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Wednesday, 18 March 2015

(10.00 am)

THE CHAIRMAN: Yes, Mr Tam. Good morning, Mr Scaramella,
thank you for returning to us. Yes.

MR TAM: Sir, Mr Scaramella is still on oath from his last
attendance to give evidence, as is the interpreter.

THE CHAIRMAN: Yes.

MR TAM: So I'll start.

MR MARIO SCARAMELLA (recalled)

Questions by MR TAM

MR TAM: Mr Scaramella, can I just start also by thanking
you for coming back to help us again on this occasion,
and just to ask you to clarify whether you have been
compelled in any way to come to give evidence?

A. No, I'm here on a voluntary basis, having been required
after our last hearing here by the Italian tribunal, by
the Appeal Court, to come here again on voluntary basis,

1 so after the first hearing, I have been also officially
2 required by the Italian justice to attend.

3 Q. But your attendance here is because you want to come and
4 assist us, is that right?

5 A. Yes, sir.

6 Q. It's purely voluntary on your part?

7 A. Yes, sir.

8 Q. We are very grateful for that. Mr Scaramella, last time
9 the questions that I asked you were mostly directed
10 towards events that happened, as historical facts,
11 especially the events around the day on which
12 Mr Litvinenko was poisoned. Today, the questions that
13 I want to ask you and the evidence which we would like
14 you to give revolves more around reasons why anybody
15 might have wished to do Mr Litvinenko harm and,
16 therefore, reasons why he might have been killed in the
17 way that he was. Do you understand?

18 A. Yes, sir.

19 Q. Before I do that, though, is it right to say that there
20 has been a certain amount of critical commentary about
21 you in the press and in the media in all the years that
22 you have been known to be associated with
23 Mr Litvinenko's case?

24 A. Yes, I know.

25 Q. And that stories have been written about you in

1 newspapers which have at least questioned the truth of
2 some of the things that you have had to say about
3 yourself?

4 A. I agree with you.

5 Q. Quite recently, in fact, there was an article in the
6 Independent, as recently as Friday, 13 March, that's
7 Friday of last week, written by a journalist called
8 Peter Popham. Is that right?

9 A. Yes, sir, I saw this article on the internet.

10 Q. You've drawn that article to our attention.

11 A. Yes, sir.

12 Q. Perhaps if we can have that recent article up on screen,
13 please. Do you see that on the screen before you? We
14 see the headline:

15 "What happened to the other man who took tea with
16 Alexander Litvinenko?"

17 A. Yes, sir.

18 Q. Then below the photograph, Mr Popham writes:

19 "As the evidence against Russian secret agents
20 Andrei Lugovoy and Dmitri Kovtun continues to mount, the
21 other spook who met the former spy on the day he was
22 poisoned has slipped back into the shadows."

23 "spook", I don't know if that's a word which you
24 understand when it's used like this in English?

25 A. Yes, I understand what he is saying.

1 Q. It suggests a spy or somebody working with intelligence
2 agencies. Mr Popham then goes on to say:

3 "That's a pity. I would love to know more about
4 Mario Scaramella, the man who claims he warned
5 Alexander Litvinenko that he, and Scaramella, were on
6 a list of people the Kremlin wanted killed."

7 Before I go on to the part that deals with you,
8 can I just draw your attention to the next paragraph,
9 Mr Popham says:

10 "A quick catch-up: the long-delayed inquest has been
11 told that Lugovoy and Kovtun twice induced Litvinenko to
12 drink tea poisoned with polonium-210 on 1 November 2006.
13 In between, and not as yet suffering any symptoms,
14 Litvinenko met Scaramella at Itsu sushi bar in
15 Piccadilly where they had lunch."

16 Now, we know from the other evidence that you did
17 meet Mr Litvinenko before he met Mr Lugovoy and
18 Mr Kovtun in the Pine Bar at the Millennium Hotel later
19 that afternoon, where we know that he drank the tea?

20 A. Yes, sir, not tea with me at all.

21 Q. Yes, and you may or may not have followed this from the
22 evidence, we don't have any evidence to suggest that he
23 met them twice that day and Mr Popham appears to be
24 incorrect about that.

25 A. Exactly, I never took a tea with Mr Litvinenko or others

1 in that day.

2 Q. Can we then go on to the next paragraph below the photo
3 box:

4 "Scaramella, now 45, has claimed to be many
5 things -- a magistrate, a former professor in the US, an
6 expert on the KGB, and founder of something called the
7 environmental crime prevention programme. None of them
8 stacks up. The only certain fact is that he was an
9 adviser to the Mitrokhin Commission set up by
10 Silvio Berlusconi when he was Italian Prime Minister
11 with the ostensible aim of uncovering the secret role
12 played by Russia and the KGB in Italy. Its actual aim,
13 it later emerged, was to find, or if necessary invent,
14 Russia-related dirt with which to smear his political
15 enemies, in particular his rival Romano Prodi."

16 Do you see that? That is Mr Popham's scepticism
17 about the things that you claim about yourself.

18 A. Yes, I see it on this. I cannot explain that because
19 it's not correct.

20 Q. I'll come to that in a moment, but is that typical of
21 the critical things that have been said about you in the
22 past?

23 A. Yes, sir.

24 Q. Then if we can go on to the last paragraph of this
25 story, Mr Popham says:

1 "In the end, the story seemed the product of an
2 overheated imagination fed by too many spy novels, so
3 I was stunned to find the same character in the thick of
4 the macabre and all too real murder of Litvinenko.
5 There is no doubt that the Italian did meet the Russian
6 on that fateful day, but what was the real reason?"

7 Then Mr Popham goes on to speculate about that. But
8 that is something that you told us about last time,
9 wasn't it, that you were there to tell him about the
10 contents of the emails that you'd had from Mr Limarev on
11 the previous day, and in fact the day that you met him
12 as well, you picked up an email?

13 A. Yes, sir, I got it.

14 Q. So Mr Popham doesn't seem to have taken that evidence on
15 board. Can I also ask you to look in terms of timescale
16 at something that is much earlier in date, and we have
17 this at INQ019460. That's going to come up on the
18 screen in front of you.

19 This is a .translation of an article from
20 La Republicca. We see the date in the top line there,
21 don't we, 22 November 2006, so that's actually the day
22 before Mr Litvinenko died, and so he was known to be in
23 hospital and known to be very ill there.

24 If we go into the body of the report, do we see that
25 the second paragraph there says:

1 "In fact Alexander Litvinenko notices the first
2 symptoms of poisoning from thallium on 1 November in
3 London, after a meal in a sushi bar with a 36 year old
4 gentleman from the Campania region ... called
5 Mario Scaramella. The chap has worked as a consultant
6 of the Mitrokhin Commission. He asks to be called
7 'Professor' on the basis of a post at the research
8 institute in San Jose, California. He accredits himself
9 as secretary of the ECPP ... He prides himself on the
10 title of honorary judge but he has always dealt with the
11 judiciary from the other side of the bench."

12 Then an incident is referred to when you were much
13 younger and in fact of which you were acquitted?

14 A. A very friendly article, sir, yes.

15 Q. So is this typical of the sort of articles that have
16 been written about you questioning your background and
17 qualifications for some years?

18 A. Yes.

19 Q. In that context, were you able to provide the solicitor
20 to the Inquiry with a list of your qualifications and
21 appointments by email this week, and also a number of
22 documents that you say establish your credentials?

23 A. Yes. Just the ones related with the article you already
24 showed me.

25 Q. Are you prepared to go through those to demonstrate your

1 qualifications?

2 A. Sure.

3 Q. Can I have, please, INQ020904. Can you please tell us,

4 Mr Scaramella, what does this document show?

5 A. That's just the certification of my degree in law which

6 is the equivalent to your masters in law degree,

7 University of Naples Federico II.

8 Q. Just above the round seal near the bottom of the

9 document, do we have a date there?

10 A. Yes, it's Naples, 1 December 1995 or 1994 -- 1994, no,

11 1995, sorry.

12 Q. 1995.

13 A. Yes, it was 1995.

14 Q. That's the date on which this was presented to you, is

15 that right?

16 A. Yes, exactly.

17 Q. Then if we have a look at the document -- a couple of

18 lines above your name in the middle of the document, is

19 there another date there?

20 A. It's 15 March 1994. That's a bad copy.

21 Q. I think on a slightly better copy that I've got it's

22 1995. Is that the date on which you in fact qualified

23 for this degree?

24 A. Yes, it's the final examination discussing the thesis.

25 Q. Have you been registered as a lawyer?

1 A. Yes, soon after I started my practice at the council of
2 lawyers of Naples, a few months later after the degree
3 in law, yes.

4 Q. Have you provided us with documents that establish that,
5 ie that you are registered as a lawyer?

6 A. I provided to the police at the time, if I remember,
7 just the ID card and the papers about that, yes.

8 I provided to you some statement about the continuing
9 education I did with the council of lawyers up to the
10 present, because I did several continuing education
11 courses for them.

12 Q. So the document that you provided us at 020907, can you
13 tell us -- because we have not been able to have this
14 translated -- what does this tell us?

15 A. I have been appointed in 1999 as coordinator of the
16 environmental section of the European Law Commission of
17 the council of lawyers of Naples.

18 Q. What about at page 909?

19 A. It's something similar, I have been appointed in 2006 as
20 scientific director of the scientific committee of the
21 privacy and security committee of the council of lawyers
22 of Naples and responsible of the bilateral relation with
23 American Bar Association. So the council established
24 a committee which was a twin of another existing
25 committee in the US, in American Bar Association, so

1 I was the liaison and the scientific director of the
2 activities in matter of safety and security and privacy.

3 Q. You graduated in 1995 as we saw. In 1996, you told us
4 in this email that you were appointed director of the
5 environmental crime institute at the University of
6 Naples Federico II, is that right?

7 A. Yes, sir.

8 Q. Could you have a look, please, at page 906. This copy
9 again is not a particularly good copy, but can you tell
10 us, does this relate to that appointment?

11 A. Yes, I have been appointed first as director of the
12 environmental crime institute at the international
13 institute of the university.

14 Q. Where do we find that on this document?

15 A. No, that's following the first appointment, I was
16 reappointed as director of the environmental crime unit
17 of the department, because the department -- the
18 institute become a department, so bigger, and the
19 institute become the unit of the department. So this is
20 the appointment as director of the environmental crime
21 unit of the department, of international law.

22 Q. Where do we see the words "environmental crime unit"?

23 A. So even in the subject, this is appointment of
24 Dr Mario Scaramella at the direction of the
25 environmental crime unit, that's in subject. And then

1 they say that I'm appointed because of the decision of
2 the faculty of law, dated 17 June 1995, which formalised
3 the establishment of the unit in my (inaudible).

4 Q. At the end of that first paragraph, we see the words
5 "environmental crime prevention programme". Do you see
6 that?

7 A. Yes.

8 Q. The last four words of that first paragraph.

9 A. Yes, because this unit was established in the framework
10 of an international environmental crime prevention
11 programme, and so I've been appointed by the university
12 in both the positions, so director of the section of the
13 department and in charge to follow the activities of
14 this environmental crime prevention programme.

15 Q. So that's the same ECPP that we've already heard about?

16 A. Yes, it was the beginning of the ECPP.

17 Q. In October 1998, did you receive an academic appointment
18 at a university?

19 A. In October?

20 Q. 1998.

21 A. Yes.

22 Q. Can you tell us, at which university was that?

23 A. I was appointed by the second university of Naples, the
24 state university, I was appointed as a professor of
25 public law and professor of environmental law in the

1 school Jean Monnet, which is the faculty of political
2 science.

3 Q. If we have a look at, please, 020905, do we have there
4 a document which demonstrates this?

5 A. Yes, sir.

6 Q. The top there, we can see the heading, the second
7 university, is that right?

8 A. Yes, the second state university of Naples.

9 Q. There's a date in the bottom -- near the bottom
10 left-hand corner, 27 June 2012.

11 A. Yes.

12 Q. Can you tell us what's the significance of that date?

13 A. It's dated 2012 because I required the university to
14 make an official statement about my position there, that
15 I have been professor since 1998 to 2002, and
16 I deposited that to the Italian court in Rimini, was
17 because a trial in Italy, so I asked them an official
18 certification about my position there.

19 Q. In the middle, about a third of the way down there,
20 there's a word, "attesta", what does that mean?

21 A. Attestata? It's certify.

22 Q. Then what does it certify?

23 A. Certify that Dr Scaramella born on 23 April 1970, has
24 covered since 15 October 1998, because the contract
25 number 27, 28 July 1999, the position as professor, in

1 charge for public law institution and environmental law,
2 at the high -- at the masters school in environmental --
3 in law and economics, the European Union, and as
4 a member of the council of the -- the board of professor
5 at the school. He was responsible for the development
6 of a high studies programme and research at the faculty
7 of law, the school of -- the masters school in law and
8 economics of the European Union, Jean Monnet, at the
9 second university of studies of Naples.

10 He was appointed with the report dated 2 March 2001
11 as coordinator of the centre of studies on civil defence
12 and foreign policy and security of the European Union.

13 Do I have to go on?

14 Q. Yes, please.

15 A. After the transformation of the school Jean Monnet,
16 dated June 2002, in the school for high training and
17 then the faculty of political studies, he ended his
18 activities, he was in charge for.

19 Q. You held that post then for four years from 1998 to
20 2002?

21 A. Exactly, I was a full professor of public law execution
22 and environmental law.

23 Q. When you refer to yourself as a professor, does that
24 relate to this appointment?

25 A. Well, to be honest, I don't used to refer to myself as

1 professor. I more simple when I present myself. But,
2 yes, I was full professor at that time and after that
3 I had other contracts. So in these four years I have
4 been full professor. After that, I have been professor
5 by contract with other universities.

6 Q. Okay, so are you saying that you're entitled to use the
7 title professor --

8 A. Yes, sure.

9 Q. -- because of this or also because of your other
10 appointments?

11 A. Well, this was an important appointment in an important
12 school, and so it was full professor there. Other
13 activities, as director of research centres, also
14 allowing me to make some seminars, so I've been
15 professor of some other seminars, but less important.
16 I made more research than front lessons. So I was more
17 researcher than a professor. But I was technically
18 professor, yes.

19 Q. In 1998, did you also become involved with a centre at
20 Stanford University?

21 A. Yes, sir.

22 Q. Can you tell us what was your role there?

23 A. Well, I started making some seminars at
24 Stanford University in cooperation with the Hoover
25 institution, which is the institution for war and peace

1 evolution studies. It's an independent centre at
2 Stanford University.

3 After that, after some seminars, I have been invited
4 and appointed as a visiting scientist by the centre for
5 international cooperation in space in the department of
6 (inaudible) engineering which was quite an
7 interdisciplinary study centre, and there was following
8 at that time Dr Teller which was a prominent scientist
9 working at Hoover institution and in this centre, so
10 I was a part of an interdisciplinary group.

11 Q. Did you hold any formal appointment at
12 Stanford University?

13 A. I received letters for -- appointing me as visiting
14 scientist, among with my associates.

15 Q. Are those letters included in the ones that you've
16 provided to the Inquiry this week?

17 A. Well, several reference about my work at Stanford, so
18 I can provide --

19 Q. Have you provided a copy of the letter appointing you to
20 the Inquiry?

21 A. The letter supporting me as visiting professor, yes.

22 Q. Can you have a look, please, at 020915.

23 This is one of the letters that you've provided to
24 the Inquiry this week?

25 A. Yes, it's one of the letters about the cooperation with

1 them.

2 Q. Yes. You see that that letter thanks you for your
3 address at the seminar.

4 Do you see?

5 A. Yes, sir.

6 Q. There's a short description of the subject matter, and
7 then it refers to a meeting that you had with Dr Teller
8 on the Friday?

9 A. Yes.

10 Q. Mr Lusignan expresses the hope that you will brief the
11 authorities that you meet in Washington.

12 Then the last paragraph, he says he would be happy
13 to cooperate with your group to see if he and others at
14 Stanford could play a role in monitoring environmental
15 damage, et cetera?

16 A. Yes, that's one of the first exchange of experience we
17 did at Stanford. Let me underline, again, it was with
18 the direct involvement of Dr Teller. Dr Teller was
19 a legendary man at that time at Stanford, he's the --

20 Q. But there's nothing in that that suggests that you were
21 appointed as a visiting scientist, is there?

22 A. No, it was after the first seminar, as I explain you, it
23 started step-by-step. I have been first invited to take
24 some seminars, to speak at the seminars, seminars to
25 other professors and some students, so after that, year

1 after year, I have been appointed in 2000 -- in the year
2 2000 visiting scientist, the beginning just invited as
3 a visiting for single speech.

4 Q. I see. So not as early as 1 November 1998, then?

5 A. No, it was after the first meetings, that's just one of
6 the first steps, cooperating with them.

7 Q. I see. But you haven't provided us with any letters
8 from the year 2000?

9 A. Yes, some.

10 Q. No, from Stanford University?

11 A. Yes.

12 Q. In February of 1999, were you appointed a director of
13 the public administration in a town in Italy?

14 A. Yes, I won a public bid so I became a manager of
15 a public administration, yes, municipality in --

16 Q. If we can have a look, please at 020911, is that a copy
17 of your contract of employment which you provided?

18 A. Yes, exactly, yes.

19 Q. Of the town of San Giorgio, is that right?

20 A. Yes.

21 Q. We can see from the heading. Then if we go on to 914,
22 do we see the date of that as 8 February 1999?

23 A. Yes.

24 Q. How long were you in that job for?

25 A. I started to -- in Italy, it works that once you become

1 a public officer, you may -- you enter in the public
2 administration, so it was -- I spent some months in this
3 municipality. Then I did other things.

4 Q. So it was only for a few months?

5 A. It was for some months, yes.

6 Q. You told us by email that in January of 2000, you were
7 appointed co-director of a joint project at the
8 University of Arizona in Tucson, is that right?

9 A. Yes, sir.

10 Q. A joint project of what?

11 A. There was a famous department of environmental -- there
12 was laws and economics, there were expert in
13 agriculture, environmental law and economics. So we
14 exchanged some cooperation in the area of the facts on
15 economics of law enforcement, and I did as well as
16 Stanford, first some speech there, in Tucson, at their
17 department, and after that, we signed and we used and
18 agreements involving also the diplomatic channels among
19 Italy and the US, and we made a group. I was
20 a co-director along with the director of the department
21 of Arizona University. And we made some work in Italy,
22 in the Vesuvio national park, for example, for the
23 assessment of the compliance and enforcement laws in the
24 Vesuvio national park. So we cooperated both in the US
25 and in Italy with the University of Arizona.

1 Q. Did you have a formal appointment with that university?

2 A. Yes, we had memorandum of understanding with them which

3 includes my formal appointment, and which was also the

4 post -- the diplomatic institution involved in that.

5 Q. Can I ask you to look at 020918, please. This is one of

6 the documents which you've provided to us this week.

7 A. That's the transmission letter of the memorandum of

8 understanding we did, so they sent me the memorandum

9 which included my appointment, and that's just

10 a transmission letter of the memorandum.

11 Q. I see. So you haven't provided us with the memorandum

12 of understanding itself?

13 A. Not sure I have sent you the copy of that --

14 Q. Because the other document which you provided to us from

15 the University of Arizona is at 919?

16 A. Yes, we organise some --

17 Q. This is a certificate that was presented to you after

18 you had completed a course in environmental law and

19 economics. Do you see that?

20 A. Yes, among the other activities we made some continuing

21 education for researches and professors, so I attend

22 some activities in a matter of environmental law and

23 economics with them.

24 Q. But that was a year previously, in January of 1999?

25 A. Yes, again, we started with some activities, some

1 training courses, then some lectures, some conference.
2 After that, we made a memorandum of understanding, and
3 I made some activities in Tucson with their economists,
4 and they have been invited in Naples, at the University
5 of Naples, and we developed some research on the ground
6 in the Vesuvio national park, the Vesuvio volcano with
7 them. So it was a long cooperation.

8 Q. So we haven't seen the actual appointment of you to that
9 project?

10 A. No, I can provide.

11 Q. You told us that in August of 2000, that you became
12 a co-director of a joint project at
13 Greenwich University.

14 A. Yes.

15 Q. That's Greenwich University here in London, is it?

16 A. Yes, the Old Royal Naval College here in Greenwich in
17 London.

18 Q. You provided us with a document which we can see at
19 020923. Do you see a letter dated 10 August 2000?

20 A. Yes, there's one for the other cooperation, we made
21 a formal memorandum of understanding, this is something
22 like the transmission letter of that MOU, so we made
23 a memorandum of understanding among the university and
24 we implemented this protocol in cooperation with several
25 other organisations.

1 Q. Yes, because the letter says:

2 "I am delighted to confirm our wish to exchange an
3 MOU in areas of mutual interest with the University of
4 Naples Federico II ..."

5 Yes?

6 A. Yes.

7 Q. So the MOU hadn't yet been exchanged, but that was the
8 plan.

9 A. Follow that.

10 Q. "The university is delighted to be in the ECPP network,
11 an intergovernmental organisation devoted to
12 environmental security ..."

13 Yes?

14 A. Yes.

15 Q. In the second sentence, they would be delighted to make
16 available considerable resources in environmental
17 sciences, so this was the work sharing that was being
18 envisaged under the MOU?

19 A. Yes, we made some operations with them. For example, we
20 made an assessment of the NATO bombing in Serbia with
21 the University of Greenwich, so we spent some months
22 together in -- on the ground making the numerical
23 simulation and analysis of the impact of the war on
24 environment, so it was imperative.

25 Q. Mr Scaramella, if you look at the third paragraph:

1 "I trust this MOU will improve the capacity of the
2 ECPP network, and indeed the UCA and the CSP, at the
3 University of Naples to provide instruments and
4 services ..."

5 So this was the University of Greenwich saying we
6 would like to work with your university in Naples to
7 help the ECPP network become more effective, to provide
8 more resources?

9 A. Yes, sir.

10 Q. That was what the MOU was about?

11 A. Yes, the MOU was the cooperation and the joining by the
12 University of Greenwich to an existing network which
13 included at that time from Stanford to University of
14 Naples for development on specific activities. So
15 Greenwich was the big school for numerical simulation
16 and mathematical approach to that matter.

17 Q. Forgive me, this letter doesn't say anything about
18 appointing you as part of a project.

19 A. There is a memorandum of understanding in which I have
20 been appointed as co-director of this big project.

21 Q. So it's in the memorandum of understanding?

22 A. Yes, sir.

23 Q. Which we haven't seen?

24 A. I can provide. It was signed by Dr John Graham Taylor
25 on our behalf and by Professor Cross on their behalf.

1 Q. You also told us that on 3 September 2000, you were
2 appointed as secretary general of the environmental
3 crime prevention programme by the assistant
4 administrator of the US environmental protection agency.
5 Is that right?

6 A. Yes, sir.

7 Q. Because you provided us with a document which we see at
8 020922, which is a letter of 3 December 2000, do you
9 see?

10 A. Yes, sir.

11 Q. This letter says:

12 "... please find the original and several copies of
13 the final report of the ECPP plenary meeting ..."

14 Then it lists the signatures and the writer says:

15 "I have also signed the document ...

16 "We look forward to working with you, our Romanian
17 colleagues and the rest of the ECPP for a productive
18 presidency ..."

19 Do you see that?

20 A. Yes, sir.

21 Q. Then the last sentence:

22 "I look forward to seeing you and our ECPP
23 colleagues at Stanford."

24 Now, that appears to be a fairly administrative
25 letter between the EPA and yourself on behalf of the

1 ECPP?

2 A. Yes, sir.

3 Q. There's no appointment there by the EPA, is there?

4 A. This letter as well as the other protocols is

5 a transmission of the final report in that case, so the

6 final documents, in which the two elected presidents, so

7 Mr Steve Herman at that time was assistant administrator

8 for enforcement and compliance of the United States

9 environmental protection agency and the minister of

10 environment of Romania, appoint a secretary general,

11 which was me, so they transmit the report which includes

12 my appointment, as well as the other MOUs, so it's

13 a transmission letter.

14 Q. You are saying the appointment is contained in that

15 report?

16 A. Yes, exactly.

17 Q. But we don't have that?

18 A. I can provide.

19 Q. In October of 2001, you tell us, you were appointed to

20 a judicial position. Is that right?

21 A. Yes, sir.

22 Q. You provided to us a document which we see at 020910,

23 and it's headed:

24 "Tribunal of Naples".

25 Is that right?

1 A. Yes.

2 Q. Can you tell us, what's the line in larger type?

3 A. The department of the tribunal in Ischia.

4 Q. Where is Ischia?

5 A. It's a big island in front of Naples. It's in the
6 district of Naples. The (inaudible) Naples has some
7 district.

8 Q. We see that this document is dated 26 May 2006, do you
9 see that?

10 A. Yes.

11 Q. Can you tell us what it says?

12 A. So "Cancelliere" is the head of the clerical staff of
13 the tribunal certify that Dr Mario Scaramella, born
14 Naples, 23 April 1970, is -- so is working in this
15 separate section of the tribunal as a judge of the
16 tribunal.

17 Q. This document doesn't then give us a date of your
18 appointment, does it?

19 A. I have been appointed in the -- before the year 2000 by
20 the council of judiciary, but it was one of the last --
21 the later certifications, so I was appointed as judge of
22 the tribunal of Naples, honorary judge, and in the
23 tribunal of Naples, I played several roles. I have been
24 for one year in the seventh section, then the third
25 section and for a couple of years in the section of

1 Ischia as a penal judge, and criminal judge, and it was
2 near the events or is in 2006, so I provided you just
3 that, because it was near the event.

4 Q. What you have said, and what's reported in some of the
5 news media, is that you are an honorary judge.

6 A. Yes, honorary judge, sir.

7 Q. What is the significance of being an honorary judge?

8 A. We have two kind of judge in our constitution, even if
9 there are no differences among magistrates, but we can
10 be appointed -- or because a public bid or because we
11 are previously lawyers or professors, and I have been
12 appointed in this second way, so I have been appointed
13 by the supreme council of judiciary.

14 And in practice we are alternate to the other
15 magistrates, so we supply, we support, the judiciary as
16 lawyers or as professor of law, we support them. For
17 example, in Ischia, yes, there should have been five
18 criminal judges, magistrates, but there wasn't any
19 available, so I was appointed as one of them.

20 Q. Do you still hold this appointment today?

21 A. No, after the Litvinenko event, so I went in London for
22 cooperating with Scotland Yard, returning back in Italy,
23 as we mentioned the last time, I have been arrested; and
24 because the arrest, the council of judiciary suspended
25 and then delayed my appointment, just because they

1 backed the visibility on the newspapers, because the
2 arrest. So I was a judge before arriving in London and
3 I wasn't after my visit in London, the last time.

4 Q. The last thing I want to ask you about is an appointment
5 which you told us that you have by the transitional
6 federal government of Somalia?

7 A. Yes.

8 Q. You say that in 2009 and then in 2011 that you were
9 appointed as a legal adviser to the ministry of foreign
10 affairs?

11 A. Yes, sir.

12 Q. Then in December 2013, an assistant to the attorney
13 general of the Somali Federal Republic?

14 A. Yes, sir.

15 Q. And a coordinator of the specialised anti-piracy
16 section.

17 A. Yes, sir.

18 Q. The document that you've provided to us, we can see at
19 INQ020924. This is a document that's actually dated
20 27 February 2014.

21 A. Yes.

22 Q. That refers in the first paragraph to the creation of
23 the establishment of an office for international affairs
24 and unit in charge of specialised anti-piracy trials, do
25 you see that?

1 A. Yes, sir.

2 Q. Then in the third paragraph, that the office will be
3 under the coordination of Dr Ibrahim and yourself?

4 A. Yes, sir.

5 Q. And you will assist the attorney general?

6 A. Yes.

7 Q. So how does this date relate to the other dates which
8 you told us about in the email?

9 A. Well, Somalia was 20 years of war, and after the war,
10 there was a transitional federal government set up by
11 international organisation, and with the support of
12 mostly European and United States government, and so it
13 was billed a transitional federal government. I become
14 in 2009 adviser to the transitional federal government
15 to ministry of foreign affairs.

16 After that was approved the constitution and we set
17 up the new state, and the new state, because the
18 constitution was established, the office, the
19 independent office of the attorney general, and upon the
20 request of the secretary general of United Nations and
21 the United Nations security council, was approved
22 a resolution requiring the establishment of specialised
23 anti-piracy courts, specialised with international
24 assistance. So in brief they said the jurisdiction
25 among piracy at sea is a Somali jurisdiction, so Somali

1 pirates arrested overseas can be under the judgment of
2 Somali courts, but with international assistance.

3 So they appointed me as adviser and assistant to the
4 attorney general and coordinator of this section.

5 Q. Mr Scaramella, it may be my fault for not having asked
6 you a sufficiently focused question. This relates to an
7 appointment in 2014, doesn't it?

8 A. Yes, I have been appointed in December 2013.

9 Q. We haven't seen any documents about 2009 or 2011.

10 A. I can provide everything if you like, I can provide
11 everything to you. There are lots of people --
12 I provide to the police, if I remember, at that time, to
13 your British police.

14 Q. Those are the documents about your appointments which
15 you provided to the Inquiry this week. You also
16 provided three more documents which we can see, let's
17 have a look at the first one, 020926. Can we see the
18 date at the bottom there is November 2013?

19 A. Mm-hmm.

20 Q. Can you tell us what do these -- there are three of
21 these documents -- what do they show?

22 A. They certify that at present I have no criminal records
23 nor ongoing proceedings in Italy, because sometimes
24 newspapers mention that I have a relevant penal
25 background or ongoing issues. So that certified that

1 I haven't.

2 Q. Can you tell us, then, the title, what does the title
3 say of that document?

4 A. The title, that's the attorney, the prosecutor general,
5 in Latina, where I'm resident. The certification of
6 existing convictions, of existing judicial issues.

7 Q. Then in the middle where it says "nulla", does that mean
8 that there are none?

9 A. Nothing.

10 Q. Thank you. Now, Mr Scaramella, I want to move on
11 please, then, to the substance of the things that I need
12 to ask you about today.

13 We touched very briefly on the Mitrokhin Commission
14 when you last gave evidence. I want to ask you a bit
15 more about what that commission did.

16 Can you tell us, by whom was it set up?

17 A. The commission is a Parliamentary body set up by the
18 law. In our constitution, in Italian constitution, it's
19 established that the Parliament with the law can
20 establish a special body with special powers made by one
21 chamber or both chambers, to make some specific
22 investigations, and so it was established with the law,
23 then confirmed by second law in the year 2000, then in
24 2002, a special body made by both the chambers, so
25 senate and chamber of deputies, to investigate the

1 so-called Mitrokhin dossier, so the names of Italian
2 spies passed by the British authorities to the Italian
3 government, and the activities of Italian intelligence,
4 and more in general, the activities of KGB and other
5 Soviet Russian spy agencies in Italy, so that's the
6 mandate of the commission.

7 Q. Who was the prime minister at the time that this was set
8 up?

9 A. The prime minister probably was Berlusconi, as I saw in
10 the article. It was of course not related, because we
11 are speaking about the Parliament, not about the
12 government, so the government is totally separated, it's
13 not involved in any way with the Parliament activities.

14 Q. Are you saying that this was not set up by the
15 Parliament at the instigation of the Prime Minister, or
16 because of an idea that the Prime Minister and the
17 government had formulated?

18 A. No, no, absolutely not. I can imagine that, as in all
19 other countries, the same parties empowering the
20 government had the time even the control of the
21 Parliament. So that may be possible, but it was totally
22 an independent process inside of Parliament. That's why
23 I don't remember who was the Prime Minister, because
24 I work for the commission not since the beginning, but
25 I started work in 2003. When it was established in the

1 year 2000, I don't remember who was the prime minister,
2 but government has nothing to do with the Parliament in
3 establishing a Parliamentary body. It's totally
4 independent, it's a Parliament investigative commission.

5 Q. Do you understand what I mean by right-wing politicians
6 or right-wing politics and left-wing politics?

7 A. Yes.

8 Q. Part of what the commission was investigating was any
9 links between the KGB or Soviet intelligence and
10 politicians in Italy, wasn't it?

11 A. Yes, but technically, sir, it was not right against the
12 left. It was a neutral analysis of some names described
13 by Mitrokhin in his dossier as spies. So -- if you can
14 repeat -- may you repeat your question, about left wing?

15 Q. Yes, I'll ask you the question again. Part of what the
16 commission was investigating was whether there were any
17 links between the KGB or Soviet intelligence and
18 politicians in Italy.

19 A. Yes, sir.

20 Q. The Soviet Union, being a communist country, might be
21 thought to be interested in cultivating politicians on
22 the left wing of politics in Italy or indeed in Europe.
23 Would that be a fair assumption?

24 A. Yes, I'm a bit confused because we're speaking about
25 spies, not about political relations. So the Communist

1 party in Moscow were probably connected with the
2 Communist party in Italy, but we are speaking about
3 spies, so not inside the left or the right parties. So
4 not -- I've not investigated the support to the Italian
5 communists. I've investigated the support of Italian
6 spies in different parties, political parties, not in
7 the left.

8 Q. But spies might be interested in forming relationships
9 with people who are politically sympathetic or more
10 sympathetic to their own country.

11 A. Yes, sir, but it seems that it was prohibited for KGB to
12 cultivate spies among the Communist party. So probably
13 the only one never been spies who are the communists.
14 I know, I discovered, in my work, that after the 1954 in
15 Russia, it was prohibited for KGB to cultivate as
16 undercover agent or spies members of the Communist
17 party, even outside Russia.

18 So we focused more on non-communist members than the
19 others. That's why I was a bit confused about your
20 question, sir.

21 Q. Well, what I'm trying to see is whether you would
22 suspect the KGB of trying to cultivate left-wing
23 politicians, not just communists but left-wing
24 politicians in Italy.

25 A. Again, I can confirm that they cultivated several people

1 not necessarily because their political preference, or
2 mostly they cultivated the people in their opposite
3 groups, because they had some different kind of relation
4 with the ones directly related with their embassies or
5 their political parties.

6 So the people we focused about were more from other
7 parties than from the so-called leftist parties.

8 Q. Are you saying that you were suspecting or investigating
9 whether or not the KGB had cultivated links with
10 politicians from across the whole political spectrum?

11 A. Yes, sir.

12 Q. Including right-wing politicians?

13 A. Exactly.

14 Q. Because, you see, one of the allegations that has been
15 made about the commission is that it was set up at the
16 instigation of Mr Berlusconi, who was a right-wing
17 politician, in this sense, to try to damage his
18 left-wing political opponents. You know that
19 allegation?

20 A. I saw in the newspapers. My level was very low, I was
21 just working and investigating, so the use of the
22 political -- the political use of the information was
23 bigger than me. My work was focused on the names of the
24 spies or suspect spies, and very few of them have been
25 from the leftist -- the Communist party. Some from the

1 left parties, yes, some from other parties. But there
2 was lots of speculation about the potential use from the
3 right parties against left parties, but the commission
4 were made by 40 members of the Parliament, and half of
5 the left parties, half from the right, and the centre of
6 course, so it was a strong equilibrium or even, how to
7 say -- so it was a Parliament, so not in the control of
8 one party, but in control of entire Parliament. So 40
9 members from all the different parties.

10 Q. You say that you were just working at a low level in the
11 commission.

12 A. At analysis level, so production and analysis of
13 information.

14 Q. Are you saying that if there was any political leaning
15 or political bias in the commission, that was at levels
16 above yours?

17 A. Yes, I was not a member of the Parliament, I was an
18 adviser, in charge, to make the acquisition and
19 development of some information, and I was not involved
20 in any politics or in any political party or in any --
21 I never attended the meetings of the commission, just
22 avoid even the contact with politicians, I was very
23 discreet in my work.

24 Q. Mr Guzzanti was the president of the commission?

25 A. Yes, he was the president of the commission.

1 Q. And he is or was a politician?

2 A. He was a politician, he was from the party of
3 Mr Berlusconi, same political party.

4 Q. Yes. So if there are questions about this, then perhaps
5 he's a better person to ask?

6 A. Yes, of course.

7 Q. Can you tell us something about the powers of the
8 commission? What was the commission able to do in order
9 to investigate?

10 A. Because our constitution, Parliamentary commissions has
11 very big power, and in fact the Mitrokhin Commission was
12 described by some media as the most powerful public
13 organisation in Italy after the end of the last war,
14 because no secrets can be opposed to the commission,
15 including the state secrets and the judicial secrets,
16 which is very unusual in Italy, because everything
17 managed by the judiciary is -- cannot be viewed and
18 touched.

19 And for first time, a Parliamentary body was
20 authorised to directly manage and use the secret
21 service, the three secret service in Italy, so the
22 military one, the civil one and the cordinament of them
23 and directly utilise the judicial police, and some other
24 special powers, but -- so it was a powerful
25 organisation, on the papers.

1 Q. What do you mean by "on the papers"?

2 A. Well, reality was different, because the cooperation
3 with these bodies was not so easy, even because it was
4 the first time for the Parliament was authorised to use
5 secret service. Can you imagine the Parliament using
6 secret service, something new.

7 Q. What you meant was that in theory, it was a powerful
8 organisation?

9 A. Again, I can confirm in my work that, for example, when
10 I asked to go to Moscow supported by the ministry of
11 foreign affairs, it took months and months before the
12 authorisation and finally it never happened. So in
13 theory it was authorised to utilise diplomatic channels.
14 In practice, it was very slow and difficult to manage.

15 Q. In theory, what powers did you have to question people?

16 A. The commission has the same power of the judicial
17 authority, the commission itself, and of course, as the
18 judicial power, can even delegate some of its powers to
19 specific bodies.

20 Q. Okay, did that mean that you could require people to
21 come and talk to you?

22 A. Testify -- the same power of the judicial authority.

23 Q. In practice, did that happen?

24 A. Yes, they made some official acts, inspections. They
25 called people for -- to testify, they made -- so, the

1 same power, but, again, in theory it's the same power,
2 in practice a court has one or three judges, the
3 commission with 40 members moved in a slowly way, and
4 even the presidency office was not just the individual
5 of Senator Guzzanti, but a group of -- representative of
6 all the political parties. So when I worked under the
7 direct dominion and control of the presidency, this
8 means a group of people from all the political parties,
9 group of senators and deputies, so it was slowly, it was
10 very bureaucratic mechanism.

11 Q. Could you punish people who refused to come to give you
12 information?

13 A. There were some sanctions exactly as well for the
14 judicial authorities.

15 Q. In practice, were they used?

16 A. No, mostly because the main witness were members of the
17 Parliament with some other immunities, so several
18 witness have been former ministers or prime ministers,
19 and so with their own immunities, but again, I'm not
20 following that this part, the public hearings, I never
21 attended the public hearings, all the activities managed
22 by the archive, so I was more on the direct production
23 on the ground, how to say, of information. So not
24 things already acquired at the Mitrokhin Commission
25 archives.

1 Q. Were you allowed to have access to the documents of the
2 intelligence services?

3 A. Yes, sir.

4 Q. That's obviously the Italian intelligence services?

5 A. Yes, not only Italians, because there are -- of course
6 Italian secret service are in connection with other
7 foreign secret service, so there was some way to
8 cooperate with others.

9 Q. The Italian Parliament could require the Italian
10 services to give you information?

11 A. Yes, sir.

12 Q. But any other country would have to cooperate
13 voluntarily?

14 A. Yes, in different way, or using the channels of the
15 secret service or using the channel of prime minister or
16 using the channel of minister for foreign affairs and we
17 did it.

18 Q. In practice, was the commission allowed access to the
19 Italian secret -- the Italian intelligence services'
20 documents?

21 A. Yes, we acquired it.

22 Q. With 40 members of the commission and all of these
23 powers and the most powerful body created by Parliament,
24 all of this must have required quite a lot of money to
25 run, mustn't it?

1 A. I think so. There was a special budget decided by the
2 law.

3 Q. Did you have any part in the running of the finances?

4 A. No.

5 Q. The allocation of the resources?

6 A. No.

7 Q. You just did the investigations that you were asked to
8 do?

9 A. Exactly, I have been paid with my salary and refunded my
10 expenses mostly for travelling, and all the rest was
11 budgeting out my -- was managed by the senate.

12 Q. Now, I want to ask you some similar questions about the
13 ECPP. We've heard that it was an intergovernmental
14 organisation.

15 A. Yes, sir.

16 Q. But that could mean quite a lot of different things.
17 Can you tell us exactly who had set that up?

18 A. Yes, inside some existing intergovernmental
19 organisations, like the
20 International Maritime Organisation based here in London
21 and in the secretariat of the so-called multilateral
22 environment agreements, the secretariat of some United
23 Nations territories or bodies, some activities have been
24 developed by members country, mostly after 1995, 1994,
25 1995, and step by step, some countries start to organise

1 their own conference focused on environment crime or
2 international cooperation in matters of environmental
3 crime. And so there was, I remember, an important
4 conference in Cairo organised by the crime prevention
5 criminal justice division of UN, again, so some
6 activities developed a conference, so an international
7 conference of member countries, focused on environmental
8 crime prevention, which was not covered as a matter by
9 existing organisation.

10 And so these member countries meeting regularly,
11 meeting after meeting, the site of the first was in
12 Cairo in 1995 again, decided to give themselves a formal
13 status, which means establishment of a statute which was
14 drafted by my university, that's why I was involved, so
15 my department of law was an important department of
16 international law, and we drafted the statute of this
17 organisation.

18 After that, the countries ceded, ratified the
19 statutes, our countries, and so step by step it became
20 an organisation. And I have been appointed twice as
21 a secretary of this organisation, and the paper, for
22 example, I showed to you was when in the year 2000, the
23 environmental protection agency and the ministry of
24 environment, forests for Romania joined the chairmanship
25 of this organisation, they appointed me as a secretary

1 general. And so it's an organisation that become
2 a conference and -- started as a conference and become
3 an organisation with its own secretariat, and then
4 disappeared because other organisations took his own
5 role.

6 Q. Was the ECPP then funded by these governments?

7 A. Yes.

8 Q. From all round the world?

9 A. Yes, and in cooperation with other intergovernmental
10 organisations, so other organisations financed the ECPP
11 itself.

12 Q. As between the Mitrokhin Commission and the ECPP, which
13 had the bigger budget?

14 A. The Mitrokhin Commission -- well, the ECPP budget was on
15 specific programme, so it's difficult for me to say
16 what's the entire budget of ECPP. The
17 Mitrokhin Commission has a published budget. Honestly,
18 I have no idea what's the bigger budget among the
19 organisations. Is that the question? I don't know who
20 is bigger.

21 Q. You have no idea?

22 A. The Parliament of course, Italian Parliament, probably
23 was bigger.

24 Q. What did the ECPP actually do, what tasks was it
25 supposed to carry out?

1 A. Actually?

2 Q. Yes.

3 A. I think it's frozen, actually.

4 Q. No, sorry, at the time that you were working for it, so
5 particularly during the years 2000 to 2006, what was it
6 actually supposed to do?

7 A. So 2000-2006?

8 Q. Yes.

9 A. Well, two big divisions, one legal informal cooperation
10 among member countries and international organisations,
11 so focused on enforcement and compliance of existing
12 international laws, so soft laws, unfortunately, so
13 compliance of multilateral environmental agreements, and
14 the big technical -- so scientific division which was
15 a network of universities. That's why I cooperated with
16 Stanford and others. So it was more focused on the
17 application of space or space research derived
18 technologies for environmental security, for compliance
19 enforcement environmental law, so we mostly worked with
20 satellites to monitor the earth surface and among --
21 cooperation among legal and enforcement bodies in member
22 countries.

23 Q. But the ECPP had no enforcement powers of its own, did
24 it?

25 A. No, directly, no.

1 Q. So what was the role of the ECPP in respect of
2 enforcement?

3 A. Existing secretariat of multilateral environmental
4 agreements managed the text of some agreements, for
5 example the prohibition of dumping of waste at sea, but
6 nobody played at international level at that time
7 monitoring in -- on the ground in situ, or some
8 enforcement activities. So ECPP supported the
9 secretariat, the political secretariat, of the
10 multilateral environmental agreements, in cooperation
11 with international authorities.

12 Q. Take dumping at sea, for example. Wasn't that within
13 the responsibility of the IMO?

14 A. IMO has the secretariat of the London sea convention,
15 which is a convention which prohibited again
16 step-by-step, so protocols, amendments, the dumping of
17 waste at sea, and so they established the law, and their
18 secretariat organised the meetings of member countries
19 to decide these protocols.

20 They made also some activities, monitoring, but ECPP
21 was more focused on, for example, patrolling the high
22 seas, with satellites technologies, or cooperating in
23 the countries where no existing enforcement or no
24 acceptable enforcement was operating, and so we
25 co-cooperated mostly with developing countries, and

1 supported other organisations. So we cooperated with
2 the G8 nations, environmental group, the (inaudible)
3 group. We cooperated with the organisation for security
4 cooperation in Europe. They paid our missions. So we
5 are at the arm of other big organisations.

6 Q. One of the things that the ECPP did was fact-finding,
7 wasn't it? Is that one of the things that was done?

8 A. Yes.

9 Q. If you found that something had happened, you would then
10 draw that to the attention of a body which had some
11 enforcement powers?

12 A. Yes, we informed the presidency inside the ECPP, because
13 our rules was -- how to say, the authority inside the
14 ECPP was the president, the government holding the
15 presidency, and so -- and the cooperation with national
16 authorities, because they have the jurisdiction, or
17 cooperation with the secretariat of the territories, the
18 UN bodies, original organisations.

19 Q. You use the word "cooperation" all the time, but the
20 word "cooperation" doesn't tell you anything about
21 what's actually being done. Were you just providing
22 information?

23 A. Yes, sir.

24 Q. So this enforcement and compliance part of the ECPP, you
25 say was one of the two things that it did?

1 A. Yes.

2 Q. What was the other thing?

3 A. Space monitoring, which means the use of space
4 technologies or the application of space
5 research-derived technologies. For example, the
6 simulation tools, the numerical modelling analysis, our
7 technologies developed in the space research, and we
8 developed the application in environmental security
9 matters of these technologies. That's the most part of
10 the work with universities. So numerical simulation.

11 Q. So this is research into ways of fact-finding about
12 environmental issues?

13 A. Yes, and we managed operations, I mentioned for example
14 the operation in -- after the NATO bombing in Serbia, we
15 collected the information on the ground, so scientific
16 information, we developed, we simulated this
17 information, and we cooperated with the local
18 authorities, so it was an interaction of scientific and
19 legal tools to make a full analysis, and to inform the
20 political international bodies about that.

21 Q. Mr Popham's article which we saw a while ago refers to
22 a story which we actually see in quite a lot of the
23 materials relating to you about the possibility of there
24 being some nuclear torpedoes in the bay of Naples.

25 A. Yes, sir.

1 Q. Can you tell us, you did some work on this particular
2 issue, didn't you?

3 A. Yes, sir.

4 Q. Was that Mitrokhin Commission work or was that ECPP
5 work?

6 A. Both.

7 Q. Can you tell us when did you first become aware of the
8 issue?

9 A. I was informed by Mr Cohen, the secretary of the
10 London sea convention, secretary of the
11 International Maritime Organisation, informing me that
12 an official document of International Atomic Energy
13 Agency quoted this incident in an official list of
14 incidents involving the loss of nuclear material at sea,
15 and was a document, if I remember, was 1242 of
16 International Atomic Energy Agency. And so he said,
17 look, there is something officially -- generally these
18 kind of incidents are not listed in official lists.

19 So he announced to me and to other members of the
20 ECPP that this document included this specific issue, so
21 the presence of nuclear torpedoes never recovered lost
22 by the Soviet navy in the gulf of Naples in the year
23 1970, so 45 years ago. And so I went to the
24 International Atomic Energy Agency and I required some
25 clarification, and they give me some documents and some

1 official letters about that. So they transmitted the
2 report officially and they weren't in the capacity of
3 Mitrokhin Commission.

4 Q. Because if some nuclear materials have been lost at sea
5 and they might cause a problem, that would seem to be
6 more an environmental problem.

7 A. Probably, after 45 years was mostly an environmental and
8 civil defence issues.

9 Q. Because one of the things that has been insinuated is
10 that you have completely made this story up. Is there
11 any truth in that?

12 A. I'm not International Atomic Energy Agency, nor
13 International Maritime Organisation, so it's an official
14 documents made by them, I just collected.

15 Q. As you understood it, was this loss deliberate or
16 accidental?

17 A. Different tales about that, because we enquired to
18 Russians, to Americans, the only factor not confirmed is
19 that -- not confirmed, I mean the list mentioned that
20 the issue is not confirmed by the competent authorities,
21 is listed but not confirmed by Russians, and the
22 description is that a nuclear submarine lost nuclear
23 torpedoes in the bay of Naples on 10 January 1970. Of
24 course, I checked with the US side and few information
25 about that. The Italian side, lots of this information

1 and manipulations about that.

2 And the Russian side, we required an official
3 bilateral with them on these topics, which was never
4 fulfilled. We have not met the Russian counterpart on
5 that.

6 Q. So are you saying that in fact you don't know whether or
7 not this story is true?

8 A. Absolutely.

9 Q. But you know that there is a suggestion that this loss
10 has occurred?

11 A. I know that international organisations quoted these
12 issues in an official report, so I required more
13 information, that's it.

14 Q. Could we have the Independent article back please, for
15 a second. Can we go below the photograph of Mr Putin,
16 please. Look at the paragraph that says:

17 "In March 2005 ..."

18 Do you see that?

19 A. Yes.

20 Q. Mr Popham says:

21 "... when I was the Independent's Rome
22 correspondent, an Italian news magazine claimed that ...
23 a Soviet destroyer had placed 20 nuclear torpedoes on
24 the floor of the bay of Naples ..."

25 And he discovered that you, Mr Scaramella, were the

1 story's source, and that he met you for lunch near the
2 Pantheon. Do you remember that?

3 A. Yes.

4 Q. And you provided him with plenty more detail, including
5 a claim that the Russians had installed a miniature
6 nuclear reactor halfway up Mount Vesuvius to enable them
7 to detonate the torpedoes when required. Is that
8 something you said to him?

9 A. Yes, I mentioned that ECPP at that time was monitoring
10 overseas the existence of Russian thermal generators
11 that are very little and compact generators of powers
12 used mostly by the Soviet navy, and they used it outside
13 the Russian territory, again, even in the Arctic and in
14 the Antarctic, to -- as generations of power for some
15 activities, and our work as ECPP was to find these
16 things and we participating in the -- in Georgia, for
17 example, we recovered one in Georgia, and there was
18 a cooperation with the International Atomic Energy
19 Agency, and so we know for sure that they exist, it was
20 difficult to find them, and we developed the technology
21 to -- just to identify the right sensors and amplifier
22 of sensors to detect these kind of thermal generators
23 working with (inaudible).

24 So one theory was that Naples was the headquarter of
25 the sixth fleet of the US Navy and of NATO fleet and the

1 Italian fleet, so some Russian sources told us that
2 probably the location of nuclear torpedoes was something
3 deliberately organised and connected with some other
4 devices. But it was pure, how to say, theory and
5 speculation. The fact is that we analysed the document
6 about the torpedoes lost at sea.

7 Q. Mount Vesuvius is Italian territory?

8 A. Yes.

9 Q. You could have searched for it, for any reactor like
10 this.

11 A. Yes, we spent lots of time searching these reactors on
12 the Vesuvius.

13 Q. You never found one?

14 A. We found -- it's a volcano, an active volcano as well,
15 the entire territory around Naples, so very difficult to
16 research lost radioactive sources there, but we did lots
17 of work in this regards, no results.

18 Q. Thank you, that can come down.

19 Now, I want to ask you a few questions before we
20 have a break about when you first met Mr Litvinenko,
21 because he had been in the UK for a few years at that
22 stage, but he didn't speak Italian, did he?

23 A. No, he doesn't speak Italian.

24 Q. In fact we've heard that even his English was not very
25 good.

1 A. As well as mine.

2 Q. Well, your English is perfectly comprehensible today,
3 Mr Scaramella. Did you speak Russian at all?

4 A. No.

5 Q. So you couldn't converse in Russian --

6 A. No.

7 Q. -- with him. And his brother Maxim acted as an
8 interpreter, didn't he?

9 A. By chance, not as a -- my regular interpreter, he was
10 mostly his own interpreter.

11 Q. Okay, so who was usually the interpreter when you met
12 Mr Litvinenko?

13 A. He was an ECPP employee, Mr Andrei Ganchev, an
14 engineer -- a Russian engineer working for ECPP which
15 was appointed by the Mitrokhin Commission as the
16 official interpreter assisting me, so it was a little
17 cooperation among ECPP and the Mitrokhin Commission to
18 give me an interpreter, paid by ECPP, but authorised by
19 Mitrokhin.

20 Q. So how often did Maxim Litvinenko act as an interpreter
21 between you and Sasha?

22 A. I think three times.

23 Q. How well did you get to know Maxim?

24 A. At the end of our first meeting in Naples, which
25 was January 2004, Maxim joined us because Litvinenko,

1 Alexander, said, okay, we worked, we shared some
2 information, but some other things I don't want to --
3 I don't want to involve your interpreters, your clerical
4 staff, in the development of our talks, so I want to
5 make something deeper, more confidential, so I want only
6 my brother as my interpreter, no other people. So I was
7 meeting just -- so without the clerical staff, our
8 clerical staff. So it was the end of January 2003,
9 I met Maxim Litvinenko, who had arrived in Naples with
10 some -- with one Chechen boy assisting him.

11 Q. Did you have any contact with Maxim other than when you
12 were meeting Sasha?

13 A. Sometimes, also because the language, I called Maxim to
14 inform Sasha about something, or Maxim called me to
15 inform me about something from Sasha, and we met once,
16 or a couple of times, alone in Bologna, if I remember,
17 near Rimini, without Sasha.

18 Q. What was the purpose of those meetings?

19 A. Liaison with his brother, or his request of political
20 asylum in Italy.

21 Q. Did you help Maxim with his request for asylum?

22 A. He gave me a request, I gave to Senator Guzzanti, but of
23 course we -- it's something, he has his only channel,
24 official channel, so we simply recommended him to go to
25 the authorities, it's a matter in which you cannot

1 interfere, even if you are a state authority, so we just
2 give them the address where to go, and apply, but once
3 he gave me a written text of his application for
4 political asylum, asking just to -- for typing in good
5 Italian, and we did.

6 Q. Can you remember when that was?

7 A. These specific things happened in the -- I think it
8 was April 2006, but he even applied before, with no
9 results, so he went to the police before, if I
10 understood, but not with me, so on his own, requiring
11 for political asylum, probably it was denied, so in 2006
12 he asked again, and so he gave me a draft text in
13 Italian and said can you write in good Italian for me,
14 and if I remember I did, but that's it.

15 Q. Since Sasha died, have you had any contact with Maxim?

16 A. Yes, he was the main witness against me when I've been
17 arrested in Italy for calumny, he was a witness against
18 me.

19 Q. Was that the arrest that took place immediately after
20 you returned to Italy?

21 A. Exactly, in the plane when I have been back in Italy,
22 after my cooperation with Scotland Yard in 2006.

23 Q. Apart from him acting as a witness in court, have you
24 had any contact with him?

25 A. No.

1 Q. The statement which you've referred to which he asked
2 you to help with and type, is that something which you
3 showed to the solicitor to the Inquiry yesterday?

4 A. Yes, sir.

5 Q. Is that the same document?

6 A. Yes, sir.

7 Q. And Mr Smith has taken a copy of that.

8 A. Yes, sir.

9 Q. Whose handwriting was that document in?

10 A. Maxim Litvinenko.

11 Q. So Maxim wrote it himself?

12 A. Yes.

13 Q. In Italian?

14 A. In Italian, yes.

15 Q. Your job, or what he asked you to do, was simply to type
16 that out?

17 A. Well, of course, he was looking for support for his
18 application, but, again, my position was not -- so
19 I wasn't in a position to interfere. I asked to
20 Senator Guzzanti to take care about that, but again, the
21 strict rules in our law is a matter totally handled by
22 ministry of interior and the police, so we said: go
23 there, if you want good Italian in your application, as
24 a lawyer, I can do, but that's it.

25 Q. Did you help him to edit it --

1 A. No, no.

2 Q. -- to correct grammar mistakes or anything like that?

3 A. His brother, yes, I helped, because he stated we
4 informed, in his handwritten statement, he said we've
5 already informed President Berlusconi about that, and
6 looking at that, I said it never happened, so delete
7 that, so there is one line he deleted mentioning
8 Berlusconi, and -- but there was Sasha Litvinenko,
9 Alexander Litvinenko with him, so he helped him to write
10 this text. So they wrote together, but in Italian. So
11 Maxim wrote, but it was made by -- mostly by Alexander.

12 Q. So this was something that was written out when Sasha
13 was also present?

14 A. Yes.

15 Q. The typed version of that, do you still have a copy of
16 that?

17 A. Maybe, but everything was seized to me by the police, so
18 there is somewhere in my computer.

19 Q. Sorry, could we have that answer in Italian, please,
20 through the translator.

21 A. It was confiscated, that copy was confiscated by the
22 police.

23 Q. Thank you.

24 A. Not that copy, all my papers, all my computers, so lost
25 somewhere, I mean.

1 Q. Have you ever had any contact with Sasha's father,
2 Valter?

3 A. No, never.

4 MR TAM: Sir, would that be a convenient moment?

5 THE CHAIRMAN: Yes.

6 (11.21 am)

7 (A short break)

8 (11.30 am)

9 THE CHAIRMAN: Yes, Mr Tam.

10 MR TAM: Thank you. Mr Scaramella, Sasha's work with you,
11 both in relation to the commission at the ECPP, was
12 essentially as a source of information, wasn't it?

13 A. Yes, source and also he helped to develop some
14 information.

15 Q. What do you mean by "develop"?

16 A. Generally, it was not sufficient what he told me, so
17 I asked him to identify people able to confirm the same
18 statements. So he gave me names, telephone numbers,
19 contact with other people, able to confirm what he
20 already told me, so he helped in this development of his
21 information.

22 Q. You first met him, I think it was in February 2004. Is
23 that right?

24 A. January, I think.

25 Q. January 2004. He came to Italy to see you about four

1 times, is that right?

2 A. Even more, I think five, six. Since 2000 -- beginning
3 of 2004, to the end of 2006, it was I think four, five
4 times at least.

5 Q. I think you said you saw him once in London?

6 A. More than once.

7 Q. More than once in London?

8 A. Yes.

9 Q. Sorry, just to clarify that, other than 1 November, of
10 course which we've dealt with quite a lot --

11 A. And I think three or four times.

12 Q. Three or four times?

13 A. Yes.

14 Q. When you saw him in London, did you see him with other
15 people or was it just by himself?

16 A. Once we organised a formal meeting at the
17 International Maritime Organisation with him and other
18 people, from ECPP and from -- so other senior
19 discussant, so Oleg Gordievsky, Vladimir Bukovsky, so
20 staff at International Maritime Organisation, Mr Cohen
21 and some senior expert of the ECPP.

22 So once it was just a meeting in London, just aimed
23 to analyse Litvinenko's statements, and other times it
24 was just me and him, yes.

25 Q. The information --

1 A. Sorry, we met also in Cambridge with him and I think it
2 was Gordievsky and -- Mr Gordievsky and Mr Bukovsky too,
3 so once we met in Cambridge.

4 Q. What I want to ask you about is the ways in which Sasha
5 provided you with information. When you met him you
6 would obviously talk about things, wouldn't you?

7 A. Yes.

8 Q. Would he sometimes have documents to give you?

9 A. Yes.

10 Q. In between, would you communicate by email?

11 A. Yes, sometimes.

12 Q. Would he provide you with information by email?

13 A. No, not really. He send by email a newsletter from the
14 Chechenpress which to be honest I don't check regularly,
15 but all the rest was just little contact to organise our
16 meetings or so we used some internet, yes, but not to go
17 deep, not to speak about sensitive issues.

18 Q. Okay, why was that?

19 A. Well, of course it's not a safe manner to exchange
20 information.

21 Q. Would he give you any sensitive information over the
22 phone?

23 A. Well, sometimes, but part details of bigger information.
24 So sometimes we exchanged calls just to receive the name
25 of someone already mentioned; for example he told me

1 once I'll check with this nickname, and so when we talk
2 by telephone, just to me the name, but without
3 explaining all the rest of the issue. So we exchange
4 some little things by phone, but we mostly spoke only
5 vis-a-vis about the important things.

6 Q. That's face-to-face?

7 A. Yes.

8 Q. Would he send you anything by post, anything sensitive
9 by post?

10 A. Once he sent to the Mitrokhin Commission a letter by
11 post, yes.

12 Q. But that wasn't a regular habit?

13 A. No.

14 Q. I want to ask you, please, about a long document which
15 we have starting at 019473, please.

16 This first page describes what it is, it's
17 a translation into English of the Italian version of the
18 interviews of Mr Litvinenko by yourself through an
19 interpreter, and it's a translation of the transcripts
20 checked against the audio files, do you see that, and if
21 we go over to the next page to 474, please, there's
22 a table of contents there, do you see that?

23 A. Yes, sir.

24 Q. We can see that these headings go all the way down to
25 page 120.

1 A. Yes.

2 Q. If we then go to the next page, we'll see what this
3 transcript looks like, on this first subject which is
4 the archives, you're quoted there as saying:
5 "Alexander, before starting we need to go back to
6 two or three important things."
7 Do you see that?

8 A. Yes.

9 Q. Then Sasha, through Maxim, says:
10 "Let's start from the KGB."
11 So this is obviously a verbatim transcript of these
12 interviews.

13 A. Yes, sure.

14 Q. This actually goes on for 128 pages. Obviously, we're
15 not going to look at every page of this now, but do you
16 remember these interviews?

17 A. Yes, sure.

18 Q. Were they all conducted at the same time?

19 A. It took five days, if I remember.

20 Q. Five days?

21 A. Yes.

22 Q. Can you remember when that was?

23 A. The end of January 2004.

24 Q. So this was the first time that Sasha came to see you?

25 A. Yes.

1 Q. We see here that Maxim was acting as the interpreter?

2 A. No, no, sir, he wasn't, it was -- Mr Ganchev was the
3 interpreter.

4 Q. Okay, because if you see that second paragraph there on
5 that page, it says "Litvinenko (through Maxim
6 Litvinenko)".

7 A. Oh, maybe, maybe. Some specific part -- I'm not sure,
8 I think it wasn't Maxim Litvinenko, it was
9 Andrei Ganchev. Anyway, may I explain you how it
10 happened?

11 Q. Please do.

12 A. Because it was an official talks in an ECPP office in
13 Naples among Litvinenko and a couple of officers of the
14 ECPP, employees of ECPP, Mr Filippo Marino, Mr
15 (inaudible), an official interpreter, which was
16 Andrei Ganchev. I was hosted, and so for the first
17 days, they made some exchange of some talks, I was just
18 listening them.

19 The following days, I was authorised to make some
20 questions, so I made some questions, at the same table,
21 round table with him, and the interpreter was
22 Andrei Ganchev.

23 Several people made a clerical report, so we have
24 different report of the same days with different focus
25 about, because at least four or five people made the

1 registrations, the audio tapes, and physical transcript,
2 so we have some manuscript, some typewriters, some
3 tapes, about the same meetings.

4 What I remember, it was 99 per cent managed by
5 Andrei Ganchev as interpreter, and these are translated
6 by Andrei Ganchev. Just at the end,
7 Alexander Litvinenko said: there are some other things
8 I can only say to you, which is me, with my brother,
9 Maxim; and he brought some statement, translated to me
10 by Maxim, that's it. So I think that here is Ganchev
11 speaking.

12 Q. So you think this has actually been translated by
13 Ganchev, not Maxim?

14 A. Exactly, I think it was Maxim translating -- it was
15 Ganchev translating Alexander Litvinenko.

16 Q. Can I ask you to look back at your first question there,
17 you say:

18 "... we need to go back to two or three important
19 things."

20 That suggests that you had already been talking
21 about things, and that's what you were going back to,
22 but this is the very first page of the transcript. How
23 come you would be saying that at the very beginning?

24 A. Because in the first days, I attended, I exchanged some
25 words with him, they -- so ECPP and him discussed

1 several things, and in the day which was allowed the
2 sound -- the audio taping, the audio registration,
3 I asked him to come back to some things already
4 mentioned in the days before.

5 Q. Okay. If we can go back, please, to 474, which is the
6 table of contents, if we can just enlarge the text of
7 that, please, you see the headings there, archives,
8 Corriere della Sera, which is a newspaper in Italy,
9 isn't it?

10 A. Yes.

11 Q. Does it have a particular political leaning?

12 A. No, I think it's quite neutral, in the middle.

13 Q. Okay, because it's there in a heading with red brigades
14 and international terrorism. Do you know why they're
15 all up together?

16 A. Well, not only it was difficult to follow
17 Alexander Litvinenko because speaking about the specific
18 subject he always jumped on other subjects, but to be
19 honest, in the first days he was totally free to speak
20 about what he preferred, and my technique was totally
21 different, my approach was to stop him, when possible,
22 just to check his genuine approach to these matters. So
23 I mean that's a working document, it's not a statement,
24 it's a document in which when he starts to say something
25 interesting, I'm not saying, okay, go on, but I stop

1 him, just to come back in a few minutes on the same
2 issue to check if he's able to follow his own statement.

3 So at that time the risk he was not genuine in his
4 talks, so there was at that time a strong risk he was
5 so-called -- how to say, may I say, the risk at the time
6 he was double agent. So everything he started to say we
7 stopped, so it's not fluent statement.

8 Q. Okay, so you were cautious about what he was saying
9 because you weren't then sure about his motivation, is
10 that right?

11 A. Yes, exactly. Motivation and that it was not
12 a prefabricated statement. When he start to speak about
13 something, we tried to stop, not to let him go -- the
14 same you are doing with me, sir, so to stop and I think
15 it's better than leave someone able to say what he
16 wants.

17 Q. If we go on down the list there, the next topic is gold
18 and -- now, it is spelt M-I-A-S-S but I don't know what
19 that is supposed to refer, to do you know?

20 A. Yes, Miass is a town in Chelyabinsk region in the Ural
21 mountains in Russia.

22 Q. Then Mitrokhin, CPSU, that's Communist party of the
23 Soviet Union?

24 A. Yes, sir.

25 Q. And central archive, and then goes on to deal with

1 documents, the Afghan war, armaments in Syria, and so
2 on.

3 This all looks -- in fact actually it's even clearer
4 if we go on to international organisations and FSB
5 infiltrations in the UN, do you see that?

6 A. Yes.

7 Q. This, just going down the headings at any rate, all
8 appears to be about Soviet or Russian intelligence and
9 similar operations around the world. Is that right?

10 A. Yes, sir.

11 Q. This is what he was talking about?

12 A. Yes.

13 Q. So this is definitely Mitrokhin Commission territory,
14 isn't it?

15 A. Yes.

16 Q. That was the basis on which you were talking to him?

17 A. Yes, exactly.

18 Q. Because one of the things that I want to ask you about
19 is why, then, were you using ECPP facilities to do this?

20 A. Well, ECPP was faster and better organised to make
21 a firsthand contact with these kind of sources. So
22 before going to the Parliament, making an official
23 statement, it was easier to have informal talks with
24 some sources using the ECPP channels. Even the way
25 we've been in contact with Litvinenko was through ECPP

1 channels as well as all the other sources.

2 Q. But you were an investigator for the
3 Mitrokhin Commission, weren't you?

4 A. Yes.

5 Q. So why couldn't you say to the commission: I have this
6 person who might be a useful source of information, and
7 I need to interview him, please will you provide me with
8 the facilities to do so?

9 A. Well, I gave some briefing to the presidency office.
10 I said that: there are some channels, some individuals,
11 may I contact them on informal base using this
12 organisation; and I was authorised to make these
13 preliminary meetings, hoping that something interesting
14 to be officially acquired in the Parliament, which was
15 certainly much more bureaucratic and difficult to
16 manage.

17 So I was technically there to ask to these gentlemen
18 his availability to testify at the Parliament. It was
19 the first contact with him, was exploring what he was
20 able to do for us at this stage.

21 Q. Going down this list of topics that he was talking
22 about, very few of them have very much to do with the
23 environment?

24 A. No, several of them to be honest, because the starting
25 point with Litvinenko was his investigation about the

1 smuggling of nuclear materials from Russia to Swiss for
2 example and the role of the green parties or the -- so
3 starting point was something related with environment
4 security, with so-called environmental terrorism or
5 environmental crimes, starting point. After that, my
6 interest was to focus on some other matters related with
7 my specific interest which was KGB and general
8 espionage.

9 Q. So the ECPP was paying for this, even though
10 a relatively small proportion was to do with the
11 environment?

12 A. Well, yes, was totally supported and the people
13 attending from the ECPP side were more expert than me
14 about these matters, including the KGB espionage, they
15 were more expert on these matters.

16 Q. Even though they were ECPP and not Mitrokhin Commission?

17 A. Yes.

18 Q. That list of topics, was that typical of the information
19 that Sasha provided to you during the time that you knew
20 him?

21 A. Yes, this is -- there are some bullets about some things
22 he mentioned, and someone at a clerical level outlined
23 some key words. These are the list of key words what he
24 was talking about. But this is again a not organised
25 work, this was a working material, and he made also some

1 better organised statements, several statements,
2 organised with a specific subject. This is just
3 a working background.

4 Q. If we go right down to the bottom of the list, can we
5 have the bottom third, please, do we see that there's
6 references there to the mafia, to criminal groups, to
7 Al-Qaeda, and then to the Sistema, and then a section on
8 mass media, the Corriere della Sera appears again. And
9 then there's a heading of "Putin acts of paedophilia",
10 and then a couple of lines down, "Putin homosexual
11 tendencies", and then he goes on to deal with
12 independent states and a number of places before going
13 back to Iraq and the 11 September attack. These are all
14 things covered in this long interview with you?

15 A. Yes, and in other talks.

16 Q. In fact we know quite a lot of what Sasha was saying to
17 other people and in other forums during the course of
18 this period.

19 A. Well, my understanding about Alexander Litvinenko is
20 that he went very deep with ECPP for some reasons, so
21 more than other general talks, so I think that he gave
22 us some details in these statements.

23 Q. The topics are quite familiar to anybody who has seen
24 what he had to say during the years that he was living
25 in the West?

1 A. Yes.

2 Q. During the rest of the time that you got to know him,
3 were there any other topics that he provided you with
4 information about that he wasn't covering in this first
5 long set of interviews?

6 A. Yes, sir, some -- the most sensitive have been not
7 covered in public, I mean with the clerical staff, so
8 some other things have been discussed more
9 confidentially.

10 Q. What was the concern about the clerical staff?

11 A. Mostly it was about the Russian interpreters, because he
12 say there is a former Russian operative, I can say that
13 if they Russian passport, soon after our meeting they
14 will be approached by Russian agents and instructed how
15 to work against us; so he said I cannot say some things
16 if there are some other Russians here present, so the
17 only people I trust is my brother and let's involve my
18 brother. That was his first explanation.

19 Q. But if he told you this other information and you
20 couldn't tell anybody else because he didn't trust other
21 people, what were you supposed to do with it?

22 A. Let's make a big difference. Some things cannot be
23 disclosed in public, that was the agreement, not to be
24 disclosed in public. But he gave a fullest availability
25 to cooperate with authorities in charge, and so it was

1 a way to put him in direct contact with the authorities,
2 so mostly the Mitrokhin Commission, of course it's
3 a problem to speak with the Parliament not in public
4 because even if we have some way to handle some
5 confidential issues, it's a Parliament, so it's not
6 totally closed environment, but we -- even my work was
7 just how to organise the information in open source to
8 be disclosed, and in something more restricted to remain
9 for authorised eyes only. So it was not easy, but he
10 said I cannot go public, mostly to save the sources, his
11 own sources.

12 Q. Yes, we all --

13 A. The family.

14 Q. We all understand that, but given what the commission
15 and the ECPP were supposed to be doing, what was the
16 point of telling you if the information couldn't be told
17 in public and couldn't be used by other people?

18 A. Well, it was established quite a safe channel among him
19 and the ECPP, and when I asked him why you are speaking
20 with us, he told that's because the ECPP, and it was
21 enough for me, because there were some distinguished
22 experts in the organisation involved at that time. So
23 he was introduced to the ECPP by Victor Suvorov, and in
24 the ECPP some senior officers was devoted, was working
25 with him, so it was a safe channel for him. So I asked

1 him why you are working with us, and he said it's
2 because the ECPP. That's also why we saved this channel
3 with him for some time.

4 Q. Mr Scaramella, sorry, that doesn't answer the question.
5 What were you going to do with the information that he
6 was giving you that was so sensitive that it couldn't be
7 mentioned by him in the presence of ECPP staff and
8 translators?

9 A. Well, he gave me some documents with the official
10 classification, and so I used these classified
11 documents. I gave to the presidency of the commission,
12 and they handled with care. I was required to make some
13 collection of other information about the same topics,
14 so we developed it, we made some analysis, and it
15 remained classified.

16 Q. So that was for the purposes of the commission's work?

17 A. Yes, for the commission's work.

18 Q. Even though the ECPP was paying for your contacts with
19 Sasha?

20 A. Yes, yes, we just paid -- so the ECPP just paid the
21 travel and hotel, not the fees for him. So it was not
22 a payment, it was just reimburse of the staff and the
23 source, so paying the expenses, not paying the source.

24 Q. Because you didn't pay Sasha for the information, did
25 you?

1 A. No, never.

2 Q. I think you said in your statement that he refused to be
3 paid for the information, is that right?

4 A. He refused?

5 Q. Yes.

6 A. No, never engaged, never discussed about payment for
7 information. Simply we agreed to cover all expenses, so
8 from the flight to the hotel to the car, to the
9 restaurants, but that's it.

10 Q. Is it right that one of the topics on which Sasha gave
11 you information was a man called Semion Mogilevich?

12 A. Yes, sir.

13 Q. Can you tell us, when did he start talking to you about
14 him?

15 A. Since the beginning.

16 Q. Right at the very beginning?

17 A. Yes.

18 Q. Because one of the documents which we have which I think
19 mentions Mr Mogilevich is one that we have at 018922.
20 We see the front sheet of this is a request for
21 something to be urgently faxed to a number ending in
22 375?

23 A. Yes.

24 Q. Do you see that? You don't need to give us the full
25 number, but do you recognise the number ending in 375?

1 A. I think it was the number of the senate.

2 Q. So this was being addressed to the Mitrokhin Commission,
3 wasn't it?

4 A. Yes.

5 Q. Because we can see that in the first line of the address
6 that's quoted there.

7 A. Yes.

8 Q. If we go on to the next page, 923, we can see that this
9 is a letter from Sasha to the Mitrokhin Commission?

10 A. Yes.

11 Q. It refers to -- he describes himself and then he refers
12 to a meeting that he had in early October in Rome with
13 people involved in the investigation, and referring to
14 his brother Maxim.

15 A. Yes.

16 Q. Do you see that? Does this letter ring any bells to
17 you?

18 A. Yes, yes, I remember very well the issue.

19 Q. Because if we go on to the next page, we can see there
20 about ten lines down from the top, there's a reference
21 to Semion Mogilevich?

22 A. Yes.

23 Q. There's a reference to tapes -- a couple of lines down
24 to tapes and Mr Shvets, do you see that?

25 A. Yes.

1 Q. The tapes recorded by bodyguard Nikolai Melnychenko.

2 A. Yes, sir.

3 Q. We can see lots of references to Mr Mogilevich there?

4 A. Yes.

5 Q. This is information that Sasha seems to have been
6 perfectly happy to send to the commission and the
7 commission generally rather than specifically to you by
8 fax?

9 A. Well, the story of this statement is that we met in
10 London. He made an audio tape of an interview, part in
11 English and the same but more, with more details, in
12 Russian, and we met -- if I remember, it was 23 November
13 2005, we were at the Itsu bar. I went back in Italy,
14 I gave to the interpreter the audio tapes, I said make,
15 please, the written text of this statement, send back to
16 Litvinenko for signature.

17 So it can go direct to the Mitrokhin Commission.
18 That's the story of this paper. Exactly the same text.
19 If I remember, just I said don't mention me too much in
20 the letter, so that's the story, and we have the audio
21 tape and the letter in Russian, he brought to the
22 commission, because it was in Russian, if I remember,
23 not in Italian, nor in -- it was -- because it was to be
24 signed by Litvinenko in his own language. That's the
25 story of this letter.

1 Q. So if I have understood that right, he'd already had
2 a longer conversation with you, tape-recorded?

3 A. Yes.

4 Q. Where you provided information, and you discussed with
5 him what of that could be said in public to the
6 commission?

7 A. No, it was not a discussion. He made a statement on an
8 audio recorder. There was no time to put in write. So
9 the agreement was: I'll give to the translator, he will
10 put in write, back to you, sign it, and back to the
11 commission again. So he made a statement, not talks.
12 A statement in English and in Russian, the Russian
13 version was longer with more details. So I think that
14 this is the typing -- the transcription of the Russian
15 statement.

16 Q. You were working for the commission at the time. Why
17 was it not a good idea to mention your name or the fact
18 that you'd had a conversation with him?

19 A. Because political environment, too much -- too big ego
20 of the adviser may reflect on the use of these papers.
21 So it was not a publicity for me, I met Scaramella,
22 Scaramella is a good man, because he needs a statement,
23 he said some generous words about me; so I simply said:
24 please cut the generous words about me, I need just your
25 statement about safety and the rest.

1 Q. Go back to the previous page, please, 923. You see the
2 paragraph that says:

3 "I would like to state that in early October I was
4 in Rome, Italy, and had a meeting with people involved
5 in [the] investigation."

6 A. Yes.

7 Q. That's obviously a reference to a meeting with you,
8 isn't it?

9 A. Yes.

10 Q. He could have said: I was in Rome and I met your
11 investigator, Mr Scaramella, and so I'm now making this
12 statement to you.

13 A. Well, the statement is to the commission -- the
14 statement was made in London, this statement we are
15 speaking about. In this statement he's mentioning
16 previous meetings in Rome where he met me and then the
17 police, but not in Rome, it was in Ancona, if
18 I remember.

19 Q. Just mentioning the fact that he had a meeting with you,
20 the Mitrokhin Commission's investigator, wouldn't have
21 been putting undue emphasis on your role, but it would
22 explain why he was making the statement, wouldn't it?

23 A. I simply asked him, you mentioned me too many times in
24 your audio tapes, so please cut my names where possible
25 because it's not a statement about my role, but it's

1 about your statement, so -- and he made in the final
2 text some cuts. He did. I have not edited this.
3 I simply recommended through the interpreter eliminate
4 sometimes my name. That's it.

5 Q. So it's not a case of you trying to hide your
6 involvement in the production of this statement?

7 A. No, absolutely. It was well known, my role. He was my
8 source. I was the only person working with him in the
9 Mitrokhin Commission.

10 Q. Can we go on to the second page again, please, 924.
11 I want to have a look at the bottom half of the text
12 here, or the last paragraph. Do you see there
13 a reference to the name Talik?

14 A. Mm-hmm, yes.

15 Q. Talik and his group arrested by the Italian police?

16 A. Mm-hmm.

17 Q. Now, that's an incident that you know quite a lot about,
18 isn't it?

19 A. Yes, sure.

20 Q. It obviously follows that this letter was written after
21 that group had been arrested?

22 A. Yes, not for the letter; I have been arrested
23 for calumny against Mr Talik, yes.

24 Q. Sorry, Mr Talik had already been arrested.

25 A. No, he wasn't arrested personally. Some other people,

1 some other Ukrainians, have been arrested, four or five
2 Ukrainians but not him personally.

3 Q. Not Mr Talik personally, but Mr Talik's group or the
4 group of Ukrainians had been arrested?

5 A. Yes.

6 Q. This letter by Sasha was written after that had
7 happened?

8 A. Yes.

9 Q. But obviously it must have predated your own arrest
10 for calumny, because that only took place after Sasha
11 had died?

12 A. Sure, it is dated, if I remember, 1 December, but the
13 statement is 23 November 2005, so one year before the
14 event.

15 Q. Can you tell us, Mr Talik, was he somebody that Sasha
16 introduced to you?

17 A. No, but I met him when Sasha arrived in Naples, so he
18 was introduced to me, Talik, I mean, by the interpreter,
19 by Ganchev, in the same days Litvinenko visited Naples,
20 just in the same days.

21 Q. So that was just a coincidence, was it?

22 A. Well, lots of coincidences happened in that days.
23 I mean -- so if you want I can give you the dates.

24 I don't think it was a coincidence, to be honest.

25 Q. You don't think it was a coincidence?

1 A. No.

2 Q. Do you think that Mr Ganchev introducing you to Mr Talik
3 was linked to the fact that Mr Litvinenko was coming to
4 see you?

5 A. Maybe.

6 Q. Is that just supposition and speculation on your part?

7 A. Well, ECPP made a contract with Talik and with another
8 gentleman -- other two gentlemen, two Russians; Russians
9 contact Ganchev for an operation on the Vesuvius which
10 was developed ten days -- 13 days after the meeting with
11 Litvinenko, in a place that we visited with Litvinenko.
12 And during these operations, where Talik and the other
13 two Russians have been employees of ECPP, happened lots
14 of things, including the -- so I have been shot at by
15 some members of the local organised crime criminality,
16 so something special happened just few days after our
17 meeting with Litvinenko, and involving me, involving
18 Talik, because he was part of the staff, and so
19 something never happened before, these kind of things,
20 how to say.

21 So lots of things started to happen after the
22 meeting with Litvinenko. I can be more precise, if you
23 want.

24 Q. What did you employ Mr Talik and the other two Russians
25 to do?

1 A. They were employed because ECPP was destroying some
2 illegal buildings in the -- on behalf of the ministry of
3 the environment in the Vesuvio national park, which is
4 the independent authority in charge for the management
5 of this area. And so ECPP was required by the
6 government to destroy these illegal buildings, and in
7 the scenario I described you before, so the activities
8 of ECPP, it was organised a team, because these
9 buildings were owned by some Ukrainians supposed to be
10 linked with organised crime; the ECPP staff was also
11 enlarged to some Ukrainians and Russian workers to
12 facilitate the operations in loco; how to say, there
13 were all safety staff and considering the object, the
14 target, was full of Ukrainians, we included some
15 Ukrainians and Russians in the staff. That's the story
16 why we made this contract with three Russians, plus
17 Ganchev himself, so four Russians on the -- in the
18 staff.

19 What's strange that the last day of the operations I
20 have been shot, and there was big conflict in this
21 operation, was something totally unusual, even for
22 Naples.

23 Q. What were you employing Mr Talik and the two other
24 Russians to do?

25 A. Safety, they were workers in charge for safety, like not

1 officially private guards, but porters, the entrance of
2 the -- of this big area that we -- so our target was
3 several square metres, very big building, with several
4 people living inside, so the target was totally pulled
5 down and destroyed, and so we employed some -- the ECPP
6 employed some workers, the -- his staff and some
7 temporary staff. So there were porters, safety staff.

8 Q. Doing pretty low level jobs at ECPP?

9 A. Yes.

10 Q. When Sasha came to visit, did he have anything to do
11 with Mr Talik at that time?

12 A. No, physical contact, no.

13 Q. Is this the operation during which you say you were shot
14 at?

15 A. Yes.

16 Q. How was it that Sasha got involved with the Talik story?

17 A. Sasha -- Alexander Litvinenko was in contact with
18 interpreter directly, and Talik was a contact of the
19 interpreter, so I discovered later that Ganchev informed
20 Litvinenko about this gentleman, Alexander Talik and the
21 others, so I discovered later, it was in 2005, that the
22 name of Talik was already mentioned by Ganchev to
23 Litvinenko, simply because we discovered that Talik was
24 an officer of KGB and even after the collapse of Soviet
25 Union, so an officer of Russian FSB. So not SBU, not

1 Ukrainian SBU. So that's why Ganchev informed
2 Litvinenko.

3 Q. If I've got the order of events correctly, you employ
4 Mr Talik to do a pretty low level job at this
5 demolition?

6 A. Yes.

7 Q. It's during that that you are shot at?

8 A. Yes.

9 Q. Later, Mr Ganchev discovers that Mr Talik is an officer
10 of the KGB, the FSB?

11 A. Yes.

12 Q. How much later?

13 A. In the same days, during the operation.

14 Q. During the operation?

15 A. Yes.

16 Q. It was at that point that he tells Mr Litvinenko that
17 that's the case, is that right?

18 A. Yes, but I have been not informed at that time.

19 I started my own investigation because I wasn't simply
20 shot, but we discovered refill guns, hand bombs, it was
21 a big operation, totally unusual for the region, and so
22 we started to analyse everything, the reasons why, the
23 people involved. So it was an illegal building with
24 some Ukrainian members of local organised crime. We
25 were evacuating the structure, and in this operation we

1 discovered military guns and so we started to focus
2 about everything, and Talik in particular, he never
3 provided his own permit for -- as a resident. So he
4 started to work, promising to provide this permit, he
5 never provided, so he interrupted after one week his
6 work with ECPP.

7 But the fact that Ganchev informed Litvinenko about
8 the role of Talik, I was informed about that one year
9 later.

10 Q. So you didn't know until a year later that Talik was
11 said to be an officer of the FSB?

12 A. No, I discovered quite soon. I have been not informed
13 that Ganchev informed Litvinenko about that.

14 Q. Mr Ganchev told Mr Litvinenko within days.

15 A. Yes.

16 Q. You also found out that Mr Talik was an officer of the
17 FSB within a short time.

18 A. Yes, days.

19 Q. But you didn't know that Sasha knew until a year later,
20 is that what you're saying?

21 A. Yes.

22 Q. You mentioned discovering guns and hand bombs, I think
23 you said.

24 A. Yes.

25 Q. Was that in the building that you were demolishing?

1 A. No. The last day of the operations, arriving on the
2 target, a man shot against me, my car, was (inaudible)
3 car, and some other, five mens with the balaclava, yes,
4 participate in this operation, two policemen with me,
5 and my driver replied to the fire, and they escaped,
6 except one which was arrested, and in their car was
7 found three -- so one Kalashnikov, one police rifle gun
8 and one other big guns and two hand bombs in their car.
9 So it was not in the building, it was just in the -- in
10 their car.

11 Q. You started an investigation into that?

12 A. Not me, the police. I simply cooperated with them, so
13 my role was zero.

14 Q. But you had been told that Mr Talik was an officer of
15 the FSB?

16 A. No, he say -- he has not said that at that time. I --
17 we discovered.

18 Q. Okay, when did you discover it?

19 A. In the -- after this conflict.

20 Q. How long after?

21 A. A few days.

22 Q. So within a few days, you discover that Mr Talik is an
23 officer of the FSB?

24 A. A former officer.

25 Q. A former officer of the FSB. He's connected to an

1 incident in which you've been shot at?

2 A. Exactly.

3 Q. At about this time, Sasha is actually in Italy himself?

4 A. No, he left from ten days or more than one week.

5 Q. Okay, he had recently been in Italy?

6 A. Yes.

7 Q. You are at that stage working for both the ECPP and the
8 Mitrokhin Commission?

9 A. Yes.

10 Q. You've already started working with Sasha on that?

11 A. Yes.

12 Q. Why didn't you ask Sasha about Mr Talik?

13 A. Nothing. I met physically Talik after the end of the
14 meeting with -- well, personally, I saw at the time no
15 links among the two files, Litvinenko and Vesuvius, at
16 that time, but Ganchev did, so I have not required
17 specific information to him. I had other sources more
18 near to Talik at that time. Talik was Ukrainian, so
19 I asked to the Ukrainian embassy, to Ukrainian secret
20 service, about him.

21 Q. But links to the Russian intelligence services was
22 something that Sasha was specifically helping you about
23 at that time?

24 A. Yes, but we just finished one week of cooperation with
25 him. Talik was one we met later but to be honest, long

1 months after we started to see the two things as
2 possibly connected, but up to now, so there is not an
3 official connection. We simply can say now that it
4 happened 13 days after the meeting with Litvinenko,
5 that's it. There are no other physical connection.

6 Talik was there, and one year later, was mentioned
7 by Litvinenko as their style, so there are things not
8 easy to put together in the same frame.

9 Q. What I find hard to understand, Mr Scaramella, is why,
10 even if you didn't think that the shooting was anything
11 to do with Sasha, why you didn't ask Sasha to help you
12 with the investigation, given what he knew and given the
13 information that he had?

14 A. I don't remember after the first week with him the
15 following contact with Sasha. I don't remember if it
16 happened soon or later. I don't remember what's
17 happened, probably because I was so focused on the
18 shooting that I forget Litvinenko for some time. The
19 shooting was officially shooting made by member of
20 organised crime of Italy, Camorra, because the man who
21 was arrested was listened by phone by the police, so
22 they discovered a connection with Italian organised
23 crime. Even if we were working and searching for
24 Ukrainians, the man who shot at was an Italian, so we
25 focused on the Italian side or Italian organised crime,

1 not on the Ukrainians. The fact that Talik was there
2 was, for one year, simply a detail, and we cut relation
3 with Talik.

4 Q. When did you first start talking to Sasha about Talik?

5 A. In this contact -- so after the arrest of the so-called
6 group of Talik, which officially wasn't a group of
7 Talik, so in 23 November 2005.

8 Q. Now, tell us how --

9 A. No, sorry, October, it was before, it was in October,
10 when Litvinenko gave us the alert about smuggling of
11 weapons, special weapons, he mentioned Talik. So it's
12 before the statement, before November, it
13 was October 2005.

14 Q. Are you saying that you then heard about Mr Talik from
15 Sasha rather than you contacting him and asking him
16 about it?

17 A. Yes.

18 Q. What did he say to you about Talik?

19 A. He said that there was attemptive of smuggling of
20 special weapons, special, from Ukraine to Naples. The
21 recipient identified by him was Talik, and it was
22 a possible plot against the Italian government and even
23 to assassinate our interpreter and myself and
24 Senator Guzzanti. That's what Sasha said.

25 Q. Did Sasha mention Talik by name at this stage?

1 A. Yes, name and number of passport and lots of details.

2 Q. Did Sasha know that Mr Talik had been working for you

3 a year earlier?

4 A. Not from me. Later, I discovered Ganchev informed him

5 about that, later.

6 Q. Is that the context in which you had the recorded

7 conversation with him, with Sasha?

8 A. We first managed the crisis, so he went in Italy

9 visiting me, with his brother, we met in Rome, we

10 managed this alert, and some guns have been -- the

11 police confiscated the guns and arrested the four

12 Ukrainians. After one month, we meet in London, and he

13 gave me the details about the previous event, so in the

14 meeting we made no audio tapes, no others, but I asked

15 him and his brother to go to the police and give all

16 this knowledge in official statement.

17 Q. The arrest of the men with the guns took place even

18 before the tape-recorded meeting?

19 A. We are speaking -- yes, about one month before, yes.

20 Q. Who was it who provided the police with the information

21 that led to the arrests?

22 A. Me.

23 Q. So that was you relaying the information that Sasha had

24 given you?

25 A. Sasha and other sources.

1 Q. So you had heard about the story from a number of
2 sources, had you?

3 A. No, I had, as my way to work, the information from
4 Alexander Litvinenko and we developed the information
5 using other channels and sources, so I received some
6 details about the smuggling from another source.

7 Q. Can you tell us, how did this incident relate to the
8 charge of calumny that was brought against you?

9 A. This happened -- everything happened more than one year,
10 one year and a half before the poisoning of
11 Alexander Litvinenko, but when I visited London to
12 cooperate with Scotland Yard, in same days there was
13 a scandal in Italy about my role, so my house was
14 searched by police and when I returned back I was
15 arrested because slander against Talik, for this
16 specific information I gave to the police of Litvinenko,
17 Litvinenko words about Talik, that Litvinenko himself
18 and Maxim confirmed to the police themselves. But
19 I have been arrested for that. So that's the reason why
20 from a professor, as you acknowledged and the judge and
21 a distinguished individual, I become a criminal in
22 Italian jail. That's for this reason, calumny against
23 Alexander Talik.

24 Q. Just so I can complete this part of the story, what
25 happened to that charge against you?

1 A. I have been arrested, I remained with this very strange
2 accusation, because nobody has been arrested before for
3 something like that in Italy, and without any criminal
4 record, I have been arrested, in jail, for six months,
5 and after that they started to make other connected
6 arrests.

7 So first I have been arrested only for slander.
8 After a month the prosecutor in Rome said: yes, but we
9 found the guns in the hands of the Ukrainians, so
10 probably if we found the guns, someone sent the guns;
11 and so they made an official accusation of becoming like
12 a, how to say, provocative agent in this sending of
13 guns. So I was charged of guns, international military,
14 as a weapons smuggling, as connected with the slander.

15 And after that, several months later, the entire
16 ECPP staff have been accused to be like a criminal group
17 aimed to make slander against Mr Talik, and so after 14
18 months, we made a -- so there was less pressure by --
19 the political environment, so to say, and so the
20 prosecutor suggested a bargain, I think it's like an
21 agreement, and so we made an agreement without any trial
22 after 14 months, and that's it.

23 Q. What part did Sasha have to play in this other than that
24 statement that we've seen?

25 A. I have been arrested for slander which was an allegation

1 by Litvinenko, so I simply passed to the police what
2 Alexander Litvinenko told me, and Litvinenko brothers
3 went directly to the police to say that. So it wasn't
4 something built around his role, and let me underline,
5 it wasn't in 2005, it happened at the end of 2006. So
6 just because the death of Alexander Litvinenko. It was,
7 how to say, organised just after the death of
8 Litvinenko, not at that time.

9 Q. Other than the Litvinenko brothers going to the police
10 and telling them and their making the statement which
11 we've seen on the screen and sending that to the
12 commission, what part did Sasha have to play in the
13 story?

14 A. In this story?

15 Q. Yes.

16 A. I remember he first give the information and some tracks
17 to follow, to obtain details, to find the guns, it
18 wasn't easy. So the target was individuals, and the
19 plaque of a car, not just the information, guns are
20 arriving, so he helped in doing that. And he also made
21 an interview to an Ukrainian newspaper about that,
22 probably it was a website, and so he made some, how to
23 say, implementation or public awareness on this specific
24 issue, because his view was not only smuggling of
25 weapons but weapons to be used as well as happened in

1 Spain, he said, to make a terror assassination, so
2 a serious assassination. At that time he spoke about
3 special weapons, so he was focused on special weapons.

4 Q. What do you mean by special weapons?

5 A. Well, I mean unconventional weapons, but finally they
6 discovered some military grenades, so they are both
7 special weapons. For me technically special weapons are
8 NBCR, so nuclear, biological, chemical or radiological;
9 that's why we were so focused about. But finally they
10 discovered two grenades, so two military bombs, that's
11 it.

12 Q. What happened to the Ukrainians who were arrested?

13 A. They were arrested and there was a trial, but with the
14 strong involvement of diplomatic authorities, I went
15 once with Senator Guzzanti, you know, to testify, and
16 strong presence of the Ukrainian and so foreign
17 diplomacy in that, very unusual, and finally they have
18 been, after my -- I think after I have been arrested for
19 slander against Talik, they have been released. So not
20 guilty. They have been declared not guilty for that.

21 Q. This part of the story was something that would have
22 been -- Sasha's involvement in this part of the story is
23 something that would have been publicly known because he
24 was talking about it to the media.

25 A. Yes.

1 Q. How widely known was it that he was helping the
2 Mitrokhin Commission?

3 A. We did our best to undisclosed his cooperation with the
4 Mitrokhin Commission, but some -- so there were some
5 assessed to what we were doing. So I informed only the
6 office of presidency, the presidency of the commission
7 about the work and the ongoing activities, especially
8 because the topics, the topics were very sensitive, all
9 the things we discussed with him. May I say that we
10 divided what Litvinenko told us in two main things: some
11 general words he repeated from Bukovsky and other
12 sources, not really interesting for us; and some very
13 specific details about his firsthand knowledge of
14 Russian affairs.

15 So the firsthand information, the good ones, how to
16 say, have been managed in a very sensitive way, so only
17 the presidency, which means the office of presidency of
18 the commission, have been informed about, so no
19 publicity at all, very discreet, but something happened.

20 For example, once the judiciary, just a few months
21 before Litvinenko was killed, sent the carabinieri in
22 the Parliament to acquire, in the secret safety box of
23 the president, they arrived on request of the judiciary
24 of Bologna to acquire the Litvinenko files. Litvinenko
25 was not publicly known at that time. It was the first

1 time they acquired, and it was also never happened
2 before that the judiciary enter in the Parliament to
3 acquire a file, but they did. So prosecutor of Bologna
4 sent the carabinieri to acquire the Litvinenko file in
5 the Mitrokhin Commission safe box, and it was a few
6 months -- it was April or March 2006.

7 So someone discovered that we were cooperating, and
8 so I tried to take not public, but it become.

9 Q. But you don't know who, you don't know who had
10 discovered that?

11 A. Sure, there was one member, the vice-president of the
12 commission was collecting all the details about my
13 cooperation with him, and so he made some statements
14 about that, and the prosecutor of Bologna, I know him
15 because he is the man who lately investigated me for
16 slander, the same person, sent the carabinieri to the
17 Parliament to acquire the Litvinenko files, but we
18 discovered just now, because it's an official documents
19 which was released public just a few months ago.

20 So we now discovered that someone at that time
21 entered in the safe box to take the copies of Litvinenko
22 files. At that time, we have been not informed about
23 that.

24 Q. Let me ask the question a different way. This
25 information had in effect leaked, hadn't it?

1 A. Little?

2 THE INTERPRETER: Leaked.

3 A. Which specific information we are talking about now?

4 Q. That Sasha had been helping the commission.

5 A. Once at the beginning he required to publish something
6 so January 2004 on a newspaper. There was a little
7 misunderstanding about him and myself because he asked
8 to have a proof of his work for the
9 Mitrokhin Commission, so he said I want to see on
10 a newspaper that it's happening. So we just asked to
11 a newspaper to make two lines, very short, view that
12 Mr Litvinenko, just saying he was a -- not a defector,
13 he was a, how to say, a dissident, he is cooperating
14 with the Italian authorities, that's it. So we wrote
15 something in January, it was on Il Giornale, but
16 a couple of lines, so quite invisible. The rest was not
17 public.

18 Q. So somebody had found out something that they shouldn't
19 have found out, that is to say the details of what Sasha
20 had been helping with you?

21 A. Yes, we did our best to take everything secret, because
22 the contents, very sensitive, when someone else tried to
23 let circulate the information.

24 Q. But you don't know who it was who had got this
25 information in an unauthorised way?

1 A. I cannot say unauthorised way because if you send the
2 carabinieri of special ROS, which is the
3 raggruppamento operativo speciale, so special squad of
4 the carabinieri, into Parliament to acquire Litvinenko
5 files, you are the judicial authority, I think they
6 can't, but they are judicial authority, so they did.
7 It's a matter for constitutional court, probably, but
8 they acquired Litvinenko files in the secret box of the
9 president of the Mitrokhin Commission.

10 Q. I think the final topic that I want to ask you about is
11 this: it's been said on a number of occasions that one
12 of the things that Sasha had information about, or said
13 to you and the commission, was that Romano Prodi was
14 a KGB agent, one of the widely reported allegations to
15 do with him and his work for you. Are you familiar with
16 those statements?

17 A. Yes, sir.

18 Q. Can you tell us, is there any truth to Sasha having said
19 that to you?

20 A. Well, when I mentioned you that at the end of our first
21 meeting, he asked to speak only with me and his brother
22 to make a sensitive statement, it was about this
23 specific issue.

24 Q. Did he tell you any more than that bare fact?

25 A. Yes, sure.

1 Q. Is this something that he provided more information
2 about, or was it only on this one occasion?

3 A. No, we worked for the entire period about this main
4 topics, topic.

5 Q. We can see, for example, from that interview or that
6 series of interview transcripts that he provided you
7 with an enormous amount of information.

8 A. Yes.

9 Q. Does this one piece of information deserve the high
10 profile that it has attained over the past few years?

11 A. Some of them, yes, some information from
12 Alexander Litvinenko were really gold. Some others were
13 just information copied by open sources or simply
14 learned by Bukovsky, for example, that were not
15 interesting at all for us. But some specific firsthand
16 information were really important.

17 Q. Let me try this again. This particular snippet of
18 information --

19 A. This particular information.

20 Q. -- about -- or this specific allegation about Mr Prodi
21 is something that has gained very high profile.

22 A. Well, probably because --

23 Q. Mr Scaramella, please, can I ask you: do you agree with
24 that, that it has gained a high profile?

25 A. Litvinenko presented this information as the most

1 important information in his hands, to say: look, now
2 stop -- out the translators, I have to explain you why
3 I'm a bit scared about cooperation with Italy. The
4 reason is that. And step by step, he gave other
5 information. In his last meeting with me, he made
6 a video tape about the same issue. So our meetings
7 start about this subject, and then about the same
8 subject in 2006.

9 MR TAM: Mr Scaramella, thank you. If you wait there, there
10 will be some more questions.

11 THE CHAIRMAN: Do you have any questions, Mr Emmerson?

12 MR EMMERSON: Just one line if I may very briefly, sir.

13 THE CHAIRMAN: Yes.

14 Questions by MR EMMERSON

15 MR EMMERSON: I just want to go back, please, to the
16 evidence that you were just giving about the leakage of
17 information relating to Mr Litvinenko's cooperation with
18 the commission. Can we now call up, please, INQ018923,
19 which is the letter from Mr Litvinenko sent by fax.

20 I want, if I may, just to pick up a couple of
21 details from the content of it.

22 If we look about five or six lines down, there is
23 a reference to Talik Leonidovich and following from that
24 after his passport number is given, Mr Litvinenko says
25 to you:

1 "Some time ago I received information from my
2 friends in Russia that this Talik is the head of the
3 criminal group and he is linked to the FSB and people of
4 foreign intelligence service. He was assigned by them
5 to compile an information about the people who are
6 working in [the] Mitrokhin Commission."

7 Do you see that?

8 A. Yes, sir.

9 Q. If we read on through the letter -- perhaps we don't
10 need to do it now because we can all look at it in due
11 course -- although it moved from one topic to another,
12 on several occasions he is highlighting to you the fact
13 that according to his sources, there was corrupt FSB
14 involvement in focusing on individuals working for and
15 providing information to the commission, is that right?

16 A. Yes, sir.

17 Q. Obviously you must have immediately realised from that
18 information not only that the commission staff were in
19 danger, but also your informer, Mr Litvinenko, was in
20 danger?

21 A. He focused on the interpreter mostly, he alerted us
22 about the risk for the interpreter.

23 Q. Very well, but anybody reading this would know that he
24 was cooperating with you?

25 A. Yes.

1 Q. And that he was providing you information that was
2 coming directly from Moscow about the -- what I might
3 call countermeasures being taken by the FSB against the
4 Mitrokhin Commission?

5 A. Yes, sir.

6 Q. Can you help us, you mentioned the moment when
7 a representative of the prosecutor's office from Bologna
8 arrived to effectively seize the Litvinenko file. Can
9 you help us, I may have missed this, but did you give us
10 a date for that?

11 A. Yes, it was -- I can be very precise with you because
12 I have the picture of this official statement. It was,
13 I think, March 2006.

14 Q. So by that time this letter which was written
15 in November 2006 had been received, would it have been
16 in the file that was seized by the prosecutor?

17 A. Yes, I can imagine, I don't know exactly what they
18 confiscated.

19 Q. But it was in the file, whether -- I mean, if they
20 confiscated the whole file, it would have been amongst
21 the material?

22 A. I saw in the statement of the judiciary which closed an
23 important enquiry, which is the terrorist act in the
24 Bologna station in the 1980, so very important criminal
25 case in Italy, in the official document which closed

1 this investigation, they quote in the bibliography, they
2 mandate to the carabinieri to acquire on 23 March, if
3 I remember, 2005, the Litvinenko file in the
4 Mitrokhin Commission. That's what I know.

5 Q. Very well. Again, just one final point on that aspect
6 of it. You were the recipient of this letter. Where
7 did you put it?

8 A. No, it was directly to the senator, he send the fax and
9 he send the letter, reduced the letter. I simply sent
10 him, not me, my interpreter, sent him the draft as the
11 transcript of this verbal statement.

12 Q. Mr Tam put to you that it looked as though there had
13 been a leak. Presumably you and others on the
14 commission must have been aware of a variety of
15 different forms of surveillance that you were
16 potentially at risk of. Is that right?

17 A. Well, informally, yes. Even formally. The president
18 was under a high level of state protection, for example.

19 Q. Presumably you were aware of the risk of your telephones
20 being intercepted by the Russian foreign intelligence
21 services?

22 A. Yes.

23 Q. Do you now know or can you help us to understand what is
24 the most likely route by which Mr Litvinenko's
25 cooperation with the commission would have become known

1 to the authorities in Bologna?

2 A. The reason why?

3 Q. How.

4 A. Through them, through some members of the

5 Mitrokhin Commission, some staff, some members of the

6 commission or some other advisers.

7 Q. Was there any indication during the work of the

8 commission that people within the commission, either

9 members of the commission or staff working for the

10 commission, may have been cooperating with the Russians?

11 A. Yes, sir.

12 MR EMMERSON: Thank you.

13 MR TAM: Sir, unless you have any questions.

14 THE CHAIRMAN: No, thank you very much indeed,

15 Mr Scaramella.

16 MR TAM: Mr Scaramella, thank you very much indeed for

17 coming to help us today.

18 MR EMMERSON: I'm very happy to make a start with

19 Mr Goldfarb or to take the break now and resume after

20 lunch.

21 THE CHAIRMAN: We'll take a break now. 2.00.

22 (12.45 pm)

23 (The short adjournment)

24 (2.00 pm)

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MR ALEXANDER GOLDFARB (continued)

Questions by MR EMMERSON

MR EMMERSON: Before I begin, may I, having notified counsel to the Inquiry, solicitor to the Inquiry, formally seek your permission to raise three issues that were not covered in the list of questions we submitted, mainly because they have been unearthed by Mr Goldfarb overnight since he gave evidence yesterday.

The first relates to information concerning Mr Malyshev who you've heard evidence about, he having been the joint leader of the Tambov gang and an individual arrested in Spain.

The second, in a sense, is linked to the first, are a series of photographs that Mr Goldfarb has unearthed which show the presence of various individuals together with one another at Tsepov's funeral, and the third is an interview which he has translated, originally from Rossiyskaya Gazeta from 2006, which contains an interview with a senior scientist involved in the academy responsible for the production of polonium in Russia, and which substantially provides close independent confirmation for the testimony of Professor Dombey.

THE CHAIRMAN: I'll permit to you pursue them, but you will, I know, bear in mind that you don't need to push on

1 doors that are already open.

2 MR EMMERSON: Yes, sir.

3 First of all, if I can, Mr Goldfarb, you have some
4 additional information to give to the Inquiry in
5 relation to Mr Malyshev following some researches that
6 you've done overnight?

7 A. Yes.

8 Q. Can you tell us, please, what that is?

9 A. I actually learned about it two hours -- an hour ago,
10 during the break when one of our sources alerted us to
11 a material which appeared two days ago in St Petersburg
12 press, essentially telling that Mr Malyshev has
13 resurfaced a few days -- recently, in St Petersburg,
14 after apparently jumping bail in Spain, and the article
15 is entitled "The godfather goes in retirement", and it
16 lists the whole biography of Mr Malyshev, including the
17 history of his arrest and indictment. It mentions for
18 the first time as far as I know in the public domain
19 the -- several of items in that indictment which was
20 issued by Judge Baltasar Garzon, including multiple
21 murder, trafficking in drugs, and trafficking in human
22 organs in Spain.

23 So all of them were released on bail in 2010, and
24 others went back to Russia by forfeiting their bail in
25 2010, for example Gennady Petrov --

1 THE CHAIRMAN: Mr Emmerson, perhaps the sensible way to deal
2 with that is that if it can be provided to counsel to
3 the Inquiry, we can arrange for it to be translated.

4 MR EMMERSON: If you produce the document we can have it
5 formally translated.

6 A. Yes, I gave you the link, so.

7 Q. Next, please, can I ask that we call up one after the
8 other, first of all the three photographs in order that
9 Mr Goldfarb has produced. I'm going to ask you to
10 explain where they come from first of all, what they
11 depict and who you can identify.

12 First of all, this photograph. What is that
13 a photograph of?

14 A. This photograph is from very serious Russian opposition
15 newspaper Novaya Gazeta where Anna Politkovskaya worked,
16 among other things, other people, and it shows -- it's
17 from a report about the funeral of Roman Tsepov, and the
18 important issue here is that the man on the left, the
19 tall man on the left in the dark suit and the turtleneck
20 has been identified by Novaya Gazeta as
21 General Viktor Zolotov, the chief of personal guard of
22 President Putin at the time, and as I said in my
23 evidence earlier, he was the co-founder with Mr Tsepov
24 of the security agency which guarded Mr Putin.

25 Q. Pause there, because we will look at another photograph

1 on that in a minute. Can I ask you to clarify one
2 thing. Are you able to recognise Mr Malyshev in those
3 photographs?

4 A. No.

5 Q. Could we look then, please, at the next photograph,
6 number 2. So Zolotov again, but this time confirming
7 his position as a close guard in relation to Mr Putin?

8 A. Yes. He's no longer head of his guard, he is the head
9 of interior forces of Russian interior ministry in
10 Russia.

11 Q. Thank you. Then the last photograph, number 3, could
12 you just tell us who the people in that photograph are?

13 A. I cannot source this photograph, originally. It's on
14 several resources on the internet, but it shows the
15 three individuals which -- who have been mentioned. In
16 the middle with moustache is Vladimir Kumarin, the
17 reputed boss of the Tambov crime family. The man in
18 front in glasses is Vladimir Smirnov, who was Putin's
19 close associate and the chairman of cooperative -- dacha
20 co-operative Ozero, and who has been a partner with
21 Mr Kumarin in both SPAG company and the
22 Petersburg Fuel Company which has been mentioned.

23 And the man in the back looks like, again,
24 General Zolotov, but this is dated back to mid-1990s in
25 St Petersburg.

1 Q. Yes, thank you very much. I now, if I may, want to just
2 run through really a whistle-stop tour of some points
3 I want you to clear up, if I may. So short questions
4 and short answers, if we can.

5 First of all, as you understood it from Sasha, the
6 plot to murder Boris Berezovsky which he exposed, was
7 that plot authorised or ordered by General Khokholkov?

8 A. This is what Sasha initially thought. I mean, he and
9 his colleagues heard it from Khokholkov and from
10 Khokholkov's deputy, Captain Kamyshnikov, the deputy
11 head of URPO. Then later in the course of the
12 development of that conflict, Sasha came to the
13 conclusion that the plot was authorised by the then
14 director of FSB, Nikolai Kovalyov, who was replaced by
15 Putin as the result of that scandal.

16 Q. Very well. I'm picking up just bits and pieces from
17 your statement. Did Sasha also tell you that the
18 decision to approach Mr Berezovsky at that point in time
19 to inform him was not a politically motivated decision
20 but was done in part to secure allies against -- or
21 strong allies against Khokholkov?

22 A. Absolutely correct, because at that time Berezovsky
23 politics was in no way anti-establishment, he was the
24 establishment, he was one of the closest advisers of
25 President Putin, and so -- and he had a record of

1 winning bureaucratic confrontation with FSB because
2 a couple of years before that he was -- he succeeded in
3 removing top security establishment in a previous
4 episode.

5 Q. Thank you very much. Again, I am just going to put
6 a proposition to you and ask you to confirm it. We know
7 that Mr Felshtinsky was already investigating the Moscow
8 bombings before Sasha became involved.

9 A. Yes.

10 Q. And that Sasha was not the main source of the
11 information contained in the book *Blowing Up Russia*, but
12 is it right to say that he was seen by many as the
13 principal person behind those allegations?

14 A. Well, I would qualify the main source part because
15 Felshtinsky, with all due respect, worked out of Boston,
16 and he didn't have many sources, most of his sources was
17 open sources, so Sasha was perhaps the first real FSB
18 person with whom he was able to discuss those issues.

19 Now, the major contribution of Sasha to this
20 investigation as a source was alerting Mr Felshtinsky to
21 the role of another crime group called -- so-called
22 Lazanskaya crime family, which Sasha knew very well and
23 which he suspected of being involved in the apartment
24 bombings.

25 So that's a major part of the book. But having said

1 that, of course, Felshtinsky took the prime role in
2 writing the book at least.

3 So your question was about the -- yes, when Sasha
4 was already in London, or even before, when his
5 destruction, let's put it that way, was being planned,
6 it was already an understanding in our circle that Sasha
7 would be essentially the face of the campaign to inform
8 the public opinion and the powers that be that the FSB
9 might have been involved in the apartment bombings, so,
10 yes.

11 Q. Pausing there for a moment, you told us yesterday that
12 he then went on, I think you said, to be seriously
13 involved in the Parliamentary commission investigation
14 into the bombings.

15 A. Yes.

16 Q. Can I ask you to clarify one aspect of this. Of course,
17 apart from the apartment bombings themselves, there was
18 what has variously come to be described as the Ryazan
19 basement discovery.

20 A. Yes.

21 Q. You touched upon that in passing yesterday. Could you
22 just in two sentences, please, explain what that
23 incident was all about and why it was thought to be
24 relevant to the responsibility for the apartment
25 bombings.

1 A. Yes. On 23, I think, of September of 1999 when three
2 incidents of bombings occurred already and two of them
3 were in Moscow and the whole country was essentially on
4 the alert looking for terrorists, the police in Ryazan,
5 which is a city about a couple of hundred kilometres
6 away from Moscow, alerted by private citizen, discovered
7 a bomb in the basement of an apartment house and the
8 bomb was with -- it was explosives with a detonator, so
9 they evacuated the house, dismantled the bomb, and it
10 was the prime news on TV. And then it was reported
11 later that in the course of this exercise, they have
12 arrested several suspects, and then it turned out that
13 these several suspects were the operative group of the
14 central FSB in Moscow. And the head of the FSB went on
15 TV, Mr Patrushev, and admitted that his people were
16 caught by local police with this bomb, and that it was
17 no terrorist attack, it was a training exercise.

18 Q. With a live explosive?

19 A. No, and he claimed that the powder that they found in
20 the bags was no explosive, no -- TCP, it's called,
21 (inaudible), military grade explosive, was actually
22 sugar and from then on the whole sugar aspect of this
23 became actually a stock phrase describing this whole
24 investigation, sugar in the sacks.

25 Q. Thank you very much for that. That, I think, has been

1 described in some of the evidence as being seen as
2 giving credence to the allegations that Sasha was
3 making?

4 A. Yes.

5 Q. Again, very, very quickly if I can, am I right in saying
6 that we have three members of that commission who were
7 assassinated?

8 A. Yushenkov, Shchekochikhin and who's the third?

9 Q. Golovlev, no?

10 A. I don't remember whether he was a member of the
11 commission, he might have been, yes.

12 Q. We touched on Mr Shchekochikhin's death yesterday, you
13 said he was poisoned.

14 A. Yes.

15 Q. Mr Yushenkov was shot, I think.

16 A. Yes.

17 Q. Thank you. How close would you describe the
18 relationship between Sasha and Anna Politkovskaya?

19 A. They met during extradition hearings of Akhmed Zakayev
20 here in the courtroom in London, it was early 2003, and
21 since both of them were quite well known among Russians
22 and they've heard of each other, they struck a very
23 close relationship. So Anna would see Sasha every time
24 she was in London, and she came quite often, and they
25 were very friendly, I would say they were friends in the

1 Russian sense, if you recall Mr Voronoff.

2 Q. Thank you very much. Can I ask you, please, to look
3 briefly at BLK000081 which is the transcript of
4 a File on 4 documentary that was broadcast
5 in February 2007, I think you've seen this before?

6 A. Yes.

7 Q. I want to ask you, if I can, to deal with one or two
8 matters in it. First of all, if we just turn briefly to
9 BLK000090 and to the second half of the page, you see
10 the name Pavel Felgenhauer?

11 A. Yes.

12 Q. Is that a name that you know?

13 A. Yes, he's a very serious and prominent journalist,
14 specialising in security measures in Russia.

15 Q. It indicates here that in addition to being
16 a journalist, he spent 17 years as a molecular biologist
17 in the Russian academy of sciences using radioactive
18 sources in his laboratory.

19 A. Yes, just like me. No, I didn't know that.

20 Q. Pardon?

21 A. I didn't know that.

22 Q. Do you know him personally?

23 A. No, I don't know him. I read his stories, yes, but he
24 is the same ...

25 Q. I want to pick up one or two matters from this

1 transcript, please. If you look at 82, that's 0000,
2 I just use the last two digits from it, that's 82, and
3 at the top of the page, the very first paragraph, he
4 says:

5 "We have a special department, still active, in the
6 Russian intelligence community that performs research
7 work and killings by poisoning. They existed in Soviet
8 times, obviously it still exists, and they prepare
9 assassinations by using very sophisticated poisoning
10 techniques, very sophisticated."

11 Is that something that you've heard before, or that
12 you know anything more generally about?

13 A. Well, about the Soviet times, it's a well-established
14 fact, there were books published about it, about the
15 poisons lab, most prominently by a former chief of
16 Stalin's foreign intelligence, General Sudoplatov in his
17 memoir, and he cites specific use of these substances
18 and experimentation and so on. As to whether it still
19 exists, I don't know, Pavel Felgenhauer might have had
20 his sources.

21 The only thing I can say is there was one instance
22 where it was officially confirmed that a poison has been
23 deployed and successfully deployed by the FSB, I think
24 even by official statements, and that was the
25 assassination of Islamist guerilla leader in the

1 Caucasus by the name of Khattab who was assassinated
2 with a letter that has been poisoned, delivered to him
3 by one of his associates, and when he died, I think it
4 was about ten years ago, FSB officials confirmed that it
5 was their operation.

6 Q. 84, please. Again, looking at the first half of the
7 page there, just in connection with the question that
8 you've just touched upon, other instances where it looks
9 as though poisons have been used, there is a suggestion
10 that -- this is again from an investigative report of
11 Igor Korolkov of Novaya Gazeta -- sources in the
12 prosecutor's office in St Petersburg described the
13 post-mortem examination of Tsepov's body showing
14 radioactive contamination at high quantities, and
15 something that was never officially reported by law
16 enforcement.

17 Do you know about that at all?

18 A. Yes, of course, I even called Korolkov about this after
19 it was published and spoke to him and he confirmed that
20 to me publicly.

21 Q. He says there, when asked why you feel you can rely on
22 that information, that the source is responsible and
23 knowledgeable. Did you get any information from him in
24 addition to that as to why he thought his source's
25 information was reliable?

1 A. Well, he quoted his sources in the investigation and in
2 the -- I think he quoted Mr Tsepov's physician.

3 Q. Okay. 86, please. Again, the first half of the page,
4 this relates to a statement by a friend of
5 Shchekochikhin -- I always have trouble with the
6 pronunciation of the name --

7 A. Of course.

8 Q. -- describing his symptoms as including red blotches on
9 his skin, vomiting, high fever, organ failure one by
10 one, skin severely damaged and loss of his hair.

11 A. Yes.

12 Q. Again, was that public knowledge?

13 A. It was public knowledge, yes.

14 Q. Thank you.

15 A. I mean, maybe from this interview, but I think it was
16 public knowledge at the time of Shchekochikhin's death
17 which I should mention is not identical to the -- to
18 Sasha's symptoms. It doesn't look like radioactive.

19 Q. Finally page 90, which we've touched on earlier on, in
20 the exchange with Mr Felgenhauer, he's asked why he
21 thinks that this crime must have involved state
22 agencies, that's to say the murder of Mr Litvinenko.

23 A. Yes.

24 Q. He says:

25 "It's one thing if you get a person just simply shot

1 in the head, another when an enormous amount of polonium
2 you can't get anywhere easily at all is used in a very
3 sophisticated way, which will obviously involve
4 different parts of the Russian ministries and
5 intelligence kind of departments working together in
6 a coordinated matter that would require a coordination
7 from the very top.

8 "Question: And what are the features which suggest
9 to you the hand of some state agency?"

10 He goes on:

11 "You would require to get the polonium. The
12 polonium is produced in one place in Russia, Rosatom,
13 purified in another. Rosatom is the nuclear agency..."
14 and so forth.

15 He goes on a little further down:

16 "You need someone to prepare a meeting where you can
17 encounter the target and use the polonium. You need the
18 FSB, because FSB oversees security also of nuclear
19 materials. You need the Kremlin to okay it and to
20 control it. So from the very start when it was
21 disclosed that this was indeed polonium-210, it was
22 clear for me that this could be done only by
23 a state ..."

24 Amongst the various points that he's making here is
25 the need for collaboration between agencies and the

1 requirement for the involvement of the FSB if nuclear
2 material was to be used. Can you comment at all on
3 that?

4 A. Obviously, this is correct and I think I've mentioned
5 that, this will require some sort of an
6 interdepartmental effort. Rosatom, which is formerly
7 the atomic ministry, is an extremely powerful and
8 well-positioned hierarchy organisation. Its head at the
9 time, and I think until now, is Sergei Kiriyenko, the
10 former prime minister. It would not simply transfer
11 polonium on a phone call from FSB. It would require
12 Kremlin authorisation, and not only that, since Rosatom
13 officials said on many occasions that all their polonium
14 has been accounted for, the withdrawal of polonium from
15 their system should have been accompanied by some sort
16 of a cover-up so that the tracks are hidden, so it would
17 really be a very serious bureaucratic exercise.

18 Q. Thank you very much. You gave yesterday certain reasons
19 for your conclusions about the involvement of the upper
20 echelons of the Kremlin in Mr Litvinenko's murder.

21 A. Yes.

22 Q. Can we look at INQ003019, please.

23 This is the end of your 2006 statement, and you say,
24 explaining your analysis of potential enemies of
25 Sasha Litvinenko, you say:

1 "Firstly, President Putin must be considered to have
2 a personal grudge against Litvinenko in view of the
3 interviews Litvinenko has given alleging that the
4 Chelsea football club owner Roman Abramovich is in
5 possession of a videotape showing Mr Putin in
6 compromising sexual circumstances of a homosexual
7 nature. Secondly, General Khokholkov, who has lost his
8 job at the FSB because of Mr Litvinenko's disclosure of
9 the assassination plot of Berezovsky. Thirdly, various
10 FSB officials because of real or imagined confidential
11 information they may think Litvinenko gave to British or
12 American authorities. In addition to this, at some
13 point Litvinenko has put on the internet a photograph of
14 a team of FSB operatives who were part of a liquidation
15 squad of the Chechen president, Johar Dudaev, which
16 makes these people his obvious enemies."

17 Is there anything about that account that you would
18 wish to qualify or change?

19 A. Well, the only thing I would say, particularly with
20 regard to the homosexual tape, is that in order to make
21 an enemy, it does not necessarily have to be true.
22 That's point one. So I would think that if you say
23 that -- which happened, that Mr Putin is a paedophile,
24 would make Mr Putin mad regardless of the fact whether
25 he is a paedophile or not. That's number one.

1 Number two, the allegation of this -- that this tape
2 exists didn't originate with Sasha. It originated with
3 a Moscow journalist by the name of Alexander Khinshtein
4 who is a crime reporter who published this account in
5 a Moscow newspaper some time in 1999 or 1998 which
6 probably is what Sasha used as his -- as the trigger for
7 this allegation. That's all I can say. Everything else
8 is correct.

9 Q. Thank you very much. INQ017567, please, the second half
10 of the page. You were asked yesterday some questions
11 about others who had disclosed similar allegations
12 subsequent to Sasha's death, and mention was made of the
13 stance that had been publicly taken by Boris Nemtsov.
14 I think when you obviously wrote this statement this is
15 before Mr Nemtsov's assassination, but you set out there
16 an excerpt in English of what it was that Boris Nemtsov
17 was saying that over-mapped the allegations that
18 Sasha Litvinenko was making in the book and in the essay
19 and so on.

20 This, I think, you took, is this right, from
21 a published pamphlet?

22 A. Yes, there is a link there, it's from the so-called
23 Nemtsov-Milov report.

24 Q. If we just go through it:

25 "Vladimir Smirnov was in the past closely linked

1 with the well-known 'mafia' businessman
2 Vladimir Barsukov (Kumarin) who is currently in jail.
3 Back in 1994, Vladimir Smirnov was head of the
4 St Petersburg subsidiary of the German company SPAG and
5 Kumarin was a member of its board. In 1999, SPAG was
6 accused by the ... German federal intelligence service
7 of laundering money for Russia's organised crime and
8 also for the Colombian drug dealers. SPAG director
9 Rudolf Ritter was arrested for this in 2000. Between
10 1996 and 2001, Smirnov was also in the upper management
11 of ZAO Petersburg Fuel Company. During the same period,
12 Kumarin-Barsukov was its vice-president and to all
13 intents and purposes controlled the company,
14 Rif-Security, a security company controlled by
15 Kumarin-Barsukov and Vladimir Smirnov provided security
16 services to the Ozero dacha condominium."

17 There's no mention there of Vladimir Putin's
18 involvement with SPAG?

19 A. No.

20 Q. As far as you know, did Nemtsov make that public as well
21 or not?

22 A. I don't remember, it was kind of common knowledge, at
23 the time this report was prepared, many people and
24 sources talked about that, but I cannot tell you right
25 now. The important issue here is that Vladimir Smirnov

1 is one of the closest associates of Putin, and so the
2 links, alleged links, of Putin with the Tambov gang went
3 through primarily two individuals: Smirnov and
4 Mr Tsepov.

5 Q. So far as you are aware, is there independent
6 confirmation or not of Mr Putin's hierarchical
7 structural involvement with the SPAG group of companies?

8 A. Yes, it was -- the fact that he was on its advisory
9 board has been well-documented, particularly by a German
10 journalist whose name I have forgotten, but who
11 published the book in Germany who was -- he was formerly
12 a reporter for Frankfurter Rundschau in Moscow, so there
13 is a whole book about this.

14 There is a -- in addition to that, there is of
15 course Kuchma tapes which are totally independent from
16 Sasha. Sasha and Shvets helped to transcribe them, but
17 when those things were uttered in Kuchma's office,
18 nobody knew about Sasha, and certainly not in that
19 office.

20 So this could be considered, and of course the
21 German investigation which was quite prominent. It was
22 in the German press at the time, SPAG officers would
23 read it, and I think German press speculated, certainly
24 it was reflected in Karen Dawisha's booklet the whole
25 SPAG case was suppressed due to political pressure from

1 the administration of Gerhard Schroder who, as we know,
2 later went to serve as Mr Putin's CEO in the gas
3 project.

4 Q. I think looking at the various sources that you've
5 examined as having emanated from Mr Litvinenko, both in
6 your own work with him and more generally, you've listed
7 seven individuals associated with the Tambov gang who he
8 implicated, four senior Russian officials apart from
9 Mr Putin, and four companies, is that right?

10 A. Yes.

11 Q. For the sake of the record, if we can put them on the
12 record. Those involved from the Tambov gang, were --
13 I'll put the list to you -- Vladimir Kumarin,
14 Alexander Malyshev, Gennady Petrov, Zakhar Kalashov,
15 Tariel Oniani, Vitaly Izguilov and Roman Tsepov?

16 A. Yes, with the qualification that now all of this
17 obviously comes from research and not from my firsthand
18 acquaintance with these gentlemen, but I could qualify
19 from what I know now and after reading more, is that
20 Izguilov, Oniani and Kalashov, were very -- no question
21 has been reported as crime bosses. I'm not sure how
22 much they were involved in specifically the Tambov
23 group.

24 Q. I see. We'll hear some evidence about competition
25 between different crime groups.

1 A. Yes.

2 Q. As for those within the Kremlin upper echelons, apart
3 from Mr Putin, who were said by Sasha to have direct
4 connections with organised crime, they were
5 Nikolai Patrushev, the head of the FSB following Putin,
6 is that correct?

7 A. Yes.

8 Q. Victor Ivanov, who we have heard a lot about?

9 A. Yes.

10 Q. Viktor Zolotov, head of presidential security who we
11 have just been looking at?

12 A. Yes.

13 Q. And Vladimir Smirnov, who you have just told us about?

14 A. Yes.

15 Q. And finally the companies were Petersburg Fuel Company?

16 A. Yes.

17 Q. Baltic-Escort?

18 A. Yes, that's Tsepov company.

19 Q. SPAG we have heard a fair bit about?

20 A. Yes.

21 Q. And the Ozero dacha condominium that was mentioned by
22 Boris Nemtsov?

23 A. Which was not a company, it was a condominium, I mean a
24 co-op essentially. It was a real estate co-op.

25 Q. A real estate company?

1 A. Community.

2 Q. Through which money was laundered, is that the idea?

3 A. No, no, no. The role of the Ozero co-op is this: it was
4 a country house cooperative with individual standalone
5 houses, of which Mr Smirnov was chairman of the co-op
6 board and Mr Putin was a member of co-op board and
7 I think Mr Kovalchuk, the future major shareholder in
8 Bank Russia, was another board member, and which -- and
9 this cooperative included -- was a social and
10 recreational community where top officials from
11 St Petersburg mayor's office and some security officials
12 and some gangsters, such as Mr Kumarin who also had
13 a house there, they all mingled, and the importance of
14 this community in this whole story is that many members
15 of Russian ruling elite, such as Mr Smirnov,
16 Mr Kovalchuk and others became later either oligarchs
17 under Putin with many billions of net worth or top
18 officials in the Russian government.

19 Q. Last two quick questions, if I may. You touched on
20 the --

21 A. I'm sorry, and of course the Ozero co-op was mentioned
22 and specifically described as such, as I have just
23 described, in the US department of the treasury,
24 I think, designations of sanctions.

25 Q. I see. The most recent one?

1 A. Yes.

2 Q. You touched on the assassination attempt against
3 Boris Berezovsky in July 2007.

4 A. Yes.

5 Q. We heard also some evidence from Mr Zakayev about the
6 threats to him at that time in relation to that attempt.

7 A. Yes.

8 Q. The culprit we heard was identified as
9 Movladi Atlangeriev?

10 A. Yes.

11 Q. I think it's right to say that he was a member of the
12 Lazanskaya gang?

13 A. Yes.

14 Q. You've described the Lazanskaya gang as an organisation
15 that specialised in contract murders and special
16 assignments to the FSB?

17 A. Yes.

18 Q. That's an important point to be making, about what was
19 on the face of it an assassination attempt by a criminal
20 gang. Can you flesh that out for us at all, why did you
21 say that that organisation was, if you like, a criminal
22 proxy for the FSB?

23 A. Well, it was mentioned prominently in the book, in the
24 Assassination of Russia book about the apartment
25 bombings, and the information came from Sasha

1 essentially, but it cited some cases, some legal cases,
2 where members of Lazanskaya gang were tried in mid-1990s
3 on some criminal things, like assassinations of
4 commercial nature, where in court they displayed FSB ID
5 cards and it was essentially established as a legal fact
6 that they had lots of connections in the FSB in the
7 mid-1990s. At that time it was still possible.

8 Then, of course, after the apartment bombings
9 things, Mr Atlangeriev specifically -- and this is also
10 part of the record -- helped the federal government to
11 lure some Chechen field commanders in the early days of
12 the second Chechen war to switch sides, and for that
13 role specifically there was a clan of Chechen
14 warlords --

15 Q. I'm not sure, if I may say so, that we need to go down
16 by way of Chechen warlords.

17 A. Yes, but that was a second thing, and for that,
18 Mr Atlangeriev, who was the crime boss, was awarded, he
19 got a medal of hero of Russia or something like this,
20 and this gun which was mentioned here, personal kind of
21 embroidered gun from the FSB.

22 Q. From the FSB?

23 A. Yes.

24 Q. Thank you very much.

25 A. And of course later the Lazanskaya gang was implicated

1 in the murder of Anna Politkovskaya.

2 MR EMMERSON: I see, but not, I think, in the murder of
3 Boris Nemtsov?

4 A. No.

5 Further questions by MR TAM

6 MR TAM: Mr Goldfarb, just one question if I may. You say
7 the Assassination of Russia book. That's the book which
8 we know in English as Blowing Up Russia?

9 A. Yes.

10 Q. Is Assassination of Russia the Russian title of it?

11 A. I'm already confused because there was a film and
12 a book, I think the film was called Assassination of
13 Russia and the book was called Blowing Up Russia.

14 MR TAM: Yes, thank you very much.

15 Sir, unless you have any questions?

16 THE CHAIRMAN: No. Mr Goldfarb, thank you for your
17 assistance over now a considerable period of time.
18 Thank you very much.

19 A. Thank you.

20 MR TAM: Sir, that completes the evidence for today.

21 THE CHAIRMAN: And tomorrow we're going to hear from
22 Professor Service?

23 MR TAM: Sir, that's right, yes.

24 THE CHAIRMAN: Good, 10.00 in the morning.

25 (2.40 pm)

1 (The Inquiry adjourned until 10.00 am on Thursday,

2 19 March 2015)

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