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Tuesday, 27 January 2015

(10.00 am)

Opening remarks by THE CHAIRMAN

THE CHAIRMAN: Today we begin the open hearings in the Inquiry into the death of Alexander Litvinenko. Alexander Litvinenko died on 23 November 2006 in University College Hospital. Post-mortem examination revealed that his death had been caused by ingestion of a fatal dose of the radionuclide polonium-210, a radioactive material.

The issues to which his death gives rise are of the utmost gravity and have attracted worldwide interest and concern. In written submissions made in the course of the inquest proceedings, Mr Emmerson QC, counsel for Alexander Litvinenko's widow, Marina, and their son, Anatoly, invited my attention to the reference by the foreign affairs select committee to the murder of Alexander Litvinenko as "a miniature nuclear attack on

1 the streets of London", to the fact that the
2 Foreign Secretary and others have observed that "the
3 manner of Mr Litvinenko's death put many hundreds of
4 other people at risk", and to a motion of the
5 United States House of Representatives dated
6 1 April 2008 in which it was noted that polonium-210
7 "could be used to kill large numbers of people, or
8 spread general panic and hysteria among the public".

9 Similarly, at an earlier hearing, it was submitted
10 on behalf of media organisations that the issues to
11 which the inquest gave rise include "allegations of
12 state sponsored assassination by radioactive poisoning",
13 of a British citizen in London, issues of the greatest
14 public concern.

15 Over eight years have elapsed since the death of
16 Mr Litvinenko, and it is appropriate that I should
17 preface this hearing with a short explanation as to why
18 it has taken so long for a full inquiry into the
19 circumstances of his death to take place.

20 On 30 November 2006, an inquest was opened by Her
21 Majesty's Coroner for inner north London,
22 Dr Andrew Reid, but was adjourned pending the police
23 investigation into the death and any ensuing criminal
24 proceedings.

25 The police investigation led to the conclusion that

1 the fatal dose of polonium-210 was probably consumed by
2 Mr Litvinenko on 1 November 2006 when he was in the
3 company of Mr Andrei Lugovoy and Mr Dmitri Kovtun at
4 a hotel in London.

5 Following a review of the evidence by the Crown
6 Prosecution Service, it was announced on 22 May 2007
7 that a decision had been taken to prosecute Mr Lugovoy
8 for the murder of Alexander Litvinenko and a warrant was
9 issued for his arrest.

10 A formal request for his extradition was made to the
11 appropriate authorities of the Russian Federation but
12 was refused on the basis that the Russian constitution
13 prohibits the extradition of its own nationals.
14 Sustained diplomatic efforts by Her Majesty's Government
15 to secure his extradition failed.

16 It was subsequently decided by the Crown Prosecution
17 Service that Mr Kovtun should also be prosecuted for the
18 murder of Alexander Litvinenko, and a warrant was issued
19 for his arrest. As in the case of Mr Lugovoy, it has
20 not proved possible to secure his extradition to stand
21 trial.

22 On 13 October 2011, the inquest was resumed, as it
23 had become clear that there was no realistic prospect of
24 the suspects facing a criminal trial.

25 On 7 August 2012, I was appointed assistant deputy

1 coroner to conduct the inquest. I held a pre-inquest
2 review on 20 September 2012 at which I expressed the
3 intention to proceed with all due expedition with a view
4 to a substantive hearing commencing in early 2013.
5 Unhappily, the proceedings that followed were plagued by
6 delays.

7 At a hearing on 13 December 2012, I invited
8 submissions from interested persons as to the scope of
9 the inquest. In a note prepared for that hearing,
10 counsel to the inquest included in a large range of
11 topics the results of the analysis of the sensitive
12 material that had been available to me for inspection,
13 subject to such claims to public interest immunity as
14 might be made by Her Majesty's Government.

15 Their assessment was to the effect that the HMG
16 material, taken in isolation, established a prima facie
17 case as to the culpability of the Russian state in the
18 death of Mr Litvinenko, but it did not establish
19 a prima facie case as to the culpability of the British
20 state in failing to take reasonable steps to protect
21 Mr Litvinenko from a real and immediate risk to his
22 life.

23 In my ruling dated 17 January 2013, I determined on
24 a provisional basis that I would include within the
25 scope of the inquest the issue of the possible

1 culpability of the Russian state. In January 2013,
2 counsel to the inquest identified a number of documents
3 within the HMG material that they considered to be
4 relevant to my investigation and of which it was
5 expected that I would seek disclosure.

6 The Foreign Secretary duly claimed public interest
7 immunity in relation to such documentation, and in
8 a ruling dated 17 May 2013, I upheld most of the claim
9 to PII. To the extent that I rejected the claim, my
10 decision was challenged by the Foreign Secretary,
11 a challenge that was upheld by the divisional court
12 in November 2013.

13 Closed hearings are not permissible in an inquest,
14 and accordingly the effect of the claim to PII being
15 upheld was that the material in question would have to
16 be excluded from consideration in the inquest. Thus, in
17 a judgment of 17 May 2013, I addressed the consequences
18 of the successful claim to PII and expressed the
19 provisional view that the issue of Russian state
20 responsibility would have to be withdrawn from the scope
21 of the inquest and that my coronial duty to carry out
22 a full investigation into the death of
23 Alexander Litvinenko would be compromised to
24 a significant degree, but a statutory inquiry,
25 established under section 1 of the Inquiries Act 2005,

1 can, where appropriate, take evidence in closed session.
2 On 4 June 2013, I wrote to the Lord Chancellor
3 requesting Her Majesty's Government to exercise its
4 power to order a public inquiry into the death of
5 Alexander Litvinenko under the 2005 Act, further
6 requesting that the decision be made as a matter of
7 urgency.

8 By a letter dated 17 July 2013, I was informed by
9 the Home Secretary that Her Majesty's Government had
10 decided not to set up an inquiry at that time. Her
11 decision was challenged in a claim for judicial review
12 brought on behalf of Marina and Anatoly Litvinenko and
13 was quashed in the judgment of the divisional court
14 dated 11 February 2014.

15 The court directed the Home Secretary to give fresh
16 consideration to my request. The establishment of this
17 Inquiry was duly announced in a written statement laid
18 before Parliament on 22 July 2014, and on 31 July,
19 I formally suspended the inquest and opened the public
20 Inquiry. The terms of reference for my appointment as
21 chairman of the Inquiry can be found on the Inquiry
22 website, but in short I shall carry out a full and
23 independent inquiry into the circumstances of the death
24 of Alexander Litvinenko.

25 The Home Secretary has issued restriction notices in

1 relation to sensitive material relevant to the issues
2 that I shall address, in particular to the issue of
3 Russian state responsibility for Mr Litvinenko's death.
4 In consequence, such material must necessarily be
5 considered in closed hearings. It was, of course, in
6 order to enable me to consider such material, and to
7 hold closed hearings, that I requested Her Majesty's
8 Government to establish a public inquiry under the 2005
9 Act.

10 I am assisted in my Inquiry by solicitor and counsel
11 to the Inquiry, supported by officers of the
12 Metropolitan Police.

13 There are four core participants who are represented
14 by solicitors and counsel: Marina and
15 Anatoly Litvinenko, the Commissioner of Police for the
16 Metropolis, the Secretary of State for the Home
17 Department, and the Atomic Weapons Establishment.

18 At an early stage of the inquest, Mr Lugovoy
19 appeared by counsel as an interested person but
20 subsequently withdrew from participation. Both he and
21 Mr Kovtun will be invited to give evidence at the
22 Inquiry via video-link from Russia, an invitation that
23 I hope will be accepted. The investigative committee of
24 the Russian Federation was also an interested person
25 represented at the inquest but has not sought to

1 participate in this Inquiry.

2 Finally, I expect to conclude the open hearings
3 before Easter. At some point in the future, there will
4 be closed hearings at which I shall consider the
5 material subject to the restriction notices. I expect
6 to report before the end of the year.

7 Mr Tam.

8 Opening statement by MR TAM

9 MR TAM: Sir, I appear as counsel to the Inquiry together
10 with my learned friends Mr Davies and Mr O'Connor. My
11 learned friends Mr Emmerson and Mr Straw appear for
12 Marina Litvinenko and Anatoly Litvinenko. The
13 Home Secretary is represented by my learned friends
14 Mr Garnham and Mr Wastell. The Metropolitan Police
15 commissioner is represented by Mr Horwell and
16 Ms Naqshbandi, and my learned friends Mr Evans and
17 Mr Henderson appear for AWE plc, formerly known as the
18 Atomic Weapons Establishment.

19 Sir, Alexander Valterovich Litvinenko was born in
20 the then Soviet Union on 4 December 1962. He was
21 married and lived in north London with his wife Marina
22 and their son Anatoly. He was often known to his family
23 and friends as Sasha, and I think that we will find
24 during the course of the evidence that we will often use
25 that familiar diminutive name to refer to him.

1 Mr Litvinenko was suddenly taken ill at home on the
2 evening of 1 November 2006. His condition did not
3 improve, and he was admitted to Barnet General Hospital
4 two days later on 3 November.

5 Two weeks after that, on 17 November, he was
6 transferred to University College Hospital in central
7 London. As we shall hear, his condition continued to
8 deteriorate and he was in very great pain. He died
9 almost a week later on 23 November.

10 After his death, a post-mortem examination was
11 carried out. This revealed that the cause of his death
12 was acute radiation syndrome. He had been poisoned by
13 a substance called polonium-210. This is a radioactive
14 isotope of a rare metallic element. A small quantity
15 had been ingested by Mr Litvinenko, but the effects of
16 polonium-210 on the human body are so toxic that it
17 amounted to a dose far in excess of known survivability
18 limits.

19 When Mr Litvinenko's illness and death became known,
20 there was immediate public reaction. Many of us will
21 recall the media coverage at the time.

22 One of the matters that was widely reported at the
23 time was a public health alert. Radioactive
24 contamination was found at a large number of places
25 across London and elsewhere. This included airliners.

1 An enormous amount of work was done to locate
2 radioactive contamination and also to trace those who
3 may have come into contact with it. Many thousands of
4 members of the public, both British residents and
5 visitors from overseas, might have been at risk from the
6 radioactivity.

7 In addition, there was immediate speculation about
8 the cause of Mr Litvinenko's death and about who might
9 have been responsible for it. Was he murdered? If so,
10 who undertook the poisoning? Who sent them?

11 These questions were asked at the time of his death.
12 Indeed, questions of this kind started almost as soon as
13 it became known that Mr Litvinenko was seriously ill.
14 They are questions which have been asked frequently and
15 repeatedly in the years since his death, and they are
16 questions which are central to the work which this
17 Inquiry is carrying out.

18 Many suggestions have been made. For example,
19 Mr Litvinenko himself blamed the Russian government.
20 Questions have been asked about whether agencies of the
21 British government were responsible for the poisoning.
22 Others have wondered whether organised crime was
23 involved. There have been allegations that the late
24 Boris Berezovsky, who knew Mr Litvinenko very well,
25 ordered his killing. But there have also been questions

1 about whether Mr Litvinenko was deliberately killed at
2 all. Some commentators have suggested that the most
3 probable explanation of Mr Litvinenko's death is that he
4 was accidentally poisoned in the course of handling
5 polonium himself, perhaps in the course of an illicit
6 smuggling operation. It has even been suggested that
7 Mr Litvinenko committed suicide.

8 Over the years, there has been vigorous debate about
9 these theories. Many books and articles have been
10 written on the subject. But these formats do not allow
11 any way of testing or probing the evidence that their
12 authors have relied on.

13 Of course, there has also been a police
14 investigation. As one would expect, this has been
15 extensive and wide-ranging. The evidence uncovered by
16 the police investigation forms a large part of the
17 evidence that is available to this Inquiry.

18 It is well known that one outcome of the police
19 investigation has been the decisions by the Crown
20 Prosecution Service that two Russian men should be
21 charged with murdering Mr Litvinenko. These are
22 Andrei Lugovoy and Dmitri Kovtun who met Mr Litvinenko
23 on 1 November at a place which has become perhaps the
24 best known location connected to Mr Litvinenko's death:
25 the Pine Bar in the Millennium Hotel on

1 Grosvenor Square. But no criminal trial has been
2 possible because Mr Lugovoy and Mr Kovtun are in Russia
3 and Russia says that its constitution prohibits their
4 extradition to the United Kingdom.

5 In addition, as after every death of this kind, an
6 investigation into Mr Litvinenko's death was begun by
7 the coroner. A coroner has a duty to undertake a full,
8 fair and fearless inquiry into the circumstances of
9 death, as you yourself have said on more than one
10 occasion.

11 This Inquiry has been set up to take over from the
12 coroner's investigation, in circumstances which I will
13 outline in more detail shortly. But one thing is clear:
14 the Inquiry's approach to all the matters within its
15 terms of reference will continue to be the need to
16 conduct a full, fair and fearless investigation.

17 They will include the theories about who was to
18 blame for Mr Litvinenko's poisoning and death. As we
19 shall hear over the coming weeks, for some of these
20 theories, there is considerable supporting evidence; for
21 others, less, and for yet others, none at all.

22 Sir, in this opening statement, I will deal with
23 a number of matters in more detail.

24 The first of these is to explain in a little more
25 detail why this Inquiry came to be set up. Not everyone

1 who is interested in today's hearing will be familiar
2 with these reasons, and they have implications for the
3 way in which the Inquiry will approach the evidence and
4 the way in which Inquiry hearings will be conducted.

5 I will then go on to mention a number of procedural
6 points about the conduct of the Inquiry hearings.

7 Finally, I will go on to introduce the main areas of
8 evidence which will be covered in these hearings, to
9 outline the nature of the evidence that will be called,
10 and to identify some of the key questions which
11 the Inquiry will address.

12 Sir, the history of the proceedings.

13 Mr Litvinenko died within the district of the
14 coroner for inner London north. As you have said, the
15 then coroner, Dr Andrew Reid, formally opened the
16 inquest on 30 November and then adjourned it. This was
17 because of the pending criminal investigation and was
18 a completely normal step to take in those circumstances.

19 On 9 February 2007, Dr Reid issued an interim
20 certificate of the fact of death and, sir, this is
21 a document which we can show on the screens. It's
22 document BLK000001.

23 I hope that's legible to everybody. The certificate
24 gives the date and place of death at the top. It gives
25 Mr Litvinenko's name and surname, together with an alias

1 about which we will hear. You also see, sir, the date
2 and place of birth, his occupation and address and the
3 date I've mentioned that the inquest was opened and
4 assigned by Dr Reid and the date.

5 As you can see also, sir, at that time, the cause of
6 death was not included in the certificate, and we will
7 hear medical evidence about that.

8 Sir, by the autumn of 2011, it had become clear that
9 the prospect of a criminal trial had become very remote
10 because Russia would not extradite Mr Lugovoy and
11 Mr Kovtun to the UK.

12 On 13 October 2011, Dr Reid therefore resumed the
13 inquest. At that time, he also appointed two counsel to
14 the inquest to assist with preparation and to appear at
15 hearings. Those counsel were my learned friend
16 Mr Davies and my learned friend Mr O'Connor.

17 The process of preparing for the inquest then began.
18 One of the early steps in that process was your own
19 appointment, sir, on 7 August 2012 as assistant deputy
20 coroner to conduct the inquest. The preparations also
21 included inspecting relevant evidence in the possession
22 of the British government. I should say that the
23 government is often referred to as HMG, an abbreviation
24 for Her Majesty's Government, and I hope that we will be
25 forgiven if we use that abbreviation during these

1 hearings.

2 Some of the HMG evidence was indeed sensitive and
3 consideration therefore had to be given as to how that
4 evidence would be dealt with.

5 Sir, it is important to reiterate that hearings in
6 a coroner's inquest are public. A coroner cannot hold
7 closed hearings in order to protect sensitive evidence.
8 If there is relevant evidence that is too sensitive to
9 be exposed in a public hearing, the legal principle
10 known as public interest immunity, or PII, may operate.
11 That principle protects sensitive evidence by entirely
12 excluding it from consideration by the court concerned.

13 In a coroner's inquest, the coroner would, in
14 effect, have to pretend that the evidence did not exist.
15 If the evidence is of importance, that would obviously
16 be an unsatisfactory state of affairs.

17 By the time of a pre-inquest review hearing
18 in December 2012, counsel to the inquest had reviewed
19 the sensitive HMG evidence that had been made available
20 for inspection.

21 To assist you in deciding how the inquest should
22 proceed, they prepared the note to which you have
23 already referred, expressing some conclusions about the
24 HMG evidence and what it showed about various issues
25 that the inquest might have to consider. They noted

1 that their conclusions related solely to the effect of
2 the HMG evidence taken alone. Importantly, they set out
3 their assessment that the HMG evidence, taken alone,
4 established a prima facie case as to the culpability of
5 the Russian state in Mr Litvinenko's death.

6 Their assessment was that the HMG evidence, taken
7 alone, did not establish a prima facie case as to the
8 culpability of the British state in this regard. They
9 also reached similar assessments in relation to a number
10 of other potential issues. I should add for
11 completeness that they stressed that a conclusion that
12 the HMG evidence did not establish a prima facie case in
13 respect of any particular issue was not to be
14 interpreted as meaning that there was no evidence at all
15 on that issue contained in the HMG evidence.

16 Sir, the public version of that note can be found on
17 the Inquiry website.

18 That may seem like a lot of words about a very dry
19 legal step, but the importance of that step was that it
20 helped you to make decisions concerning the scope of the
21 inquest which you recorded in a ruling on
22 17 January 2013. At the same time, you published
23 a provisional list of issues to be considered by the
24 inquest. I should say that these rulings, like most of
25 the other documents that I will refer to in this section

1 of our opening statement, can be found on the website.

2 The issues in the provisional list included issues
3 to which the HMG evidence was relevant. On
4 7 February 2013, HMG therefore claimed PII in respect of
5 the sensitive evidence. Technically, the claim was made
6 in relation to a selection of documents, but that makes
7 no difference to the history of these proceedings.

8 Sir, on 26 February, you held a public hearing in
9 relation to that claim, which was followed by a private
10 hearing at a later date. These hearings resulted in
11 your ruling on 17 May 2013.

12 HMG was not satisfied with the part of your ruling
13 which rejected the PII claim. As a result, on 31 May,
14 HMG started a judicial review challenge to that part of
15 the ruling. The hearing of that challenge eventually
16 took place on 16 October and on 27 November the High
17 Court upheld the challenge. This meant that the whole
18 of HMG's claim for PII was accepted.

19 The fact that relevant HMG evidence existed in
20 relation to issues such as Russian state responsibility,
21 but that evidence could not be considered by a coroner,
22 meant that you had to revisit the question of the scope
23 of the inquest. Could the inquest still sensibly
24 consider all of the issues on the previous list, if it
25 knew that its conclusions might be distorted or

1 undermined by being unable to consider evidence which it
2 knew existed but which it was not allowed to take into
3 consideration?

4 On 18 December 2013, you therefore gave a ruling
5 revising the scope of the inquest following the outcome
6 of the PII judicial review challenge. Certain issues
7 would be removed from the scope of the inquest, as they
8 could not be adequately investigated in the context of
9 an inquest. These issues included that of Russian state
10 responsibility, which would simply have to go
11 uninvestigated if the inquest had proceeded.

12 It has to be said that this conclusion could not
13 have come as much of a surprise to anyone, because your
14 PII ruling in May 2013 had already foreseen that this
15 was a likely outcome, given your own PII ruling and the
16 limitations on what an inquest could do.

17 However, as you have said, sir, the legislation
18 governing inquiries is different. Unlike an inquest, an
19 inquiry is permitted to consider closed evidence; that
20 is evidence that is not available to the public and not
21 discussed or disclosed in public. This mechanism means
22 that an inquiry can consider sensitive evidence and
23 still protect it.

24 As a result, on 4 June 2013, you wrote to HMG
25 requesting that an inquiry be set up so that

1 consideration could be given to the important issues
2 that might have to be withdrawn from an inquest.
3 However, HMG's first response to this was a negative
4 one. On 17 July, the Home Secretary declined to order
5 an inquiry.

6 Mrs Litvinenko decided to challenge this decision,
7 and so she started a judicial review challenge on
8 9 September. The application was heard on
9 21 January 2014, and the High Court's decision was given
10 on 11 February 2014. That decision was that
11 Mrs Litvinenko's challenge succeeded. The
12 Home Secretary's decision was quashed, and the
13 Home Secretary had to reconsider whether to order an
14 inquiry.

15 That process took some further time. It was not
16 until 22 July 2014 that the Home Secretary announced her
17 decision to establish an inquiry with you, sir, as the
18 chairman.

19 The date on which the Inquiry was formally set up
20 was 31 July. On that date, sir, you held a short
21 hearing in this courtroom at which you formally
22 suspended the inquest in order to allow the Inquiry to
23 take place, and at which you formally opened
24 the Inquiry. The time since then has been spent on the
25 many preparatory steps leading up to the commencement of

1 the open hearings today.

2 Sir, when trying to understand what the Inquiry is
3 here to do and how it is to do it, it is important to
4 remember that the Inquiry has to act in accordance with
5 its terms of reference.

6 Those terms of reference are, as follows:

7 1. Subject to paragraphs 2 and 3 below, the
8 chairman is to conduct an investigation into the death
9 of Alexander Litvinenko in order: (i) to ascertain, in
10 accordance with section 5(1) of the Coroners and Justice
11 Act 2009, who the deceased was; how, when and where he
12 came by his death; and the particulars (if any) required
13 by the Births and Deaths Registration Act 1953 to be
14 registered concerning the death;

15 (ii) to identify, so far as is consistent with
16 section 2 of the Inquiries Act 2005, where
17 responsibility for the death lies;

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

20 2. That investigation is to take into account the
21 investigations which have already been conducted by the
22 assistant coroner for the inner north London district,
23 that is to say you, sir.

24 3. In the light of the assistant coroner's views,
25 expressed in his ruling of 17 May 2013, that there is no

1 material within the relevant documents to suggest that
2 at any material time Alexander Litvinenko was or ought
3 to have been assessed as being at a real and immediate
4 threat to his life, the Inquiry will not address the
5 question of whether the UK authorities could or should
6 have taken steps which would have prevented the death.

7 Sir, in the light of these terms of reference, the
8 inquest's original but provisional list of issues was
9 revisited. However, the only change that was necessary
10 was the removal of the issues relating to whether the UK
11 authorities could or should have taken steps which would
12 have prevented Mr Litvinenko's death. Otherwise,
13 the Inquiry will look at all of the issues which the
14 inquest had provisionally indicated in January 2013 that
15 it would look at, and that list of issues is, of course,
16 available on the Inquiry website.

17 Sir, I will shortly go on to introduce the main
18 areas of evidence which the Inquiry will consider.
19 However, it may be helpful if I give an indication at
20 this stage of the types of evidence that are available
21 to the Inquiry.

22 Sir, the main focus in these hearings will be on the
23 evidence to be given by a range of witnesses. As I will
24 explain in a moment, the Inquiry has the power to admit
25 documentary evidence. That includes witness statements.

1 But the issues in this case are so controversial that,
2 where witnesses have evidence of significance to give,
3 we will, if possible, call them to give live, oral
4 evidence before you. Many of these witnesses are
5 witnesses of pure fact, giving evidence about things
6 they were personally involved in and about things which
7 they saw and heard themselves.

8 In addition, there will also be evidence from expert
9 witnesses, who will assist you about the many technical
10 and scientific matters involved in this case, and on
11 other issues on which the Inquiry will be assisted by
12 expert analysis and opinions.

13 Some of the witnesses are overseas, and so in some
14 cases, there will be witness evidence taken by
15 video-link.

16 In addition, sir, the Inquiry has been provided with
17 a great deal of documentary evidence. Much of this has
18 come from the police investigation. In addition, as
19 I have already explained, HMG has disclosed some
20 documentary evidence. Those who were participating in
21 the inquest proceedings, and more recently in
22 the Inquiry, have also been asked to disclose relevant
23 documentary evidence in their possession. Documentary
24 evidence has been made available to the Inquiry by,
25 amongst others, Mrs Litvinenko and the investigative

1 committee of the Russian Federation, which took part in
2 the inquest proceedings for a time.

3 There will be some parts of some documents that will
4 have to be shown to witnesses during their oral
5 evidence. Whenever that is done, those parts will be
6 placed on the Inquiry website on a rolling basis, along
7 with transcripts of the oral evidence of the witnesses.
8 These will be put on to the website after the end of
9 each hearing day.

10 I should, though, say a word about documentary
11 evidence that does not need to be shown to any witness.
12 In a trial or an inquest sitting with a jury, all the
13 documentary evidence that is to be available for
14 consideration has to be produced to the jury. That is
15 a procedure which can be cumbersome and time-consuming.
16 The Inquiry does not have to be constrained by this
17 procedural requirement. It will also admit documentary
18 evidence that is not shown to any witness. We will make
19 clear when this is done, and those documents will also
20 be put on to the Inquiry website.

21 Sir, this opening statement is not an occasion for
22 making legal submissions to you, but I do need to say
23 a few words to explain some important provisions in the
24 Act and the Rules that have a bearing on the way in
25 which the Inquiry will work. It is also be a convenient

1 point for me to mention some practical aspects to
2 the Inquiry hearings.

3 The terms of reference mention section 2 of the
4 Inquiries Act 2005. This provides that the Inquiry is
5 not to rule on, and has no power to determine, any
6 person's civil or criminal liability. But an inquiry is
7 not to be inhibited by any likelihood of liability being
8 inferred from its determinations or recommendations.

9 Section 19 of the Act makes provision for
10 restriction notices and restriction orders. These
11 notices and orders can impose restrictions on attendance
12 at an inquiry or part of an inquiry. They can also
13 impose restrictions on the disclosure or publication of
14 any witness or documentary evidence.

15 There are two main ways in which such restrictions
16 will affect the Inquiry's work.

17 First, some anonymity orders have been made in
18 respect of a small number of specific witnesses. These
19 orders have been in the form of restriction orders which
20 provide for anonymity and also make provision for
21 consequential measures to protect the identity of those
22 witnesses. Amongst other things, the physical
23 appearance of each of these witnesses will be concealed
24 from the public, the media and the core participants.
25 These orders are available on the Inquiry website.

1 In addition, the Home Secretary has issued
2 restriction notices which specify that some evidence
3 must be kept closed. This evidence will not be dealt
4 with in the open hearings. There are a number of
5 consequential measures that will also be needed to
6 ensure that these restrictions are fully effective.

7 In particular, I should mention that the Inquiry has
8 issued a protocol regarding measures to prevent the
9 disclosure of sensitive information during open
10 hearings. Sir, many who are attending today will be
11 aware that in addition to the hearing room in which we
12 are now, another courtroom is also in use as a media
13 annexe. There is a video and audio feed from this room
14 to the annexe. Despite the name by which we have been
15 referring to it, the annexe is open to the public as
16 well as the media.

17 One of the consequential measures is that the feed
18 will not be exactly live but will be delayed by five
19 minutes. There will also be important differences
20 between what is permitted to be done in the hearing room
21 and what may be done in the annexe.

22 The public and press will normally be permitted
23 unrestricted access to the hearing room. However,
24 I should stress that in this hearing room, whenever
25 the Inquiry is sitting, the use of mobile electronic

1 devices will be prohibited to everyone, with the
2 exception of recognised legal representatives and
3 security-cleared Inquiry staff, and of course you
4 yourself, sir.

5 I should repeat this. In this hearing room, mobile
6 electronic devices must not be used while the Inquiry is
7 sitting. If a member of the press or the public wishes
8 to use a device, they must leave this room. They are,
9 of course, free to go to the annexe if they wish, or
10 they can wait until there is an adjournment of the
11 proceedings.

12 Sir, there are likely to be times when enhanced
13 measures will need to be put in place. These are also
14 set out in the relevant protocol. In particular, when
15 these enhanced measures are in effect, the media and the
16 public will be excluded from the hearing room. At these
17 times, the annexe will still be available. I stress
18 that these will not be closed hearings. The intention
19 is that the evidence should be available to the annexe
20 by way of the feed. However, these measures are
21 necessary to prevent any inadvertent disclosure of
22 sensitive information.

23 For practical reasons, sir, a similar approach will
24 be adopted when anonymous witnesses give evidence. The
25 hearing room will be cleared of all except those who are

1 permitted to see the witness, but the annexe will be
2 available and the audio feed will remain in operation.

3 Sir, in the media annexe, the use of mobile
4 electronic devices will be permitted, but subject to the
5 terms of a protocol on their use. This is the protocol
6 on the use of live text-based communications in the
7 hearing rooms. This protocol, like the other documents
8 I have been referring to, can also be found on
9 the Inquiry website.

10 Sir, there are four further procedural points to
11 which I should draw attention.

12 The first relates to the length of the hearings. It
13 will have been useful for those here today to have heard
14 you say that the open hearings are intended to be
15 completed before the Easter break. At the directions
16 hearing last week, I mentioned that Tuesday, 31 March
17 has been provisionally pencilled in as the date for any
18 closing statements which any of the core participants
19 may wish to make. However, that date, like all other
20 planned dates, is subject to possible change and must
21 not be regarded as set in stone.

22 The second, sir, is the pattern of sitting days
23 during these open hearings. The intention is that
24 the Inquiry will normally sit on Monday to Thursday of
25 each week. Experience shows that one reading day per

1 week assists in the smooth running of a long hearing
2 such as this. It also means that if anything arises
3 which requires legal submissions, it may not be
4 necessary to disrupt, or disrupt very much, the
5 timetable for witnesses, many of whom have to make
6 special arrangements to be available to give oral
7 evidence.

8 There are some exceptions to this category which are
9 already known. We will not be sitting on Thursday of
10 this week, that is 29 January. In addition, the Inquiry
11 will not be sitting on Thursday, 5 March. However, it
12 will be necessary to sit on the previous Friday, that is
13 27 February, so that will be a five-day week so far as
14 sitting days are concerned.

15 If there are any further changes, these will of
16 course be communicated in the usual way.

17 Sir, the third point relates to the question of
18 witnesses. Because this is an inquiry, the
19 responsibility for questioning witnesses lies primarily
20 on counsel to the Inquiry.

21 Sir, you have a power to permit additional
22 questioning of witnesses by the legal representatives of
23 core participants. However, any additional questioning
24 has to be justified because it represents a departure
25 from the principle that it is primarily for counsel to

1 the Inquiry to examine witnesses. Sir, we intend to
2 manage any requests for questioning of witnesses in
3 a collaborative manner, but it seems right to mention
4 this now, because the procedure will be different from
5 that which is usually experienced in an ordinary
6 courtroom.

7 Sir, the fourth point relates to the Inquiry's
8 report. Under section 24 of the Act, your report must
9 be delivered to the minister who is in this case the
10 Home Secretary. The Home Secretary will be responsible
11 for publishing those parts of the report that can be
12 published. However, given the existence of evidence
13 that is subject to the restriction notices that I have
14 referred to and the need for a closed procedure in this
15 Inquiry, it is practically certain that there will be
16 parts of the report that will have to remain closed.

17 Nevertheless, sir, you have already indicated your
18 intentions in one respect. On 31 July 2014, you said:

19 "Because of the sensitivity of the HMG evidence, it
20 is inevitable that at least some of my final report will
21 also have to remain secret, but I make it clear now that
22 I intend to make public my final conclusion on the issue
23 of Russian state responsibility, together with as much
24 as possible of my reasoning in that regard."

25 Sir, the final point on which I would like to add

1 some detail is this: the Inquiry is being assisted by
2 the presence of a number of core participants who are
3 all legally represented in addition to counsel to
4 the Inquiry. As you have said, sir, those core
5 participants are Mrs Litvinenko and Anatoly Litvinenko,
6 the Home Secretary, the Metropolitan Police and AWE plc.
7 Sir, at the beginning of the hearing, I introduced to
8 you the counsel for each of the core participants.

9 Sir, in an inquest, there is a similar status for
10 those who wish to take part in the proceedings. An
11 individual or a body can be designated as an interested
12 person in the inquest. During the currency of the
13 inquest proceedings in this case, the interested persons
14 at various times also included Mr Lugovoy, Mr Kovtun,
15 the late Mr Berezovsky and the investigative committee
16 of the Russian Federation. However, these interested
17 persons variously decided not to take an active part in
18 the inquest or ceased to participate in the inquest, or
19 did not ask to become core participants in this Inquiry
20 when it was set up.

21 Sir, I have already mentioned that the role of
22 counsel to the Inquiry includes the primary
23 responsibility for examining witnesses. That includes
24 testing and probing that evidence, when appropriate, to
25 see what light can be shed on any of the relevant lines

1 of enquiry. If those interested persons had become core
2 participants in the Inquiry, we would have had the
3 direct assistance and input of their legal
4 representatives into this process. But, as things have
5 turned out, that is not, at least at present, available
6 to the Inquiry.

7 Of course, it is not too late for any person or
8 organisation to apply to become a core participant in
9 this Inquiry if they consider that they have
10 a sufficient interest. This includes, in particular,
11 Mr Lugovoy and Mr Kovtun, whose oral evidence we would
12 of course welcome, but I will say more about them
13 shortly.

14 In any event, sir, I do wish to stress that we,
15 counsel to the Inquiry, will nevertheless approach the
16 evidence from a position of independence. We will
17 continue to examine all of the evidence as rigorously as
18 we can and continue to be as fair as possible to those
19 who are not here, even though they have themselves
20 chosen not to be here. That goes for all of the
21 individuals and bodies in this category. But in the
22 circumstances, I ask to make it clear that it is
23 particularly relevant to the two individuals whom the
24 Crown Prosecution Service consider should be charged
25 with Mr Litvinenko's murder; that is Mr Lugovoy and

1 Mr Kovtun.

2 Sir, with your permission, I will now move on to
3 introduce the main areas of evidence that we propose to
4 call during the open hearings.

5 It is our hope, sir, to call over 70 witnesses to
6 give oral evidence over the next eight weeks or so. We
7 will call family and friends of Mr Litvinenko, those he
8 worked with before his death, medical staff who treated
9 him in the final weeks of his life and pathologists who
10 conducted the post-mortem. We will call police
11 investigators from this country and from Germany,
12 forensic scientists, expert witnesses in various
13 disciplines and a number of other people who were caught
14 up in the circumstances surrounding Mr Litvinenko's
15 death.

16 It will be obvious from what I have said that the
17 volume of the evidence we expect to call in the coming
18 weeks will be very considerable. It would not be
19 sensible for me to go into the detail of all the
20 evidence here or even to attempt to summarise it. What
21 I will now do is to provide an outline of the themes
22 that we will cover. The outline will follow the order
23 in which we hope to adduce the evidence, although
24 I should mention that the exact order in which witnesses
25 will be called will depend on practicalities like

1 witness availability and so on.

2 Tomorrow, we propose to call some introductory
3 evidence.

4 First, we will call Detective Inspector
5 Craig Mascall of the Metropolitan Police. He is the
6 officer who has day-to-day charge of the continuing
7 police investigation into Mr Litvinenko's death. He
8 will give evidence on a number of occasions about the
9 various investigations that the police have undertaken.
10 Tomorrow, he will give some outline details of the
11 investigation as well as some of the basic information
12 about Mr Litvinenko's life and death that is required
13 for completing the death certificate.

14 We will also hear evidence tomorrow from the two
15 pathologists who conducted the post-mortem into
16 Mr Litvinenko's death. Dr Nathaniel Cary led the
17 post-mortem and Dr Benjamin Swift assisted him. The
18 presence of radiation in Mr Litvinenko's body meant that
19 the post-mortem had to be carried out using highly
20 unusual procedures, and we will hear evidence about
21 this.

22 Most importantly, of course, we will hear their
23 conclusion about how Mr Litvinenko died. Both of the
24 pathologists certified the cause of death as acute
25 radiation syndrome. We will explore this conclusion.

1 For example, are they satisfied that Mr Litvinenko was
2 poisoned by polonium and not by any other radioactive
3 material? If it was polonium, how confident can they be
4 that Mr Litvinenko ingested the dose orally as opposed
5 to, for example, inhaling it? Do their tests support
6 the idea that Mr Litvinenko received the fatal dose on
7 1 November 2006?

8 Sir, we are aware that some commentators have
9 pointed to the fact that the post-mortem evidence has
10 not so far been made public. There have been
11 suggestions that there might be something sinister about
12 this. Sir, there is nothing of the kind. So far, there
13 has been no trial, no inquest and no other hearing at
14 which the post-mortem evidence would be called. It
15 seems to us that there simply has not yet been an
16 occasion for the pathologists to give evidence.
17 Tomorrow that will change, and both doctors will give
18 oral evidence to you.

19 Finally tomorrow, we will hear evidence from
20 a nuclear scientist who is an expert in polonium and who
21 has done a great deal of work on this case. Sir, you
22 have made a restriction order permitting her to give
23 evidence at the inquiry anonymously. We will therefore
24 refer to this scientist simply as Scientist A1. As with
25 Mr Mascall, it is proposed that A1 gives only

1 introduutory evidence tomorrow. In her case, she will
2 return to give further evidence in a month or so, after
3 we have heard the narrative evidence of events
4 in October and November 2006. At that time, she will
5 explain what conclusions can be drawn from all the
6 forensic tests that have been conducted. We will be
7 calling evidence of other scientists then as well, to
8 add to the scientific picture.

9 For tomorrow's purposes, we intend simply to ask her
10 to give an introduction to polonium and to the testing
11 that was conducted in this case. For example, what is
12 polonium and what are its qualities? What is the
13 significance of it emitting principally alpha as opposed
14 to gamma radiation? In what circumstances and at what
15 levels can polonium be found naturally in the human
16 body? What are the commercial uses of polonium? How is
17 it made and transported? In what quantities and in what
18 circumstances is it safe or dangerous to humans? How
19 can it be ingested and what effect does it have on the
20 body once ingested? What traces does it leave? In
21 general terms, what are the means by which traces of
22 polonium can be tested for and how reliable are such
23 tests?

24 Sir, next week we will move on to hear background
25 evidence about Mr Litvinenko's life. Most of this

1 evidence will be given by Mrs Litvinenko and by Alex
2 Goldfarb, one of Mr Litvinenko's friends. We will also
3 hear from Anatoly who was 12 years old when his father
4 died in 2006.

5 In this part of the hearing, we will hear some
6 evidence about Alexander and Marina Litvinenko's life
7 before they left Russia in November 2000. As we will
8 hear, Mr Litvinenko grew up living with his grandparents
9 in the city of Nalchik, close to the Caucasus mountains,
10 his parents having divorced when he was a baby. After
11 leaving school, he went to military school and
12 thereafter became an officer in the Russian army.

13 Several years later, in about 1987, he was recruited
14 into the KGB and began to rise quickly through the
15 ranks. When the KGB was broken up in 1991,
16 Mr Litvinenko remained a member of Russia's internal
17 security organisation. That organisation was initially
18 known as the FSK and then became known as the FSB.

19 Mr Litvinenko's first marriage, to Natalia, took
20 place when Mr Litvinenko was 20 years old and still at
21 military school. They had two children, Sonya and
22 Alexander. Mr Litvinenko and Natalia were subsequently
23 divorced, but he remained in contact with Sonya and
24 Alexander. This contact continued after his arrival in
25 the UK, in Alexander's case through telephone

1 conversations and in Sonya's case through a number of
2 visits that she made to London. At a later time in the
3 hearings, we intend to adduce evidence from Sonya and
4 Alexander, either by video-link or by admitting the
5 statements that they gave to Russian investigators.

6 Mr Litvinenko met Marina in 1993 and they were
7 married in 1994. By this time, Mr Litvinenko was
8 already a senior officer in the FSB.

9 The six years between his marriage to Marina in 1994
10 and his arrival in the UK in 2000 were full of incident.
11 Moreover, many of the events that took place during this
12 period are of potential relevance to his death in 2006.
13 We will hear evidence about these events, and I will
14 highlight some of them now.

15 First, during this period, Mr Litvinenko met and
16 became friendly with Boris Berezovsky. At that time,
17 Mr Berezovsky was a Russian businessman and politician
18 of considerable influence. In 1994, Mr Litvinenko was
19 involved in investigating an assassination attempt
20 against Mr Berezovsky, and in 1995 he appears to have
21 protected Mr Berezovsky from attempts to incriminate him
22 in a murder.

23 Whatever the rights and wrongs of those events, what
24 does seem clear is that in the years that followed,
25 Mr Litvinenko was drawn into the circle of

1 Mr Berezovsky's associates, initially in Russia and
2 later in the UK. There will be evidence that
3 Mr Berezovsky provided financial support to
4 Mr Litvinenko and his family following their arrival in
5 the UK.

6 It has been suggested that Mr Berezovsky brought
7 this arrangement to an end during 2006 and that this
8 might have been the cause of some recriminations. But
9 what seems clear is that Mr Litvinenko remained at least
10 on good terms with Mr Berezovsky until his death. We
11 know this because on 1 November 2006, Mr Litvinenko
12 visited Mr Berezovsky's offices immediately after his
13 meeting with Mr Lugovoy and Mr Kovtun at the
14 Millennium Hotel, and also because Mr Berezovsky was
15 a regular visitor to Mr Litvinenko's bedside in the last
16 days of his life.

17 Second, in 1995, Mr Litvinenko served with the KGB
18 in the north Caucasus during the first Chechen war.
19 There is evidence that he was involved in the siege of
20 Pervomayskaya. This was a particularly brutal battle,
21 and it has been alleged that Mr Litvinenko himself was
22 responsible for war crimes that took place there. It is
23 notable that this fight took place close to Nalchik
24 where Mr Litvinenko had grown up.

25 Sir, we will hear evidence that Mr Litvinenko was

1 deeply affected by his experiences during this civil war
2 and that he came to sympathise with the Chechen cause,
3 despite having fought on behalf of the Russian
4 government. Indeed, by the time of his death, one of
5 his closest friends was Akhmed Zakayev, one of the
6 leaders of the Chechen government in exile. Sir, we
7 will also hear that in the days before his death,
8 Mr Litvinenko converted to Islam.

9 A third theme of the late 1990s was Mr Litvinenko's
10 developing disenchantment with, and his outright
11 opposition to, the leadership of the FSB. We will hear
12 evidence that Mr Litvinenko was deeply opposed to
13 institutional corruption and that he thought that at
14 that time, the FSB was riddled with it. As we will
15 hear, he took active and public steps to oppose this
16 corruption. Some have speculated that these steps may
17 have contributed to his death.

18 There is evidence that in 1997, Mr Litvinenko's unit
19 was given orders to kill Mr Berezovsky, which
20 Mr Litvinenko believed to be improper orders.
21 Mr Litvinenko warned Mr Berezovsky and tried to report
22 the matter to the senior leadership of the FSB. This
23 included a meeting in July 1998 between Mr Litvinenko
24 and the head of the FSB who had then been newly
25 appointed. Sir, that man was one Vladimir Putin.

1 We will also hear that Mr Litvinenko was not
2 satisfied with the response that he received from
3 Mr Putin and the other FSB leaders and that he and other
4 members of his unit took the unprecedented step of
5 becoming public whistleblowers against their FSB
6 superiors.

7 In November 1998, the officers staged a televised
8 press conference. Mr Litvinenko was their spokesman.
9 The officers publicly reported the order to kill
10 Mr Berezovsky and denounced corruption within the FSB.

11 Sir, you will need to consider what assessments can
12 be made about the long-term consequences of this press
13 conference. There will be evidence that some of
14 Mr Litvinenko's then colleagues considered his conduct
15 to represent a gross betrayal of the FSB. Is it
16 possible that Mr Litvinenko's actions in Moscow on that
17 day in November 1998 had any connection to him being
18 poisoned in London eight years later?

19 Sir, one fairly immediate consequence of the press
20 conference was Mr Litvinenko's dismissal from the FSB.
21 A series of criminal proceedings was then brought
22 against him. He spent most of 1999 in detention,
23 including eight months in the well-known FSB Lefortovo
24 prison. Mr Litvinenko vigorously denied the charges
25 brought against him, considering that they were

1 fabricated. We will adduce documentary evidence
2 concerning these proceedings, including court documents
3 and subsequent statements prepared by Mr Litvinenko
4 himself.

5 We expect this to show that the first prosecution
6 brought against Mr Litvinenko ended in his acquittal in
7 late 1999, and the second case collapsed before it
8 reached a trial. It was while he was awaiting trial on
9 the third set of charges, in 2000, that Alexander,
10 Marina and Anatoly Litvinenko fled Russia, eventually
11 arriving in the UK where they claimed asylum on
12 1 November 2000.

13 Sir, the tale of the Litvinenko family's departure
14 from Russia is one that would not disgrace the pages of
15 a thriller. We will hear oral evidence from four
16 witnesses who were there: Mrs Litvinenko herself, her
17 son Anatoly, from Yuri Felshtinsky and Mr Goldfarb. We
18 will hear that Mr Litvinenko travelled from Russia to
19 Georgia on a forged passport and then on to Turkey.
20 There he met up with Mrs Litvinenko and Anatoly.
21 Finally, the family travelled on a flight from Istanbul
22 to London. Their plan, in which they were successful,
23 was to claim asylum on arrival.

24 Sir, the date of their arrival at Heathrow was
25 1 November 2000. That was six years to the day before

1 the day on which the evidence suggests that
2 Mr Litvinenko drank the tea that fatally poisoned him.

3 Sir, we then propose to call further background
4 evidence about Mr Litvinenko's life in the UK
5 between November 2000 and November 2006. We will hear
6 about the granting of the family's claim for asylum and
7 their adoption of new names. We will hear about the
8 family's accommodation, Anatoly's schooling and about
9 English language training received by Mr and
10 Mrs Litvinenko.

11 We will hear about the circle of friends that
12 Mr Litvinenko developed in London. I have already
13 mentioned Mr Berezovsky, Mr Goldfarb and Mr Zakayev.
14 There was also Vladimir Bukovsky, a Russian dissident
15 and Oleg Gordievsky, a former KGB spy.

16 Beyond these matters, there are four themes of this
17 stage of the background evidence that are perhaps worthy
18 of special mention.

19 First, after his arrival in the UK, Mr Litvinenko
20 devoted much of his time to what might loosely be
21 described as political campaigning. The unifying theme
22 of this campaigning was opposition to Mr Putin's regime.
23 It was no coincidence that this was also very much the
24 preoccupation of Mr Litvinenko's friend, mentor and
25 financial backer, Mr Berezovsky.

1 Mr Litvinenko spoke at public meetings. He gave
2 film and television interviews. He wrote on the
3 internet and in newspapers, and he published two books.
4 As during the final years of his life in Russia, he
5 publicly denounced corruption in the FSB.

6 Sir, the first book was researched and written with
7 Mr Felshtinsky, who will be giving evidence. The title
8 of this book, when published in English, was "Blowing Up
9 Russia". This alleged that the FSB had been responsible
10 for the apartment bombings in Russia in 1999 that had
11 caused hundreds of deaths, and which had triggered the
12 second Chechen war. We will hear that Mr Litvinenko's
13 research for this book included a trip to Georgia to
14 interview a witness.

15 He wrote a second book about FSB corruption
16 entitled, in English, "The Gang from the Lubyanka". We
17 will hear that both books were funded by Mr Berezovsky
18 and that both were banned in Russia.

19 Sir, as I have already mentioned, Mr Litvinenko
20 developed an affinity for the Chechen cause, and much of
21 his work was published on the Chechenpress website. We
22 will hear evidence that he became friendly with other
23 activists who supported that cause, including the
24 Russian journalist Anna Politkovskaya. I will return to
25 her shortly. Many of Mr Litvinenko's writings during

1 this period made direct allegations of corruption and
2 worse against Mr Putin. At the extreme end of the
3 spectrum in July 2006, Mr Litvinenko published an
4 article on the Chechenpress website, accusing Mr Putin
5 of being a paedophile.

6 Sir, it is obvious that Mr Litvinenko's campaigning
7 gave him a high public profile. You will have to
8 consider whether the Kremlin would have regarded him as
9 an irritant, or worse. You will need to consider
10 whether Mr Litvinenko's sustained public attacks on the
11 regime in general, and on the FSB and Mr Putin in
12 particular, could have had any connection with his
13 death.

14 The second theme of this stage of the background
15 evidence relates to the paid work undertaken by
16 Mr Litvinenko following his arrival here.

17 I have already mentioned Mr Litvinenko's close
18 relationship with Mr Berezovsky. We are likely to hear
19 evidence that after Mr Litvinenko's arrival in the UK,
20 Mr Berezovsky paid him some form of retainer in return
21 for investigative and other work. We are also likely to
22 hear that in the early months of 2006, Mr Berezovsky
23 took the decision either to reduce the amount of these
24 payments or to stop them altogether.

25 You will need to consider these questions: did this

1 cause a falling out between the two men? Did it lead
2 Mr Litvinenko to take steps against Mr Berezovsky, for
3 example blackmailing him? This is a possibility that
4 Mr Lugovoy has raised publicly since Mr Litvinenko's
5 death, and the allegation that Mr Berezovsky was
6 responsible for the death is one of the issues listed to
7 be considered by the Inquiry.

8 Sir, we also anticipate evidence that Mr Litvinenko
9 had been working for the secret intelligence service,
10 also known as MI6, in one capacity or another for some
11 time prior to his death. HMG has made it clear that its
12 only public response will be that it neither confirms
13 nor denies the truth or otherwise of this suggestion.
14 The suggestion can no doubt be explored further in the
15 sessions of closed evidence to which I have already
16 referred. But there will be witnesses called during
17 these open sessions of the Inquiry who can give evidence
18 on this subject, most obviously Mrs Litvinenko herself,
19 and we propose to explore this issue with them.

20 The issue of Mr Litvinenko's alleged work for MI6
21 may be relevant to the Inquiry's issues in two discrete
22 respects.

23 The first is this: if Mr Litvinenko was working for
24 MI6, could this have become known in Russia and might
25 this have provided a motive to anyone in Russia, whether

1 in authority or otherwise, for wishing Mr Litvinenko
2 dead? The detail of any work that Mr Litvinenko might
3 have been conducting for MI6 is of potential
4 significance in this regard. Is there any truth, for
5 example, in the allegation reportedly made by one of
6 Mr Litvinenko's former FSB colleagues that Mr Litvinenko
7 betrayed the identities of so-called Russian "sleeper
8 agents" to British intelligence?

9 The other is that the Inquiry's list of issues
10 includes the allegation that has been made by Mr Lugovoy
11 and others that the UK intelligence agencies themselves
12 might have been involved in Mr Litvinenko's death. You
13 will need to consider whether there is any evidence at
14 all for that suggestion.

15 We also expect to hear evidence that Mr Litvinenko
16 had been working with Spanish security services in the
17 period before his death. This gives rise to similar
18 considerations. There is likely to be evidence that
19 Mr Litvinenko was assisting the Spanish authorities with
20 their investigations into organised crime and in
21 particular into the mafia. This is another matter
22 within the list of issues. Is it possible that any of
23 the individuals targeted by the Spanish investigation
24 could have learnt of or guessed at Mr Litvinenko's role?
25 Is it possible that he was poisoned either in revenge

1 for assisting the Spanish or to stop him assisting them
2 further?

3 In the last year or so of his life, Mr Litvinenko
4 also carried out what might be described as private
5 security work. For example, he provided due diligence
6 reports on individuals and companies in Russia for the
7 use of Western businesses considering investing there.
8 We will hear evidence from some of those at the security
9 companies who commissioned reports of this nature from
10 Mr Litvinenko. We also hope to hear from a witness
11 named Yuri Shvets who worked with Mr Litvinenko in
12 researching and preparing these reports.

13 We will hear that another of those from whom
14 Mr Litvinenko sought assistance in this work was
15 Mr Lugovoy. It has been suggested by Mr Shvets that the
16 motive for Mr Litvinenko's killing may lie in the
17 content of one of these reports, perhaps passed into the
18 wrong hands by Mr Lugovoy himself. Sir, the
19 plausibility of this theory is another matter that will
20 have to be tested.

21 THE CHAIRMAN: Mr Tam, would that be a convenient point at
22 which to break for the benefit of the shorthand team?

23 MR TAM: Yes.

24 THE CHAIRMAN: We will break for ten minutes.

25 (11.15 am)

1 (A short break)

2 (11.30 am)

3 THE CHAIRMAN: Yes, Mr Tam.

4 MR TAM: Sir, I'm grateful. Moving on from Mr Litvinenko's
5 work, a third theme of this part of the background
6 evidence is threats made against him during this period,
7 and warnings that he received. There were a number of
8 these from a variety of sources. We will also hear that
9 in 2004, both Mr Litvinenko's house and Mr Zakayev's
10 nearby house were firebombed, apparently by two Chechen
11 men.

12 THE CHAIRMAN: You are having problems with your microphone,
13 Mr Tam.

14 MR TAM: Yes, the microphone is not on, and sir, I can see
15 that your microphone is on.

16 THE CHAIRMAN: Yes.

17 MR TAM: None of these ... (Pause) Mine is actually on
18 again.

19 THE CHAIRMAN: Thank you.

20 MR TAM: Sir, I should start again from this section.

21 Sir, moving on from Mr Litvinenko's work, a third
22 theme of this part of the background evidence is threats
23 made against him during this period and warnings that he
24 received. There were a number of these from a variety
25 of sources. We will also hear that in 2004, both

1 Mr Litvinenko's house and Mr Zakayev's nearby house were
2 firebombed, apparently by two Chechen men. I have
3 already made the point that the issue of preventability
4 is not within the scope of the Inquiry. But it is clear
5 that these threats, warnings and attacks are capable of
6 informing issues that most certainly are within scope,
7 that is to say the circumstances of and responsibility
8 for Mr Litvinenko's death.

9 The fourth and final theme of background evidence is
10 this: there will be evidence from a number of witnesses
11 relating to the days and weeks immediately prior to
12 Mr Litvinenko's death.

13 We will hear that Mr Litvinenko and his family were
14 made British citizens at a ceremony at Haringey town
15 hall on 13 October 2006, only a few weeks before his
16 death.

17 We will also hear that Ms Politkovskaya,
18 Mr Litvinenko's journalist friend, had been murdered by
19 gunmen in Moscow a few days earlier, on 7 October. We
20 will play a video of a public speech that Mr Litvinenko
21 made at the Frontline Club in London. In that speech,
22 Mr Litvinenko attributed the blame for
23 Ms Politkovskaya's death to Mr Putin. Is it possible
24 that there is any connection between this public
25 statement and Mr Litvinenko's poisoning less than two

1 weeks later?

2 We will also hear evidence from Mrs Litvinenko of
3 a series of meetings that Mr Litvinenko had with
4 Mr Lugovoy during this period, sometimes accompanied by
5 Mr Kovtun, and we will hear her evidence and that of
6 others about Mr Litvinenko's declining health on the
7 evening of 1 November and about his hospitalisation and
8 his death.

9 On the day after Mr Litvinenko's death, a statement
10 was released to the media outside University College
11 Hospital. This is a statement that had apparently been
12 signed by Mr Litvinenko on his deathbed dated
13 21 November. Amongst other things, the statement
14 expressed clear views about responsibility for
15 Mr Litvinenko's death. Sir, it is unusual for the
16 victim of a murder, as Mr Litvinenko believed he might
17 shortly be, to make a public statement about his own
18 death. Sir, with your permission, I will ask for this
19 to be called up on the screens and I will read it out.

20 THE CHAIRMAN: Yes.

21 MR TAM: It's at INQ017399.

22 The statement says:

23 "I would like to thank many people. My doctors,
24 nurses and hospital staff who are doing all they can for
25 me; the British police who are pursuing my case with

1 rigour and professionalism and are watching over me and
2 my family. I would like to thank the British government
3 for taking me under their care. I am honoured to be
4 a British citizen.

5 "I would like to thank the British public for their
6 messages of support and for the interest they have shown
7 in my plight.

8 "I thank my wife, Marina, who has stood by me. My
9 love for her and our son knows no bounds.

10 "But as I lie here I can distinctly hear the beating
11 of the wings of the angel of death. I may be able to
12 give him the slip but I have to say my legs do not run
13 as fast as I would like. I think, therefore, that this
14 may be the time to say one or two things to the person
15 responsible for my present condition.

16 "You may succeed in silencing me but that silence
17 comes at a price. You have shown yourself to be as
18 barbaric and ruthless as your most hostile critics have
19 claimed.

20 "You have shown yourself to have no respect for
21 life, liberty or any civilised value.

22 "You have shown yourself to be unworthy of your
23 office, to be unworthy of the trust of civilised men and
24 women.

25 "You may succeed in silencing one man but the howl

1 of protest from around the world will reverberate,
2 Mr Putin, in your ears for the rest of your life. May
3 God forgive you for what you have done, not only to me
4 but to beloved Russia and its people."

5 It is right for me to add, sir, that doubts have
6 been expressed by some as to the authenticity of this
7 statement and about whether it accurately reflects
8 Mr Litvinenko's views. There will be evidence from
9 Mrs Litvinenko and others as to how this statement came
10 to be prepared and signed.

11 Finally for this section, sir -- and again
12 unusually -- we will also be adducing evidence relating
13 to the circumstances of Mr Litvinenko's death from
14 Mr Litvinenko himself. That is possible because in the
15 final days of Mr Litvinenko's life, the police conducted
16 extensive interviews with him from his hospital bed. We
17 have the transcripts of those interviews which will
18 become evidence in the Inquiry. We intend to call the
19 interviewing officer to give evidence next week when we
20 will read with him and ask him about some of the more
21 important passages of the transcripts. In anticipation
22 of that, I will read a few short passages from
23 Mr Litvinenko's interviews today. The first of those
24 passages which I will read now covers some of the same
25 ground as the statement that I have just read, that is

1 to say Mr Litvinenko's views as to who bore
2 responsibility for his poisoning.

3 Sir, can I please have INQ016642, then go to
4 page 646, please.

5 Sir, those who are seeing this on the screens can
6 pick this up from halfway down the page, where Detective
7 Sergeant Hoar asks:

8 "Can you think of anybody else who may wish to do
9 this sort of harm to you?"

10 Mr Litvinenko, there listed under his other name of
11 "Carter", says:

12 "I have no doubt who wanted it, and I often receive
13 threats from those people. This was done ... I have no
14 doubt whatsoever that this was done by the Russian
15 secret services. Having knowledge of the system, I know
16 that the order about such a killing of a citizen of
17 another country on its territory, especially if it is
18 something to do with Great Britain, could have been
19 given only by one person."

20 The question:

21 "Would you like to tell us who that person is, sir?"

22 The answer:

23 "That person is the president of the
24 Russian Federation, Vladimir Putin. And if ... you of
25 course now, while he's still president, you won't be

1 able to prosecute him as the main person who gave that
2 order because he is the president of a huge country
3 crammed with nuclear, chemical and bacteriological
4 weapons. But I have no doubt whatsoever that as soon as
5 the power changes in Russia, or when the first officer
6 of Russian special services defects to the West, he will
7 say the same. He will say that I have been poisoned by
8 the Russian special services on Putin's order."

9 Sir, there is a second passage in another interview.
10 Can I please ask for INQ016652 and go to page 659.

11 Again, for those who can see on the screen, about
12 a third of the way down the page:

13 "I would like to make a small statement ...
14 I wouldn't like you to think that this is some kind of
15 pompous political statement, but since all this
16 happened, I would like you to know very clearly what my
17 position regarding this matter is. As you understand,
18 last month I was granted British citizenship and I very
19 much love this country and its people, although
20 unfortunately I haven't learnt [the] English language
21 completely yet. I am proud to be able to say that I'm
22 a British citizen. Yes, they did try to kill me and
23 possibly I may die, but I will die as a free person, and
24 my son and my wife are free people. And Britain is
25 a great country. When, after we were given asylum here,

1 I took my son to the Tower and I showed him the British
2 crown, and I told him, 'Sonny, you must defend this
3 country in future until the last drop of your blood',
4 and he said, 'Yes, dad'. I told him, 'Remember for the
5 rest of your life this country saved us, and do
6 everything whatever you might be able to do in order to
7 defend this country'. I understand that this case is
8 not a criminal one. I understand that everybody will be
9 regarding this case as a political one. No, rather,
10 I understand that this case is going to be perceived by
11 everyone as political, but this case is not political,
12 this case is criminal. I feel very upset that this
13 criminal Putin sits at G8 as its chairman, at the same
14 table as the British Prime Minister, Tony Blair. Having
15 sat this murderer next to themselves at the same table,
16 Western leaders have actually untied his hands to kill
17 anyone anywhere."

18 That, sir, is the background evidence which is
19 likely to occupy us for the first week or so of the
20 hearings.

21 Sir, I've already referred to Mr Lugovoy and
22 Mr Kovtun. The question of their involvement, if any,
23 in the circumstances of Mr Litvinenko's death will of
24 course be one of the central issues for you to consider,
25 having heard all the evidence. I emphasise that nothing

1 that I say today should be taken in any way as
2 prejudging that issue.

3 That said, it is clear that, whatever conclusions
4 you may reach in due course as to their degree of
5 involvement in Mr Litvinenko's death -- and again,
6 I stress, if any -- Mr Lugovoy and Mr Kovtun were
7 involved in important parts of the events leading to
8 Mr Litvinenko's death. They met him in London
9 during October 2006, and they were of course with
10 Mr Litvinenko on 1 November in the Pine Bar of the
11 Millennium Hotel when he drank the tea that appears to
12 have contained the fatal dose of polonium.

13 In those circumstances, at the end of the background
14 evidence and before embarking on the forensic and
15 narrative evidence relating to the last weeks of
16 Mr Litvinenko's life, we propose to call some short
17 evidence, principally through the police investigator
18 Mr Mascall, relating to the backgrounds of these two
19 men.

20 In brief summary, we will hear evidence that in
21 2006, Mr Lugovoy was a former member of the KGB who had
22 become a successful businessman. He was an associate of
23 Mr Berezovsky, and through Mr Berezovsky had met
24 Mr Litvinenko in Moscow in the mid-1990s. By late 2006,
25 Mr Lugovoy had become a fairly frequent visitor to

1 London. He had begun to work with Mr Litvinenko and had
2 met him on visits earlier that year. On one such
3 occasion, Mr Lugovoy and his wife had visited
4 Mr Litvinenko's house in north London.

5 We will also hear evidence that Mr Lugovoy and
6 Mr Kovtun had been childhood friends. Their lives,
7 however, had taken rather different paths. Mr Kovtun
8 had joined the Russian army after leaving military
9 college and had been posted to East Germany. We will
10 hear that he deserted from the Russian army in 1992 and
11 lived as an asylum seeker in Hamburg for several years.
12 For some of this time, he worked as a waiter in
13 a restaurant called Il Porto. I will say some more
14 about this restaurant later.

15 We will hear evidence that Mr Kovtun moved back to
16 Moscow in 2003, that he met up with Mr Lugovoy in 2005,
17 and that he started to work for Mr Lugovoy about six
18 months before Mr Litvinenko's death. There will be
19 evidence that Mr Kovtun's visit to London on
20 16 October 2006 was both the first time that he had been
21 to London and the first time that he met Mr Litvinenko.

22 That, sir, is a summary of the introductory evidence
23 that we intend to call in relation to these two men.
24 Sir, it goes without saying that we would welcome it if
25 Mr Lugovoy and Mr Kovtun were to give oral evidence to

1 the Inquiry. We anticipate that they would wish to do
2 so by video-link from Russia, and that is something that
3 we would facilitate. We anticipate that they would give
4 evidence at a later stage of the Inquiry so that they
5 would be in a position to respond to the narrative and
6 forensic evidence. However, I need to add that at the
7 last communication to the Inquiry of Mr Lugovoy's
8 stance, he said he did not wish to take part in any way,
9 and it has been a very long time since the Inquiry has
10 heard from Mr Kovtun.

11 Sir, it is to that narrative and forensic evidence
12 that I now turn.

13 The next major area of evidence that we will adduce
14 will be structured around the forensic evidence that has
15 been obtained relating to three visits made by
16 Mr Lugovoy to London in October and November 2006. He
17 was accompanied by Mr Kovtun on the first and third of
18 those visits.

19 Sir, there is clear evidence both that these visits
20 took place and, broadly, as to the chronology of events
21 during each of the visits. On each of the visits,
22 Mr Lugovoy and Mr Kovtun, when he was here, met
23 Mr Litvinenko at least once. After Mr Litvinenko's
24 death, many of the places where Mr Lugovoy, Mr Kovtun
25 and Mr Litvinenko were known to have been during these

1 visits were tested for traces of polonium and a large
2 number of positive traces were found.

3 We propose, sir, to adduce detailed evidence about
4 the events on each of the three visits and as to the
5 test results associated with each, over a period of two
6 or three weeks. It may come as a relief to everyone to
7 know that I do not propose to go into the fine detail of
8 that evidence now. Rather, I will simply try to
9 identify and introduce some of the key issues arising
10 from this evidence. I will start with three brief
11 introductory points.

12 First, it is probably obvious that an essential
13 starting point is an understanding of the
14 characteristics of polonium and in particular how
15 reliably its presence can be tested for weeks or even
16 months after a deposit may have been left. Sir, I will
17 not venture into those waters myself now, but we are
18 calling Scientist A1 tomorrow in part to give
19 introductory evidence of these matters. She will be
20 recalled with other science experts later in the hearing
21 when we intend to test the forensic evidence in
22 considerably more detail.

23 Second, may I make it clear immediately that one
24 interpretation of this body of evidence is this, in
25 broad terms:

1 (a) that Mr Lugovoy and Mr Kovtun brought a quantity
2 of polonium with them to London, or at least that they
3 had some of the substance with them in London during
4 these visits.

5 (b) that they did something with the polonium,
6 perhaps tried to dilute it or moved it from one
7 container to another, in at least two of the London
8 hotel rooms in which they stayed during this period.

9 And (c) that they used the polonium to poison or to
10 attempt to poison Mr Litvinenko on two occasions,
11 including on 1 November.

12 In large part, these propositions form the basis of
13 the criminal case which would be brought against
14 Mr Lugovoy and Mr Kovtun and which forms the basis of
15 the extradition requests relating to both men.

16 Third, and importantly, we must stress that it is
17 not our function to mount a prosecution case against
18 these two men any more than it is a function of this
19 Inquiry to convict or acquit them of his murder. The
20 function of this Inquiry is, rather, to investigate in
21 an inquisitorial fashion the circumstances of
22 Mr Litvinenko's death. In order to achieve this, we
23 will of course adduce this evidence, but we will also
24 probe and test its reliability and its cogency. In
25 doing so, we will have well in mind Mr Lugovoy and

1 Mr Kovtun's public statements on this topic. This
2 includes their assertion that what has been described as
3 the "polonium trail" did not start in Moscow, but
4 started in London, and that they were in fact victims of
5 polonium contamination themselves. They have also
6 asserted that the polonium deposits that have been
7 discovered were deliberately planted in order to
8 incriminate them.

9 I will now turn to a very brief outline of each of
10 the three visits.

11 The first visit took place from 16 to 18 October.

12 Mr Lugovoy and Mr Kovtun flew into Gatwick from
13 Moscow together on the morning of 16 October. They
14 travelled into London and checked into rooms at the
15 Best Western Hotel in Shaftesbury Avenue. These rooms
16 had been booked in advance for two nights. They met
17 Mr Litvinenko that afternoon and all three of them
18 attended a meeting at a company called Erinys, one of
19 the security consultancies to which I have already
20 referred.

21 The next day, Mr Lugovoy and Mr Kovtun moved to
22 a different hotel, the Parkes Hotel, despite having
23 reserved rooms at the Best Western for two nights. They
24 met Mr Litvinenko towards the end of the day for
25 a second meeting at a different security consultancy.

1 The three men thereafter spent several hours in a number
2 of bars and restaurants in the West End. Mr Lugovoy and
3 Mr Kovtun flew back to Moscow from Gatwick on the next
4 day, 18 October.

5 Sir, the second visit took place about a week later,
6 from 25 to 28 October. On this occasion, Mr Lugovoy
7 travelled to London alone. He flew to Heathrow airport
8 late at night on 25 October, travelled into London and
9 checked into a room at the Sheraton Hotel on Park Lane.

10 On the next day, 26 October, Mr Lugovoy spent much
11 of the day meeting a business associate,
12 Badri Patarkatsishvili, at the latter's house in Surrey.
13 Mr Lugovoy then returned to London and met Mr Litvinenko
14 in the bar of the Sheraton Hotel that evening. The two
15 men had a further meeting at the Sheraton Hotel during
16 the afternoon of the next day, 27 October, and
17 Mr Lugovoy flew back to Moscow on the day after that,
18 the 28th.

19 The third visit, sir, took place from 31 October to
20 3 November. The evidence of this visit will cover the
21 movement of quite a large number of people who were not
22 always together.

23 Sir, on this occasion, Mr Lugovoy flew to London on
24 31 October together with his wife, his son Egor and his
25 daughter Galina. They were also accompanied by an

1 associate, Vyacheslav Sokolenko. Another daughter of
2 Mr Lugovoy's, Tatiana, flew to London on the same day
3 with her boyfriend, but on a different flight. The
4 entire party, except for Tatiana's boyfriend, checked
5 into rooms at the Millennium Hotel on Grosvenor Square.

6 The next morning, 1 November, Mr Kovtun flew to
7 London from Hamburg. He also checked into the
8 Millennium Hotel, sharing a room with Mr Sokolenko.

9 Later that day, that is 1 November, Mr Litvinenko
10 came to central London. There are three events
11 involving him that I should outline.

12 First, Mr Litvinenko had a meeting at the Itsu
13 restaurant in Piccadilly with an Italian associate named
14 Mario Scaramella.

15 Then, Mr Litvinenko went to the Millennium Hotel to
16 meet Mr Lugovoy and Mr Kovtun in the Pine Bar.

17 The third event is that following the meeting in the
18 Pine Bar, Mr Litvinenko then visited Boris Berezovsky's
19 offices in Mayfair.

20 Mr Litvinenko then went home by car. He was, in
21 effect, given a lift by Mr Zakayev, and, as we have
22 heard, he began to sicken that evening.

23 Also that evening, Mr Lugovoy and most of his party
24 went to the Emirates stadium to watch a football match
25 between CSK Moscow and Arsenal. Mr Berezovsky also went

1 to the match, but Mr Kovtun did not go.

2 Sir, there will be evidence about events on the next
3 day, 2 November, but I do not need to deal with those
4 now. And on the following day, 3 November, Mr Lugovoy
5 and his party, including Mr Kovtun, flew back to Moscow.

6 With that very brief outline, sir, I will now
7 introduce some of the themes of the evidence concerning
8 these three visits.

9 Sir, low level traces of alpha radiation were found
10 in a large number of places visited by Mr Lugovoy and
11 Mr Kovtun over the course of these three visits. Such
12 traces were found, for example, on almost all of the
13 aircraft used by the two men over this period that
14 British scientists were able to test.

15 Of all these aircraft, the most significant might
16 have been the plane on which Mr Lugovoy and Mr Kovtun
17 flew to London on 16 October; that is at the start of
18 the first visit. However, this was an Aeroflot aircraft
19 and it has never been made available for testing by
20 British scientists. We will hear evidence as to the
21 requests that have been made in this regard.

22 I should add that the Russian authorities have said
23 that they have tested the aircraft and found it to be
24 clear of alpha radiation. However, as we will hear,
25 they also made a similar claim in respect of a second

1 aircraft, but when British scientists tested this second
2 aircraft, it was found that it did contain traces of
3 alpha radiation.

4 Sir, positive tests have also been recorded in hotel
5 rooms occupied by Mr Lugovoy and Mr Kovtun, in
6 restaurants and bars that they visited, in the car in
7 which Mr Lugovoy travelled to Surrey during his second
8 visit, and also at the Emirates Stadium.

9 We will, of course, explore with the witnesses the
10 suggestion that the positive test results are the result
11 of deliberate planting of radioactive material and/or
12 simple falsification of results.

13 Sir, I have mentioned the testing in the hotel rooms
14 occupied by Mr Lugovoy and Mr Kovtun. The technical
15 scientific evidence is very dry, but the police have
16 helpfully collated many of the results into pictorial
17 form, with 3D perspective, that may make the evidence
18 easier to understand. Sir, I would like to introduce
19 a little more detail about this testing by means of
20 these graphics.

21 The first hotel at which Mr Lugovoy and Mr Kovtun
22 stayed during their first visit was the Best Western
23 Hotel on Shaftesbury Avenue. Mr Lugovoy checked into
24 room 107 and Mr Kovtun into room 308. Testing of these
25 rooms showed a number of positive readings, and

1 can I ask for first of all Mr Kovtun's room to be called
2 up. It's INQ017931, and if I can go on to the next
3 page, please.

4 Sir, you will see that there is a representation of
5 the room as seen from above, and the way in which the
6 diagrams have been modelled allows a 3D perspective on
7 the 2D page.

8 If I can then go on, please, to the next page,
9 you'll see that there are a number of different parts of
10 the room depicted on the image. I fear that some of the
11 screens may not show these pictures very well, but those
12 who can see them will see, for example, that in the top
13 right-hand corner, the image that's closest to the top
14 right, that there is a notation in relation to DK (coat
15 hanger) that gives a count of 1,500 cps, counts per
16 second, and then there are other items there which have
17 notations of different levels of radiation, another coat
18 hanger, DL, 300 counts per second, and so on.

19 Sir, obviously the higher the number, the more
20 contaminated, the more radioactive the item is, and we
21 will hear evidence from the scientists about exactly
22 what can be made of it.

23 Those who are seeing the view now will see that in
24 the bottom right-hand corner, there is a key that has
25 various boxes of different shades which give an

1 indication on some of the images of the level of
2 contamination of each of those items.

3 Sir, I have to say that like the snooker, it is
4 better when seen in colour, and I think that many of us
5 will be working from documents where that can be seen
6 more clearly.

7 THE CHAIRMAN: Yes.

8 MR TAM: Sir, can I then go on quickly to Mr Lugovoy's room,
9 which is INQ017926. And then again if I can move on to
10 the next page, sir, you can see that the room layout is
11 almost identical, and then on to the next page, again,
12 there is a similar diagram with notations of different
13 levels of radiation.

14 Sir, I'm doing this so that you and those who are
15 watching can get a feel for the sort of documentary
16 compilation of the dry scientific evidence that there
17 is.

18 THE CHAIRMAN: Yes.

19 MR TAM: As I have said, we will explore this in more detail
20 with the scientists when they come.

21 Sir, I am told that we may be able to get these up
22 in colour after the lunch break, and if I may I will
23 take this swiftly and if it is feasible, I may come back
24 to it after lunch so that people can get a better idea
25 of what can be seen.

1 THE CHAIRMAN: Yes, thank you.

2 MR TAM: Can I then turn to Mr Lugovoy's second visit, when
3 he came alone to London. He stayed at the
4 Sheraton Hotel in Park Lane, and scientific evidence
5 will show very high levels of alpha radiation in all
6 three parts of his accommodation, and especially in the
7 bathroom.

8 Finally, at the Millennium Hotel where Mr Lugovoy,
9 Mr Kovtun and most of the party stayed on the third
10 visit, the most heavily contaminated of the bedrooms was
11 room 382, which was initially occupied by Mr Sokolenko
12 alone and then from the following day, 1 November, it
13 was shared by him and by Mr Kovtun. Again, there were
14 high levels of radiation found in this room, although
15 not as high as at the Sheraton.

16 Sir, a further feature of the forensic evidence is
17 that tests for radiation were conducted on several of
18 the buses used by Mr Litvinenko on his journeys between
19 his home in north London and the city centre on the days
20 when he met Mr Lugovoy and/or Mr Kovtun. These tests
21 were all negative. We will have to ask questions about
22 these tests. For example, could routine cleaning
23 between the time of the travel in question and the
24 testing have removed traces of alpha radiation? And, in
25 any event, would any trace have been left by

1 Mr Litvinenko if he had been standing rather than
2 sitting during these journeys?

3 On the face of it, there is a contrast between the
4 lack of any positive trace left by Mr Litvinenko on the
5 buses and the traces found in the hotel rooms and other
6 locations associated with Mr Lugovoy and Mr Kovtun
7 during the same period. The negative testing on the
8 buses also stands in contrast to the results of the
9 tests conducted on the car in which Mr Litvinenko
10 returned home on the evening of 1 November from the
11 Pine Bar. That car, which was Mr Zakayev's, tested
12 positive for alpha radiation.

13 Sir, in the course of hearing evidence about these
14 three visits, we will also adduce telephone records
15 which were obtained by the police and which have been
16 helpfully reduced into a schedule. We anticipate that
17 this telephone evidence will be of significance in
18 a number of respects. One issue to which it will relate
19 will be who instigated the various meetings between
20 Mr Litvinenko and Mr Lugovoy during this period. The
21 evidence given about this by Mr Litvinenko and
22 Mr Lugovoy has not always been consistent.

23 To take one example, when he was interviewed by the
24 police in Moscow in December 2006, Mr Lugovoy said that
25 on his second visit to London, he had no intention of

1 meeting Mr Litvinenko. However, the telephone schedule
2 would appear to tell a different story.

3 Can I ask, please, for INQ017809. In fact, before
4 I move on to that, can I just introduce the first sheet
5 of this which shows a list of telephone numbers and you
6 can see, sir, in the second column, that individual
7 telephone numbers, the bulk of which have been redacted
8 but enough digits have been left in so we can identify
9 which they are. In the second column, there is the
10 attribution as to whose telephone numbers they are, and
11 that can then be traced through into the list of calls
12 and contacts.

13 THE CHAIRMAN: Yes.

14 MR TAM: Sir, can I then turn on to page INQ017874 within
15 this document.

16 About halfway down the page, there is an entry
17 number 937, and, sir, you'll see that this call, which
18 took place at 10.00 in the morning, on 26 October, was
19 a telephone call made by Mr Lugovoy to Mr Litvinenko,
20 because that is the order in which they appear in the
21 columns of originating and destination numbers.

22 Mr Lugovoy, you will recall, arrived late the
23 previous evening, and so the import of this call from
24 Mr Lugovoy to Mr Litvinenko is a matter which you will
25 need to consider and which we will, of course, explore

1 with Mr Lugovoy if he gives evidence.

2 Sir, with the concentration on Mr Litvinenko's
3 poisoning on 1 November, you may be wondering about the
4 relevance and significance of the contamination that
5 seems to date back to the first visit from 16 to
6 18 October and the second visit from 25 to 28 October.
7 A short answer, sir, is that while there will be much
8 fine detail that is relevant, one of the most
9 significant things that the evidence suggests is that
10 Mr Litvinenko was poisoned with polonium not once, but
11 twice.

12 The scientific evidence of contamination suggests
13 that two of the meetings that included Mr Lugovoy,
14 Mr Kovtun and Mr Litvinenko were of particular
15 significance. When taken with other evidence, the
16 scientific evidence suggests two things. First, that
17 attempts were made to poison Mr Litvinenko with polonium
18 at both meetings, and second that the attempt met with
19 at least some success on both occasions.

20 The later of these two meetings was, of course, the
21 one at the Pine Bar of the Millennium Hotel on
22 1 November. The earlier meeting, though, took place at
23 the offices of Eriny's during the afternoon of
24 16 October. I will deal briefly with both meetings,
25 taking the earlier meeting first.

1 Sir, you will recall that the meeting at Erinys took
2 place during the first visit on the day of Mr Lugovoy
3 and Mr Kovtun's arrival. They had checked into the
4 Best Western Hotel. They then met Mr Litvinenko and
5 went to the Erinys offices in Grosvenor Street to meet
6 Tim Reilly, a man from whom we will hear evidence. That
7 meeting took place in the Erinys boardroom. That was
8 subsequently tested forensically, and it showed
9 contamination in many areas of the room. Again, sir, if
10 it is possible this afternoon, we will show the graphics
11 in colour.

12 THE CHAIRMAN: Yes.

13 MR TAM: I have said that the evidence suggests that this
14 was the first of two poisonings of Mr Litvinenko by
15 polonium. It is clear, of course, that he could not
16 have ingested anything like the same amount of polonium
17 on this occasion as he appears to have ingested at the
18 Pine Bar on 1 November. However, we will hear some
19 evidence that is at least consistent with him having
20 ingested at least a small amount of polonium on that
21 day.

22 Sir, first, in the interviews that he conducted with
23 the police from his hospital bed about a month later,
24 Mr Litvinenko recalled having vomited on one occasion
25 about two or three weeks before being hospitalised.

1 That would make the date about mid-October. He said he
2 thought that he had had food poisoning. We anticipate
3 that Mrs Litvinenko will give more precise evidence to
4 the effect that Mr Litvinenko felt sick and vomited on
5 the evening of 16 October. She is also likely to say
6 that Mr Litvinenko was a fit and healthy man and that he
7 had not been ill in this way before.

8 Second, we will hear expert evidence regarding the
9 scientific analysis that has been conducted on
10 Mr Litvinenko's hair. The hair samples that are
11 available indicate that Mr Litvinenko may well have been
12 poisoned twice, with the first occasion being much less
13 severe than the second. If the second episode was on
14 1 November, as appears to have been the case, then the
15 view of the experts is that the earlier episode would
16 have been within a range of dates including 16 October.

17 Of course, sir, the accuracy and reliability of the
18 scientific analysis, and what inferences you might draw
19 from it, will be matters for you to consider in due
20 course.

21 As I have said, the second of the two meetings that
22 are of particular note was the one that took place on
23 1 November at the Pine Bar of the Millennium Hotel.
24 Sir, again, there is a graphical representation which
25 I hope we can show you later, not only of the Pine Bar

1 itself, but also of one of the teapots in that location.

2 For present purposes, I think it suffices to say
3 that a large amount of contamination was found there, as
4 indeed has been widely reported.

5 Sir, can I give a little more detail about the
6 evidence that we expect to hear about the meeting in the
7 Pine Bar on 1 November.

8 First, and of some significance, we will hear
9 evidence from Mr Mascall to the effect that although
10 there were CCTV cameras at the Millennium Hotel, there
11 were no cameras covering the Pine Bar. As we will see
12 in due course, there is CCTV footage of the area outside
13 the bar which shows, for example, people arriving at and
14 leaving the bar, but there is no footage of the table
15 inside the bar where the men sat.

16 It follows that we will be reliant on the evidence
17 of those who were present to reconstruct what took
18 place.

19 We will call evidence from Noberto Andrade who was
20 a waiter at the Pine Bar. We expect that he will be
21 able to give evidence that he recalls Mr Lugovoy
22 arriving at the bar and ordering drinks. He has also
23 produced, in a statement given to the police, the till
24 receipt showing the drinks ordered in the Pine Bar that
25 afternoon by Mr Lugovoy's party, including a number of

1 teas. We do not, however, expect Mr Andrade to recall
2 either seeing Mr Litvinenko arrive or what happened at
3 the table thereafter.

4 We also propose to adduce evidence from
5 a businessman who happened to be in the Pine Bar that
6 afternoon. In statements given to the police, he has
7 described seeing what appears to have been the Lugovoy
8 party in the bar. Again, however, we do not expect him
9 to be able to assist with precisely what took place
10 between Mr Lugovoy, Mr Kovtun and Mr Litvinenko at the
11 table.

12 That leaves us, sir, with the evidence of those
13 three men.

14 As I have said, it is possible that Mr Lugovoy and
15 Mr Kovtun will give oral evidence to you. If they do,
16 we will of course ask them to describe what took place
17 in the Pine Bar. They have, however, already provided
18 a number of public statements on this subject.

19 We will adduce into evidence and consider with care
20 all such statements that we have. By way of example,
21 I will call up, and read out now, two of those
22 statements.

23 Sir, one of the earliest accounts given by
24 Mr Lugovoy was in an interview with a radio station
25 called Echo Moscow or Echo of Moscow, on

1 24 November 2006. That is to say, the day after
2 Mr Litvinenko died.

3 Sir, the transcript is at INQ018199, and can I ask
4 to go on to page INQ018210.

5 Those who can see this on the screen will see
6 two-thirds of the way down the page, there's a question
7 from the presenter:

8 "Do you remember now?"

9 Mr Lugovoy's account says:

10 "I cannot say now for sure. I wrote it very simply
11 at the British embassy. I think that the hotel has
12 video cameras. Please pay attention to this.
13 I underlined that so you'll have fewer questions. We
14 sat down, talked for 20 to 30 minutes. This is
15 absolutely definite, 100 per cent sure. He didn't order
16 anything and we didn't offer him anything either.
17 Although ..."

18 The presenter then interrupts with a question:

19 "He didn't eat anything during the meeting?"

20 Mr Lugovoy said:

21 "We didn't eat anything either. The thing is, my
22 family was on a tour together with Vyacheslav and we
23 expected that when they had come back, got changed, put
24 jumpers or something warm on, and we planned to have
25 a dinner just before football, around 1700 to 1800. We

1 actually had dinner at Piccadilly Circus, at one of the
2 steak houses and then went on ... That's why I can tell
3 you for sure: he didn't order anything, we didn't pour
4 anything for him, I cannot remember any more
5 details ..."

6 Sir, on 5 November, when he was interviewed by
7 police in Moscow, Mr Kovtun gave a number of different
8 versions of the meeting.

9 Sir, by way of example, can I ask for INQ002067.

10 This is one of the police interviews with Mr Kovtun,
11 and if I can ask, please, to go on to page 070, in the
12 middle of the page, there's a question marked as "IQ":

13 "What did you eat and drink during the
14 above-mentioned meeting?"

15 Mr Kovtun's reply was:

16 "None of us three ate anything. Lugovoy and I only
17 drink gin, whisky and tea. When Alexander Litvinenko
18 came, then I do not remember whether or not he drank."

19 Going on just two pages later to 072, the last
20 question on the page, he was asked a question, and this
21 time by I think one of the British police officers who
22 was permitted to be at this interview. The question
23 was:

24 "What did you talk about during the meeting at the
25 Millennium Hotel? What did you drink and eat?"

1 Mr Kovtun's reply:

2 "To the meeting at the Millennium Hotel, I came with
3 Andrei Lugovoy. Litvinenko came after some 10 to 20
4 minutes. Before Litvinenko's arrival, we ordered for
5 ourselves several portions of gin, vodka, whisky, ice,
6 green tea. We drank all this. Litvinenko came, asked
7 for a cup for himself, poured tea, I think he drank."

8 If we go on to the next page, the very next
9 question:

10 "He drank from your cups?"

11 Mr Kovtun says:

12 "He came, requested a cup, he did not ask anything.
13 When we met, we shook each other's hands, hugged, as is
14 our custom. Litvinenko did not order anything
15 separately and did not drink."

16 Sir, you will obviously have to consider what you
17 make of answers like this in addition to any evidence
18 which Mr Lugovoy and Mr Kovtun give directly to you.

19 Sir, it would be right for me to draw attention to
20 Mr Litvinenko's accounts of these meetings in his
21 interviews with the police. Can I first of all ask for
22 INQ016570, and go to page 580.

23 The first question on the page from Mr Hyatt, who
24 asked him:

25 "And what happened when you arrived at the

1 Millennium Hotel?

2 "Answer: It was getting already a little dark,
3 I think. Yes, a little bit already. Definitely I was
4 not wearing sunglasses. I entered the hotel, straight
5 ahead.

6 "Question: And then what happened?

7 "Answer: And started looking in the lobby where
8 Andrei was. Surely. And Andrei approached me from the
9 left side. I now remember that for sure. 'Let's go, we
10 are sitting there in the bar'. We turned left and went,
11 there is a small bar there. He is sitting ... he was
12 sitting there, if this is the first table, at the second
13 table which was right in the corner ..., right opposite
14 the entrance. You come in this way and there is such
15 a corner to the side. And there was a table right there
16 and he was sitting in the corner."

17 The question:

18 "Is this as you go into the hotel or as you got into
19 the bar?"

20 The answer was:

21 "Yes ..."

22 And the second question asked:

23 "This is as you go into the bar?"

24 And the answer was:

25 "Yes, yes, yes.

1 "Question: Okay and then what happened?

2 "Answer: He was sitting ... he sat at his place in
3 the corner. There was no food of any kind, nothing at
4 all. There were several glasses there. It seemed like
5 somebody had been sitting there drinking before, tea.
6 Maybe I think whisky, there were small glasses, I can't
7 remember. But there were no bottles of whisky, that's
8 for sure. There were no bottles. So, he sat in the
9 corner, he was wearing a kind of cardigan, either dark
10 blue, either the top was dark blue and the bottom was
11 orange or the top was orange and the bottom was blue."

12 If I can then go on to a further stage in these
13 interviews which is INQ016582. Starting at page 586,
14 please. Two-thirds of the way down the page, Mr Hyatt
15 asked:

16 "Okay, and could you tell me what happened after you
17 met him then, please."

18 Mr Litvinenko said:

19 "So we went to the bar. He went in first and
20 I followed him. And when you enter, there is I think
21 the second or the third table which stands right in the
22 corner. The corner is like this. He sat down in the
23 corner and I sat ... There were two tables pulled close
24 together, sort of like a single one. He sat down in the
25 corner, and there was like a settee maybe or chairs. He

1 sat down in the corner and I sat like this, not exactly
2 opposite but like this.

3 "Question: Diagonally?

4 "Answer: Diagonally.

5 "Question: And then what happened?

6 "Answer: There was nobody else there. He said that
7 he was leaving for a football match now, so let's
8 discuss things for 10 to 15 minutes and that's it. So,
9 next day, we were due to go to Global Risk. We
10 discussed how we're going to go there and he said that
11 he was looking for his interpreter. He has some
12 interpreter called Irina, so that she would be
13 a reliable woman. And what time we would go there,
14 either at 10 or 10.30. So, there were a few mugs on the
15 table, and there was also a teapot, such a metal one.
16 There was tea there. It was silver in colour, made of
17 silver, not silver, the legs ... expensive metal. It's
18 a rich hotel. Straightaway a waiter came up to us. The
19 waiter came right ... I am sitting here, he is sitting,
20 and the waiter came up, as I remember from this side, or
21 this one. I think the waiter was ... I think, as it
22 seemed to me, he had grey hair. The waiter was wearing
23 a white shirt, as usual. I think he had a black bow and
24 a suit. I could not see him because he came up from the
25 back. He asked, 'Are you going to have anything?'

1 I think Andrei asked, 'Would you like anything?' I said
2 'I don't want anything', and he said, 'Okay, well we're
3 going to leave now anyway, so there is still some tea
4 left here, if you want to you can have some'. And then
5 the waiter went away, or I think Andrei asked for
6 a clean cup and he brought it. He left and when there
7 was a cup, I poured some tea out of the teapot, although
8 there was only a little left on the bottom and it made
9 just half a cup. Maybe about 50 grammes. I swallowed
10 several times but it was green tea with no sugar and it
11 was already cold by the way. I didn't like it for some
12 reason, well, almost cold tea with no sugar, and
13 I didn't drink it any more. Maybe in total I swallowed
14 three or four times. I haven't even finished that cup."

15 The next question:

16 "When Andrei came out and met you, did he come to
17 you from the direction of the bar?

18 "Answer: Yes, he got up from the table.

19 "Question: So he's taken you back to the same table
20 that he was at before he met you?

21 "Answer: Yes.

22 "Question: And the pot with the tea in it was
23 already there?

24 "Answer: Yes.

25 "Question: And the fresh cup that was brought to

1 the table, was that the cup that you used?

2 "Answer: Yes, I think that's the one. Yes, that
3 very cup ... The bar was full. There were lots of
4 people in the bar.

5 "Question: And how many mugs were on the table when
6 you came in?

7 "Answer: I think three or four cups.

8 "Question: And did Andrei drink any more from that
9 pot in your presence?

10 "Answer: No.

11 "Question: Okay, and what happened next?

12 "Answer: Then he said Vadim is coming here now,
13 Vadim or Volodia ... Volodia ... either Vadim or
14 Volodia, I can't remember. I saw him for the second
15 time in my life."

16 And the question:

17 "What happened next?

18 "Answer: Next Volodia took a place at the table on
19 my side, across from Andrei. All three of us were due
20 to go to Global Risk, so we were discussing about the
21 morning, some details. Volodia was -- seemed to be very
22 depressed as if he was very much hung over. He
23 apologised. He said that he hadn't slept for the whole
24 night, that he had just flown in from Hamburg and he
25 wanted to sleep very much and he couldn't stand it any

1 more. But I think he is either an alcoholic or a drug
2 addict. He is a very unpleasant type."

3 The next question:

4 "Volodia, how did he know to come to the table? Did
5 Andrei contact him and ask him to come and join you, or
6 was there already an arrangement for him to join you?

7 "Answer: No ... he, I think he knew in advance.
8 Even possibly they had been sitting before this and
9 maybe he went up to his room."

10 The next question:

11 "... just going back to when you had some tea, you
12 didn't ask the waiter for a drink. It was mentioned
13 that there was some tea left. How insistent was Andrei
14 that you have a drink, or was he indifferent, was he
15 saying, 'Go on, go on, have some', or didn't he care?

16 "Answer: He said it like that, you know, 'If you
17 would like something, order something for yourself, but
18 we're going to be leaving soon. If, if you want some
19 tea, then there is some left here, you can have some of
20 this' ...

21 "I could have ordered a drink myself, but he kind of
22 presented in such a way that it's not really need to
23 order. I don't like when people pay for me but in such
24 an expensive hotel, forgive me, I don't have enough
25 money to pay that.

1 "Question: Did you drink any of the tea in the
2 presence of Volodia?

3 "Answer: No, I drank the tea only when Andrei was
4 sitting opposite me. In Volodia's presence, I wasn't
5 drinking it already, it was ... I didn't like that tea.

6 "Question: And after you drank from that pot, did
7 Andrei or Volodia drink anything from that pot?

8 "Answer: No, definitely. Later on, when I left the
9 hotel, I was thinking there is something strange. I had
10 been feeling all the time, I knew that they wanted to
11 kill me, actually. But could I have told this?
12 Everyone was saying, that's just another of your whims.
13 But I knew that they wanted to kill me because I was
14 told about it, and I will tell you how. Not some people
15 who wanted to kill me, but some people who passed this
16 information. And it was the Russian special services
17 who wanted to kill me."

18 Sir, the final interview extract is from INQ016593,
19 starting, please, at page 595.

20 At the bottom of the page, the last question:

21 "... how long did this meeting last?

22 "Answer: Well, we were sitting there for about 20
23 minutes on the whole. Yes, also, before Volodia came,
24 some Russian male came up, a tall one, I could not see
25 him, from behind. No, Volodia was already sitting.

1 Then some tall Russian came up, I only glanced at him,
2 from behind, wearing some dark cardigan. And he said
3 something to Andrei and he said, 'Yes, yes, all right',
4 he said, 'Go on, I will speak to you later'.

5 "Question: And what happened at the end of the
6 meeting? How did the meeting end?

7 "Answer: In the end, he looked at his watch, he
8 said my wife is about to come. There in the hall
9 Andrei's wife turned up, she was waving her hand and he
10 said, 'That's it, let's go'. So Volodia and I stayed,
11 the two of us, and he stood up, approached his wife,
12 Andrei, and then he brought his son, 8 years old. He is
13 such a boy, 8 years old, wearing a jacket, he said,
14 'This is Uncle Sasha, shake his hand'. We shook hands
15 and he went. So then we came out."

16 A confused exchange with the interpreter. Finally
17 Mr Litvinenko says:

18 "We all got up together, yes. Volodia refused to go
19 to the football match. He said, 'I'm very tired, I want
20 to sleep'."

21 Sir, as I have said, it was unusual to have such
22 a detailed account from somebody who subsequently died
23 about the events that might have led to his death, and
24 you will need to consider those carefully.

25 We will of course hear more evidence about all these

1 matters, but I must draw attention to two elements
2 within that account that may point away from the
3 suggestion that Mr Lugovoy deliberately poisoned
4 Mr Litvinenko that afternoon.

5 First, the account given by Mr Litvinenko is that
6 Mr Lugovoy was diffident in the extreme as to whether
7 he, that's Mr Litvinenko, should drink the tea or not.
8 Sir, you will have to ask: is that consistent with
9 a carefully planned poison plot, especially one which
10 was using a very rare poison.

11 Second, at the end of the meeting, Mr Lugovoy
12 encouraged Mr Litvinenko to shake Mr Lugovoy's son's
13 hand. Again, you will have to ask: is that really the
14 act of a man who has just knowingly poisoned
15 Mr Litvinenko with a highly radioactive substance?

16 Sir, I will now turn to a separate line of evidence
17 relating to Mr Lugovoy and, in particular, Mr Kovtun.
18 This concerns Hamburg in the last few days
19 of October 2006.

20 As I have already mentioned, Mr Kovtun had spent
21 some time living and working in Hamburg. In 2006,
22 Mr Kovtun's ex-wife and her family still lived there.

23 We will hear evidence that Mr Kovtun visited Hamburg
24 in the days immediately prior to 1 November. He flew
25 from Moscow to Hamburg on 28 October. After spending

1 a few days there, he took a flight from Hamburg to
2 London early in the morning of 1 November. As we have
3 heard, he then went to the Millennium Hotel.

4 We will hear some detailed evidence about events in
5 Hamburg during the time Mr Kovtun spent there. We also
6 hope to call evidence from one of the German police
7 investigators involved in the case, so I will give only
8 a brief summary of this evidence now.

9 Sir, at the heart of this part of the case is
10 evidence that will be given by a man whose identity you
11 have ordered should be protected. We will therefore
12 refer to this witness as D3. We expect that D3 will
13 give oral evidence to the Inquiry. It is likely that he
14 will do so by video-link from Germany.

15 D3 had worked with Mr Kovtun at the Il Porto
16 restaurant in Hamburg for several years between 1996 and
17 2001, during the period that Mr Kovtun was living there.
18 They had become friends and had stayed in touch after
19 they both left the restaurant in 2001. D3 says that
20 Mr Kovtun was in the habit of contacting him when he
21 came to Germany.

22 Sir, we are likely to hear that Mr Kovtun contacted
23 D3 on 30 October and arranged to meet up with him that
24 evening. They met at a restaurant and afterwards walked
25 to an amusement arcade. D3's account of a conversation

1 that he had with Mr Kovtun on that walk is of potential
2 significance to this Inquiry.

3 The evidence we expect D3 to give is that, as they
4 walked, Mr Kovtun raised the subject of Mr Litvinenko,
5 who was unknown to D3. Mr Kovtun said that
6 Mr Litvinenko was a traitor with blood on his hands who
7 did deals with Chechnya. We expect D3 to say that
8 Mr Kovtun then asked him a question that one might think
9 was unusual: did he, D3, know a cook who was working in
10 London.

11 D3 did indeed know a cook in London, a man whom we
12 will refer to as C2, who had previously worked with both
13 D3 and Mr Kovtun at the Il Porto restaurant.

14 D3 answered Mr Kovtun's question by referring to C2.

15 We expect D3's evidence to be that at that point,
16 Mr Kovtun explained the purpose of his question but in
17 extraordinary terms. Mr Kovtun said that he had a very
18 expensive poison and that he needed the cook to put the
19 poison in Mr Litvinenko's food or drink. I repeat that
20 this conversation took place, on D3's account, on the
21 evening of 30 October.

22 We also expect D3 to say that at the time he thought
23 that his friend was talking rubbish and that he
24 dismissed it.

25 From our standpoint, sir, when D3's account of this

1 conversation was put together with the evidence of
2 Mr Kovtun's meetings with Mr Litvinenko in London at
3 around this time and the forensic evidence of polonium
4 traces, the report of the conversation alone is at least
5 potentially of some significance, extraordinary though
6 this story sounds.

7 The matter, however, does not end there. We will
8 hear evidence of a series of events that took place in
9 the two days that followed Mr Kovtun's conversation with
10 D3. That is 31 October and 1 November, which you may
11 conclude give this episode even further significance.

12 In the early evening of the next day, 31 October,
13 Mr Kovtun telephoned another old colleague from Il Porto
14 days. We will refer to this man as D6. Mr Kovtun asked
15 D6 if he had contact details for C2 in England.

16 D6 did not then have C2's phone number. However,
17 another member of the group who had worked at Il Porto,
18 who we will call D7, did have C2's number. D7 asked C2
19 if C2 was happy for the number to be passed to
20 Mr Kovtun, which he was. D7 passed the number to D6,
21 and D6 passed the number to Mr Kovtun. Sir, we will
22 call evidence from D6 and D7.

23 As we have heard, early the next morning,
24 1 November, Mr Kovtun flew from Hamburg to London. We
25 will hear evidence that his flight landed at Gatwick at

1 7.25 am, and it seems that he arrived at the
2 Millennium Hotel at about 9.00 am.

3 Sir, the telephone schedule will again assist in
4 introducing this final part of this evidence.

5 Can I have back, please, INQ017809 and go on within that
6 to 884.

7 Sir, halfway down this table, you can see that
8 there's a line number 22 which records a telephone call
9 made at about 11.30 am on 1 November to C2's number,
10 that's to say the number that had been passed and passed
11 and passed and eventually ended up with Mr Kovtun.

12 This call was made from one of the mobile phones
13 used by Mr Lugovoy, who you will see, sir, as the
14 originating number.

15 So we will call evidence from C2. We expect him to
16 say that he received a call that morning from a man who
17 gave his name as Dmitri asking to meet up. We expect
18 C2's evidence to be that he said he was busy and
19 couldn't meet up, but that he would call him back.

20 So in summary, sir, we expect that you will hear the
21 following evidence:

22 In Hamburg, on 30 October, Mr Kovtun was asking D3
23 about a cook in London because Mr Kovtun needed the cook
24 to put poison into Mr Litvinenko's food or drink. D3
25 mentioned C2.

1 On the next day, 31 October, when Mr Kovtun was
2 still in Hamburg, he asked D6 for C2's number. D6 got
3 hold of it and passed it to Mr Kovtun that evening.

4 The next morning, 1 November, Mr Kovtun flew to
5 London to join Mr Lugovoy and his party. Shortly after
6 arriving, Mr Kovtun apparently used one of Mr Lugovoy's
7 phones to call C2 and asked to meet up.

8 Sir, you will of course need to hear the evidence
9 from these witnesses. If Mr Kovtun gives evidence to
10 the Inquiry, we will of course explore these matters
11 with him and seek his explanation. The significance of
12 this part of the story to the Inquiry's ultimate
13 conclusions will have to be considered carefully, but
14 I think it can be said now that the evidence we expect
15 to adduce from the witnesses D3, D6, D7 and C2, and also
16 the telephone schedule, regarding what Mr Kovtun said
17 and did on these three days, 30 and 31 October and
18 1 November, does call for some explanation.

19 Sir, I have already indicated that we will hear
20 evidence from Mrs Litvinenko concerning Mr Litvinenko's
21 declining health from the evening of 1 November and his
22 subsequent hospitalisation and treatment.

23 We will hear some further evidence about these
24 matters.

25 We will read the statements of two ambulance

1 technicians who went to Mr Litvinenko's house in
2 response to an emergency call early on 3 November and
3 examined Mr Litvinenko but advised him to stay at home.
4 We will hear oral evidence from a Russian doctor who
5 examined Mr Litvinenko later that day and advised that
6 he be taken to hospital, and we will read the evidence
7 of the ambulance crew which took him to Barnet Hospital
8 later on the same day.

9 We will hear from Dr Andres Verchis, the consultant
10 haematologist who treated Mr Litvinenko while he was
11 there at Barnet Hospital between 3 November and
12 17 November.

13 We will also hear from Dr Amit Nathwani, the
14 consultant haematologist who treated Mr Litvinenko
15 following his transfer to University College Hospital,
16 between 17 November and his death on 23 November. We
17 will read the evidence of Dr James Down, the intensive
18 care consultant who pronounced life extinct on that day.

19 As these witnesses will relate, throughout this
20 period, attempts were made not only to treat the various
21 symptoms that Mr Litvinenko was exhibiting, but also to
22 diagnose the underlying condition from which he was
23 suffering. Polonium poisoning was almost unheard of at
24 that time. To the extent that the condition is
25 recognised now, it is largely because of Mr Litvinenko's

1 case.

2 As we will hear, another of the factors that made
3 the cause of Mr Litvinenko's symptoms difficult to
4 diagnose was the fact that polonium emits almost
5 exclusively alpha, as opposed to gamma, radiation.
6 Thus, whilst many of Mr Litvinenko's symptoms appeared
7 consistent with radiation poisoning, this was discounted
8 because tests for gamma radiation were negative.

9 One of those who became involved in the attempt to
10 diagnose Mr Litvinenko's condition was
11 Professor John Henry, a toxicologist and one of the
12 world's leading experts on drugs and poisons. His
13 initial involvement in the case was as a media
14 commentator, but he subsequently visited Mr Litvinenko
15 at the request of Mr Goldfarb and Mrs Litvinenko and
16 discussed the case with them and with the treating
17 doctors. He initially agreed with what was then the
18 diagnosis of thallium poisoning but subsequently came to
19 believe that Mr Litvinenko must have been poisoned by
20 some form of radioactive material. Sadly, Professor
21 Henry died in 2007, but we propose to read a statement
22 that he gave to the police and to play a videoclip of an
23 interview he gave to the press about Mr Litvinenko's
24 case.

25 As we will hear, it was not until tests on

1 Mr Litvinenko's urine were conducted at the Atomic
2 Weapons Establishment in Aldermaston that the diagnosis
3 of polonium poisoning was made. The tests that
4 confirmed the diagnosis were carried out on 23 November,
5 only hours before Mr Litvinenko died. However, we
6 expect to hear evidence that given how much polonium
7 Mr Litvinenko had ingested, his life could not have been
8 saved even if it had been known from the outset that he
9 had been poisoned with polonium.

10 Sir, I return to the question of evidence from and
11 about Mr Lugovoy and Mr Kovtun.

12 As I have already mentioned, it is possible that
13 either or both of Mr Lugovoy and Mr Kovtun will agree to
14 give oral evidence. If they do, it is anticipated that
15 they will give evidence by means of a video-link.

16 However, if the two men are not prepared to give
17 evidence, it does not follow that the Inquiry will have
18 to proceed without any account from them of their visits
19 to London and their meetings with Mr Litvinenko during
20 the period in question, or without any response from
21 them to the allegations that they poisoned
22 Mr Litvinenko.

23 This is because both Mr Lugovoy and Mr Kovtun have
24 given a number of accounts of these events and also
25 their reactions to the charges against them over the

1 years. They have done so by a number of means.

2 On 23 November 2006, both men presented formal
3 declarations to the British embassy in Moscow.
4 In December that year, they were both interviewed by
5 British police officers in Moscow. I will return to
6 that exercise in a moment. Both men have also given
7 numerous press interviews and have even conducted joint
8 press conferences.

9 In addition, Mr Lugovoy filed a detailed witness
10 statement that addressed these events in the context of
11 a libel action in the High Court in London brought by
12 Mr Berezovsky. We have put together a collection of
13 this material, including what we believe are all the
14 most important documents, and it is proposed that all
15 this material will be adduced as documentary evidence in
16 the Inquiry in due course.

17 Sir, the Inquiry will obviously have to weigh
18 carefully anything that Mr Lugovoy and Mr Kovtun say in
19 oral evidence and the documentary records of other
20 statements that they have made, before coming to any
21 conclusions it feels able to reach on the serious
22 accusations that have been made against them. It is
23 therefore right that I give an indication now of some of
24 the content of these statements by reading out a few
25 sections of these documents.

1 The first document that I will go to is the
2 transcript of a joint press conference held by the two
3 men in Moscow on 31 May 2007. The timing is
4 significant. The press conference took place a few days
5 after the Crown Prosecution Service had authorised
6 a murder charge against Mr Lugovoy and a request for his
7 extradition had been made. The entirety of the
8 transcript of this press conference will be in evidence,
9 but the section that I will read now seems to have been
10 a joint statement that Mr Lugovoy read at the start of
11 the press conference, before he and Mr Kovtun took
12 questions.

13 This, please, is at INQ001842 starting at page 889.

14 I will start reading from a third of the way down
15 the page. Mr Lugovoy said:

16 "Now I should like to return directly to the demise
17 of Alexander.

18 "First, I think one does not need to be a lawyer to
19 understand, that to commit such a crime one needs
20 a motive. Sasha was not my enemy. I could not care
21 less about what he was doing in London, what books he
22 wrote and whom he criticised. I have been working in
23 the private sector for a long time now and all of those
24 things were of little interest to me.

25 "Second, for some reasons the English papers name

1 1 November as the date of poisoning, even though
2 Litvinenko and I met twice in October. Moreover, in the
3 summer, we met at his house. His wife Marina was
4 absent. By the way, Berezovsky did not know about that
5 meeting. Was that not an ideal place to poison someone?
6 However, those were the ideal conditions to poison
7 someone and no poisoning took place. It took place in
8 a bar with lots of people, where he could have not
9 turned up, in the presence of a dozen of witnesses. It
10 means that somebody wanted us to be seen together in the
11 Millennium bar.

12 "Third, those who knew Sasha will confirm that he
13 neither drank nor smoked. Neither myself nor Dima
14 remember whether he ordered anything for himself -- tea
15 or vodka -- because we were getting ready to go to
16 football, and we both had a good snifter because,
17 amongst other things, it was cold, so we had a good
18 snifter. What kind of moron poisoner you need to be to
19 act in such a primitive way! So it looks that somebody
20 needed to frame someone.

21 "Fourth, if the poisoning took place on 1 November,
22 then how on earth traces of polonium were found,
23 I repeat, traces of polonium were found in all the
24 places in London where Litvinenko and I met only
25 in October and not in November? And why was polonium

1 found on the aeroplanes which I and Dima used to travel
2 to return to Moscow and Germany in October of 2006?
3 I have only one conclusion: we were marked with polonium
4 on purpose for subsequent use in the political scandal.

5 "Fifth, I came to London to go to football with my
6 wife and my children. They were all later on checked
7 for polonium contamination and the results were
8 distressing. We were checked in a private hospital
9 together with me. What kind of a monster one needs to
10 be to risk the lives of one's wife and children!

11 "Sixth, already in the summer of 2006, Litvinenko
12 started giving me small gifts. When I was being checked
13 in hospital, all my things were analysed. It turned out
14 that the souvenirs and a number of documents passed to
15 me by Litvinenko were contaminated with polonium.
16 I informed the investigators of the procurator general
17 office about it. But according to them, it was of no
18 interest to their English colleagues. It is possible
19 that the traces were left by Litvinenko himself, for
20 this version was unacceptable to the British justice
21 from the start.

22 "Seven. Now it is not a secret any more, that all
23 my contacts with Litvinenko were closely supervised by
24 the British secret services. Why did they then not spot
25 the fact of Litvinenko's poisoning and allowed all of us

1 to leave the UK? Why among the dozens of places in
2 London, named in the mass media, where polonium was
3 found, the address where we met with the English secret
4 agents in October, namely with the company director of
5 analytics and the company financial analyst, was not
6 mentioned? I am interested if polonium traces were
7 found in the office of that company, which is in essence
8 a safe house for them?

9 "I have three versions of Litvinenko's poisoning.
10 Knowing and analysing Alexander's behaviour in the last
11 months of 2006, I could not ignore the fact that he was
12 disappointed both in Berezovsky and in his British
13 masters from secret services. He thought that the
14 English do not value him and consequently do not pay him
15 enough. I formed an opinion that he running wild
16 vis-a-vis the British secret services. I think that his
17 failure to recruit me significantly diminished his
18 standing in the eyes of the English. Trying at any cost
19 to realise the task of the reconnaissance officers, he
20 often overstepped the mark of his role as a recruiting
21 agent and was far too indiscreet during my meetings with
22 him. For example, the English did not like that he was
23 boasting to me about his connections in MI6, at the
24 level of high ranking officials, and that cooperating
25 with the British secret services, he simply is repeating

1 what Gordievsky and Kalugin did before him and that
2 Berezovsky and Zakayev are his followers. Therefore, it
3 is very difficult to rid oneself of the thought that
4 Litvinenko became a loose cannon and that he was gotten
5 rid of. If not by the secret services themselves, then
6 under their control or with their acquiescence.

7 "Second, I don't know if the journalists know about
8 it, but I stated officially that Litvinenko, acting on
9 his own initiative, got in touch with the Spanish police
10 and assisted in getting information on the so-called
11 'Russian mafia'. I told some journalists about it
12 already in December, asking them not to name as
13 a source. Litvinenko told me himself that to get that
14 information, he personally went to Israel to meet with
15 Leonid Nevzlin. Sasha boasted that he made money by
16 assisting the Spanish police to expose 'the Russian
17 mafia'. I don't think that his revelations went
18 unnoticed in Spain. Maybe that is where such a barbaric
19 method of murdering him comes from.

20 "The third version of the events seems the most
21 plausible to me. I am talking about Berezovsky who is
22 known as an outstanding master of political intrigue.
23 Litvinenko told me that Berezovsky in fact sacked him by
24 decreasing his salary threefold. Lately, both Sasha and
25 Berezovsky thought that the office of the

1 Russian Federation procurator general and the British
2 will come to an understanding and Berezovsky will be
3 extradited to Russia.

4 "In this connection, I would like to tell you what
5 Sasha had told Dmitri Kovtun not long before his death,
6 when we met together in October of last year. During
7 our dinner, at one of the Chinatown restaurants in
8 London, Litvinenko, enlarging on the subject of ways to
9 make money, touched upon the resumed negotiations
10 between Russia and the UK regarding Berezovsky's
11 extradition. Lamenting the fact that Berezovsky did not
12 appreciate the services rendered to him by Litvinenko,
13 who allegedly saved his life more than once, Litvinenko
14 told Kovtun that he had the most important materials of
15 compromising nature regarding the illegal activity of
16 Berezovsky on the UK territory.

17 "If any part of the documents pertaining to the
18 circumstances of his obtaining the refugee status were
19 to be made public, then he (Berezovsky) would have huge
20 problems. Litvinenko hinted to Dima that especially
21 now, when Russia raised an issue with the UK of
22 extraditing Berezovsky, it would be very opportune to
23 let Berezovsky know that such materials exist and to put
24 a value of several million dollars on them. Still,
25 being financially dependent on Berezovsky, Berezovsky

1 was paying his son's tuition fees and the family's
2 accommodation in London, Litvinenko asked Kovtun to find
3 a reliable person, whom he would introduce to
4 Berezovsky, which person would be able to familiarise
5 Berezovsky with the materials compromising him.
6 Litvinenko was absolutely sure of the success of this
7 enterprise, referring to the explosive nature and
8 authenticity of the compromising materials he possessed.
9 Since the conversation took place when I left the table,
10 Litvinenko asked Kovtun to keep that conversation
11 between them, fearing that I, as a person who could
12 contact Berezovsky at any point, would expose
13 Litvinenko's idea to him.

14 "Not willing to participate in all that even
15 indirectly, not taking Litvinenko seriously, Kovtun and
16 I decided it prudent to forget this conversation as soon
17 as possible. However, recalling now the details of my
18 meetings with Litvinenko, his conviction that the
19 compromising materials he possessed could have
20 fundamentally changed his (Litvinenko's) reduced
21 financial circumstances, I can suppose that he did not
22 abandon the idea of blackmailing Berezovsky which could
23 have led to such lamentable consequences for him.

24 "Summing up my statement, and having shared with you
25 how I see the events, I wish to note that should any of

1 the versions put forward by myself turn out to be true,
2 there could be in reality considerably more versions
3 about the event.

4 "However, there is one thing which is for me beyond
5 any doubt: in any case the poisoning of Litvinenko could
6 not have been without the control of the British secret
7 services. And I understand why it took so long to serve
8 charges.

9 "Charging me, the British feared, that I shall start
10 talking and shall tell about all the illegal acts which
11 they (the British secret services) committed together
12 with Berezovsky and Litvinenko in relation to myself.
13 I think that the Crown Prosecution Service, having
14 stated that they accuse me, and not the Russian
15 authorities and secret services, in fact are offering
16 Russia a sort of compromise. You -- ie Russia -- will
17 keep quiet about our contacts with Berezovsky,
18 Litvinenko and Lugovoy, and we shall not accuse the
19 Russian secret services and the president. They, being
20 aware of the fact that Russia does not extradite its
21 citizens, officially close the case, and to the joy of
22 both secret services, everything calms down slowly. But
23 I disagree with it categorically!

24 "Some Russian James Bond, no less, infiltrating
25 a nuclear centre, and poisoning his mate in cold blood,

1 contaminating himself, his wife and children along the
2 way! And all that was perpetrated by the solitary
3 terrorist Lugovoy, who in the process will lose his
4 business and his clients. And for what? Where is my
5 proverbial motive? In London, they thought that I would
6 keep quiet, being happy that I was not being handed over
7 to the British authorities, and all the issues would get
8 resolved by themselves. I am going to be branded
9 a criminal, Berezovsky will get considerable arguments
10 against his extradition to Russia. Scotland Yard and
11 the English secret services will not lose face in the
12 eyes of the taxpayer, and Russia and its leadership will
13 be compromised for a long time.

14 "However, this is not going to happen. I am
15 prepared to lose more money, but I shall be fighting to
16 save my honest name. I understand that if I go to
17 London, then I shall be convicted for the sake of esprit
18 de corps. Therefore, in the nearest future I shall
19 appoint, without a doubt, respectable London lawyers to
20 defend my honest name in the courts of law. If the
21 British authorities choose not to go to court, then I am
22 ready to go to the international court in the Hague.
23 I ask you to treat my statement as an official statement
24 to the office of the Russian Federation procurator
25 general."

1 Sir, that is the end of that part of the statement
2 which I wish to read.

3 THE CHAIRMAN: We'll break at this point and resume, Mr Tam,
4 at 2.00.

5 (1.00 pm)

6 (The short adjournment)

7 (2.00 pm)

8 THE CHAIRMAN: Mr Tam, before we recommence, it has been
9 brought to my attention that there are those who have
10 been texting from this room during the course of the
11 morning.

12 As was made absolutely clear, I think twice, this
13 morning, that is simply not permitted. That is clear
14 from the order that I have made.

15 Should anyone be seen to be texting, I will
16 immediately adjourn and will make arrangements for them
17 to be excluded from this room. They will not be
18 permitted to return.

19 Secondly, I understand that there was such a press
20 of photographers and other members of the media at the
21 exit to the court building that Mrs Litvinenko found it
22 extremely difficult to leave. That, I'm sure, was
23 deeply distressing for her on a day which, in any event,
24 will be very stressful for her.

25 MR EMMERSON: It was even worse, if I may say so --

1 THE CHAIRMAN: Yes.

2 MR EMMERSON: -- on the return journey, where she was mobbed
3 by something in the region, of, certainly over 100, of
4 photographers seething on top of one another, five or
5 ten deep, and obstructing her passage, and despite all
6 entreaties, including reminders that this was in fact
7 the first day of an inquiry into the murder of
8 Mrs Litvinenko's husband, fell on extremely deaf ears.

9 The reality is, sir, that you have very little
10 ability to control what takes place outside the
11 precincts of this building. It had occurred to me that
12 I might try and think of an imaginative solution, but
13 frankly, I think it's extremely difficult.

14 THE CHAIRMAN: I think it is. I think my rig runs as far as
15 the doors of the court and no further. What I can
16 simply, certainly direct or request of the press is that
17 they show a proper courtesy and consideration for
18 Mrs Litvinenko in such a situation.

19 MR EMMERSON: Yes, sir. I think, again, it's probably fair
20 to say that the people -- and they were all men, near
21 enough -- outside the courtroom who have harassed and
22 hounded Mrs Litvinenko in such a distressing and
23 inappropriate way are almost certainly not comprised of
24 representatives of the responsible media. They are by
25 and large almost certainly freelancers trying to get

1 photographs that they can then sell, but the consequence
2 of what has happened this afternoon is that
3 Mrs Litvinenko will not be making any statement at all
4 when she leaves this building, and she will be leaving
5 under escort with the police.

6 THE CHAIRMAN: Yes. Well, it may be that suitable
7 arrangements will have to be made for her to leave the
8 court by an exit that the --

9 MR EMMERSON: Perhaps we might discuss that with the
10 solicitor to the Inquiry.

11 THE CHAIRMAN: With my Inquiry staff.

12 MR EMMERSON: And indeed the police escort who will be
13 handling her exit.

14 THE CHAIRMAN: Yes. I am extremely sorry that she has been
15 subjected to this.

16 MR EMMERSON: Thank you, sir.

17 THE CHAIRMAN: Yes, Mr Tam.

18 MR TAM: Sir, I'm grateful. Sir, I was dealing with the
19 section of the evidence about and from Mr Lugovoy and
20 Mr Kovtun.

21 THE CHAIRMAN: Yes.

22 MR TAM: Sir, there are two further matters that I want to
23 refer to in introducing this area of evidence.

24 The first of these relates to the visit to Moscow by
25 British police officers in December 2006 to which I have

1 already referred. As I have already mentioned, the
2 officers were able to interview both Mr Lugovoy and
3 Mr Kovtun during this visit, but we will also hear
4 evidence that the British police were not provided with
5 full cooperation by their Russian counterparts. They
6 were permitted to ask the two men only a limited number
7 of questions. They were not allowed to record the
8 interviews, and when they were later provided with
9 transcripts of the interviews, they had real doubts as
10 to whether they were accurate.

11 Sir, we hope that we will hear evidence of these
12 matters from two of the officers who went to Moscow.
13 These matters are relevant to you on at least two
14 levels.

15 First, it is necessary to explore the issue of the
16 accuracy of the transcripts simply to establish what was
17 and was not said in the interviews.

18 Second, and perhaps more fundamentally, if you are
19 persuaded that the Russian authorities were attempting
20 to hamper or even obstruct the British police enquiries
21 into the actions of Mr Lugovoy and Mr Kovtun, you will
22 need to ask yourself what reasons there could have been
23 for them to act in this way. Could it be that the
24 Russian authorities did not want the truth about
25 Mr Litvinenko's death, whatever that may be, to emerge?

1 Finally, on this point, I should say that we will be
2 inviting the lead Russian investigator to give evidence
3 to the Inquiry. We hope that he will do so, so that we
4 will be able to explore these matters with him.

5 The second matter that I wish to raise concerns
6 a polygraph or so-called lie detector test that
7 Mr Lugovoy took in Moscow in April 2012.

8 The factual evidence that we will hear in relation
9 to this episode is as follows. Bruce Burgess is
10 a trained polygraph examiner who has conducted polygraph
11 tests on a number of TV programmes, including the
12 Jerry Springer Show and the Jeremy Kyle Show.

13 In April 2012, Mr Burgess was approached by
14 a Russian journalist and asked if he would be prepared
15 to travel to Moscow to carry out a polygraph
16 examination. He agreed terms for himself and his son
17 Tristram, who is also a trained polygraph examiner, to
18 undertake this work.

19 Later that month, the two Burgesses flew to Moscow
20 where they discovered that the subject of the polygraph
21 test was to be Mr Lugovoy. They carried out the test in
22 a hotel room. The whole process was filmed. The test
23 questions that Mr Lugovoy was asked included whether he
24 had done anything to cause Mr Litvinenko's death and
25 whether he had been involved in any way in

1 Mr Litvinenko's death. Mr Lugovoy answered in the
2 negative. In a statement he gave to the police,
3 Mr Burgess described the results of this test as being
4 "conclusive" and that his conclusion was that Mr Lugovoy
5 was "telling the truth, no deception indicated".

6 The outcome of this test gained considerable
7 publicity, in particular in Russia.

8 Sir, we propose to call evidence from both Bruce
9 Burgess and Tristram Burgess. With them, we will
10 analyse carefully the way in which the test took place.
11 We will be assisted in this regard by the fact that we
12 have a video film of the entire process, as well as the
13 output records of the polygraph equipment that was
14 retained by the Burgesses. We will then seek to explore
15 what weight can properly be put on the outcome of the
16 test.

17 We will call expert evidence on this issue from
18 Professor Ray Bull, a professor of criminal
19 investigation and forensic psychology, and an expert on
20 polygraphy. We propose to explore with Bruce and
21 Tristram Burgess, and with Professor Bull, the following
22 three broad questions:

23 First, what is the scientific evidence as to the
24 reliability of polygraph tests in general, and the
25 particular type of polygraph test that was employed in

1 this case?

2 Second, was the test carried out as it should have
3 been? If there were flaws in the way the test was
4 carried out, could they have affected its reliability?
5 If so, to what extent?

6 Third, how easy is it for the subject of a polygraph
7 test to influence the outcome of the test by using
8 countermeasures? Is there any evidence that on this
9 occasion Mr Lugovoy either did use or could have used
10 countermeasures? If so, do these considerations affect
11 the reliability of the result, and if so by how much?

12 Sir, before leaving this subject, I should perhaps
13 observe that some people may wonder why we are proposing
14 to address it in the first place. The outcome of
15 polygraph tests are not, after all, admitted as evidence
16 in criminal courts in this country.

17 We suggest that there are two answers to this
18 question.

19 The first is that this is an inquiry and not a court
20 of law, and that as an inquiry, we are not bound by the
21 rules of evidence that apply in courts.

22 The second answer is that you have stated your
23 intention that the investigation you conduct should be
24 as wide as possible. Part of the function of this
25 Inquiry, inherited from that of the coroner, is the

1 allaying of public concern. It is clear that this test
2 was conducted by qualified and well-known practitioners
3 and that its outcome has obtained a considerable level
4 of publicity. In all those circumstances, sir, it would
5 not be appropriate simply to leave this test out of
6 consideration, in effect to ignore it. Rather, you
7 should call evidence about the test and assess what
8 weight can be placed on its outcome in the way that
9 I have described.

10 Sir, we propose then to call a number of expert and
11 non-expert witnesses to give evidence on a range of
12 topics all related in one way or another to polonium.

13 I have already mentioned that Scientist A1 will give
14 some short introductory evidence about polonium
15 tomorrow. At the later stage of the hearing that I am
16 now describing, we will recall A1 as well as a number of
17 other scientists from different disciplines. In
18 addition, we will hear from some government witnesses
19 who will give evidence about regulatory matters
20 concerning polonium, and we will hear from the police
21 about enquiries they have made with the International
22 Atomic Energy Agency in Vienna, and we hope to be able
23 to see the response from the IAEA.

24 The starting point will be to explore with the
25 scientific witnesses the essential characteristics of

1 polonium, what it consists of, how it relates to other
2 elements on the periodic table, the nature of its
3 radioactivity and, in particular, the significance of
4 its alpha emissions, and its rate of decay, or
5 half-life, to use a term with which we will become
6 familiar.

7 We will also hear evidence about where polonium
8 comes from. We will hear that it does occur naturally
9 in the environment, and indeed that very low traces of
10 it may be found in a typical human body. Of more
11 relevance to our enquiries, the experts will describe
12 how polonium can be manufactured in a nuclear reactor.
13 As I have said, many of these matters will be touched on
14 with A1 tomorrow, but we anticipate exploring them at
15 greater depth at this later stage.

16 This will provide a grounding to examine with the
17 witnesses the great number of test results that were
18 taken from the various scenes. I have already mentioned
19 some of the more important scenes, but there are many
20 others.

21 I hope it will be apparent by now both how important
22 the polonium tests taken from the scenes are to the
23 matters to be investigated by the Inquiry and also that
24 doubts have been expressed as to their validity. With
25 the help of the experts, we will examine the test

1 results with great care.

2 We will ask the scientists to explain how much
3 weight can be placed on the tests, given that the
4 testing took place weeks after the deposits are thought
5 to have been left, in particular given what we will hear
6 about polonium's rapid rate of decay.

7 We will analyse the different levels of polonium
8 discovered at the various scenes and assess what these
9 different levels may represent. Whether, for example,
10 a deposit of a certain strength may have been left
11 by perspiration from someone who had ingested polonium,
12 or by the touch of someone who had themselves previously
13 touched polonium, or by direct contact with a source of
14 polonium.

15 We will also, of course, ask the experts to give
16 their careful consideration to the possibility that what
17 has been described as the "polonium trail" is in fact no
18 more than a carefully manufactured hoax or decoy; that
19 is, a series of deposits deliberately planted in order
20 wrongfully to incriminate Mr Lugovoy and Mr Kovtun, and
21 no doubt to distract attention from Mr Litvinenko's real
22 killers. This contention demands analysis on a number
23 of levels. We will explore with these witnesses whether
24 there is anything in the science that either supports or
25 undermines this suggestion.

1 Moving on, sir, we will also hear evidence about the
2 traces of polonium found in Mr Litvinenko's body.

3 The scientists will give evidence about the amount
4 of polonium ingested by Mr Litvinenko in the fatal dose.
5 We will hear about research that has been done to
6 establish the likely consequence to humans of the
7 ingestion of different amounts of polonium. The
8 evidence will be that the fatal dose ingested by
9 Mr Litvinenko was far in excess of recognised
10 survivability limits.

11 We will also call expert evidence to the effect
12 that, as I have already said, the fatal dose may well
13 not have been the only dose of polonium ingested by
14 Mr Litvinenko in the weeks before his death.
15 Mr Litvinenko's hairs have been subject to detailed
16 scientific analysis. As we will hear, the conclusion of
17 these tests appears to be that Mr Litvinenko ingested an
18 earlier, smaller amount of polonium some time before the
19 fatal dose. We will naturally examine and test these
20 conclusions with great care.

21 The obvious question that arises is whether these
22 findings can be matched with the other evidence that
23 I have already mentioned about a possible earlier
24 attempted poisoning on 16 October; that is, the very
25 high readings of alpha radiation at Eriny's, where

1 Mr Litvinenko met Mr Lugovoy and Mr Kovtun on that day,
2 and the evidence that, unusually for him, Mr Litvinenko
3 felt unwell that night.

4 Sir, I emphasise that we will take nothing for
5 granted. We will not put these pieces of evidence
6 together simply because they appear to fit. We will
7 examine carefully whether there is any sustainable
8 evidence of an earlier poisoning and the extent of that
9 evidence, and we will of course take full account of
10 Mr Lugovoy's assertion that 16 October was the first
11 occasion on which he was the victim of deliberate
12 polonium contamination by others.

13 Sir, I have referred to scientific analysis of the
14 polonium found in Mr Litvinenko's body. This analysis
15 gives rise to another line of inquiry that we will
16 pursue, which I will briefly describe now.

17 One matter that has been raised in much of the
18 public discussion of Mr Litvinenko's death is whether,
19 given the particular attributes of polonium, it might be
20 possible to use a detailed analysis of the polonium that
21 killed Mr Litvinenko as a means of tracing its source.

22 The highest that we have seen this suggestion put is
23 that it ought to be possible to use the test results to
24 determine not only the particular reactor in which the
25 polonium had been manufactured, but even the very batch

1 that it had come from.

2 Sir, we have of course asked the experts to explore
3 this theory. Without going into the detail of the
4 scientific evidence, which we will hear in due course,
5 the evidence that is likely to be given is that it is
6 not possible to link the polonium that killed
7 Mr Litvinenko to any particular reactor.

8 Putting the matter simply, any attempt to link one
9 sample of polonium with another would rely on matching
10 characteristic impurities in both samples. But testing
11 of the polonium that killed Mr Litvinenko reveals that
12 it is entirely pure. We expect the evidence to
13 establish that although this demonstrates that this
14 sample was made in a reactor, it also means that it is
15 not possible to link it to a particular reactor.

16 I have made reference, sir, to the manufacture of
17 polonium in nuclear reactors. In addition to the
18 scientific evidence about how this process works, we
19 will hear more general evidence about the commercial
20 manufacture of polonium. We will explore where it is
21 made, the purposes to which it is put and how it is
22 moved around. We will hear from witnesses from the UK
23 Office for Nuclear Regulation and from the
24 Environment Agency, and I have already mentioned
25 possible evidence from the IAEA.

1 And in relation to the first of those matters --
2 where polonium is made -- I should say a little more
3 about an assertion that has gained a certain currency in
4 the public debate concerning Mr Litvinenko's death. It
5 has often been said that 97 per cent of the worldwide
6 manufacture of polonium takes place in Russia. We will
7 explore this matter in evidence, sir, but I should say
8 that our preliminary view is that it will not be
9 possible to confirm this assertion.

10 In brief summary, the evidence is that in relative
11 terms, a large amount of polonium is (and was at the
12 material time) manufactured annually within Russia.
13 Much of this polonium is exported. The difficulty with
14 describing Russia's production of polonium as
15 a proportion of total worldwide production lies in the
16 simple point that, as we will hear, there are no
17 authoritative records kept anywhere of the level of
18 total worldwide production.

19 Sir, you may think that the 97 per cent figure is
20 something of a red herring in any event, at least in
21 terms of attempting to establish responsibility for
22 Mr Litvinenko's death. It is easy to suggest that if
23 most of it is made in Russia, the polonium that killed
24 Mr Litvinenko must have been misused by Russians, but as
25 much of the polonium produced in Russia is exported to

1 countries all over the world, it is entirely removed
2 from Russian control.

3 And, in any event, the dose of polonium that killed
4 Mr Litvinenko was tiny. Even if it were possible to
5 establish the figure of 97 per cent, the fatal dose
6 could easily have come from the other 3 per cent.

7 Sir, the final section of evidence that we will call
8 will address the question of responsibility for
9 Mr Litvinenko's death.

10 This is perhaps the central question that this
11 Inquiry is tasked with considering, and in one sense it
12 permeates much, if not all, of the evidence to which
13 I have already referred.

14 To take one good example, the questions going to the
15 involvement, if any, of Mr Lugovoy and Mr Kovtun in
16 Mr Litvinenko's death clearly raise the further issue of
17 responsibility for his death.

18 That said, as Mr Lugovoy himself has been at pains
19 to state, no one has ever suggested that he, or
20 Mr Kovtun for that matter, had any animosity towards
21 Mr Litvinenko or any other direct motive for wishing him
22 dead. It follows that even if you were persuaded, and
23 for the moment of course this remains a big if, even if
24 you were persuaded that Mr Lugovoy and Mr Kovtun
25 administered the poison to Mr Litvinenko, this would not

1 entirely resolve the issue of responsibility for
2 Mr Litvinenko's death. A further question would remain:
3 on whose orders?

4 As we have heard, Mr Litvinenko himself was not in
5 any doubt as to who had given the orders. The question
6 of Russian state responsibility is in the Inquiry's list
7 of issues and we will of course investigate it. It is
8 a multifaceted issue. Which elements of the Russian
9 state might have had the motive, the resources and,
10 frankly, the daring to carry out the killing of
11 a British citizen on British soil? At what level would
12 such an operation have been authorised? Is it possible
13 that an operation of this nature would have been
14 undertaken without the knowledge, even if not the
15 express authorisation, of those at the highest levels?
16 Is it possible, as has been suggested, that
17 responsibility for Mr Litvinenko's death lies with
18 a splinter group of FSB veterans? On that analysis,
19 what level of official support, if any, would such
20 a group have needed in order to carry out an operation
21 of this type?

22 We will hear a range of evidence touching on these
23 questions, much of which I have already mentioned. We
24 will hear of Mr Litvinenko's initial dispute with the
25 FSB and his whistleblowing press conference in Moscow.

1 We will hear about the campaigns that he mounted and the
2 books that he wrote once in the UK, the principal
3 targets of which were the FSB, their alleged involvement
4 in the 1999 apartment bombings, and Mr Putin himself.

5 We will hear of the repeated warnings that
6 Mr Litvinenko received of Russian plans to harm or kill
7 him. We will hear of provocations targeted at him, and
8 we will hear of at least one occasion when his house was
9 in fact attacked.

10 We will hear of Mr Litvinenko's alleged work for
11 British and Spanish security agencies. Did this work
12 involve betraying Russian secrets? If Mr Litvinenko's
13 former colleagues had come to know of any such work, how
14 great a betrayal would they have considered it? We will
15 hear, too, of Mr Litvinenko's work preparing due
16 diligence reports for Western companies. Some of these
17 reports concerned powerful people within the Kremlin.
18 And we know that Mr Litvinenko shared at least some of
19 this work with Mr Lugovoy. Mr Shvets helped
20 Mr Litvinenko prepare some of these reports and we may
21 hear from him that he believes that this work may have
22 triggered Mr Litvinenko's death.

23 We will hear some evidence during this section about
24 Mr Litvinenko's involvement with the
25 Mitrokhin Commission in Italy, a Parliamentary

1 commission set up to investigate the alleged KGB ties of
2 some Italian politicians. Mr Litvinenko's main contact
3 on the commission was Mr Scaramella, the man whom he met
4 in Itsu on Piccadilly on 1 November immediately before
5 going to meet Mr Lugovoy and Mr Kovtun at the Pine Bar.

6 We will hear evidence that Mr Litvinenko was vocal
7 in alleging KGB connections of at least one Italian
8 politician. Is it possible that any of the work that he
9 did in connection with this commission could have led to
10 his death?

11 We will also hear evidence about a number of other
12 opponents of Mr Putin's regime who were killed at around
13 this time, some inside and some outside Russia, and some
14 apparently by poisoning. Without going into detail,
15 sir, we have in mind deaths such as those of Yuri
16 Shchekochikhin, Sergei Yushenkov, Roman Tsepov, Emir
17 Khattab and of course Ms Politkovskaya. Can any
18 conclusions be drawn from these cases that assist in
19 determining the circumstances of Mr Litvinenko's death?

20 We will also consider the significance of changes
21 made to Russian legislation in March and July 2006. At
22 least on one view, the amendments enabled the Russian
23 president to order action to be taken against
24 "extremists" outside the borders of Russia. In a letter
25 to The Times dated 11 July 2006, four months or so

1 before Mr Litvinenko died, two of his friends made their
2 view very clear as to the meaning and implications of
3 this new legislation. The two men were the dissident
4 Vladimir Bukovsky and the KGB double agent,
5 Oleg Gordievsky. Sir with your permission I call up
6 this letter which is at INQ019194.

7 Sir, it's given the title "Licence to kill", but the
8 letter itself starts:

9 "Sir, as the seven leaders of the world's most
10 industrially developed democracies are packing their
11 suitcases in order to go to St Petersburg for the G8
12 meeting, their would-be host, former KGB Lieutenant
13 Colonel Vladimir Putin, has rushed through the
14 State Duma two new pieces of legislation.

15 "First, a new law enabling him to use his secret
16 services as 'death squads' to eliminate 'extremists'
17 anywhere abroad (including in this country).

18 "Second, an amendment to existing law on fighting
19 'extremism' providing a much broader definition of that
20 'crime' which, among other things, will include now any
21 'libellous' statements about his administration.

22 "Thus, the stage is set for any critic of Putin's
23 regime here, especially those campaigning against
24 Russian genocide in Chechnya, to have an appointment
25 with a poison-tipped umbrella. According to the

1 statement by the Russian defence minister Sergei Ivanov,
2 the blacklist of potential targets is already compiled.

3 "In keeping with the best traditions of the Soviet
4 era foreign policy, which always strived to make the
5 world an unwitting accomplice of their crimes, this
6 masterpiece is delivered precisely to coincide with the
7 G8 meeting, which will serve to provide a semblance of
8 approval, or at least of acceptance, by the world of
9 this new development in the 'common fight with
10 terrorism'.

11 "Needless to say, this is an extremely dangerous
12 development. Unless the Western leaders are prepared to
13 share responsibility for murders, like the one committed
14 in Qatar by Russian agents, they must cancel their
15 meeting or, at the very least, should protest loudly
16 against such abuse of the G8 chairmanship."

17 It's signed Vladimir Bukovsky, former Soviet
18 dissident and political prisoner, Oleg Gordievsky,
19 former KGB colonel and station chief in London.

20 Sir, it will be apparent from what I have said that
21 there are a number of strands of evidence relating to
22 possible Russian state responsibility for
23 Mr Litvinenko's death. When we have called this
24 evidence, we will attempt to draw these strands together
25 through calling expert evidence from Professor

1 Robert Service, emeritus professor of Russian history at
2 Oxford University.

3 The issue of Russian state responsibility is clearly
4 an important one, and I have said quite a bit about it
5 because it has been at the forefront of public interest
6 in this case. That is unsurprising, given the
7 accusation which Mr Litvinenko made in the public
8 statement which I read earlier.

9 However, it is important to remember that this is
10 not the only issue of responsibility for Mr Litvinenko's
11 death that you will have to consider. A number of other
12 possibilities are included in the list of issues, and we
13 will also be looking closely at whether there is any
14 evidence about them and what any evidence might show.
15 Although I will not go into the detail of them now,
16 nobody need fear that you will overlook them or fail to
17 give them the attention that they require. In
18 particular, we will consider whether there is any
19 substance in the allegations that British security
20 agencies or Mr Berezovsky were responsible for
21 Mr Litvinenko's death, in the latter case by calling
22 evidence from one of his former personal assistants.

23 We will also consider whether Mr Litvinenko might
24 have been targeted by the mafia or others as a result of
25 his alleged work for Spanish intelligence in combating

1 organised crime, or whether there might have been any
2 Chechen connection to his death.

3 Finally, we will of course have in mind the
4 suggestions made by Mr Lugovoy, but not only by him,
5 that Mr Litvinenko's death may not have involved any
6 third parties at all, either because it was the result
7 of an accidental ingestion of polonium that he was
8 handling for some reason, or because he committed
9 suicide.

10 Before moving from this topic, it is perhaps
11 worthwhile to recall that the summary that I have been
12 giving relates only to the open stage of these
13 proceedings. As I explained earlier, there are to be
14 further closed hearings. All may rest assured that our
15 investigation into all the questions of possible
16 responsibility for Mr Litvinenko's death will continue
17 during those closed sessions.

18 Sir, before closing, I promised that I would go back
19 to the graphics of the polonium contamination which
20 I understand are now available in colour.

21 THE CHAIRMAN: Yes. Good.

22 MR TAM: I will just show the graphics relating to two
23 scenes, the Erinys boardroom and the Pine Bar.
24 The Erinys boardroom is at INQ017922. Many will
25 recognise the cover sheet. If I may go on to the next

1 page, please, there is the overview of the boardroom.
2 It may help to recall that the Erinys boardroom was the
3 16 October meeting on Mr Lugovoy and Mr Kovtun's first
4 visit to London. So there is the boardroom with an
5 overhead 3D view, and if one goes to the next page,
6 please, we see, I hope now in colour, the coding for the
7 various levels of contamination.

8 First of all, in the bottom right-hand corner, you
9 can now see that there are colours representing the
10 different levels of contamination: green representing
11 relatively -- I stress "relatively" -- light
12 contamination, and then colours going up through yellow
13 and red, and then the highest levels of contamination
14 indicated by the purple areas.

15 Just from this overview, you can see that most of
16 the table is coded green, so some contamination but not
17 particularly heavy. There's one chair and a corner of
18 the table which have a higher level of contamination,
19 another chair has a yet higher level, the chair near the
20 top right-hand corner, where the notation says there's
21 up to 7,500 counts per second; and then if I can ask to
22 zoom in on the purple patch, please, or close to the
23 purple patch, that patch on the table with
24 a particularly high level of contamination, and some may
25 be able to see that the arrowed notation says "full

1 scale deflection", and that is, as we understand it,
2 a full scale on the instrument that was being used to
3 take the readings. I think off the scale might be
4 inaccurate, but people will know what I mean there.

5 THE CHAIRMAN: Yes, I follow.

6 MR TAM: So very heavy contamination indeed.

7 To give you a flavour -- sorry, if I can go to the
8 next page, this will just give a flavour of the type of
9 detail that was obtained in relation to this particular
10 chair. You will see that this more detailed view gives
11 the same sort of breakdown but with very particular
12 patches coloured to represent the level of contamination
13 on those particular spots on the chair.

14 So there will be a level of detail that we can
15 explore with the scientific witnesses.

16 Sir, can I then go to the Pine Bar which is
17 INQ017911, again, and go to the second page, please.
18 Again, this is an overview and you can see that this
19 already has the coloured markings on, and it's
20 immediately obvious that there is a lot of polonium
21 contamination at a relatively low level in many places
22 around the bar, and then in the tables near the bottom
23 right-hand corner of the bar, particularly heavy
24 contamination on a table and a chair marked in purple.
25 If I can go on to the next page, please, you'll see that

1 those tables and chairs are represented first in the
2 more general view with the purple chair and a purple
3 table, and then in the lower images, you'll see the more
4 detailed view with the patches that have been
5 specifically tested at certain levels of contamination.

6 And one last page, the next page, please, where
7 a chair has been analysed and again you can see the
8 different levels of contamination on different parts,
9 including the large area of purple with 24,000 counts
10 per second on the right-hand side of the chair, and that
11 will all be explained in more detail by the scientific
12 witnesses.

13 The last page of this document, two pages on, sir,
14 this is finally the teapot with, again, you'll see,
15 patches of full scale deflection on the outside of the
16 teapot, that's the picture in the top left, and then in
17 the picture in the middle on the top row, there's
18 a depiction of the inside of the teapot with full scale
19 deflection in the spout and inside the lip. Again, we
20 will have evidence about the significance of those.

21 THE CHAIRMAN: Yes.

22 MR TAM: But it will give a flavour, sir, of the level of
23 detail with which the scientific evidence can engage.

24 In conclusion, sir, it is obvious that the evidence
25 that the Inquiry will consider will be substantial and

1 complex. As I have explained, some of it will not need
2 to be discussed with witnesses during these open
3 hearings but can be considered as documentary evidence.
4 After the open hearings have concluded, the Inquiry's
5 work will continue with closed hearings. This opening
6 statement could not do more than give an outline sketch
7 of the matters to be covered in the open hearings, and,
8 as judges are always reminding juries in criminal cases,
9 it is not what counsel says that is important but what
10 the evidence shows.

11 Tomorrow, sir, we propose to begin that task of
12 examining the evidence.

13 Sir, I understand that my learned friends
14 Mr Emmerson, Mr Garnham and Mr Evans wish to make
15 opening statements as well. In light of the time, would
16 this be a convenient moment for a break before --

17 THE CHAIRMAN: Precisely what I was going to suggest. Yes,
18 we'll break for five minutes.

19 (2.45 pm)

20 (A short break)

21 (2.50 pm)

22 Opening statement by MR EMMERSON

23 THE CHAIRMAN: Yes, Mr Emmerson.

24 MR EMMERSON: Mrs Litvinenko has, as you know only too well,
25 fought long and hard over many years to reach this day,

1 the opening day of a public inquiry into the political
2 assassination of her husband in London on
3 23 November 2006.

4 That murder was an act of unspeakable barbarism that
5 inflicted on Sasha Litvinenko the most painful and
6 lingering death imaginable. It is and was also, as you
7 have said, sir, an act of nuclear terrorism on the
8 streets of a major city which put the lives of numerous
9 other members of the public at risk.

10 The world is familiar with the haunting and iconic
11 image of Mr Litvinenko during his final days in
12 University College Hospital, sitting in a green hospital
13 gown, his hair having fallen out through radiation
14 poisoning and his life slipping away. He spent 23 days
15 in agonising pain as his strength slowly left him and
16 his organs began to fail. And, as those days
17 progressed, Mr Litvinenko came to the awful realisation
18 that he was bound to die and that he had been the victim
19 of a political assassination by agents of the Russian
20 state.

21 Sir, the contamination of his body tissue with
22 saturated radiation was so intense that he had to be
23 buried in a lead-lined coffin in Highgate cemetery.

24 The significance of this dreadful murder, though,
25 resonates far beyond those immediately involved. It is,

1 as you have noted, a matter of grave national and
2 international concern. That is because it involved the
3 calculated preplanned murder of a British subject on the
4 streets of our capital city by agents of a foreign
5 government involving the use of the radioactive isotope
6 polonium-210.

7 Mrs Litvinenko has always said, in public and in
8 private, that her search is just a search for the truth,
9 that she is doing no more than any other widow would do
10 to find out who killed her husband and why. But the
11 significance of her search involves a much broader
12 national and international public interest in exposing
13 unlawfulness and criminality at the very heart of the
14 Russian state.

15 The intimate relationships that will be proved to
16 exist between the Kremlin and Russian organised crime
17 syndicates around the world are so close as to make the
18 two effectively indistinguishable. The startling truth
19 which is going to be revealed in public by the evidence
20 in this Inquiry is that a significant part of Russian
21 organised crime around the world is organised directly
22 from the offices of the Kremlin. Vladimir Putin's
23 Russia is a mafia state.

24 Alexander Litvinenko was murdered as he was trying
25 to expose this odious and deadly corruption among the

1 cabal surrounding President Putin. He had provided
2 information to officials in this country, in Italy and
3 in Spain who were investigating Russian organised crime
4 syndicates and their relationship to the Kremlin, and he
5 had exposed a number of crimes committed or authorised
6 by Mr Putin personally. He had to be eliminated, not
7 because he was an enemy of the Russian state itself, and
8 certainly not because he was an enemy of the Russian
9 people, but because he had become an enemy of the
10 close-knit group of criminals who surrounded and still
11 surround Vladimir Putin and who keep his corrupt regime
12 in power.

13 So it was in this context that Mrs Litvinenko set
14 out to achieve the establishment of an independent
15 judicial inquiry, an inquiry which has the power to look
16 at all the evidence, including classified evidence held
17 by the British intelligence services, and to reach
18 a definitive and reliable conclusion as to the identity
19 of those who committed her husband's murder and those in
20 Moscow who gave the orders.

21 On his deathbed, as we have heard, Mr Litvinenko
22 accused Vladimir Putin personally of having ordered his
23 assassination. We say, sir, that on the open evidence
24 alone, you will be able to conclude that he is right
25 about that.

1 One of the key questions that this Inquiry is
2 setting out to answer is whether there is sufficient
3 evidence to prove, in an independent judicial inquiry,
4 what everyone else already knows: that is that the
5 murder was ordered by senior officials of the Russian
6 state; that is by the Kremlin. I want to say, if I may,
7 a few words about the open evidence that is relevant to
8 that issue, and we will, as I have indicated, in due
9 course be inviting you to conclude that the open
10 evidence all points very clearly in one direction, and
11 I shall say why in a moment.

12 But before I do, I want to just touch on something
13 that Mr Tam said in his opening this morning. Those
14 following will recall that he outlined some of the more
15 outlandish theories that have been put about, theories
16 pedalled by those who have an obvious interest in
17 obscuring the truth, including, as it happens, one of
18 the two men who actually murdered Mr Litvinenko.

19 Those suggestions are not only unsupported by any
20 evidence; they are absurd. The suggestion that
21 Mr Litvinenko committed suicide, was murdered by British
22 intelligence or by his best friend, Boris Berezovsky,
23 are theories which will be very easily dismissed, and of
24 course that must be so, because the very reason why the
25 British state has sought the extradition of Lugovoy and

1 Kovtun is because there is no other plausible theory.
2 If there were an alternative plausible theory, then
3 there wouldn't be, as there is, a reasonable prospect of
4 convicting them of murder if only this country could get
5 their hands on them.

6 Now, whilst of course counsel to the Inquiry has
7 very fairly put these extreme theories on the agenda and
8 in his opening, it is, I think, important that those
9 following these proceedings should understand that part
10 of the purpose of this Inquiry is to scotch unfounded
11 and absurd theories for which there is no evidence
12 whatsoever, on the principle that sunlight is the best
13 disinfectant.

14 May I start, then, with the identity of the actual
15 murderers.

16 There is not the slightest doubt that Mr Litvinenko
17 was murdered by Andrei Lugovoy and Dmitri Kovtun.
18 I appreciate that counsel to the Inquiry who is
19 embarking on an open inquisitorial investigation has to
20 look at all options, but anybody familiar with the
21 evidence knows that what I have just said is correct.

22 Like Mr Putin himself, Lugovoy and Kovtun were both
23 former agents of the FSB and Lugovoy had links to
24 members of Putin's inner circle.

25 After Mr Litvinenko's murder, Lugovoy boasted

1 publicly of his close connections with the office of the
2 Russian president.

3 Now, sir, the forensic evidence that Mr Tam has
4 touched on, when it is read in detail and considered in
5 context, proves conclusively and unequivocally that
6 these two men carried polonium-210 from Moscow to London
7 on more than one occasion, and that after administering
8 the deadly toxin to Mr Litvinenko on 16 October and
9 1 November 2006, they then made their escape back to
10 Moscow, leaving a trail of radioactive traces wherever
11 they went.

12 Analysis of hair samples from Alexander Litvinenko's
13 head have allowed scientists to provide a window of
14 dates for the two occasions on which Mr Litvinenko was
15 poisoned, because deposits within the hair and the rate
16 at which the hair grows enables such a timing to be
17 identified, and both windows, as we know, coincide with
18 the dates of meetings that Mr Litvinenko had with
19 Lugovoy and Kovtun.

20 Subsequent forensic tests have shown that the
21 murderers left radioactive traces or heavy radioactive
22 traces at both the locations of those meetings, and
23 traces at almost every location that they were known to
24 have visited: offices, restaurants, hotel rooms,
25 toilets, and even the aeroplanes on which they travelled

1 to and from London.

2 So we would suggest, sir, that you will be safely
3 able to conclude, on the open evidence alone, that these
4 two former FSB officials were the murderers. Indeed,
5 any alternative explanation could not be consistent with
6 the objective evidence. The denials, the ludicrous
7 polygraph tests, none of it can displace the cold, hard
8 facts.

9 It is, of course, well known that Russia has refused
10 a British request to extradite the two men to face trial
11 in London for murder and has taken no meaningful steps
12 at all to investigate or prosecute them in Russia. This
13 is, therefore, now the only forum in which the evidence
14 of their guilt can be scrutinised and reliable
15 conclusions reached by an independent tribunal.

16 Mr Lugovoy is often seen nowadays on Russian
17 television ostentatiously displaying his unexplained
18 wealth. Since he murdered Mr Litvinenko, he has been
19 elected to the Russian Duma, giving him effective
20 immunity from prosecution.

21 The leader of the party he joined is the politician
22 most often publicly associated with Russian organised
23 crime, and I will have a little to say about him
24 a little later on.

25 According to the expert evidence that you are going

1 to hear during the Inquiry, Lugovoy and Kovtun just
2 could not have had the careers they have enjoyed in
3 Russia since they committed this terrible murder without
4 political approval at the very highest level, and, of
5 course, the Russian state could hardly be expected to
6 put either of these men on trial for a political crime
7 that they had been ordered to commit by the Kremlin.

8 The next question is motive. Clearly, this was not
9 a random murder. It wasn't a crime committed for purely
10 private reasons. Neither Lugovoy nor Kovtun had any
11 personal motive to murder Mr Litvinenko. Kovtun had
12 never even met him before the visit on which he first
13 tried to poison him. So it is clear beyond doubt that
14 the motive for this murder was not personal. It was,
15 therefore, political.

16 By his actions, Mr Litvinenko had made some very
17 powerful enemies in the Kremlin. As a disillusioned
18 former FSB officer, he had blown the whistle on a range
19 of serious wrongdoings by Mr Putin and his allies.

20 He was killed, we say, partly as an act of political
21 revenge for speaking out, partly as a message of lethal
22 deterrence to others, and partly in order to prevent him
23 from giving evidence as a witness in a criminal
24 prosecution in Spain, a prosecution that could have
25 exposed President Putin's direct links to an organised

1 crime syndicate operating in that country.

2 Sir, we say the former director of public
3 prosecutions, Lord Macdonald of River Glaven was plainly
4 right when he said that this murder has all the
5 hallmarks of a state-sponsored assassination.

6 During his time with the FSB, Alexander Litvinenko
7 worked in various divisions concerned with Russian
8 organised crime. He knew a great deal about this
9 subject. Once he began telling the world what he knew,
10 he was obviously a dangerous source of information,
11 because, having had that background and expertise, he
12 was an informed and credible witness who could do
13 a great deal of damage to those involved in these
14 conspiracies. So he had to be stopped.

15 After his death, as we shall see, the Kremlin
16 cynically set out to smear Mr Litvinenko, by portraying
17 him in Russia not as the whistleblower who was acting in
18 the public interest, but as a traitor to his country,
19 a man who deserved to be eliminated. It is certainly
20 true that Mr Litvinenko was a critic of
21 President Putin's regime, but he always considered
22 himself a patriot, right up to the moment of his death.
23 He was fiercely loyal to his country and his people,
24 a sentiment that was reflected in the words of his dying
25 declaration that Mr Tam took us to a little earlier,

1 because after accusing Mr Putin personally of ordering
2 his assassination, you will recall that he concludes by
3 saying:

4 "May God forgive you for what you have done, not
5 only to me but to beloved Russia and its people."

6 That was his orientation.

7 But the seeds of the FSB's institutional grudge
8 against Mr Litvinenko began about eight years before his
9 murder.

10 In 1998, he went public about a plot within the FSB
11 to murder Boris Berezovsky. Mr Tam has already said
12 a word or two about that.

13 He also took part, did Mr Litvinenko, in a press
14 conference in November of that year at which he exposed
15 illegal activities such as extrajudicial executions by
16 members of the FSB.

17 By these actions, Mr Litvinenko had broken the
18 culture of silence about the inner workings of the FSB.
19 Experts on the Russian state have suggested that in
20 reality he was a marked man from that moment onwards,
21 but, as we've heard today, as the FSB was gearing up to
22 punish him ultimately lethally for breaking ranks, the
23 head of the FSB, the very man in control, was none other
24 than Vladimir Putin himself.

25 Putin was a ruthless and deadly enemy for

1 Mr Litvinenko to have antagonised.

2 The British authorities, of course, accepted that
3 Mr Litvinenko's life was in danger. They granted him
4 asylum on his arrival, but it's worth just spending
5 a moment or two looking at what happened before he
6 defected.

7 The first efforts to silence him in Russia were
8 a characteristically Russian affair. He was twice
9 prosecuted on trumped-up charges, and both times he was
10 acquitted. He was threatened by agents of the FSB that
11 he and his family would be killed if he spoke out again.

12 The evidence available to you, sir, includes a video
13 which shows Russian special forces using an image of
14 Mr Litvinenko for firearms target practice. There could
15 hardly be a clearer indication that he was a target for
16 deadly retribution by the Russian authorities.

17 Eventually, when a third set of trumped-up charges
18 were brought against him, in September 2000, he fled
19 Russia with his family and made his way to this country
20 where he was granted asylum precisely on the basis of
21 the dangers that he faced.

22 He and his family, Mrs Litvinenko, and Anatoly, were
23 sufficiently scared of the reprisals that they thought
24 might come to change their names for their own
25 protection, and Mr Tam has taken you to some of the

1 interviews in which the name "Carter" is used.

2 In their private lives, with their neighbours and so
3 forth, they were anonymous, and in their dealings with
4 bureaucracy, but Mr Litvinenko continued to use his real
5 name when disclosing Kremlin criminality in public, and,
6 as a former FSB officer specialising in the
7 investigation of organised crime, he was, as I have
8 said, in a position to do that with authority.

9 After his arrival in this country, Mr Litvinenko
10 co-wrote his first and most well-known publication, the
11 book "Blowing Up Russia" with Yuri Felshtinsky. This
12 book exposed the activities of a secret cadre within the
13 FSB who had been responsible for that series of bombings
14 of Russian apartment blocks in September 1999.

15 The bombings had been publicly attributed to Chechen
16 separatists but had in fact been carried out at the
17 behest of the FSB in order to provide a pretext for
18 Russian military intervention in Chechnya, and the
19 Chechen offensive was of course the very military
20 operation that swept Vladimir Putin into power.

21 You're going to be hearing expert evidence to the
22 effect that the conclusions drawn by Mr Litvinenko and
23 Mr Felshtinsky were based on sound evidential
24 methodology.

25 These revelations did in fact do very considerable

1 damage to Mr Putin's reputation at home. Even in
2 a country governed by fear, the book achieved
3 significant political traction. A national poll,
4 conducted in April 2002, four years before the murder,
5 showed that as many as 40 per cent of the Russian public
6 were convinced of the truth of Mr Litvinenko and
7 Mr Felshtinsky's allegations about the apartment
8 bombings.

9 In publishing that book, he may or may not have
10 known this, but in publishing that book Mr Litvinenko
11 was taking a significant step closer to his eventual
12 murder.

13 He also participated in the making of a documentary
14 called "Assassination of Russia" which is essentially
15 based on his book. It wasn't just Mr Litvinenko who put
16 himself at risk by becoming involved with this
17 documentary. Three members of the Russian Parliament
18 who promoted the documentary and who tried to
19 investigate Mr Litvinenko's allegations about the
20 bombings were subsequently killed or died in unexplained
21 circumstances.

22 With the benefit of hindsight, following the making
23 of this documentary and the murder of those who assisted
24 with it, the writing was very probably firmly on the
25 wall for Mr Litvinenko by that time. It was really only

1 a question of how long it would take and what means
2 would eventually be devised to deliver the fatal blow.

3 Undeterred, though, Mr Litvinenko then published
4 another book, "The Gang from the Lubyanka". This book
5 contained further and much more detailed revelations
6 about FSB involvement in organised crime. For our
7 purposes, significantly, it named Vladimir Putin
8 personally as having links with the Tambov-Malyshev
9 gang. That criminal enterprise, Tambov-Malyshev, was an
10 organised crime syndicate that dominated the
11 St Petersburg underworld during the mid-1990s at a time
12 when guess who was deputy mayor of St Petersburg, none
13 other than Vladimir Putin.

14 The book alleged that Mr Putin had been involved
15 directly and indirectly with the gang, and the gang
16 itself is alleged to have been involved in heroin
17 trafficking from Afghanistan to various destinations in
18 Europe, using St Petersburg docks as the staging post
19 along the way. One begins to see that when I say the
20 evidence all points in one direction, we find Mr Putin's
21 fingerprints as clear as we find the traces of nuclear
22 material in the forensic evidence.

23 Again, Mr Litvinenko's allegations about the direct
24 and indirect links Mr Putin had to this specific gang,
25 the Tambov-Malyshev gang, had the air of credibility

1 because of his service within the FSB and his specialist
2 knowledge of Russian organised crime. The book
3 contained scathing criticisms of senior FSB officials,
4 and Mr Putin's political power base of course lies
5 within the Russian internal security establishment. All
6 those who surround him are drawn from that background.

7 We now know that in revealing Putin's links to
8 organised crime, Mr Litvinenko had reached a point where
9 he was hovering near the flame like the proverbial moth.

10 Apparently still unaware of the immediacy of the
11 risk to his life, Mr Litvinenko went on to make other
12 public statements. In October 2006, just a month before
13 his murder, he publicly accused Mr Putin of ordering the
14 murder of the Russian journalist Anna Politkovskaya.

15 In the course of this Inquiry, sir, you will be
16 investigating evidence of a series of threats made to or
17 about Mr Litvinenko in the years leading up to his
18 murder, but the attitude of the corrupt elements within
19 the Russian political establishment is perhaps best
20 summed up by reference to the reaction to his
21 assassination after the event.

22 On 21 November 2006, before Mr Litvinenko was even
23 buried, the day after his murder, or the day after he
24 died, the subject of his murder was discussed in the
25 Russian State Duma.

1 Sergei Abeltsev was a representative from the LDPR
2 party. That is the very political party that
3 subsequently organised for Mr Lugovoy to have a seat in
4 the Duma and consequent immunity from prosecution. So
5 we're dealing with somebody close to Lugovoy.

6 It's worth reading out what he said. It's not very
7 long. This was his statement in the Duma:

8 "The traitor received the punishment he deserved.
9 I am confident that this terrible death will be
10 a serious warning to traitors of all colours, wherever
11 they are located. In Russia, they do not pardon
12 treachery."

13 It's worth just pausing to think what can be
14 inferred or drawn from that.

15 First of all, we say there could hardly be a clearer
16 statement of the motive behind the murder. For
17 Mr Abeltsev, who was a future political associate of
18 Andrei Lugovoy, the very man we know carried out the
19 murder, for him the motive was obvious. Mr Litvinenko
20 had been eliminated by the Kremlin because he was
21 a traitor and therefore deserved to die. This is
22 someone who is closely associated with the very man who
23 killed him. No matter that he was a British citizen
24 living in London under the protection of the British
25 government. Traitors of all colours, said Mr Abeltsev,

1 were to be targeted for assassination wherever they are,
2 because the Kremlin is not going to pardon what it
3 considers to be treachery.

4 As I have already stressed, Mr Litvinenko was not
5 a traitor, but he was a whistleblower, disclosing the
6 gravest possible wrongdoing in the Russian public
7 interest.

8 Immediately before he was killed, he was acting as
9 a consultant on a number of investigations and enquiries
10 into organised crime linked to the Kremlin. It was in
11 that capacity, as a specialist on organised crime, that
12 he provided information to British intelligence. His
13 MI6 handler, who was codenamed "Martin", arranged for
14 regular payments to be made into his bank account in
15 return for information about the activities of the
16 Kremlin-backed mafia.

17 I would like, if I may, sir, to put one matter on
18 the public record. Mr Litvinenko was not in any way
19 involved with British intelligence whilst he worked for
20 the FSB or at any time before he defected to this
21 country. His first involvement with MI6 started in
22 2003, in the form of consultancy on the subject of
23 organised crime, two years after he arrived in this
24 country.

25 Sir, in addition to his work as an informant for

1 British intelligence, Mr Litvinenko was also providing
2 information to the Spanish security service and to
3 Spanish prosecutors investigating Russian organised
4 crime in Spain, and this is where the threads start to
5 draw together.

6 The evidence includes a leaked cable from the
7 American embassy in Madrid which records the findings of
8 the senior Spanish prosecutor who was charged with
9 investigating the activities of the Tambov-Malyshev gang
10 that was the subject of the second book, that was
11 operating in Putin's St Petersburg, that was the subject
12 of that process of investigation.

13 The Spanish operation included an enquiry into the
14 very mafia syndicate that Mr Litvinenko had linked to
15 Vladimir Putin.

16 By this stage, the Tambov-Malyshev gang had
17 reportedly become one of the largest Russian organised
18 crime groups and was active in Spain. The senior
19 prosecutor's analysis, this is the Spanish senior
20 prosecutor, was that it was effectively impossible to
21 distinguish between the Kremlin and the organised
22 criminal groups that were operating at its behest in
23 Europe. They were in effect one and the same.

24 The prosecutor also confirmed to the American
25 authorities the accuracy of an analysis that had been

1 provided to the Spanish authorities by Mr Litvinenko
2 himself, so, again, we're now beginning to see how the
3 threads lead all in one direction.

4 In his testimony to Spanish investigators,
5 Mr Litvinenko had provided evidence about the activities
6 of these Russian mafia figures, information which
7 enabled the Spanish authorities to launch the largest
8 operation to date against a Russian organised crime
9 syndicate in Europe.

10 That raised the prospect of a criminal trial in
11 Spain at which Mr Litvinenko may well have been
12 a credible and reliable expert witness, which would of
13 course threaten to expose Mr Putin's links to that very
14 organisation, and indeed would have been expected to do
15 so since it had been the subject of a book that
16 Mr Litvinenko had published making precisely that
17 allegation.

18 In addition, from his own independent
19 investigations, the senior Spanish prosecutor was able
20 to conclude, as he put it, that leaders of the
21 Tambov-Malyshev gang had what he called a "dangerously
22 close relationship" with senior officials of the Russian
23 state.

24 All of this, of course, came together to make
25 Mr Litvinenko a prime enemy of the people whose

1 activities he was exposing, including not only the
2 leaders of the organised criminal syndicates originating
3 from Russia and operating in Spain, but also those
4 within the higher echelons of the Russian government who
5 were collaborating with and controlling them.

6 We know that one of Mr Litvinenko's killers,
7 Andrei Lugovoy, was aware of the fact that Mr Litvinenko
8 had been providing evidence about the Putin Malyshev
9 gang connections to the Spanish authorities. We know
10 that because Mr Lugovoy carelessly revealed his
11 knowledge of that relationship between Mr Litvinenko and
12 the Spanish investigation when he gave a press
13 conference in Moscow in May 2007, and he said the same
14 thing, Lugovoy said the same thing, when he was
15 interviewed in Moscow in the presence of
16 Metropolitan Police officers.

17 Mr Lugovoy's revelation of his knowledge of that
18 relationship between Mr Litvinenko and the Spanish
19 authorities was careless because it was made before
20 Mr Litvinenko's involvement with the Spanish authorities
21 had become public knowledge. So what it tells us is
22 that Mr Lugovoy already knew about the work that
23 Mr Litvinenko was doing in an investigation in Spain
24 into an organised crime syndicate which he had publicly
25 said was linked to President Putin, and where he might

1 well be the key credible and reliable witness who knew
2 not only about the operation of organised crime but of
3 corruption at the very heart of the Kremlin.

4 Sir, perhaps it's worth pausing and seeing what it
5 is we say you should draw from that. We know that he
6 knew it and we know that he knew it before it was public
7 knowledge, but it also shows that Mr Lugovoy was privy
8 to the very information that provides the most immediate
9 and pressing motive for the murder.

10 If Mr Lugovoy knew of the information that
11 Mr Litvinenko had supplied to the Spanish authorities,
12 as he plainly did, then he must also have realised that
13 Mr Litvinenko was in a position to expose the corrupt
14 practices of a number of powerful people, including
15 Mr Putin, and even to give evidence about them in court.
16 So maybe it is not so surprising, then, that Mr Lugovoy
17 was one of the two men selected to form the death squad
18 sent to London to eliminate Mr Litvinenko.

19 Let me turn to the supply of polonium and where it
20 comes from.

21 The scientific evidence will show that the polonium
22 was present in multiple locations, or the traces were,
23 such as hotel rooms that the two men stayed at and many
24 of the other places that we've heard mention of. I'm
25 going to come back to it in a bit more detail in

1 a moment.

2 The important point is that one or both of the men
3 spent time in each of the places where, according to the
4 forensic evidence, polonium traces of any significance
5 were found.

6 Now, we know that Lugovoy and Kovtun arrived in
7 London from Moscow on 16 October 2006, and we know that
8 they went straight to meet Mr Litvinenko, stopping only
9 at their hotel, the Sheraton Hotel, on the way.

10 We know also from the forensic evidence that they
11 were carrying polonium-210 at the time of that meeting
12 with Mr Litvinenko, because forensic tests had revealed
13 traces which confirmed the presence of polonium at that
14 meeting.

15 So we have a situation where they've arrived from
16 Moscow and have, in a very short space of time,
17 a meeting with Mr Litvinenko, with traces of polonium,
18 significant traces of polonium, left behind.

19 So once it's recognised that Lugovoy and Kovtun used
20 polonium to murder Mr Litvinenko, the only plausible
21 explanation is that they must have brought it with them
22 from Russia. On each of the three occasions on which
23 they can be proved by forensic evidence to have been
24 carrying polonium-210 with them in London, on each of
25 those occasions, they had arrived shortly before from

1 Moscow, and if further proof of the source were needed,
2 the evidence shows that radioactive contamination was
3 found on the plane that Lugovoy took from Moscow to
4 London on 25 October and in the room that he first
5 checked into when he arrived at the Sheraton Hotel. So
6 we know, in effect, that the polonium came to London
7 from Moscow.

8 We know too that the polonium used to kill
9 Mr Litvinenko can only be produced in an industrial
10 setting involving a nuclear reactor. The only producer
11 of polonium in Russia is the Federal Atomic Agency,
12 Rosatom, and we know that polonium-210 is produced at
13 Avangard, a nuclear laboratory that is owned by Rosatom.
14 And we know that Avangard is the only facility in Russia
15 that produces polonium-210. So given that we are
16 already clear that the polonium must have come to London
17 from Russia, the focus of attention can then be narrowed
18 to that one facility.

19 The production of polonium-210 at Avangard, as
20 elsewhere, involves a highly sophisticated procedure of
21 enrichment, purification and packaging for safe
22 transportation. That is a process which can only be
23 carried out at a sophisticated nuclear laboratory of
24 a kind that is only established under the authority of
25 states, in this case the Russian state, and the facility

1 at Avangard.

2 Nuclear officials in Moscow have stated publicly, as
3 one would expect, that polonium distribution is very,
4 very tightly controlled. Of course it is. Unauthorised
5 removal of polonium from Avangard or from any other
6 nuclear facility, is most unlikely. But even if there
7 had been a theft of polonium at Avangard, it would
8 certainly be known to the Russian officials at the
9 facility, and it would undoubtedly have been reported to
10 the authorities.

11 Significantly, the Russian state has made no
12 suggestion to this Inquiry, or ever, that any quantity
13 of polonium was stolen from Avangard or from any other
14 nuclear facility at Russia at any time. It has had
15 ample opportunity to clarify the position, to come and
16 participate in these proceedings, to tell you what it
17 knows, but the Russian state has declined to take any
18 part in this Inquiry where the critical question of how
19 Russian nuclear material ended up as a murder weapon in
20 London is the very issue that you are most seriously
21 having to focus upon. That, in itself, the disgraceful
22 non-participation of the Russian authorities, the
23 cynical manipulation by the Russian investigative
24 committee, an interested party in the inquest and then
25 not taking a position in these proceedings, tells you in

1 itself a very considerable amount about what has
2 happened and how this nuclear material ended up being
3 used in the way that it was.

4 So too does the fact that the Russian authorities
5 reported that, having conducted their own forensic
6 investigation on one of the relevant aeroplanes, there
7 was no evidence of alpha radiation material, but when
8 British scientists did the job subsequently, that was
9 found to be untrue.

10 So not only has Mr Putin, because after all, it is
11 his decision whether the Russian state participates in
12 this process, we all know that, Mr Putin, not only has
13 he not participated in this process to assist us to
14 understand how that nuclear material got from Avangard
15 to London, but false evidence has been provided to the
16 police by the Russian authorities deliberately, we would
17 say, covering up evidence that pointed to the guilt of
18 Lugovoy in circumstances amounting to a perversion of
19 the course of justice.

20 The scientific evidence shows that the quantity of
21 polonium of the purity used in the assassination of
22 Mr Litvinenko would have cost tens of millions of
23 dollars if it was purchased for by end users on the
24 commercial market, tens of millions of dollars. Just
25 the amount that was used for the assassination.

1 Well, obviously, a commercial transaction of that
2 magnitude, tens of millions of dollars, would have to be
3 recorded, and if it had happened, the authorities would
4 know about it. It is, we say, moreover, unlikely in the
5 extreme that any private individual or purely criminal
6 enterprise, a pure bunch of hoodlums involved in an
7 organised crime gang, why on earth would they choose
8 such a costly method of assassination, tens of millions
9 of dollars, when they could simply put a bullet in
10 somebody's head.

11 But of course, for the Russian state, on the other
12 hand, which produces this material itself, so that it's
13 readily available, the costs of the assassination just
14 would be by no means prohibitive. Those costs reflect
15 what it would have taken to purchase that amount of
16 polonium on the open market, not, however, the expense
17 of the Russian state of diverting some of the material
18 it was itself already producing.

19 In preparation for this Inquiry, your team have made
20 wide-ranging investigations with experts in the field
21 which have included consultation with the International
22 Atomic Energy Agency in Vienna. The plain fact is that
23 no one has come forward at any time, anywhere, to
24 suggest that polonium-210 can be traded illegally on the
25 black market anywhere in the world, or that some portion

1 has gone missing. Lugovoy and Kovtun can't have got
2 hold of this material on a non-existent black market.
3 Their source must have been much more direct than that.

4 It is, we say, an inevitable inference from the
5 evidence that those who authorised the use of
6 polonium-210 as the murder weapon believed that the
7 cause of death would never be discovered. May I just
8 explain why I say that. Hospitals, generally, were not
9 geared up to look for evidence of alpha radiation
10 poisoning. Indeed, it was, as you know, sir, only by
11 chance that the scientists discovered the cause of death
12 on the very last day of Mr Litvinenko's life after the
13 Metropolitan Police had called in atomic scientists.

14 For 23 days, he lay in a hospital bed whilst doctors
15 struggled to discover the agent that had been used to
16 poison him in the vain hope of finding some kind of
17 treatment that might save or prolong his life.

18 On 21 November 2006, just two days before his death,
19 an inspired hunch led police to bring in atomic
20 scientists from the Atomic Weapons Establishment who
21 tested his urine for alpha radiation poisoning. Two
22 days later, on 23 November, the use of polonium-210 was
23 confirmed, and Mr Litvinenko died at exactly that time
24 on that day.

25 This discovery, on 23 November, of the use of

1 polonium-210 led the scientists to carry out further
2 tests which revealed that the polonium had been
3 administered by ingestion, not inhalation or touch, and
4 that the amount administered was, as Mr Tam has pointed
5 out, inevitably fatal.

6 Once the cause of death was known, the
7 Metropolitan Police were then able, with the assistance
8 of forensic scientists in the AWE, to manage the conduct
9 of tests at various locations in London, and the
10 evidence they found, of course, forms the heart of the
11 case against Lugovoy and Kovtun. But the present point
12 I'm seeking to emphasise, the important point for
13 present purposes, is that this was clearly
14 a professional assassination in which the agent used had
15 been selected in order to leave no clear trace of how
16 the death had been sustained, and it very nearly had
17 that effect. This was not some hamfisted hit by
18 a criminal gang from southern Madrid.

19 It is often said, sir, that no criminal would ever
20 be brought to justice if they didn't make mistakes, and
21 it seems, bizarrely, that even professional assassins
22 sometimes engage in careless talk which comes back to
23 haunt them, and, as Mr Tam mentioned a little earlier,
24 on 30 October 2006, very shortly before the murder,
25 Dmitri Kovtun approached witness D3 in Hamburg.

1 D3 will say that Kovtun began a conversation about
2 Mr Litvinenko and said that he, that is to say Kovtun,
3 needed to recruit a cook in London to help him
4 administer a very expensive poison.

5 If that evidence is true, it's all the evidence you
6 need, not only to establish that Kovtun was the
7 murderer, which we already know, but to establish that
8 it must have come from Russia, because once we look at
9 a murder weapon that is costing the sort of money I have
10 just adverted to, and that must have come through from
11 Moscow to London, there's only one inference.

12 I also want to say one word, if I may, about
13 Lugovoy's ostentatiously misleading procurement of
14 a negative polygraph test.

15 The evidence that you're going to hear in
16 the Inquiry will show that this ludicrous media stunt by
17 Lugovoy was simply an attempt at deflecting attention
18 from the truth, because you're going to hear expert
19 evidence from Professor Bull confirming that the
20 findings that have been relied upon provide no reliable
21 evidence of whether a person is lying or telling the
22 truth. It is a pseudoscience, and those who claim that
23 it's reliable as an indicator of truth or untruth are
24 charlatans and snake oil salesmen. That's why we don't
25 admit this in civil or criminal cases in this country.

1 But having said that, we do agree with Mr Tam that
2 it's better to expose it than to ignore it, not because
3 it has the slightest probative value other than to pile
4 yet more evidence on Lugovoy's shoulders of the
5 deception and twisted turns and various explanations
6 he's given, but, as I said earlier on, on the principle
7 that sunlight is the best disinfectant, and frankly,
8 when one looks at the filthy mess at the heart of the
9 Russian state represented by this crime, we have to take
10 hold of all the disinfectant we can get our hands on.

11 Those, sir, are just a few of the items of evidence.
12 I only want, if I may, to tackle one of the questions
13 that was posed by Mr Tam in terms with which I have to
14 say, with respect, I do not agree.

15 Of course, I entirely agree with the proposition
16 that theories, however nonsensical, bizarre or
17 unevidenced they may be, should be on the table here, to
18 scotch -- so that you can be in a position to absolutely
19 make it clear that there is no other possible theory,
20 but one of the points that Mr Tam drew your attention
21 to, sir, was one of again, we say, Mr Lugovoy's stunts,
22 only the way it was put made it sound as though Mr Tam
23 might have fallen for it.

24 The question was whether or not Lugovoy could
25 conceivably have been the poisoner if he allowed

1 Mr Litvinenko to shake his child's hand afterwards, and
2 the way that the question was put implied that
3 Mr Lugovoy, it was one of his constant refrains,
4 "I wouldn't have done this because I had my children and
5 my family near me on one of these occasions", and
6 whether there's anything at all to be attached to that
7 assertion. Well, sir, let me take it, if I may, in
8 stages.

9 Mr Tam has pointed out that on 1 November, at the
10 Millennium Hotel bar, the high-water mark of the point
11 is that Mr Lugovoy encouraged Mr Litvinenko to shake his
12 son's hand. Mr Tam asked whether that is the action of
13 a man who knew that he had just poisoned Mr Litvinenko.

14 Of course, that all depends on whether Mr Lugovoy
15 knew what the poison he was administering was and what
16 its properties were. So the short answer to Mr Tam's
17 question is absolutely yes, if he didn't know what the
18 nature of the substance he was handling was. So let's
19 just briefly touch on that.

20 There is nothing in the evidence from which a safe
21 inference could be drawn to suggest that Mr Lugovoy knew
22 the characteristics of polonium or even that the poison
23 he was using was radioactive.

24 Why do I say that? Well, first of all, he clearly
25 didn't know much about it because the scientific

1 evidence shows that on one or two occasions, there was
2 a handling of the material itself outside of
3 a container, whether it was transferred from one
4 container to another or physically handled.

5 If he is prepared to handle it himself without
6 considering himself to be at risk, then the point about
7 shaking his child's hand just falls away.

8 What's more, neither Lugovoy nor Kovtun can have
9 known the properties of polonium-210. Why? Because
10 clearly no one thought that it was going to be
11 discovered and that they were going to find themselves
12 facing charges for murder, because if they knew what
13 they were handling and what its properties were and if
14 they knew that it leaves enduring traces wherever it
15 goes, they would have realised that they were leaving
16 a trail of nuclear trace footprints that prove directly
17 that it was them who committed the murder, almost as
18 sure as the path of breadcrumbs left by Hansel and
19 Gretel.

20 So the very evidence that proves that they are the
21 murderers, at the same time provides the complete answer
22 to the ludicrous attempts by Lugovoy to try and find
23 alternative explanations, and to the question which --
24 I don't criticise Mr Tam for putting it, but I wasn't
25 very comfortable about the way in which he chose to do

1 so.

2 Sir, those are just some of the key items of open
3 evidence that you will have to consider, and you will,
4 I hope, see at least why I submitted to you at the
5 outset that even without the closed evidence, the open
6 evidence is enough to lead you to conclude beyond
7 reasonable doubt that Lugovoy and Kovtun murdered
8 Alexander Litvinenko and that they can only have done so
9 on the orders of very senior officials in the Russian
10 state, but in addition to the open evidence, sir, you
11 have already publicly disclosed the fact that the closed
12 evidence provides in itself a prima facie case of
13 Russian state responsibility.

14 We of course have not seen that evidence, and we
15 will not see it, save to the extent that you or the
16 Secretary of State makes a decision to vary the
17 restriction notices or restriction orders, either in
18 relation to the evidence or in relation to your eventual
19 report, although you have indicated that you will, as
20 far as the evidence allows you to, return a public
21 finding on the question of Russia's responsibility for
22 this horrifying assassination.

23 I think, if I may just put it this way, I think it's
24 important for those following to understand what that
25 means, your conclusion, because we have two separate

1 bodies of evidence. The submissions I have made to you,
2 sir, as you know, are that the open evidence alone is
3 sufficient for you to reach these conclusions. But what
4 we know from your finding is that taken on its own, the
5 closed evidence points strongly or significantly towards
6 Russian state responsibility, even without the evidence
7 that I have outlined in the last half an hour or so.

8 Sir, if in due course you find that Kremlin
9 officials ordered Litvinenko's assassination, then we
10 will invite you to go further and to conclude that an
11 officially sanctioned murder of this kind cannot have
12 been carried out on foreign territory with all the
13 political implications that that would have without the
14 personal knowledge and permission of Vladimir Putin.

15 You are going to be in due course hearing
16 independent expert evidence obtained by your Inquiry
17 team that confirms the existence of numerous links
18 between the Kremlin, the FSB and the Russian mafia,
19 precisely the conclusions that Mr Litvinenko was making
20 public and which eventually led to his liquidation.

21 That witness will say that those who criticise
22 Mr Putin in public are taking their lives into their
23 hands and he will outline the numerous killings or
24 unexplained deaths of individuals who have been
25 outspoken critics of the regime.

1 There is, as this witness concludes, no reasonable
2 doubt that the FSB was involved in some of these
3 murders, assassinations, liquidations, eliminations.

4 Mr Litvinenko was, of course, one of the most
5 prominent critics of Vladimir Putin, and certainly the
6 most prominent among the group of London-based emigres
7 that surrounded Boris Berezovsky.

8 Given Mr Litvinenko's public statements and
9 writings, it is, of course, inevitable that his
10 activities were being closely monitored by Russian
11 foreign intelligence services, if only to assess what he
12 was next likely to reveal. You could hardly have a man
13 like that being ignored.

14 So the Russian intelligence service must, we say,
15 have been keeping a firm eye on what he was doing.

16 If that's right, official elements could not have
17 made a decision to eliminate him without presidential
18 approval, and that was certainly the considered
19 assessment of the assistant US Secretary of State who,
20 as revealed in a leaked diplomatic cable, told a French
21 government minister that the Russian security services
22 could not have carried out the assassination of
23 Mr Litvinenko without Mr Putin's direct approval, taking
24 account as well of Mr Putin's well-known attention to
25 detail in such matters.

1 We say, sir, that when all of the open and closed
2 evidence is considered together, Mr Litvinenko's dying
3 declaration will be borne out as true: that the trail of
4 polonium traces leads not just from London to Moscow but
5 directly to the door of Vladimir Putin's office and that
6 Mr Putin should be unmasked by this Inquiry as nothing
7 more than a common criminal dressed up as a head of
8 state.

9 In order to reach this point, the opening of this
10 Inquiry, as you know, Mrs Litvinenko had to badger and
11 harry the authorities for action, pushing constantly to
12 move forward a process that has taken eight years, but
13 she has always pressed her case for an inquiry with
14 quiet dignity and determination, never haranguing, but
15 never giving up.

16 She is an extraordinarily brave and impressive
17 woman. Can I pay tribute to her. Once it became clear
18 from your own rulings that the closed evidence pointed
19 the finger of accusation directly at the Kremlin,
20 Mrs Litvinenko set about trying to ensure that you had
21 the powers that you needed to take that evidence into
22 account and to return a decision that took account of
23 all of the relevant evidence.

24 She even had to put her own home and Anatoly's home
25 at risk in order to bring a legal judicial review

1 challenge to the Home Secretary's refusal to allow this
2 Inquiry to go ahead. So she had to pit herself not only
3 against the dark forces of the Russian government who
4 have maintained resolute indifference to investigating
5 Mr Litvinenko's murder, but also against the
6 intransigence of the British government who seemed
7 hardly more keen to get at the painful truth that
8 officials of the Russian state committed this dreadful
9 crime.

10 Throughout this process, Mrs Litvinenko has
11 expressed her absolute confidence, sir, that you, as the
12 chairman of this Inquiry, will seek out and record the
13 truth and she has asked me to express her thanks to you
14 and your team, and that includes of course counsel and
15 everybody in the Secretariat and associated with it, for
16 all the diligent preparation that has gone into this
17 process and that thanks extends in a heartfelt way to
18 the Metropolitan Police officers who have stood so
19 loyally by her through these very difficult times.

20 THE CHAIRMAN: Yes, thank you, Mr Emmerson.

21 MR EMMERSON: But, sir, no one watching these proceedings
22 should be left in any doubt that if it were not for the
23 courage and commitment shown by Mrs Litvinenko over
24 a period of years, none of us would be sitting here
25 today about to embark on this momentous inquiry.

1 THE CHAIRMAN: Thank you.

2 Mr Garnham, I would like, if I can, to complete the
3 opening statements today. I don't know how long you are
4 likely to be.

5 MR GARNHAM: Ten or 15 minutes, sir.

6 THE CHAIRMAN: Mr Evans?

7 MR EVANS: Very briefly, sir, I shall be adding a few
8 comments.

9 THE CHAIRMAN: In that case we'll continue and complete them
10 today. Thank you very much, Mr Garnham.

11 Opening statement by MR GARNHAM

12 MR GARNHAM: Sir, as you know, the Home Secretary appears as
13 a core participant in the statutory Inquiry in her own
14 right, but also on behalf of Her Majesty's Government's
15 more generally.

16 It's now more than eight years since Mr Litvinenko
17 died, and the Home Secretary fully supports the
18 timetable which has been set for this Inquiry. She
19 welcomes your indication that the Inquiry will be
20 concluded within that timeframe set by you.

21 The Home Secretary established this Inquiry pursuant
22 to her powers under section 1 of the Inquiries Act 2005.
23 She is, therefore, both the responsible minister under
24 the Act and a participating party in this Inquiry.
25 Accordingly, strict Chinese walls have been established

1 between those of her officials responsible for the
2 establishment and management of this Inquiry and those
3 responsible for the government's involvement as a core
4 participant.

5 THE CHAIRMAN: Yes.

6 MR GARNHAM: Sir, the government will not be seeking to
7 advance any particular case as to the circumstances of
8 the murder of Alexander Litvinenko or as to the events
9 which led to his death. That is true both as to the
10 open and the closed elements of this Inquiry.

11 If and when you seek the government's views about
12 evidence that the Inquiry is considering, we will do our
13 best to assist, but we do not enter this process with
14 the intention of persuading you to adopt any particular
15 conclusion. The forensic analysis of the relevant
16 material is a matter for you and your team and the
17 conclusions you reach will be yours and yours alone.

18 The Home Secretary has established this Inquiry with
19 the intention, first, of ensuring that there is
20 a thorough and independent scrutiny of the circumstances
21 of Mr Litvinenko's death and, second, of providing
22 a forum in which the relevant evidence, both open and
23 closed, can be analysed. We are grateful to you for
24 agreeing to take on the task of chairing this Inquiry,
25 sir.

1 Our aim now is to assist you to fulfil your terms of
2 reference in conducting the investigation.

3 In those circumstances, the Secretary of State does
4 not, at least at present, envisage needing either to
5 propose a line of questioning for any witness or to seek
6 your permission for her counsel to question any witness.
7 At this stage, she is content to rely on the lines of
8 questioning and any criticisms identified by the Inquiry
9 team. It is unlikely, as a result, that we will propose
10 that you issue any warning letters beyond those thought
11 necessary by your team. That position will, however, be
12 kept under review as the Inquiry progresses.

13 In assisting the Inquiry to reach its conclusion,
14 the government will continue to provide all relevant
15 material to the Inquiry as they have done to date.
16 Where we are able to do so, that will be provided in
17 open form, available to all core participants, and, at
18 your direction, to the public. Otherwise, it will be
19 provided to you in closed form in accordance with the
20 restriction notices issued by the Secretary of State.

21 As you know, sir, those restriction notices reflect
22 the analysis set out in the judgment of the divisional
23 court in 2013. That judgment identified the proper
24 approach to determining what material ought properly to
25 be addressed in open session and what must, as a matter

1 of law, be considered only in closed.

2 As you know, that judgment arose out of the public
3 interest immunity process in the inquest proceedings
4 which preceded this Inquiry, but the principles
5 identified there apply with equal force in this Inquiry
6 and explain why this Inquiry, with its provision for
7 open and closed hearings, proved necessary.

8 As has already been heralded by Mr Tam and
9 Mr Emmerson, it is likely that during the course of the
10 evidence in this Inquiry, there will be reference to the
11 UK security and intelligence agencies, by which I means
12 the Security Service, the Secret Intelligence Service
13 and GCHQ.

14 It is now clear that there will be allegations that
15 particular individuals were agents of one or more of
16 those organisations or otherwise worked for them.

17 It may assist, sir, if I say a few words now, at the
18 very start of this Inquiry, about the agencies and in
19 particular about the policy of neither confirming nor
20 denying allegations or speculation about their work.

21 THE CHAIRMAN: Yes.

22 MR GARNHAM: The very nature of the work of the agencies
23 requires secrecy if it is to be effective, and there is
24 obvious and widely recognised need to preserve that
25 effectiveness. It has been, therefore, the policy of

1 successive governments to neither confirm nor deny (to
2 NCND, in the jargon) assertions, allegations or
3 speculation in relation to the security and intelligence
4 agencies.

5 That means that, as a general rule, the government
6 will NCND whether the agencies are carrying out or have
7 carried out an operation or investigation into
8 a particular person or group, have a relationship with
9 a particular person, hold particular information on
10 a person or have shared information about that person
11 with any other agencies, whether within the UK or
12 elsewhere.

13 In order to be effective, the NCND principle must be
14 applied consistently, including when no activity has
15 taken place and a denial could be made perfectly
16 properly. If the government were prepared to deny
17 a particular activity in one instance, the inference
18 might well be drawn that the absence of a denial in
19 another amounted to confirmation of the alleged
20 activity. If the government were forced to depart from
21 the NCND principle in one case, it would create a clear
22 risk of serious harm to essential UK national security
23 interests. It could, furthermore, potentially put lives
24 at risk.

25 The need for the NCND principle, and Parliamentary

1 acceptance of it, is reflected in the Official Secrets
2 Act of 1911 to 1989, the Freedom of Information Act
3 2000, which contains exceptions for information
4 concerning national security, and the legislation
5 governing the security and intelligence agencies, namely
6 the Security Service Act of 1989, and the
7 Intelligence Services Act of 1994.

8 A stark illustration of the application of the NCND
9 policy is found in the Northern Irish case of
10 Scappaticci. The claimant in that case alleged that his
11 life was in danger because of media speculation that he
12 had been an undercover agent working within the IRA as
13 an informer for the security services.

14 A Northern Ireland office minister declined his
15 request to confirm that he was not an agent and evoked
16 the NCND policy. The court accepted that there
17 was "a real and present danger" to his life, but that,
18 notwithstanding, the court refused to overturn the
19 minister's decision. The then Lord Chief Justice of
20 Northern Ireland, Lord Carswell, said this:

21 "To state that a person is an agent would be likely
22 to place him in immediate danger from terrorist
23 organisations. To deny that he is an agent may in some
24 cases endanger another person who may be under suspicion
25 from terrorists. Most significant, once the government

1 confirms in the case of one person that he is not an
2 agent, a refusal to comment in the case of another
3 person would then give rise to an immediate suspicion
4 that the latter was in fact an agent, so possibly
5 placing his life in grave danger.

6 "... If the government were to deny in all cases
7 that persons named were agents, the denials would become
8 meaningless and would carry no weight. Moreover, if
9 agents became uneasy about the risk to themselves being
10 increased through the effect of government statements,
11 their willingness to give information and the supply of
12 intelligence vital to the war against terrorism could be
13 gravely reduced. There is in my judgment substantial
14 force in these propositions and they form powerful
15 reasons for maintaining the strict NCND policy."

16 That case, sir, vividly illustrates the point that
17 there will be occasions when confirming or denying
18 information may be of vital and immediate importance to
19 individual interests, but because doing so would cause
20 real and immediate damage to wider public interests, it
21 would be wholly inappropriate, despite the disadvantage
22 or risk of harm to the individual, to do so. It follows
23 that the policy of neither confirming nor denying must
24 be applied consistently to be effective. That is so
25 even where, in one particular case, the direct damage to

1 wider public interests might appear, at first blush, to
2 be slight.

3 Whilst the judgment in Scappaticci is expressed in
4 the particular context of the threat posed by terrorist
5 organisations, the rationale holds good in relation to
6 other circumstances where persons or organisations pose
7 a threat of harm to agents or others providing
8 information to the security and intelligence agencies.

9 The justification and importance of both the need
10 for secrecy and of the NCND policy in relation to
11 intelligence matters was restated by the government in
12 the recent Liberty and GCHQ case in these terms:

13 "Secrecy is essential to the necessarily covert work
14 and operational effectiveness of the intelligence
15 services, whose primary function is to protect national
16 security ...

17 "As a result, the mere fact that the intelligence
18 services are carrying out an investigation or operation
19 in relation to, say, a terrorist group, or hold
20 information on a suspected terrorist, will itself be
21 sensitive. If, for example, a hostile individual or
22 group were to become aware that they were the subject of
23 interest by the intelligence services, they could not
24 only take steps to thwart any (covert) investigation or
25 operation but also attempt to discover, and ... publicly

1 reveal, the methods used by the intelligence services or
2 the identities of the officers or agents involved.
3 Conversely, if a hostile individual or group were to
4 become aware that they were not the subject of
5 intelligence service interest, they would then know that
6 they could engage or continue to engage in their
7 undesirable activities with increased vigour and
8 increased confidence that they will not be detected.

9 "In addition, an appropriate degree of secrecy must
10 be maintained as regards the intelligence gathering
11 capabilities and techniques of the intelligence services
12 (and any gaps in or limits to those capabilities and
13 techniques). If hostile individuals or groups acquire
14 detailed information on such matters, then they will be
15 able to adapt their conduct to avoid, or at least
16 minimise, the risk that the intelligence services will
17 be able successfully to deploy those capabilities and
18 techniques against them.

19 "It has thus been the policy of successive UK
20 governments to neither confirm nor deny whether they are
21 monitoring the activities of a particular group or
22 individual or hold information on a particular group or
23 individual, or have had contact with a particular
24 individual. Similarly, the long-standing policy of the
25 UK government is to neither confirm nor deny the truth

1 of claims about the operational activities of the
2 intelligence services, including their intelligence
3 gathering capabilities and techniques.

4 "Further, the 'neither confirm nor deny' principle
5 would be rendered nugatory and national security ...
6 seriously damaged, if every time that sensitive
7 information were disclosed without authority
8 (ie 'leaked'), or it was alleged that there had been
9 such unauthorised disclosure of such information, the UK
10 government were then obliged to confirm or deny the
11 veracity of the information in question.

12 "It has thus been the policy of successive
13 governments to adopt a neither confirm nor deny stance
14 in relation to any information derived from any alleged
15 leak regarding the activities or operations of the
16 intelligence services insofar as that information has
17 not been separately confirmed by an official statement
18 by the UK government."

19 All that, sir, has an immediate consequence in the
20 circumstances of these open hearings. The failure of
21 the government either to confirm or deny an assertion or
22 a suggestion about events under consideration in this
23 Inquiry tells you precisely nothing about the truth or
24 otherwise of that assertion or suggestion. It means,
25 sir, you must look elsewhere to determine the truth or

1 falsity of such allegations.

2 THE CHAIRMAN: Yes.

3 MR GARNHAM: Thank you, sir.

4 THE CHAIRMAN: Yes, thank you very much, Mr Garnham.

5 Mr Evans?

6 Opening statement by MR EVANS

7 MR EVANS: I will occupy less than a minute, I hope, of the
8 Inquiry's time, not quite court hours, but almost.

9 Sir, Mr Tam has outlined the highly technical
10 evidence surrounding the radionuclide polonium-210 about
11 which of course much more will be heard.

12 AWE plc and MOD have supported the police
13 investigation, and the coroner's inquest into these
14 events before the public inquiry was convened. AWE and
15 MOD have also made documentation and expertise available
16 to the Inquiry to help its investigation.

17 This very short opening statement is simply to
18 emphasise that AWE has no case to advance, no case to
19 make, but to reassure you that they continue to see
20 their role as assisting the Inquiry to uncover the truth
21 behind the tragic death of Mr Litvinenko in November of
22 2006.

23 THE CHAIRMAN: Thank you very much. Mr Horwell, forgive me,
24 I failed to ask you if you wanted to make an opening
25 statement.

1 MR HORWELL: I don't believe there is anything we can
2 usefully add, sir. I will save my submissions until the
3 closing stages.

4 THE CHAIRMAN: Thank you very much. In that case, that's as
5 far as we will go today. We will reconvene at 10.00
6 tomorrow morning. Thank you all very much.

7 (4.17 pm)

8 (The Inquiry adjourned until 10.00 am on Wednesday,

9 28 January 2015)

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