltsin and with the Yeltsin
23 entourage.

24 Now, we just do not have that information about
25 Patrushev.

1 Q. If there are people in the West who say: Putin tells
2 Patrushev what to do or Patrushev tells Putin what to
3 do; do you really think they are just in effect
4 guessing?

5 A. I think they are just guessing. Obviously -- I mean,
6 it's important to -- it seems to me it's important to
7 recognise what is sayable with provability as distinct
8 from what is sensible speculation. I think it's
9 extremely doubtful that Putin takes his orders from
10 Patrushev rather than the other way round, but that's my
11 personal opinion, based upon circumstantial evidence and
12 historical intuition.

13 Q. Do you think that anybody who is approaching this
14 responsibly and who wants to voice an opinion like that
15 ought to say: this is my personal opinion, but I can't
16 prove it.

17 A. I do, and in several of the books that have been written
18 about Soviet history -- sorry, Russian history in the
19 years since the turn of the century, too often it is the
20 case that authors have said: this is traceable back to
21 Putin; when the reality is that this is possible but
22 it's not yet knowable.

23 It will be knowable eventually, it always is. We
24 now know a lot of what we needed to know for decades
25 about even Joseph Stalin. So I am confident that one

1 day we will know about Putin, but it will be too late
2 then, it will just be a matter for historians and not
3 for people engaged in public affairs.

4 Q. I just want to complete our look at this section. Could
5 we go back one page, please, to 151. It's right, isn't
6 it, that at paragraphs 17 and 18 you're dealing there
7 with this group of commentators that's more sympathetic
8 to Mr Putin?

9 A. Yes.

10 Q. But even amongst them, I think we can see from
11 paragraph 18, even amongst them there are differences
12 between them as to how far they go in trying to explain
13 or even excuse what Mr Putin does, is that a fair
14 summary?

15 A. Yes. I think it would be fair to say that both of the
16 people that I picked out, Stephen Cohen who is an
17 American professor and Mary Dejevsky who is a newspaper
18 columnist, they do tend to take the negative negative
19 view. That is to say they insist that in the absence of
20 evidence, we shouldn't assume the worst about Putin, and
21 they attack the negative judgments on Putin by the
22 school of thinking that we were talking about a few
23 moments ago.

24 Q. If the overall tenor of what they write appears to be
25 positive or favourable towards Mr Putin, some people

1 might characterise them as being Putin apologists.

2 Would that be a fair description of their approach, do
3 you think?

4 A. Well, I wouldn't like to go that far. I think they are
5 trying to oppose the unfavourable and hostile view.
6 They, neither of them, have yet offered a summary of
7 what their view is in substantive terms.

8 I think it would be a very difficult summary to
9 offer, and that's why I think they have largely
10 preferred to offer a negative negative view.

11 Q. Is it along the lines of: we don't have any evidence
12 against Mr Putin, and therefore we should give him the
13 benefit of the doubt. Is that more their approach?

14 A. That is, for example, the approach taken by
15 Mary Dejevsky in relation to the murder of
16 Alexander Litvinenko, as I understand it.

17 Q. Then finally can we just have a look at the bottom of
18 the page, paragraph 19, this is a paragraph where you
19 describe a group of writers in the middle ground.

20 A. Yes.

21 Q. Who recognised that there are things about Mr Putin that
22 are very unattractive and unfavourable?

23 A. Yes.

24 Q. But also that there are things that he has to work with,
25 and that there are some good things that he has in fact

1 done, and this is a section that goes on into the
2 following page, paragraphs 20 to 22, which we looked at
3 a moment ago?

4 A. Yes.

5 Q. It's right, isn't it, that that approach is one which
6 you share in broad terms?

7 A. I do. I would probably not find as many good things as
8 some of them have found, but generally speaking, I feel
9 that they are right to say that the spectrum of public
10 affairs is broader than that which is identified by the
11 group of people that we were talking at.

12 Q. The Felshtinsky --

13 A. The Felshtinsky school of thought, yes.

14 Q. Thank you. At the bottom of this page, there's a long
15 section where you describe features of Mr Putin holding
16 the office of the presidency. You start this section by
17 referring to the suspicions about his collusion in the
18 darker activities of the security agencies, beginning
19 with the bombings of the apartment blocks in Moscow and
20 elsewhere in 1999, even before he had become president.

21 A. Yes.

22 Q. We know that that was one of Mr Litvinenko's central
23 interests.

24 A. Yes.

25 Q. On the next page in paragraph 24, you say that the

1 hypothesis -- that's to say the hypothesis that this
2 burst of apparent terrorist activity was actually
3 perpetrated by the FSB, has never been disproved?

4 A. That's correct. The Felshtinsky and Litvinenko book
5 piled up the evidence pointing a very damaging finger at
6 the FSB and its involvement in those explosions.

7 Q. But it's never quite been proved either, has it?

8 A. It has not yet been proved 100 per cent.

9 Q. At the bottom of that page, you then go on to talk about
10 the relationships between President Yeltsin and the
11 oligarchs.

12 A. Yes.

13 Q. And then Mr Putin's succession to that system.

14 A. Yes.

15 Q. Do you see that?

16 A. Yes.

17 Q. If we go to the top of the next page, the end of that
18 paragraph, you say there that the suggestion that the
19 oligarchs were Russia's real rulers and that Mr Yeltsin
20 was their puppet was always an exaggeration?

21 A. Yes. I would say a falsification.

22 Q. A falsification?

23 A. I think that the word "oligarch" ought to be banished
24 from English usage when applied to Boris Berezovsky. It
25 implies a degree of subordination of the politician to

1 the businessman that is a gross emasculation of the
2 reality in the 1990s.

3 Q. But they undoubtedly had an enormous amount of
4 influence?

5 A. They had an enormous amount of influence, just as they
6 do in most market economy systems of power.

7 Q. In the next paragraph, in paragraph 28, you then talk
8 about what happened when Mr Putin became president.

9 A. Yes.

10 Q. Would it be a fair summary to say that with the demise
11 of those we know as the oligarchs, that Mr Putin
12 promoted individuals, many of whom have links to
13 security agencies?

14 A. That's correct.

15 Q. In a sense that these people, the siloviki, replaced the
16 oligarchs as the people with influence?

17 A. Yes. There were siloviki in power under Boris Yeltsin,
18 but a larger proportion of siloviki were at the apex of
19 power and have remained at the apex of power and
20 increasingly at the apex of business, big business in
21 Russia, since Putin came to power.

22 Q. You point out in the second half of that paragraph that
23 Mr Putin did also turn to economic liberals like
24 Mr Kasyanov who we've mentioned before, and Mr Kudrin
25 who you mentioned as well at that stage?

1 A. Yes.

2 Q. Can I then please go on to the next page? I'm not going
3 to talk about every part of this long section, but
4 can I draw attention to paragraph 32, please. This is
5 where you deal with what Mr Kasyanov had to say after he
6 left government, is that right?

7 A. Yes.

8 Q. You've quoted from that book of interviews something
9 that Mr Kasyanov recounted about an agreement when he
10 was appointed Prime Minister, is that right? We can see
11 there:

12 "From his side [Mr Kasyanov said] there was just
13 a single condition, which was that I should never stray
14 on to his turf. The presidential turf consisted of the
15 coercive structures and internal politics. Internal
16 politics lay above all in interaction with political
17 parties and work with the regions.

18 "At that time in our first conversation, Putin
19 referred to everything we agreed as a 'contract'. By
20 the way on the day I was fired I reminded him that on my
21 side I had fulfilled that contract to the full."

22 A. Yes.

23 Q. Mr Putin appeared to agree with that assertion, didn't
24 he, because he offered Mr Kasyanov some powerful
25 positions instead of being prime minister?

1 A. Yes.

2 Q. But Mr Kasyanov turned those down?

3 A. Yes.

4 Q. If we go on to the next page, then, please --

5 A. I mean, if I could just interject, sorry to interject --

6 Q. Not at all.

7 A. -- this, I think, is one of the most extraordinary
8 documentations of the interplay of political power
9 within that secret apex that we were talking about that
10 I know of. There's so little of comparable value. And
11 that is something published only in 2009, I think, and
12 it's so unusual.

13 Q. After Mr Kasyanov left the office of Prime Minister, he
14 was offered these other posts, and in paragraph 35, do
15 we see what he had to say about his removal? I need to
16 ask you one question about this first sentence:

17 "... Kasyanov contends that Putin had always been
18 uneasy about his efforts to restrain the zeal for
19 violent methods of political stabilisation."

20 When you say "his efforts", whose efforts were you
21 referring to there? Was it Kasyanov's or was it
22 Putin's?

23 A. Kasyanov's. Kasyanov in his own account tried to hold
24 Putin back from being in Kasyanov's opinion excessively
25 repressive. Kasyanov took the view that the rule of law

1 and the open market supplied the path to the desirable
2 Russian future and he wasn't convinced that Putin fully
3 understood this.

4 Putin kept him in place, kept Kudrin, the finance
5 minister in place also, so that there was a part of
6 Putin's early thinking that shared this vision, but he
7 also moved heavily against business people with his own
8 political objectives, and Kasyanov objected to that and
9 had no success in restraining Putin.

10 THE CHAIRMAN: Not least because that fell on to the Putin
11 side of the contract?

12 A. As Putin saw it, yes.

13 THE CHAIRMAN: As he saw it.

14 A. Yes.

15 THE CHAIRMAN: Could I just ask for some clarification,
16 paragraph 32, Mr Tam, the quotation from Kasyanov, "the
17 presidential turf consisted of the coercive structures",
18 what do you understand that to refer to?

19 A. That's the army, the FSB, the ministry of the interior,
20 internal affairs, primarily those. The armed forces and
21 the security services.

22 THE CHAIRMAN: Security agencies, yes, yes, thank you.

23 MR TAM: If we can look at paragraph 35 again, please, do we
24 see that Kasyanov's account of how he was removed
25 involved Mr Patrushev of the FSB delivering a dossier of

1 denunciations against him and persuading Mr Putin to get
2 rid of him?

3 A. Yes. Well, we're talking about politicians, and they're
4 like ferrets in a sack. They are clawing away at each
5 other, and Kasyanov is not a saint, and he did things
6 that would have agitated any president, by initiating
7 conversations with known enemies of President Putin.

8 He did this under the surveillance of the FSB and
9 Patrushev, as director of the FSB, did not fail to bring
10 this to Putin's attention.

11 So it was pretty predictable that if Kasyanov wanted
12 to be friends with Boris Nemtsov, Nemtsov who was
13 assassinated a couple of weeks ago, that he would fall
14 out eventually and fairly soon, actually, with
15 President Putin.

16 Q. You say in this paragraph that:

17 "For Kasyanov, his ... departure signalled that the
18 siloviki had won the struggle with the economic
19 liberals ..."

20 A. Yes.

21 Q. Do you think that that is a characterisation that is
22 accurate?

23 A. I think they had won one of the crucial battles. The
24 battle wasn't totally lost in as much as Kudrin stayed
25 on until 2011 under both Putin in his second term,

1 President Medvedev in his term, and then resigned when
2 he felt that he had finally lost the struggle.

3 So I think one has to see this as a long, protracted
4 war that was being -- an internal war that was being
5 lost inside the uppermost level of the ruling elite.

6 Q. The consequence of that was that the siloviki were
7 getting more and more influence and that their way of
8 thinking and their approach to dealing with problems
9 would have had more currency within the Kremlin?

10 A. I think in broad terms, that's the judgment one would
11 have to come to.

12 Q. In the last paragraph of this section, which is
13 paragraph 37, the top of the next page you conclude that
14 even then we don't actually know how Mr Putin operated
15 within the sphere he reserved to himself, and I think it
16 is at this point that you say that we just don't know
17 what his relationship is with Mr Patrushev and who takes
18 orders from whom?

19 A. Yes, I think this is a really important point, that
20 I find it convincing that there was a division of labour
21 between Putin and Kasyanov, but it's as if they're two
22 carpenters, and one carpenter has his workshop adjacent
23 to the other carpenter's workshop but never goes into
24 that second workshop. Well, Putin's workshop was closed
25 off to Kasyanov. Kasyanov's testimony is extremely

1 valuable in as much as he says there was a division of
2 labour between the two of us. But Putin never let him
3 into his own workshop.

4 My feeling is that Patrushev didn't ever give orders
5 to Putin. That seems to me most unlikely. But what we
6 really need to know is how much space for operational
7 manoeuvre and strategy designation was Patrushev
8 allowed.

9 And one has to bear in mind that Putin is having to
10 cover the whole range of public affairs. There are only
11 24 hours in the day. There has to be a certain
12 delegation of power for a central state nexus to work
13 effectively so that until we know exactly how they did
14 interrelate, we have no documentation worth talking
15 about at all on this.

16 Q. That's the problem which I think you've said that even
17 Mr Stalin had, that he only had 24 hours in the day and
18 he couldn't decide everything.

19 A. Yes.

20 Q. As far as FSB operations are concerned, with that
21 absence of knowledge, does it follow that we don't know
22 whether all operational decisions might have been left
23 to Mr Patrushev with just strategic direction being
24 given by Mr Putin, or whether Mr Putin would have had to
25 have authorised a particular category of operations, or

1 whether there was some other arrangement between them;
2 is that all in a block of known unknowns?

3 A. I don't know of any book or article that has elucidated
4 this matter. We can only form sensible guess judgments
5 on this.

6 As I've said before, I don't think Putin will have
7 failed to exercise some general oversight about what the
8 FSB was doing, but exactly what in practical detail he
9 did from day to day or month to month we simply don't
10 know.

11 Q. Thank you. The next section of your report is quite
12 a long one, but I don't think I need to deal with much
13 of the detail from it because we can take it from what
14 you've written. It's headed "Policy and attitude", and
15 it's a section dealing with political pluralism, which
16 is, I think, one of the phrases for this, and criticism
17 and discussion in public, isn't it?

18 A. Yes.

19 Q. You have set out here quite a lot about the way in which
20 Mr Putin has controlled the electoral process?

21 A. Yes.

22 Q. And subverted that to a large extent?

23 A. Mm-hmm.

24 Q. And also the way in which he has put pressure on
25 journalists and controlled what they have had to say,

1 and also you set out a selection of some of his views
2 about traitors to the Russian state.

3 A. Yes.

4 Q. Then at paragraphs 47 and 48, you also quote from other
5 people. This is page 19160 for the screen, page 15 of
6 the paper print.

7 At paragraph 47 there's a quote there from
8 Oleg Kalugin about the KGB's willingness to assassinate
9 people, referring to the Markov case, and at 48 you also
10 mention the approach taken by Mr Patrushev to try and
11 add a sense of historical pride to the FSB and to its
12 image, is that right?

13 A. Yes.

14 Q. Then the next section is a section in which you describe
15 in more detail the history of the security agencies
16 after Mr Yeltsin's removal from power, is that right?

17 A. Yes.

18 Q. I just want to ask you about a couple of things here.
19 If we go on to the next page, page 17, or 162 on the
20 screen, paragraph 52, you mention there that:

21 "The FSB gradually achieved precedence over the
22 other security agencies."

23 This is something that we have quite a lot of
24 evidence about. And that:

25 "It is subject to less broadly based control than

1 was the case with the KGB in the Soviet Union ..."

2 A. Yes.

3 Q. Now, can I ask to show you another document, please --

4 A. Can I just interject a point there?

5 Q. Yes, please?

6 A. The control that the KGB was subjected to happened after
7 Stalin's death. Before that, the security agencies were
8 on a par with the party. But from 1953 onwards, the
9 party decisively brought the KGB to political heel.

10 Now, there is no party that does that any longer.

11 It's entirely up to the president to do that, and we
12 don't know to what extent and how the president carries
13 out that task.

14 Q. Right. You remember that when Mr Shvets gave evidence,
15 we touched on this topic with him as well. If I can
16 please ask to have up on the screen INQ016821, just to
17 show you what this is from the first page. This is
18 a witness statement made by Mr Shvets. The context was
19 that he was describing death threats against
20 Mr Berezovsky and analysing the content of them.

21 A. Yes.

22 Q. Most of that's not relevant for present purposes, but
23 can I please go on to 836 on the screen, to the bottom
24 of that page at paragraph 50. He says there:

25 "There is a lot of public information showing that

1 the FSB predecessors assassinated or kidnapped people
2 living in foreign countries."

3 Do you see that?

4 A. Yes.

5 Q. Then the last sentence on that page:

6 "Moreover, it is easier for the FSB to assassinate
7 people these days than it was in the Soviet Union. In
8 the Soviet Union, in order to assassinate a person
9 living in a foreign country, the KGB had to obtain
10 authorisation from the top Soviet leadership. These
11 days, no such authorisation is needed. Close connection
12 between the FSB and the Russian organised crime is
13 a fact. In this situation, a low level FSB officer can
14 instruct a professional criminal to kill anybody in the
15 UK, and it will be done without any paper trail and
16 visible FSB connection. Given the almost pathological
17 importance given to Boris Berezovsky by the Russian
18 leadership and security services, it is not far-fetched
19 to say that he can be easily assassinated in Britain and
20 the blame would be put on the Chechens. This is
21 a devilish threat on the part of the FSB and it should
22 be taken very seriously."

23 The first part of that, about the Soviet Union
24 requiring authorisation from the top Soviet leadership,
25 that is something you would agree with, isn't it?

1 A. Could you just repeat that sentence again, please?

2 Q. Yes. Well, let me rephrase the question. The first
3 part of what Mr Shvets is saying here is that in the
4 days of the Soviet Union, to carry out an operation like
5 this, to assassinate somebody abroad, the KGB would have
6 had to obtain authorisation from the top Soviet
7 leadership. Is that broadly something that you would --

8 A. I don't know what his evidence is for that.

9 Q. Well, he was a KGB officer himself, of course, for ten
10 years, and publicly states that. So he might have
11 personal knowledge of it.

12 A. Yes, well, it would be good if he could adduce the
13 documentation that would corroborate that statement.

14 Q. Bur at any rate we can see from what Mr Shvets says, he
15 says:

16 "These days, no such authorisation is needed."

17 Now, leaving aside whether or not that is
18 technically in itself true, that sentiment, which is
19 that there's less control today of the FSB than there
20 was of the KGB in the days of the Soviet Union, is that
21 at least something you would broadly agree with?

22 A. Yes, the broad point that the FSB is subject to less
23 formal control, I entirely agree with, but those
24 statements there are assertions and not backed up by any
25 illustrative material that would lead me to want to say

1 that I agree with them.

2 I don't know if it really is true that the KGB
3 always, always had to have authorisation for
4 assassinations abroad. I would have thought in the case
5 of really important public figures that's probably true,
6 but I've never seen a document to the effect that this
7 regulation was in force, as distinct from the large
8 amount of documentation, from 1953 onwards, confirming
9 the need for the KGB to respect the supreme authority of
10 the party, and that relationship was enforced by having
11 a party man such as Yuri Andropov, brought in to head
12 the KGB, and some of his predecessors followed the same
13 pattern of appointment.

14 So I think this is a passage which may or may not be
15 true, but I would like it to be proved.

16 Q. The sentiment about the change in the need for control
17 is something that you do agree with?

18 A. Yes, I do.

19 Q. And also the rest of that, about the connection between
20 the FSB and Russian organised crime, is something that
21 you also deal with in the remainder of the section of
22 the report we've been looking at, going up to
23 paragraph 56.

24 A. Yes.

25 MR TAM: Professor Service, I think it is probably time that

1 we take a short break. If that would be a convenient
2 moment?

3 THE CHAIRMAN: It would, yes, thank you.

4 (11.21 am)

5 (A short break)

6 (11.31 am)

7 MR TAM: Thank you, sir. Professor, can I turn to the next
8 section of your report, please. We are, for the screen,
9 on 019163, please. It's page 18 of the report. At the
10 bottom of that page, the next section is political
11 killings, 1999-2005, and you very helpfully set out
12 a catalogue of a number of killings during that period,
13 and it's right, isn't it, that what you set out here can
14 be sourced to verifiable documents?

15 A. Mm-hmm, yes.

16 Q. So we can see that, and I hope you won't take it as
17 disrespectful if I then leave that for us to read and
18 analyse.

19 A. Yes.

20 Q. The next section, which is on 019165, dealings with
21 the July 2006 legal amendment. This is actually a pair
22 of legal amendments, wasn't it? The first in March of
23 2006, which you point out there at paragraph 64, which
24 amended the concept of terrorism, and on the next page
25 do we see in 66 you set out a long list of things which

1 were added to the definition of "extremism"?

2 A. Yes.

3 Q. In the next paragraph, 67, which is the top of the
4 following page, you point out that:

5 "The amendment is a mere listing of categories
6 rather than a careful legislative definition. The
7 language is extravagantly vague ..."

8 We'll be able to look at that and get a view about
9 that.

10 Then in paragraph 68, you go on to deal with
11 the July 2006 legislation, which is said to allow the
12 Russian special services to take violent action overseas
13 in pursuit of these terrorists and extremists, and you
14 make some observations there about this legislation, and
15 you've drawn our attention to some commentary about
16 these provisions.

17 A. Yes.

18 Q. Then at paragraph 69 you say:

19 "The amendment did, however, have a political
20 consequence of importance by broadening the spectrum of
21 targets to be pursued by the security agencies. Not
22 only out-and-out terrorists ... but extremists in
23 general, and extremism itself was described only in
24 relation to imprecisely delineated categories of
25 activity."

1 Is it your view that these legal amendments,
2 legislative amendments, had more of a political effect
3 than a strictly legal one?

4 A. Yes, I think that's a fair summary. In legal terms,
5 only one of them related to legal encouragement for
6 taking physical action abroad, but generally taking the
7 two together, the political effect was to engender an
8 environment within the FSB and within public opinion
9 that there was little difference between acting against
10 extremism and acting against terrorism, but legally
11 speaking, there is a distinction, but it's hard to avoid
12 the conclusion that the authorities wanted to fudge that
13 distinction and just create a new feeling for the FSB to
14 feel free to act without constraint.

15 Q. Because even before this, there had been assassinations
16 overseas and some of which you've referred to in the
17 previous section of your report.

18 A. Yes.

19 Q. One notorious case was the one in Qatar where Russian
20 agents were actually arrested and tried?

21 A. That's right.

22 Q. So it was possible even before that?

23 A. Yes.

24 Q. So is what you are saying that this was encouragement or
25 something along those lines to the FSB, that they could

1 continue to do this and perhaps do it more and more
2 often?

3 A. We don't have definite documentation about exactly why
4 President Putin introduced these two legal changes in
5 2006, but we do know that they were introduced to the
6 maximum of publicity, so that it is inconceivable that
7 they were not thought to be important elements in
8 reinforcing support in public opinion for what the
9 authorities wanted to do.

10 Q. In the next section of the report, you deal with events
11 in the year 2006. The first of those in fact actually
12 goes a step back in time to 3 June 2006 when a Russian
13 diplomat was killed in a terrorist attack in Baghdad,
14 and you explain how that formed part of the immediate
15 background to the July 2006 legislative amendment?

16 A. Yes.

17 Q. In paragraph 72, which is on the next page, you also
18 draw attention to the fact that even before the
19 amendment had got through, there had been a killing --
20 or the death of an active organiser of Chechen
21 terrorism, Mr Basaev?

22 A. Yes.

23 Q. The exact circumstances of which remain unclear?

24 A. Yes.

25 Q. Is that right?

1 A. Yes.

2 Q. Then at paragraph 73 you go on to deal
3 with October 2006. It's right, isn't it, that that's
4 a typo in the first line of that paragraph?

5 A. Oh dear, yes. I apologise for that.

6 Q. We've heard quite a lot about the date, and this
7 postdates the legislative amendments?

8 A. Yes.

9 Q. It looks like there had previously been an attempt to
10 poison her, but she was eventually shot dead
11 in October 2006.

12 A. Yes.

13 Q. These are events surrounding the legislative amendments
14 and immediately predating the poisoning of
15 Mr Litvinenko?

16 A. Mm.

17 Q. The next section of your report starting on the next
18 page is the London connection, and in this you describe
19 some of the history of the group of dissenters or
20 opponents of Mr Putin who were in London at this time
21 centred on Mr Berezovsky, and we've heard quite a lot
22 about this group and their relationships.

23 At paragraph 79, though, I just want to ask you
24 something about the beginning of this paragraph. You
25 say that:

1 "Some kind of action by the FSB against Berezovsky
2 and his associates, especially Litvinenko, was made
3 likely by their sustained media campaign against the
4 Putin administration. The form of such action could not
5 be predicted."

6 Do you think that that was something that was made
7 likely by all the things they had done over the years,
8 say from Mr Litvinenko's arrival here in the year 2000?

9 A. I think it was made all the more likely by the campaign
10 that Boris Berezovsky and his associates maintained
11 against President Putin, so Berezovsky was one of those
12 extremely rich men who had made their money in the 1990s
13 in Russia, and then fallen foul of Putin and gone
14 abroad, and not kept silent.

15 So he was the one of those businessmen who fled
16 Russia or were forced out of Russia who continued to
17 make trouble, and the risk he was taking was that he had
18 more opportunity to make trouble in London than he would
19 have done if he'd stayed behind in Moscow. If he'd
20 stayed behind in Moscow, he would have been thrown into
21 prison or probably assassinated, but in London he could
22 say what he wanted and he did so.

23 So he took an enormous risk, and so did those of his
24 associates who did the same.

25 Q. Were those risks there even before the legislative

1 amendments in 2006?

2 A. We simply don't know the extent to which those two
3 amendments affected the operational activity of the FSB.
4 It seems a strong possibility that those amendments
5 opened a channel for the FSB that wasn't as wide
6 beforehand.

7 It may of course be explained by several
8 possibilities. One was that the president insisted on
9 this legislation for political purposes. Another
10 possibility is that Patrushev said he wanted some kind
11 of legal cover for the FSB, but that brings us back to
12 what we were talking about an hour ago, that we do not
13 know the content of conversations between Patrushev and
14 Putin. Not yet.

15 Q. But at any rate the one thing you appear to be in no
16 doubt about is that there was a real risk of this
17 happening at some stage because of what this group was
18 up to here in London?

19 A. Yes, because of the internet, because of the recurrent
20 appearances on TV shows by Boris Berezovsky, he was
21 continuing to throw down a gauntlet to Putin and
22 denounce him in ever more strident terms, so that was
23 a challenge to a duel that he was always going to lose.

24 Q. Thank you. The final paragraph of this section refers
25 to Mr Lugovoy and Mr Kovtun since 2006 and since the

1 poisoning.

2 A. Yes.

3 Q. If we can have a look at that, paragraph 80, it's at the
4 top of the next page.

5 You say:

6 "The careers of Lugovoy and Kovtun since 2006 seem
7 to me unimaginable without high level political
8 approval."

9 It's right, isn't it, I think if you've been
10 following the evidence, I think you will have seen that
11 we know much more about what Mr Lugovoy has done since
12 2006 than about Mr Kovtun.

13 A. Yes.

14 Q. But Mr Lugovoy has attained quite a high profile
15 position, a member of the Duma, and a member of
16 Mr Zhirinovsky's party.

17 A. Yes.

18 Q. Having apparently taken part in an operation that
19 eliminated a man who many in Russia, in particular the
20 Russian government, would have regarded as a traitor --
21 I think we've heard observations about him having
22 deserved his fate -- why do you think it would have
23 needed political approval for Lugovoy to get where he
24 got to? Might not he have been regarded as a popular
25 hero by many anyway and be able to get where he was

1 without having political approval?

2 A. Well, the party that he represents is known as one which
3 criticises the ascendant leadership in the Kremlin in
4 dramatic terms but never seriously resists the policies
5 of that ascendant leadership, and that has been case
6 since the formation of the Liberal-Democratic party back
7 in -- I think I'm right in saying it was 1989.

8 Vladimir Zhirinovsky is still the leader. He
9 politically attacked Gorbachev, then Yeltsin, and then
10 to some extent also Putin. But he's not a serious
11 problem for the leadership in terms of maintaining their
12 dominance, and he doesn't do anything that would
13 drastically affect the stability of the leadership. To
14 that extent, I think that it's reasonable speculation to
15 say that Lugovoy has endorsement outside his own party,
16 the Liberal-Democratic party, and inside the Kremlin.

17 Q. Do we take from that that the party itself is a party
18 which is in effect tolerated by the Kremlin?

19 A. Yes, and it's a useful party because rough and ruthless
20 and self-seeking as Putin's party is in Russia, it
21 appears quite civilised and cultured and preferable
22 alongside the Liberal-Democratic party of
23 Vladimir Zhirinovsky.

24 Q. Is it a possible explanation that Mr Zhirinovsky's party
25 is tolerated almost because it's part of the show?

1 A. I believe that to be the case. There was one election
2 when Zhirinovskiy's Liberal-Democratic party shocked the
3 establishment, shocked the established order, when it
4 did very well in the elections to the first
5 post-communist State Duma in December 1993, but that's
6 the only time that ever happened, and electoral
7 manipulation has been much more effective since 1993 as
8 a result of that shock to the leadership.

9 So Zhirinovskiy is now more a public buffoon who
10 mouths off slogans that are helpfully nationalistic and
11 helpfully cruder than anything said by Putin's ministers
12 so that he helps to consolidate the general feeling that
13 the government is going in the right direction. He
14 personally, Zhirinovskiy would like it to go further and
15 faster, but generally he doesn't cause trouble, and he
16 makes money while he's not causing trouble.

17 Q. In an earlier section of your report you've drawn
18 attention to the politicians who would be capable of
19 causing real trouble?

20 A. Yes.

21 Q. Who have been managed out of the political process?

22 A. Yes. I mean the classic case of this was in the first
23 presidential election where Putin stood. The two
24 serious contenders against him, Yevgeny Primakov and
25 Yuri Luzhkov, both were vilified systematically by the

1 media so as to enable Putin to be the only serious
2 contender for power for the popular vote, so that Putin
3 hardly had to conduct an electoral campaign for that
4 first presidential term as a result of the systematic
5 vilification, including medical information, business
6 information, career, stories of a compromising nature
7 that were aired on the TV screens
8 in December 2000 and January 2001. So both men were
9 ruined as presidential contenders.

10 I remember being there at the time, being struck at
11 how ruthless this was.

12 Q. If Mr Putin and his party wanted to do that to
13 Mr Zhirinovsky and his party, do you think they would be
14 able to?

15 A. Very easily, very easily indeed.

16 Q. Can I then turn, please, to the next section which is
17 responsibility for repression.

18 The first couple of paragraphs of this, I think
19 really make the same point that you've made before,
20 which is that trying to attribute responsibility to
21 Mr Putin is made difficult because the evidence is so
22 patchy and circumstantial.

23 But then at paragraph 83, you say that Mr Putin has
24 undeniably set a political climate of tolerance for
25 official agencies to go about their repressive business

1 without hindrance.

2 Then if we can go over to the top of the next page,
3 please, you refer to Mr Kasyanov's evidence about Putin
4 reserving oversight of security policy to the
5 presidency, and the signals that one can derive from
6 Mr Patrushev's appointment for so long, and you say:

7 "The conclusion must be that Putin generally
8 endorsed what the agency got up to in the years through
9 to 2006 and beyond and that Patrushev as its director
10 knew that he had his president's support in its
11 operations."

12 Is that political support the important thing for
13 you when looking at what has happened in these years?

14 A. Yes, it is, in as much as we don't know who gave the
15 orders for what.

16 By contrast, we do know who set the political
17 climate for what was done, and I think that it is
18 provable that Putin was decisive in setting the
19 political climate of tolerance for attitudes and
20 practices that we have been talking about.

21 Q. Then in the last paragraph in this section, 84, you say
22 that the FSB hasn't necessarily followed a constant
23 tactical line, and that:

24 "It may well be that the year 2006 with [those three
25 killings that you mentioned] constituted a peak of

1 violence from which the Putin administration
2 subsequently clambered down."

3 A. Yes.

4 Q. Having now followed the evidence that we've had in
5 the Inquiry, do you think that that is an analysis which
6 can still hold water or do you think that there are more
7 questions about it than that?

8 A. There was a concentrated terrible burst of repressive
9 activity in 2006, and in the subsequent years there were
10 far fewer murders of prominent political figures until
11 the killing of Boris Nemtsov a fortnight ago. So
12 I think those statements do stand as defensible.

13 One thing that I would like to emphasise is that the
14 Kremlin is not a quiet place for politicians, and it
15 never was all through the 20th century, there was
16 factional fighting. Even going back to Joseph Stalin,
17 there were proponents of one economic policy against
18 another, the two sides struggling to catch Stalin's ear
19 and influence Stalin. There is bitter factional
20 struggle, there is evidence for bitter factional
21 struggle, all through the Putin years too. So we're not
22 talking about a tranquil, stable politics that lacks
23 volatility.

24 Some of the changes that come from that situation
25 have to do with conflicts between one individual and

1 another within the apex of power. Some of it comes from
2 external circumstances such as the effect of the -- or
3 the effects of the world recession of 2008 to 2009 and
4 the effects and the impact upon the Russian economy.
5 A lot of circumstantial evidence suggests that the turn
6 to ever more extravagant forms of nationalism inside the
7 Putin administration, resulting in the annexation of
8 Crimea, came from a wish to divert attention, domestic
9 attention, from these economic troubles.

10 So we're talking about a very, very dynamic politics
11 here.

12 Q. That is something which would be continuing today with
13 the collapse in the oil price, is it?

14 A. Very much so.

15 Q. The factional infighting and the interrelationship
16 between all these policy considerations, is that
17 something that is more easily seen if one takes a broad
18 view of the whole of Russian politics than if one
19 concentrates narrowly on a particular part of the
20 picture?

21 A. That is very strongly my view for all of modern Russian
22 history and current politics.

23 Q. Finally in this main report you set out your conclusions
24 at paragraphs 85 and 86. Is there anything in those
25 that you would wish to amend at this stage?

1 A. No, I can have them carved on my tombstone.

2 Q. Professor Service, can I then turn more briefly, I hope,
3 to your supplemental report. We can have this up on
4 screen, please, at INQ020316. Do you have your paper
5 copy of that in front of you?

6 A. Yes.

7 Q. We can see here in the first paragraph that you were
8 asked to prepare a supplemental report to comment in
9 general terms on the scale of the organised crimes
10 penetration at the highest levels of the Russian state,
11 and in particular on whether there's evidence of linkage
12 between the Russian president or any individuals in
13 senior positions in departments or agencies, including
14 the FSB and the following, and it's Semion Mogilevich
15 and the Tambov-Malyshev criminal gang. You were also
16 asked whether there was any evidence of links between
17 Victor Ivanov and the Tambov-Malyshev gang and other
18 Russian members of organised crime groups in Spain. You
19 can see that.

20 A. Yes.

21 Q. The first part of your report is concerned, isn't it,
22 with helping us to understand the problems with the
23 terminology that's sometimes used to describe Russia as
24 a mafia state, and you've identified in paragraph 4 the
25 problems even with the word "mafia", because it has

1 a number of potential meanings.

2 A. Yes.

3 Q. Then you go on at paragraph 7 to list an analysis of the
4 various possible meanings of "mafia state", such as, for
5 example:

6 "A state penetrated and controlled by a unified
7 national criminal organisation in that organisation's
8 interests."

9 Or:

10 "A state penetrated and controlled by numerous
11 criminal organisations in [those] organisations'
12 interests", and so on.

13 That analysis goes on over to the next page, and you
14 see there's a total of ten possible interpretations of
15 that phrase "mafia state".

16 Do I understand your view to be that when people
17 talk about Russia being a mafia state, there's a lot of
18 use of loose language and people aren't careful about
19 identifying what it is exactly they're alleging is going
20 on within Russia and inside the Kremlin?

21 A. Yes, that is my view, and it does not contradict the
22 idea that -- in fact, I believe that criminal groups are
23 entangled with politicians at the apex of the Russian
24 state, but when we call the Russian state a mafia state
25 or a kleptocracy, we have to be absolutely sure that we

1 know what we're signifying. That's why I think that the
2 word "oligarch" is best not used at all because it's so
3 unclear always in its usage. We should be just as
4 precise in the use of our terminology in relation to
5 Russia as we would expect to be in relation to the
6 United Kingdom.

7 Q. Is it your view that organised crime groups in Russia
8 have connections to and have some influence over the
9 activities of the Putin administration?

10 A. The first half of that last phrase I would answer yes
11 to. The second half of the phrase I would say we don't
12 have the evidence for it. The entangling is more or
13 less proven between the administration and organised
14 crime, but the idea that organised crime gives orders to
15 the administration, I don't think there's any evidence
16 for that whatsoever.

17 Q. If somebody were to suggest a proposition that because
18 of the entanglement in an individual case, somebody in
19 an organised crime group might be able to persuade
20 a government official to order a certain course of
21 action, for example an assassination, do you think that
22 that is possible and is it possible to say whether or
23 not it happens?

24 A. I'm at a loss as to how to know how I would go about
25 proving or disproving that. We simply do not have the

1 evidence.

2 The point I'm trying to make constantly is that
3 things are so bad in Russia that they don't have to be
4 exaggerated. So we would be best to stick to what is
5 definitely provable, and that's quite damning enough.

6 In 10 or 20 years, we will know more about what
7 we're talking about today, and we will be able to go
8 further, and it will probably be very dispiriting, the
9 verdict that we will come to. But we have to be really
10 cautious -- and there's another aspect of this that
11 exercises me, and that's that Russians want to see us
12 fairly going through evidence in a scholarly environment
13 or a judicial environment or an Inquiry like this in
14 a fashion that they know doesn't happen in their own
15 country. So we must not sink at all below our
16 conventional standards. We absolutely mustn't, because
17 some of what we do in relation to this Inquiry will get
18 back to Moscow, and we must not give them the
19 opportunity to say that we failed to respect our own
20 standards because those are standards that are really
21 well worth keeping to.

22 Q. When you say "Russians", do you mean the Russian
23 government or do you mean ordinary Russians as well?

24 A. I mean both, because not -- but especially ordinary
25 Russians who read what's going on in the West on the

1 internet, which is much freer than it is in some
2 countries like Saudi Arabia or China.

3 THE CHAIRMAN: Or even North Korea?

4 A. Or even North Korea, yes.

5 MR TAM: Is that why in paragraph 9 in the middle of this
6 page, you say that caution is required, as regards the
7 suggestion that the highest levels of the Russian state
8 and organised crime are so intimately connected as to be
9 coextensive?

10 A. Yes.

11 Q. That's also why you draw attention in the second half of
12 this paragraph to the things that the Putin
13 administration has done which one might describe as
14 legitimate government activities?

15 A. Yes, it's not a tremendous record for an administration,
16 it's an administration that has been objectionable and
17 lamentable in most of what it's done; but it has done
18 some things that mean that not all of the money of the
19 natural resources of the country have been thieved.
20 Enough has been thieved for it to be bad enough.

21 Q. Professor Service, I think I only need to ask you about
22 one more topic. Can I ask you to go on to paragraph 17?
23 It's page 6 of this supplemental report. For the
24 screens, it's 321, please. It's the top paragraph on
25 this page where you say:

1 "[You] know of no proof that Victor Ivanov, who
2 served as Putin's deputy chief of staff in 2000 and is
3 currently chairman of Aeroflot, has had links with
4 organised crime groups."

5 You refer to:

6 "[A] confidential report by Yuri Shvets which makes
7 claims in this direction but falls short of
8 corroborating them with sources that can be
9 independently checked. There is much evidence of [the]
10 penetration of Spain", but as to Mr Ivanov, conclusive
11 sources have not yet become publicly available.

12 As you've been following the evidence that has been
13 given in the Inquiry, you will know that we've seen this
14 report several times and we've now heard from Mr Shvets,
15 who was one of the authors of the report, that the
16 allegations made about Mr Ivanov's connections with
17 organised crime groups actually came from Mr Litvinenko
18 himself.

19 A. Yes.

20 Q. Of course Mr Litvinenko was in a privileged position in
21 this sense because he had been in the FSB investigating
22 organised crime, so he had firsthand knowledge of a lot
23 of these matters.

24 Does that change your view about how much weight can
25 be placed on that report?

1 A. Yes, I think that Alexander Litvinenko excavated
2 extraordinary and valuable material. I would still like
3 to know more about what Mr Shvets says that
4 Alexander Litvinenko gave to him and what kind of basis
5 in evidence there was for what Alexander Litvinenko was
6 claiming, but I do think that the evidence that you're
7 talking about has to be taken seriously.

8 Q. That is then in the broader picture further evidence of
9 connections between organised crime groups and those at
10 the top of the Putin administration?

11 A. Yes.

12 Q. But you accept that as a proposition in any event, don't
13 you?

14 A. I accept that there are links -- I contend that there
15 are links between organised crime and the Putin
16 administration. The nature of those links, I don't
17 think can be simply described or proved.

18 Q. Does that fall into the category of known unknowns?

19 A. Yes.

20 Q. We just don't know what exactly the links are and what
21 effect they have?

22 A. Yes.

23 Q. But it would follow, wouldn't it, that if a report like
24 this were made public and these allegations were
25 published and especially if those allegations had some

1 truth to them, that would all be very damaging to
2 Mr Ivanov and also to Mr Putin as being named as
3 somebody connected to him?

4 A. Yes, if Russia had a return to the policy of glasnost,
5 then it would be easier for dissenting voices in Moscow
6 to stand up to Vladimir Putin, especially at a time when
7 the economy is facing problems.

8 The administration's aggressiveness in foreign
9 policy is the counterpart of its own knowledge of its
10 economic weaknesses. As recently as I think yesterday
11 or the day before, Putin acknowledged that Western
12 sanctions were beginning to bite.

13 MR TAM: Professor Service, thank you very much indeed. If
14 you wait there for a moment, there may be some more
15 questions.

16 THE CHAIRMAN: Yes, Mr Emmerson.

17 Questions by MR EMMERSON

18 MR EMMERSON: Professor Service, I'm just going to ask you
19 about one or two what I might call pressure point issues
20 that arise, and, as Mr Tam has already explained to you,
21 the whole of your report will be in evidence and
22 available for the public to see, so to some extent it's
23 a question of interpretation.

24 I want if I may just to go back to the timely
25 reminder, if I may say so, to all of us of the

1 importance of maintaining rigorous evidential standards
2 in this Inquiry to ensure that we don't, or any of us,
3 fall into the propagandist traps that one can see
4 sometimes in Russian judicial and other proceedings.

5 But at the same time, we have to recognise the
6 difference, don't we, between an academic and a court of
7 law, in the sense that what is available to you as
8 evidence from which you draw your conclusions is public,
9 open source material by and large.

10 A. Yes.

11 Q. When you say we don't have the evidence to prove the
12 link between Vladimir Putin and organised crime, for
13 example, we need to focus for a moment, don't we, on the
14 "we", who you mean by that?

15 A. Well, I mean you as well as me.

16 Q. Well, let's just take that, if we can for a moment. For
17 example, as you may know, there is a significant amount
18 of closed evidence that is going to be heard in these
19 proceedings from classified sources protected by
20 government secrecy orders.

21 A. Oh right, yes.

22 Q. Just to take it at its most extreme, you haven't got
23 that material to rely on.

24 A. No, I haven't, no.

25 Q. When you look at something like the Ivanov report, you

1 don't know where the sources come from, because, as you
2 pointed out, Mr Shvets in his evidence and in the Ivanov
3 report which he authored effectively doesn't cite his
4 sources, but with one exception that I'll come back to.
5 So you don't know who those sources are, do you?

6 A. No, I take your point. I'm a little uncomfortable with
7 the idea -- I don't want to be sort of fussy about this,
8 but I don't regard myself as looking differently at
9 something when it's connected with Russian history from
10 the way I look at my newspaper in the morning and I'm
11 eating my --

12 Q. Porridge?

13 A. Well, porridge on a good day, muesli on a bad day. So
14 I don't see this distinction, I think we are all
15 citizens.

16 Q. No, but obviously you're here as an expert witness
17 giving expert testimony, and with all respect, we are
18 placing a little heavier burden on you than just telling
19 us what you have read in the newspapers. You're being
20 called here to give an analysis, and all I want to do
21 is -- you know, what you've emphasised, throughout your
22 reports and in your testimony, is the need for academic
23 rigour.

24 A. Well, I would say rigour.

25 Q. Yes, okay, rigour. That you will not accept something

1 as a statement of fact unless you have shown to you
2 independent corroborative, preferably documentary
3 evidence.

4 A. Yes, or oral testimony that can be checked. I mean, it
5 doesn't necessarily have to be documentation.

6 Q. Well, I think, as we can see in your report, you
7 perfectly rightly, therefore, express different levels
8 of comfort, if I can put it that way, with information
9 that you've read.

10 So, for example, the thesis that is set out in
11 Blowing Up Russia, the Felshtinsky/Litvinenko analysis
12 of the bombings, you have said on a number of occasions
13 in your report, you regard as credibly investigated?

14 A. Yes.

15 Q. Reliably alleged?

16 A. Yes.

17 Q. And though not proved to 100 per cent, more likely than
18 not to be true, I think is probably the way you would
19 put it?

20 A. Yes, yes.

21 Q. That's a very --

22 A. I have absolutely no problem with that at all.

23 Q. You go on in the report to say if that's right, then
24 it's more likely than not that Mr Putin would have been
25 aware, at the time of the bombings?

1 A. It's hard to believe he wasn't aware.

2 Q. So it's more likely than not that he was?

3 A. Yes, yes, but that's, alas, only a guess.

4 Q. It's a bit more than a guess, it's --

5 A. Based on -- yes, go on.

6 Q. It's a little more than a guess. I think we have to be
7 careful with our language. Just as with the word
8 corroboration, you're not here to guess, you're here to
9 express an expert's opinion?

10 A. Yes.

11 Q. Your expert opinion is it's more likely than not that
12 Putin was aware of or responsible for the Moscow
13 apartment bombings exposed by Litvinenko and
14 Felshtinsky?

15 A. I think that it's likely but still alas unprovable, yes.

16 Q. Yes, well, don't worry for a moment about what the
17 standard of proof is for the chairman to apply, in the
18 sense that you may require 100 per cent, 90 per cent,
19 I don't know, before you're satisfied that something is
20 proven, but that's a question that the chairman has to
21 decide as a matter of law in these proceedings.

22 What you can help us with is your view, as an
23 expert, which is, again -- I don't want to go over it
24 again, but in that instance you've told us more likely
25 than not on both counts.

1 So it's therefore more likely than not that
2 Litvinenko was an enemy of the state worthy of
3 assassination, do you agree with that?

4 A. I think that he was regarded as an enemy.

5 Q. And you've said in your report that those who are
6 regarded as enemies take their life in their hands and
7 are at serious risk of assassination?

8 A. That seems to be the case.

9 Q. Have you come across in all of the study that you've
10 done of this case any other explanation for why he might
11 have been murdered that you regard as credible?

12 A. There have been several possibilities pointed to.

13 Q. Mainly by Mr Lugovoy, handling it himself, committing
14 suicide, and so on, that type of thing.

15 A. Several possibilities regarding Anna Politkovskaya and
16 Alexander Litvinenko relating to commercial rather than
17 political motives for the killing, and I think there is
18 a lack of clarity regarding that, the problem being that
19 there is an entanglement of political life with
20 commercial life with criminal life.

21 Q. Organised crime?

22 A. And your hypothesis that the Putin administration
23 ordered the assassination of Anna Politkovskaya or
24 Alexander Litvinenko is, alas, no more than that. What
25 I have said in relation to what Mr Tam was asking me

1 earlier was that the climate for assassination is
2 traceable back to the administration and to its apex,
3 and indeed to Putin himself, but specific cases of
4 murder are not traceable in the same way.

5 But that Boris Berezovsky and Alexander Litvinenko
6 were taking enormous risks with their lives, I have not
7 the slightest doubt and that those risks were the
8 greater as a result of their openly challenging and, as
9 Putin must have thought, defaming him and his
10 administration, I don't think there's any question about
11 that.

12 Q. That represented a risk to their lives?

13 A. It did indeed, but that doesn't mean that the evidence
14 exists for Putin's personal responsibility for
15 a particular killing, or even for the politicians
16 generally within the elite being responsible for that
17 particular killing. We're talking about a climate of
18 opinion and an indulgence of practice that permitted
19 this sort of terrible way of conducting public life to
20 continue.

21 Q. Just coming back to the process by which you require
22 evidence as a commentator, if you'd rather that
23 expression than academic, as a commentator on Russian
24 affairs, Mr Tam touched upon the Ivanov report with you?

25 A. Yes.

1 Q. You have referred to it, and in your witness statement
2 you say you know of no evidence to establish Mr Ivanov's
3 direct involvement in organised crime.

4 A. Yes, I can't remember my exact words, but I thought
5 I put it rather more cautiously than that.

6 Q. It's in paragraph 17.

7 "I know of no proof that Victor Ivanov ... has had
8 links with organised crime ..."

9 You say that the Shvets report makes the claim:

10 "... but falls short of corroborating them with
11 sources that can be ... checked."

12 A. Yes.

13 Q. Obviously we know that Mr Litvinenko was one of the
14 sources, but we've also heard from Mr Shvets that the
15 sources included an entirely separate source on
16 Ukrainian involvement?

17 A. Yes.

18 Q. That he checked Mr Litvinenko's information against his
19 own confidential sources with access to information from
20 the FSB, and that one of the sources was as close as
21 having been Mr Ivanov's personal assistant.

22 In a sense you're not really in a position to
23 evaluate any of this, are you, because you don't know
24 what the sources were?

25 A. That's correct. I'm not privy to that information.

1 Q. In a sense, when we're reading your reports, where you
2 are unable to corroborate something that has been
3 alleged, it's not evidence that the event is not as
4 described or that the connection is not as described.
5 It's merely evidence that you haven't seen any open
6 source material that corroborates it.

7 A. Yes, I've tried to stick to what I can say on the basis
8 of publicly available information. That's undoubtedly
9 true. I mean, I accept what you're saying.

10 Q. You know of course from the history that Mr Litvinenko
11 went public about having been recruited by the FSB, or
12 rather tasked by the FSB, to personally carry out the
13 murder of Boris Berezovsky; in a sense that was the
14 start of his journey from the inside to the outside of
15 the security establishment.

16 A. Yes.

17 Q. Do you have any independent evidence to confirm that?

18 A. No, I don't.

19 Q. Is that something that you accept as a fact?

20 A. I put that into my memory bank and it seems a credible
21 piece of testimony, yes, but --

22 Q. But even without corroboration?

23 A. I do prefer more than one source for anything I speak
24 confidently about, so we only have the one source there.

25 Q. In relation to the bombings, where you're comfortable to

1 express a more probable than not conclusion?

2 A. As I remember the book on the bombings, there's
3 multivarious points at which the evidence is collated.
4 The whole Berezovsky affair through to his death is such
5 a dense jungle of countervailing testimonies, and
6 Berezovsky himself was such a volatile and
7 chameleon-like character through his career in Russian
8 politics in the 1990s through to his career here after
9 arriving in London, that I think that one has to be
10 extremely careful about accepting evidence about him and
11 his associates and about what was happening at any one
12 time.

13 Q. Yes, I mean, that may be a general observation, but yet
14 you are prepared to say that you accept the allegation
15 made by Mr Litvinenko that he was put up to murdering
16 him by General Khokholkov?

17 A. I think it is something that I would accept as likely,
18 but I would prefer to have more evidence than the
19 evidence of one man.

20 Q. Can I come back to some of the general characterisations
21 that you've made. Is it your assessment, looking
22 overall at Russia, that we need to -- contemporary
23 Russia, we need to adopt a multidimensional analysis,
24 that we look both at the corruption and the crime and
25 the violence, but at the same time at the fact that

1 there were different forces at play, and that Mr Putin
2 may have done positive things economically as well as
3 having done repressive things politically, is that the
4 sort of overview?

5 A. That's a rather crude summary, if I can be --

6 Q. Sorry.

7 A. No, you don't have to apologise. I'm doing the same
8 thing. I'm trying to summarise things, and I'm not in
9 any way offended by your summary. I don't see very many
10 positive sides to Vladimir Putin. There are some things
11 he's done, though, that are positive. I regard him as
12 having been the luckiest Russian ruler in the 20th
13 century, because in the months before he came to power
14 the oil price rocketed and he could do things that
15 Brezhnev, Gorbachev, Yeltsin and others could never
16 aspire to do, and so he was cushioned from the realities
17 that he's now no longer cushioned from.

18 Q. In a sentence, you're cautioning all of us against what
19 you describe as a unidimensional analysis?

20 A. Yes, I am, yes.

21 Q. But that said, is modern Russia a state which fails to
22 take effective action against entrenched organised
23 criminal gangs?

24 A. Yes.

25 Q. That qualifies it under your definition as a mafia

1 state.

2 A. As one of the categories of mafia state.

3 Q. Thank you. Can we just look at the preceding category,
4 for you it's the bottom of paragraph 7, (ix). Is it
5 also a state in which criminal methods and organised
6 crime play a substantial part but which has
7 countervailing features?

8 A. Yes.

9 Q. So we are clear, then, that Vladimir Putin's Russia
10 falls in your view squarely within the definition of
11 a mafia state, or within one definition of a mafia
12 state?

13 A. Well, we don't need to use slogans all the time.

14 Q. No, I'm just going from your report, Professor.

15 A. I know you are, but you're using this term as a sort of
16 flag to wave, and what I've tried to say in this report
17 is that it's a multicoloured flag and that there are
18 different ways in which the mafia, the mafias, can
19 operate in contemporary Russia and that not everything
20 that happens in the Putin administration is
21 unconstitutional and illegal and run for criminal
22 purposes.

23 Q. No, not everything, I'm not sure anybody is suggesting
24 everything is.

25 Can we move on to what you do say then about this

1 relationship. At paragraph 15 of your report -- this is
2 the second report -- you appear to endorse as credible
3 the analysis in Karen Dawisha's book,
4 Putin's Kleptocracy, you say that no previous academic
5 has gathered so copious an array of reports --

6 A. Yes.

7 Q. -- and it also quotes much direct -- as much direct
8 evidence as is publicly available.

9 Do I understand that you regard Karen Dawisha's
10 analysis as academically credible and well researched?

11 A. I think that what she has focused on is very well
12 researched, but it's not the whole spectrum of Russian
13 politics.

14 Q. It doesn't purport to be, does it?

15 A. No, it doesn't purport to be, no.

16 Q. It's looking at the corruption at the heart of the
17 Kremlin.

18 A. Yes. So she is focusing on crime, corruption and
19 self-enrichment by politicians.

20 Q. Essentially, as you say in paragraph 15, she charges the
21 Putin administration with gross venality and
22 enmeshment with the country's mafia. You regard her
23 allegations as credible?

24 A. Yes.

25 Q. Well researched and reliable?

1 A. Yes.

2 THE CHAIRMAN: It's interesting that you add the rider that
3 the Cambridge University Press withdrew from publishing
4 for fear of libel proceedings?

5 A. Yes.

6 THE CHAIRMAN: One doesn't know how they arrived at that
7 decision.

8 A. Her denunciation of Vladimir Putin is so drastic --

9 THE CHAIRMAN: Yes, I follow.

10 A. -- as to make libel tourism in London quite a likely
11 result. I myself read this book through the internet
12 when preparing the supplemental report. I could not get
13 hold of a copy.

14 MR EMMERSON: It's available, I think it was published
15 openly in the United States.

16 A. It's published openly in the United States, yes.

17 MR EMMERSON: I think there is evidence somewhere, sir, of
18 the reasons why CUP decided not to go with it, but it
19 basically comes down to the fact that this jurisdiction
20 is over-friendly to libel litigators.

21 THE CHAIRMAN: Yes.

22 A. I cosigned a letter complaining about
23 Cambridge University Press' failure to publish this
24 book. It needs to be in the public domain. That
25 doesn't mean to say that one accepts it as a -- there is

1 no general -- there are very few attempts by
2 commentators to deal with the whole spectrum of Russian
3 politics. Alas, that tradition has gone into
4 dissuade.

5 Q. As you will have seen, because you've been following the
6 evidence, we've heard a string of witnesses who have
7 confidential sources and contacts inside the Russian
8 state apparatus or very closely associated with it, and
9 who are providing and have been providing information to
10 them on a confidential basis which is then fed back for
11 any number of reasons, including commercial due
12 diligence reasons.

13 A. Yes.

14 Q. It stands to reason, doesn't it, that those sources are
15 likely to be able to provide information that just isn't
16 available to yourself and others?

17 A. Yes, indeed, but then again, one has to look at the
18 motives and the personal agendas of the people
19 conducting the inquiry and the people passing on the
20 information, and this is no different for me as an
21 academic or, with respect, you as a lawyer or ordinary
22 citizens. We all apply the same measures in assessing
23 evidence, and we always ask about people what's their
24 game.

25 Q. What's their axe to grind?

1 A. What's their axe, yes.

2 Q. Can we look at paragraph 16 briefly. I want to show you
3 a couple of photographs, if I may. In paragraph 16 you
4 begin with further references to Karen Dawisha's book,
5 and then in the second sentence you say:

6 "Dawisha also quotes from contemporary reports on
7 the death of the businessman Roman Tsepov and on his
8 links with Putin, with some of Putin's leading
9 associates and with the Tambov crime group (whose
10 alleged leader attended Tsepov's funeral)."

11 Do you see that?

12 A. Yes.

13 Q. I want to focus on the words in the parentheses for
14 a moment. When you say "the alleged leader of the
15 Tambov gang attended Tsepov's funeral", are you
16 referring to Barsukov-Kumarin or to Malyshev?

17 A. I was referring there --

18 Q. Who do you mean by the leader of the Tambov gang who
19 attended Tsepov's funeral?

20 A. I'm afraid it's gone out of my head.

21 Q. Where's the source for the fact that a leading member of
22 the Tambov gang was at the funeral?

23 A. Well, I took that from -- I took that from Dawisha's
24 book.

25 THE CHAIRMAN: Yes, your footnote refers to her book.

1 MR EMMERSON: That encompasses the parentheses as well?

2 A. Oh, indeed, sorry, yes. I see what you're getting at

3 now. My information about the funeral came from the

4 Dawisha book. There's a couple of pages of quite

5 detailed description of who attended the funeral.

6 Q. Can we call up, please, photograph number 1 from the

7 Goldfarb photographs.

8 We have some photographs of the Tsepov funeral, and

9 this is one of them.

10 A. Yes.

11 Q. Do you recognise anybody in that photograph?

12 A. No.

13 Q. The gentleman on the far left?

14 A. No, I'm sorry, I don't, no.

15 Q. Perhaps we can look at photograph number 2, please,

16 bearing that individual's face in mind and look at the

17 gentleman in the background with Mr Putin. That is

18 Viktor Zolotov, chief of Putin's personal security.

19 A. Yes.

20 Q. Is that an individual whom you are familiar with?

21 A. I don't know a lot about Zolotov, no.

22 Q. But you know who he is?

23 A. Yes.

24 Q. So here we have the chief of Putin's personal security

25 attending Tsepov's funeral?

1 A. Yes.

2 Q. Is that the sort of evidence that you would think would
3 corroborate the links that are being alleged?

4 A. Well, it would corroborate linkage, yes, but it would
5 not tell us the nature of the linkage.

6 Q. No, it wouldn't tell us what they may have plotted to do
7 together, but it tells us that they're hanging out
8 together.

9 A. Well, hanging out to me implies socialising, and it
10 wouldn't tell us that.

11 Q. Can we look at the last photograph, please. That
12 photograph shows us at the front Kumarin?

13 A. Yes.

14 Q. Who was, as you know, the leader of the Malyshev-Tambov
15 gang, Vladimir Smirnov who was director of a company
16 called SPAG, and at the background Mr Zolotov again.

17 A. Yes.

18 Q. Again, would you accept that that suggests some linkages
19 that are uncomfortable?

20 A. It suggests a linkage, yes.

21 Q. Have you looked into Mr Putin's involvement with the
22 SPAG company?

23 A. Yes.

24 Q. There we have Mr Smirnov who was an associate of Putin's
25 and a director of the company. I mean, are you aware

1 that that company is found to have been involved in
2 organised criminal activity?

3 A. Yes. I mean, there are several works that have
4 highlighted this SPAG connection.

5 Q. The connection to Putin?

6 A. And the connection to Putin, yes, but the nature of the
7 connection to Putin is more obscure --

8 Q. He was a public official when --

9 A. Yes.

10 Q. Is it lawful --

11 A. Yes.

12 Q. -- for a public official to be a member of a private
13 company? We've heard evidence that that's contrary to
14 the law in Russia.

15 A. The SPAG connection of some kind is proven. What isn't
16 established is whether President Putin continued to have
17 such a connection, especially after he became president.

18 Q. Yes, of course, and so with that, we're clear the
19 allegation in relation to SPAG relates to the time when
20 he was deputy mayor in St Petersburg.

21 A. Yes, yes.

22 Q. You accept that at that time, there is evidence to
23 establish he was involved with organised crime, is that
24 correct?

25 A. There is evidence to suggest that he has a case to

1 answer for the St Petersburg administration's
2 connections with organised crime.

3 Q. Can we just have a look, please, then, at one or two
4 passages -- I'm not going to be much longer with you --
5 in your first report. Can we start at paragraph 25,
6 where you are dealing with -- in the second passage
7 where you deal with Blowing Up Russia.

8 You describe the fact that Felshtinsky and
9 Litvinenko had, in your words, led the way in excavating
10 the affair and that they were open and reliable.

11 Then, towards the centre you emphasise that there
12 was a public debate stirred up in Russia.

13 A. Yes.

14 Q. A debate which you say, towards the end, continues with
15 the authorities having failed to set aside the pall of
16 reasonable suspicion.

17 A. Yes.

18 Q. The problems for the Putin regime generated by that book
19 continue to resonate to this day?

20 A. Yes, I don't know how important the embarrassment is
21 since Vladimir Putin has a --

22 Q. A lot of other things to be embarrassed about?

23 A. He has a -- he has a personal popularity rating which
24 a British politician would die for.

25 Q. Not uncommon in dictatorships, I think.

1 A. I think these are reliable opinion polls. In
2 dictatorships, there's often a public facade and a more
3 complicated reality. I think Putin's popularity is
4 real, alas it's real.

5 Q. I mean, you make certain comparisons in your report
6 historically to states which have had powerful leaders
7 after periods of humiliation, particularly Stalin's
8 Russia and I think you probably accept Nazi Germany.
9 There can be times when charismatic leaders acquire
10 a great deal of public support if they appear to be
11 lifting society out of some form of economic or
12 political humiliation.

13 A. Yes, even if they did nothing to engender that economic
14 recovery but benefited --

15 Q. And even if they commit gross and systematic crimes in
16 order to do it?

17 A. Yes, indeed. I mean, the background to this, it seems
18 to me is that states which go through an economic
19 depression and a military defeat, and the great example
20 of this is interwar Germany, tend to move towards the
21 temptation of extremism of some kind, and that's exactly
22 what happened --

23 Q. And authoritarian leadership?

24 A. And authoritarian leadership. That's exactly what
25 happened in Russia after 1991, that Russians felt that

1 they had lost the Cold War and that with the new market
2 economy they were emiserated.

3 Q. In a sense, you've compared Putin to Stalin. The
4 prime minister in this country has compared Putin to
5 Hitler. That's the analogy you're drawing, isn't it?

6 A. I think that's --

7 Q. That's what you mean by the interwar period in Germany?

8 A. I wouldn't compare Putin to -- I wouldn't say that Putin
9 is the new Stalin. I think that's just going altogether
10 too far. In fact Putin went to the Katyn forest to
11 commemorate and virtually apologise for the slaughter of
12 Polish officers by Joseph Stalin. So even on the point
13 of rehabilitating Stalin, Putin hasn't been speaking
14 with one voice. He's done -- and he's always said that
15 the Great Terror was a terrible human disaster. So on
16 the one hand he's calling for a halt to denouncing what
17 happened under Joseph Stalin. On the other hand, he
18 himself is denouncing it.

19 THE CHAIRMAN: You're warning against oversimplification
20 again.

21 A. We mustn't simplify the Putin administration.

22 MR EMMERSON: You're right for correcting me on that.

23 A. I'm not correcting you, I'm just discussing. I'm not
24 trying to be unhelpful.

25 Q. No, no, I didn't think for a moment you were.

1 Paragraph 26 -- I've got three topics to deal with you,
2 and I would obviously like to try to finish as near to
3 lunchtime so that --

4 A. No, I've heard about lawyers.

5 Q. Well, no, I'm more than happy to carry on with you,
6 I could talk to you all day as it happens. It may be
7 this isn't quite the right forum.

8 You go on in paragraph 26 to discuss the
9 relationship between Felshtinsky and Litvinenko --
10 between their theory about the bombings and the
11 conclusion they reached that Putin must have been
12 responsible. We've established in your evidence just
13 now that you accept it's more likely than not that the
14 bombings were committed by the FSB, and you said earlier
15 on you agreed it's more likely than not, if that is the
16 case, that Putin would at least have known about it.
17 The way you put it here is I think much the same:

18 "Their main argument was that a politician with
19 Putin's past career in the intelligence agencies and his
20 sustained interest in security policy was likely at
21 least to have received a prior alert about such an
22 operation. Like every scholar of Russian politics known
23 to me, I share this analysis ..."

24 Pausing there for a moment, that you agree with?

25 A. Yes.

1 Q. You go on to say:

2 "... but I would like to draw attention to its
3 inconclusive quality."

4 A. Yes.

5 Q. You are saying: more likely than not, but I can't say
6 for sure.

7 A. Yes.

8 Q. What is the difference for these purposes between that
9 conclusion, the approach you take to that on the one
10 hand, and the approach you take to a decision of the
11 state, assuming it was the state for a moment who
12 murdered Mr Litvinenko, assume it was a state-sponsored
13 assassination, can I assume that you would say the same
14 thing in relation to Mr Putin about that; in other words
15 assuming it is established on all the evidence including
16 the closed evidence that the Russian state was behind
17 Mr Litvinenko's murder of a British citizen in London,
18 is that something that you think more likely than not
19 would have happened with the authority or prior approval
20 of Mr Putin?

21 A. Well, I think that's a question I can't answer because
22 I haven't seen the closed evidence.

23 Q. No, but forget that for a moment. Assume that the
24 closed evidence proves that the state was behind the
25 assassination.

1 A. One thing I have as a sort of rule of thumb is I need to
2 see the evidence in order to sign up to the conclusion,
3 so I think it's --

4 Q. You'd rather not express a view?

5 A. I -- if you were to tell me that you'd gone into the
6 room and you'd listened to the evidence, and you were
7 absolutely convinced that the evidence was conclusive,
8 that would be of interest to me, but it wouldn't mean
9 that I would accept it for myself.

10 Q. I suppose the question I am asking you is actually
11 a much more simple one --

12 A. But would you ask me a similar question, if I went into
13 the room and I came out of the Moscow archives and
14 I said: I can prove that Vladimir Lenin had a love child
15 in 1923; you wouldn't say to yourself: well, I can take
16 that as --

17 Q. No, I'm not going to hold you on this question for very
18 much longer. There's a much simpler way of approaching
19 this. If this was a state-sponsored assassination,
20 could it have happened without Mr Putin's approval,
21 a foreign assassination in the streets of London?

22 A. We don't -- as I was saying to Mr Tam earlier in the
23 morning, we simply do not know the relationship, the
24 working relationship, between Putin and Patrushev.
25 I think it's inconceivable that Patrushev didn't --

1 wouldn't have known, but we do not know -- we do not
2 know whether this was a state sponsored --

3 Q. You don't know, but neither do I know all of the
4 evidence.

5 A. No.

6 Q. There are people in this room who do. So we're looking
7 at what happens next. But don't worry, I think you've
8 taken it as far as we can.

9 Can we look at paragraph 42 very briefly.

10 You've endorsed the conclusion of the Committee to
11 Protect Journalists that since 1992, 56 journalists have
12 been assassinated for political reasons, as opposed to
13 just being killed as a result of private disputes or
14 criminal activity.

15 A. Well, for political or commercial reasons, I said.

16 Q. Excuse me, yes. And when you say "commercial", what do
17 you mean by that?

18 A. Well, I think the Committee to Protect Journalists has
19 been really quite rigorous in not claiming what it can't
20 prove.

21 Q. Yes.

22 A. So that it brigades together the two categories of the
23 political and the commercial --

24 Q. When you say the commercial --

25 A. Business.

1 Q. Well, commercial malpractice, crime, is what you're
2 talking about?

3 A. Yes, exposing -- investigative journalists who are
4 exposing business malpractice, corruption --

5 Q. When you use the word "commercial" during your reports,
6 generally most of the time it's a euphemism for
7 organised crime, I think, as here, you said commercial
8 misconduct. But you mean organised crime, don't you?

9 A. Well, no. No, you can commit commercial offences as
10 a politician without -- you can get rich in Russia
11 without the need for reliance on the collusion of
12 organised crime groups. You can commit crimes without
13 using criminals with violin cases.

14 Q. Yes, when we say organised crime, we don't necessarily
15 mean violence and drug trafficking and people
16 trafficking. Organised crime means what it says. Crime
17 that is organised, as in there are organised gangs
18 involved.

19 A. Organised gangs, yes, and I don't think all the crime
20 that happens that originates in the Putin administration
21 is of that kind.

22 Q. You go on to say here -- you go on to focus on the
23 political side of it, because you say:

24 "What nevertheless remains uncontroversial is that
25 reporters who expose abuses by prominent figures in

1 public life are vulnerable to physical attack."

2 You talk about the Yeltsin era, and then this:

3 "Critics of Putin have been taking their lives into
4 their hands."

5 A. Yes.

6 Q. That would include Mr Litvinenko?

7 A. Yes.

8 Q. When you say critics of Putin had been taking their
9 lives into their hands, what do you mean?

10 A. Well, in that paragraph, I was referring, I think,
11 mainly to journalists.

12 Q. All right, journalists, it doesn't really matter who it
13 is. Somebody who's -- why is somebody who criticises
14 Putin taking their lives into their own hands?

15 A. Well --

16 Q. Can you spell it out for us, please.

17 A. Okay. So someone who is threatening his or his
18 administration's political or economic interests and
19 does so in a way that adduces conclusive evidence or
20 believable evidence and exposes malpractice.

21 Q. By Putin, looking at this sentence?

22 A. By Putin or his administration, he is exposing himself
23 to danger, himself or herself to danger.

24 Q. Just to be clear, they're liable to be killed in
25 retaliation, aren't they, that's what you mean?

1 A. Some of them appear to have been. However, the rider to
2 that is that in each individual case -- and it's not
3 even clear with Anna Politkovskaya's murder that the
4 killer was sent by a politician rather than a crime boss
5 or --

6 Q. If it's in retaliation for criticising Putin, whether
7 the agents of the killing are criminals or FSB agents,
8 it's being authorised from Putin's inner circle in
9 retaliation.

10 A. Well, it could be that in a specific instance the order
11 for the killing comes from outside the state
12 administration but operates within a climate of
13 tolerance known to the businessman or the criminal who
14 has given the order, so that the specific personal
15 responsibility for the killing isn't known to us.

16 Q. Let me move on. Paragraph 55 briefly. You were asked
17 some questions by Mr Tam about Lugovoy, and you said it
18 is reasonable to speculate that Lugovoy has endorsement
19 beyond his own party, a party that's tolerated, so to
20 speak?

21 A. Yes.

22 Q. And in the Kremlin, and you talked about the fact that
23 Mr Zhirinovskiy was what you described as a sort of
24 ultranationalist political buffoon who was used as a --
25 I mean, those are your words, I think -- as a tracer in

1 effect to push the agenda further to the right to make
2 Putin's operation look more reasonable, is that fair?

3 A. Yes, and that's what Gorbachev did, and that eventually
4 was what Yeltsin did.

5 Q. Can I just look at this. That characterisation of
6 Zhirinovsky as a clown, you describe him as an
7 individual who is the most publicly associated
8 politician with the shadow economy.

9 A. Yes.

10 Q. What do you mean by the shadow economy?

11 A. Well, I think I relied on Varese -- the man who's
12 written most about the Russian mafia is Federico Varese,
13 and I used his excellent book.

14 Q. You go on to use Varese in the following sentence for
15 some detail, but the first sentence appears to be yours,
16 because you say:

17 "Although there has been linkage between politicians
18 and 'organised crime' in matters of 'protection' and
19 enforcement, the politician most publicly associated
20 with the 'shadow economy' is someone who has never held
21 an official post in government, namely
22 Vladimir Zhirinovsky of the Liberal-Democratic party."

23 A. Yes.

24 Q. You're describing what is a question of public
25 association?

1 A. Yes.

2 Q. For this, we can rely purely on open source material,
3 because it's about the public perception, and what
4 you're saying to us here, as I understand it, unless
5 I've misread it, is that Zhirinovskiy was or is the
6 politician most publicly associated with involvement in
7 organised crime.

8 A. For publicly available evidence, he is the politician
9 that Federico Varese collated most evidence. There's no
10 politician to compare with him in that respect.

11 Q. He it was, then, as we know, who took Mr Lugovoy under
12 his wing and enabled him to have the immunity that goes
13 with being a member of the Duma?

14 A. Yes.

15 Q. I want to ask you one thing. You went on with that
16 line, as I said a moment ago, to say: well, look,
17 looking at all the circumstances, I think Lugovoy's
18 patronage is not confined to his party but extends to
19 being looked after by the Kremlin.

20 A. Yes.

21 Q. I just want to ask you, were you following -- I'm sure
22 you were -- the fact that right in the middle of this
23 Inquiry, just over a week ago, after a lot of evidence
24 had been called publicly, establishing, frankly, that
25 Lugovoy murdered Alexander Litvinenko, that

1 Vladimir Putin awarded him a medal of honour for
2 services to the fatherland?

3 A. Yes, I was aware of that, and that goes along with what
4 I was --

5 Q. Can you help us understand what significance should be
6 attached to that?

7 A. Putin has gone out of his way to make things easier for
8 Lugovoy, and now he's rewarding him.

9 Q. For the murder?

10 A. It would seem to be the case.

11 Q. That helps us understand perhaps a little bit more about
12 whether this was a state-sponsored assassination ordered
13 by Mr Putin, doesn't it, his rewarding him for doing it?

14 A. It's certainly pointing more in that direction than --

15 Q. In the opposite direction?

16 A. -- than was the case before the award of this medal.

17 Q. The timing is not something that can conceivably be
18 coincidental?

19 A. It doesn't seem very accidental.

20 Q. Can we look at paragraph 59? This is the last, I think,
21 thing I wanted to ask you. No, sorry, there is one
22 other question I want to ask you.

23 Very briefly, you've read and seen the material
24 produced not just by Felshtinsky but by Mr Goldfarb as
25 well?

1 A. Yes.

2 Q. When the chairman is coming to assess all of the
3 evidence you regard them as reliable and credible.
4 I think you call them monochromatic or unidimensional,
5 to use your language, but what they do have to say is
6 properly sourced and properly analysed?

7 A. I find the material in the books by Litvinenko, Goldfarb
8 and Felshtinsky valuable contributions to the evidential
9 base.

10 Q. You feel free to use them as sources because you know
11 they've checked their facts?

12 A. Yes, I have very rarely found any cause for concern
13 there. It's the interpretation that they so readily
14 come to in certain cases that I have queried in my
15 report.

16 Q. Yes, but the facts can be relied upon?

17 A. In most cases that I can think of at the moment.
18 I wouldn't like to say that about every single fact in
19 their several books. In fact, I wouldn't say that about
20 every single fact in their books, but the main things
21 that they talk -- I've said very directly here that
22 *Blowing Up Russia*, the book *Blowing Up Russia*, is
23 a substantial and valuable contribution to our
24 understanding of 1999.

25 Q. Very briefly here, Sergei Yushenkov, you have him down

1 as somebody who was suffering from multiple organ
2 failure caused by an unidentified toxin.

3 A. Yes.

4 Q. We have him down as somebody who was shot dead, in fact
5 most of us have him down as somebody who was shot dead?

6 A. Indeed, that's wrong.

7 Q. You just need to correct it?

8 A. Yes.

9 Q. Thank you. Can we then turn to paragraphs 66-69. This
10 is the passage in which you dealt with the two separate
11 changes to the law, one of them authorising
12 extraterritorial lethal action against terrorists and
13 the other expanding the definition of extremists to
14 include those who insult national dignity or are guilty
15 of slander of anyone in a state post.

16 Now, I mean, obviously Alexander Litvinenko was an
17 extremist under this definition.

18 A. Yes.

19 Q. Although you say in fact the two laws do not overlap,
20 there is no single unifying principle that cross-refers
21 them so that the authorisation formally is for the FSB
22 or others to assassinate individuals abroad who fall
23 within that definition of extremism, you go on at
24 paragraph 69 to explain that really it didn't need to
25 have that formal legal consequence, partly because it

1 had a political consequence of broadening the spectrum
2 of targets to be pursued by the security agencies, and
3 then a little further down, halfway in the paragraph,
4 you say:

5 "The door was left open to brand a large swathe of
6 opponents of Putin and his administration as extremists
7 who needed to be eliminated."

8 So killed, you mean by that?

9 A. Yes, the door was left open. It didn't have a placard
10 on it saying extremists and terrorists are the same
11 thing, but the door said that this is the official
12 climate.

13 Q. These people are extremists and they need to be
14 eliminated?

15 A. Yes, it's not a blanket formal endorsement of --

16 Q. You describe it, I think, as an implicit licensing
17 package for the FSB operations abroad?

18 A. I stand by what I've written, yes.

19 Q. Last question, if I may. Paragraph 80, first line:

20 "The careers of Lugovoy and Kovtun since 2006 seem
21 to me unimaginable without high level political
22 approval."

23 You've told us about Mr Lugovoy probably having some
24 political support in the Kremlin, but you're here
25 talking about their careers which I imagine include

1 commercial as well as political.

2 A. Yes.

3 Q. Can you just tell us what it is that you're referring to
4 and what leads you to the conclusion that they couldn't
5 have had the unimaginably successful careers they have
6 had since 2006 without high level approval and what you
7 mean by high level approval?

8 A. Well, I don't think that the Liberal-Democratic party
9 does anything that is going to seriously upset either
10 Putin or the FSB, and until recently no TV channel since
11 the fall of Berezovsky and Khodorkovsky, no TV channel
12 has given a popular gloss to public figures who are not
13 endorsed by Vladimir Putin, and Lugovoy appeared on chat
14 shows. I think I give a reference to this.

15 Q. He has his own TV show, I think now.

16 A. So to get on -- most of the information that ordinary
17 Russians get for their political opinions and political
18 choices comes from TV nowadays, it doesn't come from the
19 press, and it doesn't come from radio, to anything like
20 the extent that it used to in the 1980s. It's TV all
21 the way, and Putin has until recently -- there have been
22 cracks in the edifice in the last few weeks. The
23 Russian TV channels are under -- were under his thumb,
24 and Lugovoy was given a prominent public role on Russian
25 TV. So I think for both those reasons, therefore,

1 Lugovoy has had favour shown to him by the president.

2 Q. Culminating in the award of a medal for services to the
3 fatherland?

4 A. Indeed, indeed.

5 MR EMMERSON: Thank you very much.

6 MR TAM: Two very quick things, please, Professor.

7 THE CHAIRMAN: Yes.

8 Further questions by MR TAM

9 MR TAM: The first is this: my learned friend Mr Emmerson
10 started to ask you questions about the hypotheses of why
11 Mr Litvinenko was killed. It's right, isn't it, that
12 that's not something that you've been asked to address?

13 A. That's correct.

14 Q. Because we've asked you to look at the political history
15 side of things.

16 A. Yes.

17 Q. So when you've been looking at the evidence in the case,
18 you haven't been looking at it through those -- through
19 that prism yourself?

20 A. That's correct, and as I was trying to say directly,
21 while the killings that we've been talking about today
22 are of people who were political critics of
23 Vladimir Putin, we can't leap from that like an
24 electrical spark across the gap to say that it
25 definitely follows that the order for the killings came

1 from Putin. We can much more readily say that the
2 environment in which the killers operated was indulgent
3 to the possibility of those individuals being killed.

4 Q. Thank you. The other thing is to ask you a question
5 about Karen Dawisha's book. If we can have up on the
6 screen, please, INQ020322, it's the bibliography at the
7 end of your last report, it will be fast to do this on
8 the screen, we see there in that first item, that's her
9 book there, published by Simon & Schuster in New York?

10 A. Yes.

11 Q. You said it wasn't published here by
12 Cambridge University Press?

13 A. Yes.

14 Q. There was some controversy over it.

15 A. Yes.

16 Q. My learned friend suggested that that was because we
17 were friendly to libel litigants here.

18 A. Yes.

19 Q. It's not just a question of us -- English lawyers being
20 very friendly people, which of course we are, is it, but
21 a question of the law of defamation in the US being
22 different from the law of defamation here in the UK?

23 A. Yes, that's absolutely it.

24 Q. Thank you.

25 A. And I still think that Cambridge University Press was

1 craven with all its resources in not standing up for
2 a scholar who had a case to make, perhaps a challengable
3 case to make in scholarly discourse, but nevertheless is
4 a scholar who's written very substantial books.

5 I remember reading her book on Eastern Europe in the
6 late 1980s, and she is an established scholar and it is
7 really a grievous weakness in our libel legislation that
8 such a book cannot be safely published in Britain.

9 MR TAM: But at least we do have it through the American
10 channels.

11 Sir, unless you have any questions?

12 THE CHAIRMAN: No. Professor Service, I'm most grateful to
13 you for your assistance. Thank you very much indeed.

14 I think there are some matters as to how we go from
15 here.

16 MR TAM: Sir, yes, but they will take more than a few
17 minutes, so I wonder if I might respectfully ask you to
18 sit again at 2.30, and then some case management issues
19 can be dealt with.

20 THE CHAIRMAN: Yes, let's do that, thank you.

21 MR TAM: I'm grateful.

22 (1.17 pm)

23 (The short adjournment)

24 (2.39 pm)

25

1 Discussion re case management

2 THE CHAIRMAN: Yes, Mr Tam.

3 MR TAM: May it please you, sir. I'm sorry to have kept you
4 waiting but I have a couple of points about case
5 management that I would ask to raise at this stage.

6 THE CHAIRMAN: Yes.

7 MR TAM: Sir, first, may I please say a word about documents
8 on the Inquiry website.

9 It has come to our attention that there may be some
10 confusion regarding the practice that has been followed
11 and I hope that I may be able to clarify matters.

12 Put very shortly, the aim that we have pursued is to
13 place on the Inquiry website as much as possible of the
14 documentary material admitted into evidence. The
15 procedure that has been followed since the start of the
16 hearings is that where a document or a part of
17 a document is referred to by a witness in the course of
18 oral evidence, that document or part of document is
19 uploaded on to the website.

20 The primary purpose of this exercise is to enable
21 those who are following the proceedings remotely by
22 means of the published transcript to look at the
23 documents that have been brought up on the screens in
24 the hearing room.

25 For that reason, the documents on the website are

1 ordered according to the day on which they were put into
2 evidence.

3 Moreover, as I have said, where only a page or two
4 of a lengthy document has been referred to by a witness
5 and thereby put into evidence, it is only those pages
6 which appear on the website.

7 I should add that there have been a few occasions
8 where you have admitted lots of documents into evidence,
9 for example the documents relating to Mr Litvinenko and
10 Mr Berezovsky, that we dealt with earlier this week, and
11 these documents have then been uploaded on the website.

12 In addition there have been some statements or
13 reports by witnesses treated as experts which have also
14 been uploaded in this way, but in general we have
15 adopted the document-by-document approach that I have
16 just described.

17 THE CHAIRMAN: Yes, thank you.

18 MR TAM: Sir, may I turn to two points regarding
19 timetabling.

20 First, we have referred previously to the
21 discussions that have been taking place with the German
22 authorities regarding the giving of oral evidence to
23 the Inquiry by certain German witnesses.

24 We have also previously indicated that this is why
25 that evidence has not yet been heard.

1 Sir, I'm sorry to have to report that it now appears
2 that any live evidence from these witnesses will have to
3 be taken after Easter at an ad hoc hearing. The
4 solicitor to the Inquiry will continue to make efforts
5 in this regard. I do not believe that there is anything
6 more that can usefully be said on this topic at this
7 stage.

8 Sir, the other matter is this: during the course of
9 the last fortnight or so, the solicitor to the Inquiry
10 has received a number of communications from a man who
11 has given his name as Dmitri Kovtun. In correspondence
12 with Mr Smith, this individual has said that he is
13 willing to take part in the Inquiry and in particular to
14 give evidence by video-link. He has also recently
15 indicated that he wishes to apply for core participant
16 status.

17 Sir, I raise this matter now for two principal
18 reasons. The first is to make core participants and the
19 public aware of this development. The second is to give
20 core participants an opportunity to make any submissions
21 that they may wish to advance regarding the application
22 for core participant status.

23 Our submission is that on the face of things, an
24 application from Mr Kovtun would meet the requirements
25 of rule 5 and that an application from him should be

1 granted.

2 Sir, there are clearly a number of further steps
3 that need to be taken regarding this matter. It is not
4 yet apparent whether Mr Kovtun intends to instruct legal
5 representatives. Mr Smith has asked him to supply
6 a detailed witness statement but has not yet received
7 such a document.

8 If Mr Kovtun is to give evidence by video-link, it
9 will be necessary to make practical arrangements to
10 facilitate this. None of that work has yet been
11 started.

12 It will be apparent from what I have said that there
13 is no prospect of hearing any video-link evidence from
14 Mr Kovtun before Easter. Sir, this has an effect on the
15 submissions that had been scheduled for 30 and 31 March
16 this year.

17 The difficulties with you hearing submissions on the
18 facts at that time are obvious. You may, therefore,
19 wish to consider, subject to any submissions which core
20 participants may wish to make now, whether to direct
21 that submissions on 30 and 31 March should be limited to
22 submissions on legal points only and that factual
23 submissions should be deferred until after the open
24 evidence is complete.

25 THE CHAIRMAN: It is highly regrettable that it is so late

1 in the day that this approach and application, if indeed
2 it be from Dmitri Kovtun, has been made, but subject to
3 anything that the core participants wish to say, plainly
4 it would not be appropriate for me to hear final
5 submissions on the facts until we see whether and what
6 evidence is forthcoming.

7 Much as that is to be regretted, it seems to me that
8 there is no other appropriate way of proceeding, but
9 I will hear from core participants.

10 Mr Emmerson.

11 MR EMMERSON: Can I just take the points in order.

12 THE CHAIRMAN: Yes.

13 MR EMMERSON: I know it is a rather prosaic question in the
14 circumstances, but I ought to raise it since it's been
15 raised; the issue of disclosure of documents on the
16 website, I obviously hold no brief for the media or
17 separately from my client for the public. Sir, you will
18 obviously be aware of the provisions section 18 of the
19 Act which in essence require the tribunal to disclose as
20 much of the material that's admitted into evidence to
21 the public as can be reasonably achieved in the
22 chairman's view, and obviously subject to restriction
23 orders and notices and so forth.

24 It appears as though what's been happening, it is
25 entirely understandable for pragmatic reasons, is that

1 documentary evidence has been admitted before you as
2 part of the evidence which has then not made its way on
3 to the website. I'm simply acting for these purposes as
4 a conduit for the interests of others, I'm not going to
5 say any more about it in public on the record at any
6 point, but I ought to put down a marker that I have been
7 approached by members of the press who at the moment
8 don't have their representatives with them in court,
9 although I understand that their solicitor has raised
10 this issue in correspondence, expressing the concern
11 that if documents are admitted into evidence as opposed
12 to that they exist in the Lextranet pool of material,
13 that they ought to be in a position to see the whole
14 document.

15 So, for example, there have been extracts of
16 interviews with Kovtun and Lugovoy which have been put
17 on to the website, but the interview itself, or as
18 a whole, has not, and the concern that has been raised
19 with me is that places those who are following it not
20 only in some difficulty about following the testimony
21 that you have available to you in the open part of the
22 proceedings, but also it raises questions about their
23 duties of responsible journalism to check the material
24 and its contents.

25 So I simply raise that for you, sir, and perhaps ask

1 those responsible for planning the practical
2 administration to clarify with you whether that
3 selectivity of what goes on the website is fundamentally
4 intentional or purely administrative arrangements in the
5 meantime.

6 THE CHAIRMAN: Yes, well, I'll consider that.

7 MR EMMERSON: On to more important matters, short
8 submissions indeed. As you say, sir, it's an
9 unexpected, to say the least, an unexpected development
10 that Mr Kovtun should now seek to show his face, but if
11 that is what he wants to do, then we would be more than
12 happy to do whatever is necessary to facilitate the
13 opportunity to have a proper chance to question this man
14 about his conduct, his role, in the murder of
15 Mr Litvinenko.

16 I'm going to raise certain practical questions. In
17 terms of the management of the case, I absolutely agree
18 that whilst that remains a live possibility, we ought to
19 postpone closing submissions on the facts, and that
20 would be, sir, in our submission, not just the oral
21 closing submissions, but we -- close to concluding
22 written closing submissions on the evidence thus far,
23 but we would hold our hand in relation to those until
24 we'd had an opportunity to cross-examine Mr Kovtun if
25 that opportunity in due course materialises.

1 I entirely also understand that there is some
2 uncertainty as to how and when we may be in a position
3 to facilitate his evidence, as to whether he is going to
4 be represented and as to whether he should be granted
5 core participant status, all of which I think we would
6 like to reflect on before committing ourselves, so to
7 speak, spontaneously, although it does seem to us that
8 the approach that's been outlined by Mr Tam sounds very
9 sensible.

10 THE CHAIRMAN: Yes.

11 MR EMMERSON: I'd also simply add to this that you are going
12 to need to consider, sir, whether he needs to be
13 cautioned before he gives evidence, and that leads on to
14 the question of whether, if he is going to make himself
15 available, in the way that he now appears to be offering
16 to do, he should be questioned by the police under
17 caution via Skype.

18 There is an ongoing investigation into his
19 responsibility for the murder, and rather than giving
20 him the opportunity to script a document which
21 presumably will be written for him by other people
22 anyway, he ought to be subjected to cross-examination or
23 questioning by the police in the ordinary way albeit via
24 Skype and under caution. Those are our submissions.

25 THE CHAIRMAN: That's most helpful, yes. Yes, Mr Horwell?

1 MR HORWELL: Sir, we have our grave concerns as to what
2 might be behind this latest development, but --

3 THE CHAIRMAN: Concerns that are shared by me.

4 MR HORWELL: I'm sure they are, but we very much take the
5 view that you have no option but to take these
6 approaches on their face and we will wait to see what
7 happens. We can't wait forever, obviously.

8 THE CHAIRMAN: No.

9 MR HORWELL: In terms of submissions, of course we can have
10 the legal submissions, but it would be pointless to have
11 the factual, and so they should be put over.

12 THE CHAIRMAN: Yes.

13 MR HORWELL: As to any application by him for core
14 participant status, we would like time to consider that
15 too because it's not as simple as it might appear at
16 first sight, and I need to discuss this with your
17 counsel. We would leave that to another day.

18 THE CHAIRMAN: Yes, you may certainly have time to further
19 reflect on those matters.

20 Mr Garnham?

21 MR GARNHAM: I've nothing to add. I agree with what
22 Mr Horwell has said.

23 THE CHAIRMAN: Mr Evans?

24 MR EVANS: Sir, nothing to add to what Mr Tam has said,
25 thank you.

1 THE CHAIRMAN: For present purposes, I shall direct that
2 I will limit submissions on the 30th/31st to submissions
3 on issues of law. I should also make it plain that
4 however we decide to proceed, I shall set strict time
5 limits. This matter cannot be allowed to drift on, but
6 I don't think there's anything more that I can sensibly
7 say about it at this stage.

8 MR TAM: Sir, I'm grateful for that. In the light of that
9 decision, and indeed unanimity at the bar on this point,
10 the submissions then on the 30th and 31st, being limited
11 to submissions on law, may be capable of being
12 accommodated on the same day as the evidence that we
13 propose to call that day.

14 THE CHAIRMAN: Yes.

15 MR TAM: May I perhaps indicate the effect of this on the
16 timetable for that week?

17 THE CHAIRMAN: Please do.

18 MR TAM: The next hearing would therefore be on Monday,
19 30 March. I understand that for practical reasons, we
20 would have to start at 11.00 am with evidence from
21 Mr Guzzanti, and on that day we can also then call
22 Mr Mascall to deal with a number of sweeping-up points
23 to clarify certain points of the evidence.

24 Subject to the anticipated length of submissions on
25 points of law, it may well be that we can complete those

1 on the same day and, therefore, only have to sit on
2 Monday. It will assist enormously if the existing
3 directions for service of written submissions on those
4 legal points is, therefore, maintained, and I had would
5 ask you to do that.

6 THE CHAIRMAN: Yes, I'll maintain that.

7 MR TAM: If necessary, we would then have the 31st in
8 reserve if we had to go over, but it may well not be
9 necessary to do so.

10 THE CHAIRMAN: Yes. I'm loath to set a timetable for
11 submissions as to core participant status, but equally
12 I would value the assistance of such submissions as soon
13 as core participants have had the opportunity to give it
14 appropriate consideration. It's not straightforward.

15 MR TAM: Sir, the most urgent decision that had to be made
16 today is the decision you've already made about whether
17 factual submissions should or should not be heard then.
18 I anticipate that the submissions on core participant
19 status and the other matters could be dealt with in
20 writing according to a timetable which can be notified
21 by Mr Smith in the usual way.

22 THE CHAIRMAN: Yes.

23 MR TAM: Sir, I'm grateful.

24 Can I then, please, finally just return to the
25 question of documents on the website.

1 THE CHAIRMAN: Yes.

2 MR TAM: As I've said, the aim of the exercise being carried
3 out now is to assist the understanding of the transcript
4 of the evidence, and that is why in some cases fragments
5 of documents are being uploaded on a day-by-day basis.

6 We do understand that that is difficult to follow if
7 one is trying to assemble an entire collection of
8 evidence, and perhaps it will assist if I can indicate
9 what we envisage for a future time in these proceedings.

10 THE CHAIRMAN: Yes.

11 MR TAM: It is our intention that following the conclusion
12 of the open evidence, we will conduct a review of the
13 documentary material that has been admitted into
14 evidence. It is very likely that at that stage we will
15 invite you to admit further documentary material into
16 evidence, including both documents that are not
17 currently in evidence at all and also further sections
18 of documents of which only parts are currently in
19 evidence.

20 THE CHAIRMAN: Yes.

21 MR TAM: So, for example, if there is only a page or two of
22 an interview but the whole document ought to be admitted
23 into evidence, at that stage that will all then go on to
24 the website.

25 Any assistance that core participants can give at

1 this stage will be gratefully received, and we can
2 liaise and discuss that in due course.

3 THE CHAIRMAN: Yes.

4 MR TAM: Finally, with regard to the documents on the
5 website, can I also make it clear that it is intended in
6 due course to add a more sophisticated index to the body
7 of documentary evidence that's on the website. That
8 will, we hope, make it possible to search by reference
9 to the author and/or the subject matter of the document,
10 as opposed to simply the date on which it was admitted
11 into evidence.

12 That is an exercise that the Inquiry staff will turn
13 to once the immediate demands of the hearings have
14 passed, and I hope that that will then allay some of the
15 concerns that have been expressed through my learned
16 friend.

17 THE CHAIRMAN: Yes, thank you.

18 Then as to next week?

19 MR TAM: Sir, that means that the next open hearing will be
20 on Monday week, 30 March, at 11.00 am.

21 THE CHAIRMAN: Yes.

22 MR TAM: Thank you.

23 THE CHAIRMAN: Well, I shall adjourn now then until 11.00 am
24 on 30 March.

25 (2.56 pm)

1 (The Inquiry adjourned until 11.00 am on Monday,

2 30 March 2015)

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