

Wednesday, 19 October 2011

(10.15 am)

(Proceedings delayed)

(10.21 am)

MR YULI DUBOV

MRS JUSTICE GLOSTER: I'm sorry I kept you waiting, I had another matter to attend to.

Yes, you're still on your oath.

THE WITNESS: Yes, I am.

Cross-examination by MR SUMPTION (continued)

MR SUMPTION: Mr Dubov, towards the end of your evidence yesterday you referred to another letter from Mr Gorenichy about which you had a point to make and I think you were referring, if somebody could give you bundle H(A)26, to page 149 H(A)26/149.

Have you got that?

A. Yes.

Q. Is this the letter you were referring to?

A. This exactly the letter that I was referring to.

Q. And what was the point you wanted to make about it?

A. Well, this letter is dated 28 December --

Q. Yes.

A. -- year 2000.

Q. Yes.

A. And here Mr Gorenichy obviously saying that he is:

"... sending... the share sales and purchase agreement, in which the amount of the transaction has been corrected..."

Q. Yes.

A. If the amount of the transaction has been agreed between all parties in November, as obviously is alleged in the evidence produced by your client, what this correction to the amount actually means?

Q. Are you suggesting that the decision within Logovaz to make it 1.1 million rubles was taken between the arrival of the original documents and the 28th, the following day?

A. Yes. The agreement in Logovaz that the price for the shares will be 1,100,000 rubles was made on 24 December, not before.

Q. Right. So since the first version, the uncorrected version of these documents arrived on the 27th, there's no reason to suppose that this correction was in fact attributable to a decision within Logovaz about the price, is there?

A. Mr Sumption, after so many years, nobody knows exactly what happened. But my belief is that there have been some drafts of the agreements -- of the agreement which have been travelling between Sibneft offices and Logovaz, starting from 24 December at the earliest, and

28 December when everything was signed by Mr Frolov. Unfortunately I don't have the earlier drafts of the agreement.

Q. You don't even know whether there were any before the 27th, do you?

A. What I actually do know is that on 24 December I was told that the shares will be given to Mr Abramovich for free.

Q. Well, I'm asking you about earlier drafts. You don't know whether there were any earlier drafts before the one received on the 27th, do you?

A. I don't. This is my conclusion from what I see in this letter.

Q. The correction referred to in that letter was simply a correction of a typographical error. What had happened was that in the original version on the 27th, the figure of 1.1 million rubles, the third digit, which should have been a zero, had been erroneously expressed as a 1, which I understand represented a difference of about \$450 at the then exchange rate. That's all that there was to it.

A. I don't know anything about this.

Q. No, you don't.

My Lady, that document is not in the bundle yet but we will be adding it to the bundle and giving your

Ladyship a reference as soon as we can.

Now, I'd like to turn to another aspect of your evidence, please, Mr Dubov. You say at paragraph 94 of your witness statement D1/12/281 that --

MRS JUSTICE GLOSTER: Is that the first one?

MR SUMPTION: I think at paragraph 94 you're talking about --

MRS JUSTICE GLOSTER: Is that the first witness statement?

MR SUMPTION: Yes, it is. In your first witness statement I think you need to start at 93.

Am I right in assuming that 93 and 94 are both concerned with a conversation that you had with Mr Patarkatsishvili in September 1999? Is that correct?

A. Could be, but I don't have my witness statement before me unfortunately.

Q. I'm sorry. Can you please be given your witness statement.

A. Can I take this away?

Q. Yes, you can. Bundle D1.

A. Yes.

Q. In paragraph 94 are you talking about a conversation that you had with Mr Patarkatsishvili in September 1999, see the beginning of the previous paragraph?

A. I do.

Q. So, as I understand it, you say that Mr Patarkatsishvili

told you in September 1999 that he and Mr Berezovsky already had investments in the aluminium industry.

A. Or the words to this effect.

Q. Yes, I see. Mr Berezovsky's own evidence is that he and Mr Patarkatsishvili had never considered investing in the aluminium industry until Mr Bosov approached them in late 1999 with a proposal to buy the Bratsk and Krasnoyarsk plants. Are you aware of that?

A. Yes, I heard Boris's evidence.

Q. Well, he didn't actually say that in his oral evidence; he said it in his witness statement. The reference for the transcript is fourth witness statement, paragraph 254 D2/17/249.

A. Could be.

Q. Well now, if Mr Berezovsky and Mr Patarkatsishvili had never considered investing in the aluminium industry until Mr Bosov approached them at the end of 1994, Mr Patarkatsishvili cannot have said this to you in September 1999, can he, unless he was for some reason trying to mislead you?

A. I know nothing about this. This is what I was told by Badri.

Q. Yes. What I would suggest to you is that this is one of a number of occasions in your witness statement when you say that you learnt something at a particular date and

you can't actually remember when it was.

A. Yes. This is true. Sometimes I remember the date, sometimes I don't.

Q. And you don't remember the date on this occasion, I would suggest.

A. There is nothing to tie me to a specific date.

Q. Now, you give evidence at a number of points in the latter part of your witness statement about Mr Abramovich's political influence.

A. Mm-hm.

Q. Between paragraphs 87 and 90 D1/12/279 you say that Mr Abramovich asked you in February 1999 -- he telephoned you, you say, and asked you to come to his office in Sibneft and then he took you to the Kremlin so that you could be shown a search warrant to search the offices of Logovaz.

That's in summary what you're saying, isn't it?

A. No, it is not.

Q. Right. What do you --

A. I was never shown a search warrant. What Mr Sechin actually showed me was a handwritten note, I --

Q. Saying that there would be a search warrant?

A. -- I think that it was pencilled, not pen, to read and then he took it away.

Q. Right. What you say he showed you was a piece of paper

which said that the Prosecutor General's Office had issued a warrant to search the office of Logovaz?

A. That's right.

Q. Now, that would have been, would it not, during the presidency of President Yeltsin?

A. That's right.

Q. Now, can you think of any reason why if Mr Abramovich had advance notice of this raid, which seems to be the suggestion, he should have taken you to the Kremlin to learn about it instead of telling you directly?

A. I never had any direct knowledge of what Mr Abramovich knew at that time.

Q. Are you aware that you cannot just turn up at the Kremlin and speak to senior members of the presidential administration; you need passes which have to be arranged some time in advance?

A. Mr Sumption, when you are saying "some time in advance", what actually do you mean? Is 15 minutes enough?

Q. Enough for what?

A. For issuing a pass.

Q. No.

A. Ah. You're sure about this?

Q. Mr Abramovich would have no way of knowing whether you were available on this day or not, would he, if he just rang you up before the journey?

- A. Well, first of all, it was common knowledge that most of my time I spent in Moscow. And he didn't call me on the landline; he called me on my mobile.
- Q. His evidence is that this incident never happened.
- A. Mr Sumption, I am very much adverse to saying that Mr Abramovich is not telling truth, but since you actually are making me to do it: yes, he is not telling the truth here.
- Q. What did you understand to be the purpose of this visit to the Kremlin?
- A. The purpose, as I understood at that time, is that the purpose of this visit to the Kremlin was that this information should go to me directly from Mr Putin, through Mr Sechin.
- Q. Now, you say at a later point in your witness statement that Mr Aminov had told you in around 2001 that Mr Abramovich had assisted in the selection of members of Mr Putin's government, including the public prosecutor, Mr Ustinov, the minister of nuclear energy, Mr Adamov, and the minister of transport, Mr Aksonyenko. That's, I think, a fair summary of your evidence.
- A. Could you please refer me to the paragraph?
- Q. 131 to 133 D1/12/289.
- A. 131?
- Q. Yes. The names that I've just referred you to are in

paragraph 133.

A. Mm-hm.

Q. Can you not remember it without reminding yourself from your witness statement, Mr Dubov?

A. I'm just checking whether Mr Aminov told me anything about Mr Adamov and Mr Aksonyenko.

Q. Right.

A. And I hear from the paragraph 133 that Mr Aminov never told me anything like this.

Q. I see. This is simply your belief; is that right?

A. No, it's not my belief; it was common knowledge in Russia at that time.

Q. So --

A. Most of this information I received from mass media and also from people who were well informed about what was going on in and around Kremlin.

Q. I see.

A. Mr Sumption, let me say something. I would like just to explain the situation here, maybe it will help.

I understand, if we are to be objective, that all my evidence on this point is hearsay because I couldn't have any direct knowledge of this.

Q. No.

A. I got this information mainly from the mass media, from my sources in the governmental structures and from

Mr Aminov.

Q. I see.

A. But all this is hearsay because --

Q. But --

A. Just one second, if I may.

Q. Yes.

A. It's very difficult to obtain any direct proof of Mr Abramovich's influence during the time of President Putin and before. There are no signed papers saying, "I, Roman I, hereby appoint the below-mentioned to be my faithful and loyal general prosecutor". There are no such documents and they cannot exist. But I think that certain implications and certain conclusions about Roman's role in the Putin's government could be obtained from your client's evidence and it's much more convincing than what I am saying here.

Q. Well, let's wait until he gives that evidence. What I'm concerned with, Mr Dubov, is exactly which part of these paragraphs you attribute to Mr Aminov and which parts are due to gossip. I'm not going to question you on what you may have deduced from newspaper reports and chats around Moscow.

Am I right in thinking, from your last answers, that what you understood from Mr Aminov was simply what we see in the first sentence of paragraph 133; the rest of

it is your inference from press reports and the like?

A. No, I think that it starts with the second sentence in the paragraph 132:

"I heard about Mr Aminov's and Roman's roles in the appointment of governmental officials from Mr Aminov himself. I recall him telling me about it in around 2001."

Q. But what appears after the first sentence in paragraph 133 is not something that you heard from Mr Aminov; is that right?

A. If you mean Mr Ustinov, Mr Adamov and Mr Aksonyenko, then you are right, Mr Sumption.

Q. Yes.

A. It's not something that I heard from Mr Aminov. To be precise, I heard from Mr Aminov another names, but I wouldn't like to put him -- to put these names into my witness statement.

Q. The two ministers whom you refer to, Mr Adamov and Mr Aksonyenko, had in fact already been appointed by Boris Yeltsin before that, hadn't they?

A. That's right.

Q. And they were simply left in place?

A. They had been simply left in place. This is the point, Mr Sumption.

Q. Now, one last question, Mr Dubov.

We understand that you have declined to produce a copy of the statement which you served in support of Mr Glushkov's asylum application. Is that correct?

A. Well, I don't have it.

Q. You don't have it?

A. I don't have it.

Q. Right. Well, I will check that. I'm told that what we have been told by Addleshaws is that you were not willing to provide it. But you say that you couldn't provide it anyway?

A. Just one second. First of all, I don't have it; I cannot provide it even if I wanted to.

Q. Right.

A. And, yes, I'm very reluctant to provide this witness statement.

Q. Why is that?

A. Just because it contains -- first of all, when I was giving this witness statement I was told that the hearings on Mr Glushkov's asylum case will be held in camera and that whatever is said will never be made public. This is why I put into my witness statement a number of my personal details which I would be very, very reluctant to made public -- to be made public. I don't remember what these details were or where they were in my witness statement, but I thought and I still

think that it's important for my personal security.

Q. The solicitors, Ghersons, who acted in Mr Glushkov's asylum application, they would have a copy of your statement?

A. I don't know.

Q. Are you willing to allow them to disclose your statement on a basis which redacted personal details relating to you?

A. If this redaction will not -- first of all I would like to have a look at this. If -- I think that if the redaction is satisfactory for me, then why not?

MR SUMPTION: Right. Well, we will pursue that with Addleshaws and Gherson.

Thank you very much, Mr Dubov.

MR MALEK: No questions.

MRS JUSTICE GLOSTER: Anyone else?

MR ADKIN: My Lady, I just have one.

MRS JUSTICE GLOSTER: Right.

MR ADKIN: Other than formally adopting the lines of cross-examination taken by my learned friend.

Cross-examination by MR ADKIN

MR ADKIN: Mr Dubov, could you take up, please, your witness statement and turn to paragraph 160 of it D1/12/295.

Do you have that?

A. 160?

Q. 160 on page 295.

A. Yes.

Q. Here you're talking about a car journey that you say you took in January 2008. You say that:

"... Nikolay..."

That's Mr Glushkov, isn't it?

A. Yes.

Q. "... explained to Michelle..."

That's Michelle Duncan, isn't it?

"... that Badri had decided that he wanted to sue [Mr] Deripaska in relation to Rusal [and] also said that Badri was thinking about joining Boris in his claim against Roman."

Yes?

A. That's right.

Q. Can you take up bundle D2 and turn to tab 13, please. If you would turn, please, to page 52 of that document, you'll see that this is Mr Glushkov's own statement in these proceedings D2/13/52.

A. 52?

Q. Page 52, please, at paragraph 252, and I wonder if you would read, please, that paragraph.

A. I've read it.

MR ADKIN: Just hold on for a moment.

MRS JUSTICE GLOSTER: Your microphone is not connected so

it's difficult to hear.

MR ADKIN: Right. I will finish this if I may, my Lady, and speak as loudly as I can manage.

MRS JUSTICE GLOSTER: Thank you.

MR ADKIN: I only have one further thing to say, which is:

in light of that paragraph, Mr Dubov, I suggest that the evidence that I've referred you to in your own witness statement is mistaken.

A. Mr Adkin, I don't see why. Could you please explain?

Q. Well, because Mr Glushkov, you see, in his statement says that as far as he was concerned, "Badri continued to attempt to negotiate the position"; and indeed, on the day before Badri died, he said that he was arranging a meeting with Mr Abramovich to discuss the issues.

That's not consistent, is it, with Badri having decided to sue Mr Abramovich?

A. I think that is absolutely consistent. What Badri decided three weeks before is absolutely consistent with what he was thinking in February. I was not party to this lunch at a Spanish restaurant. But if he decided in January to sue Mr Deripaska and to join Boris in his claim against Roman Abramovich, I don't think that it could seriously influence his decision to have one last meeting with Roman.

MR ADKIN: My Lady, I have no further questions.

MRS JUSTICE GLOSTER: Thank you very much. Yes?

MR RABINOWITZ: I have no questions for Mr Dubov.

MRS JUSTICE GLOSTER: Thank you very much indeed for coming along.

THE WITNESS: Thank you.

(The witness withdrew)

MR RABINOWITZ: Up next we have Dr Nosova, my Lady.

DR NATALIA NOSOVA (sworn)

MRS JUSTICE GLOSTER: Please sit down if you would like to.

THE WITNESS: Thank you.

Examination-in-chief by MR RABINOWITZ

MR RABINOWITZ: Good morning, Dr Nosova.

Dr Nosova, before we begin, can I ask you to confirm that you don't have any mobile phone or any other electronic means of communication?

A. I don't have it.

Q. You don't have to stand.

Dr Nosova, your statements, as I understand it, have been reprinted in large A3 type in order to assist you to read them. Is that right?

A. Yes.

Q. My Lady, I've mentioned this to my learned friends.

They have just been printed; they are unmarked.

Can Dr Nosova be shown her statements.

The position is, is it, that in relation to any

other documents that you're asked to look at, you will look at them on the screen enlarged --

A. Yes.

Q. -- so that you can see them.

Now, Dr Nosova, can I ask that you first take up the document entitled "Witness Statement of Natalia Nosova". My Lady, for the transcript, the trial bundle reference to that is bundle D1, tab 9 D1/09/112.

A. This one (indicates)?

Q. That's the one, thank you.

A. Mm-hm.

Q. Dr Nosova, can you go to page 72, please, of that statement? It's bundle reference page 184 D1/09/184.

A. Mm-hm.

Q. Can you confirm that that is your signature?

A. Yes, it is.

Q. Can I now ask you to go to page 1 of that statement.

You see in the right-hand corner it's marked your first witness statement, top right-hand corner? Right at the top.

A. First, yes.

Q. Now, in fact it's your second witness statement in these proceedings, isn't it --

A. Yes, it is.

Q. -- because you made one in the context of the strike-out

application?

A. Mm-hm.

Q. So can you please confirm that this is your second witness statement in these proceedings?

A. Yes, it is. It is my second witness statement.

Q. Thank you.

I understand there are two corrections that you want to make to this statement. You may not have this: it's an enlarged copy of the note. (Handed)

Does your Ladyship have a copy of the corrections Dr Nosova wishes to make?

MRS JUSTICE GLOSTER: No, I don't.

MR RABINOWITZ: Can I just hand this up. (Handed)

THE WITNESS: If we need to look at some document, can we find it here? (Consults interpreter)

MR RABINOWITZ: Dr Nosova, can I ask you to go to paragraph 228; it's page 43 of this statement D1/09/155.

A. Yes.

Q. And do have a look at paragraph 228 but is it right that the correction you want to make to paragraph 228 is shown at point 1 of the document showing the corrections?

A. Yes.

Q. The replacement of the word "happened" with "what was

happening" in the first sentence?

A. Yes, I am correcting the grammar here.

Q. Thank you very much for that.

Can I ask you now to turn to paragraph 308, which is at page 56 of the statement D1/09/168.

A. Mm-hm.

Q. And again looking at the list of corrections to your witness statement, is it right that the correction you want to make to paragraph 308 is shown at point 2 on this document?

A. Yes.

Q. Thank you. The insertion of the words "through Badri" in the second sentence?

A. Yes, I just wanted to clarify.

Q. Subject to the two corrections we have just identified, can you confirm that the contents of this, your second witness statement, are true to the best of your knowledge and belief?

A. Yes, they are.

Q. Now, can I ask you next to go to the document entitled "Third Witness Statement of Natalie Nosova". My Lady, this witness statement for Ms Nosova was served last night. It's on Magnum, as I understand it, at D4, tab 12 D4/12/124. I do have a hard copy here --

MRS JUSTICE GLOSTER: Well, I would like to have a hard copy

because I have the statements in hard copy.

MR RABINOWITZ: -- and it has even been hole-punched.

(Handed)

Dr Nosova, can you turn to page 2 of that statement, please, and can you confirm that that is your signature?

A. Yes, it is.

Q. Can you confirm that this is your third witness statement in these proceedings?

A. This is correct.

Q. And can you confirm that the contents of this, your third witness statement, are true to the best of your knowledge and belief?

A. Yes, they are.

MR RABINOWITZ: Thank you very much. Can you wait there, please.

Cross-examination by MR SUMPTION

MR SUMPTION: Dr Nosova, have you worked for Mr Berezovsky since 1991?

A. Yes, that's correct. In 1991, in the end of 1991 I joined him at Logovaz becoming his deputy for finance. He was general manager at the time and I was invited to Logovaz to become deputy general manager.

Q. And have you worked for him continuously since then?

A. That's correct.

Q. Does that mean that when he left Russia in 2000 you

followed him to France and then to England?

A. I was not continuously at his side at the time because he was in France, then he moved to England, but I was able to come to England only in -- actually I came in July but then I went for a holiday --

Q. Which year?

A. In July 2002. Then I went for a family holiday and actually I joined Mr Berezovsky again in September 2002.

Q. And when you came to England, did Mr Berezovsky buy a house, Heath Lodge in Iver, for you to live in?

A. That's correct.

Q. And do you still live in it?

A. Yes.

Q. What is the work that you have done for Mr Berezovsky since he left Russia?

A. I have been advising him on financial aspects of his new investments and on his business in general.

Q. What functions have you performed in relation to this litigation?

A. I'm assisting Mr Berezovsky in this litigation because I know the background and I actually really want the truth to come out in these proceedings.

Q. You say you are assisting him in this litigation: can you tell us what form that assistance takes?

A. As I have just mentioned, I know the background and

there are not very many people around now who know the background. And I also know -- I was -- don't forget I was also close to Badri, so -- and Badri is not with us anymore and I also know quite a big part of that story. So -- and that's my all.

- Q. Well, Dr Nosova, that explains why you have been assisting Mr Berezovsky with this litigation perhaps; what I am actually asking you is what sort of assistance -- what do you do in relation to the litigation?
- A. It's managerial role in a way. It's explaining information that becomes available to Mr Berezovsky, (inaudible), things like that.
- Q. So have you participated in the collection of evidence?
- A. Yes, of course, because we -- you know the problem that Mr Berezovsky has that a lot of documents were lost during different raids and during movements from Russia to France to England. There were numerous seizures and searches, seizures of documents. So many documents were taken from him in this way, but still documents remain.
- Q. So you have been concerned, have you, with finding relevant documents concerned with this dispute? Is that correct?
- A. It was not me who was going around searching for documents. There were big legal teams working on this,

right? And when a document, an old document is found, sometimes it's, for people who are just involved, difficult to understand the significance of this document.

Q. So do I understand from that answer and another that you gave just a minute or two ago that when new documents appear, you will discuss and explain those to Mr Berezovsky? Is that right?

A. No, not exactly.

Q. What do you do by way of explanation to Mr Berezovsky?

A. You kind of little bit exaggerate that it goes immediately to Mr Berezovsky, right?

Q. I haven't said "immediately".

A. Because if there is some documents then is found, then sometimes people read it, they don't even understand what it is, you know, or what it refers to. It needs some recollection and reconstruction also to understand what it is: who were the people who were involved at that time in this particular project and so on.

Q. In your answer a few moments ago, [draft] page 21, lines 17 to 19, you say that you "explain information that becomes available to Mr Berezovsky [and] things like that". What sort of information that becomes available do you explain to Mr Berezovsky?

A. This is a very general question, Mr Sumption. And also

not only to Mr Berezovsky but sometimes his lawyers were asking me, right? Sometimes we discussed in our inner circle what it is all about because it was necessary to reconstruct at least to what project it referred from in that whole time, who were the people who were involved on this project who could give further clarification and so on.

Besides, there is also some financial things involved, you know, what -- because sometimes payments were made, for what payments they're made. That was also important to reconstruct.

Q. Now, by way of example, when a large number of documents became available to show the movements and whereabouts of different people, including Mr Berezovsky, in December 2000, were you involved in explaining those to Mr Berezovsky?

A. No, I was not. It was not my role.

Q. I see.

Now, you attended a number of interviews with Mr Patarkatsishvili, didn't you --

A. Yes.

Q. -- both in 2005 and 2007?

A. Yes, exactly.

Q. Why were you at those interviews?

A. Because Mr Berezovsky asked me to go with the lawyers.

- Q. Was that because your familiarity with the background made you a good person to obtain Mr Patarkatsishvili's evidence about these matters?
- A. I don't really think so. I think first of all it was because of my close connection to Mr Patarkatsishvili and when the lawyers, Andrew Stephenson and Jim Lankshear, went to Georgia, it was a little bit unfair to send them without anyone who has close relationship with Badri. And I think that's the reason why Mr Berezovsky asked me to go.
- Q. Yes. It wasn't just the meetings in Georgia, was it; it was also the ones at Downside Manor, for instance?
- A. Downside Manor is different. Let's then separate, please.
- Q. Now, did you review draft witness statements that were served in this action, not just your own but other people's?
- A. Some of them were shown to me.
- Q. And did they include Mr Berezovsky's draft witness statements?
- A. I think some passages from this were also shown to me.
- Q. Now, when Mr Abramovich applied for summary judgment, the main witness statement put in on behalf of Mr Berezovsky was that of his solicitor, Mr Marino. Do you remember that?

- A. Yes, I do.
- Q. And did you give Mr Marino the benefit of your recollection of the matters that were relevant to Mr Berezovsky's claim?
- A. To the extent that Mr Marino was asking me.
- Q. Well, you had what you described as a "managerial role" in this litigation. If you thought that there was something that it was important for Mr Marino to know, you would have told him, wouldn't you, rather than just wait for him to ask you?
- A. Mr Sumption, I am not a lawyer. I am not in a very good position to advise such a distinguished solicitor as Mr Marino what to do.
- Q. But you say that you do know the facts and that's why you were involved?
- A. The factual -- the factual -- the facts that they were verifying with me, I confirm to them if they were within my knowledge.
- Q. If there was a fact within your knowledge which you thought it was important for Mr Marino to know, however distinguished he was, you would have told him, wouldn't you?
- A. Not necessarily, because it was dependent also on the questions that Mr Marino and his team from Addleshaw Goddard were asking me --

- Q. Well, we know from Mr --
- A. -- by way of interview.
- Q. We know from Mr Marino's statement in the striking-out proceedings that you told him about your recollections of your period as a deputy director of Logovaz in the mid-1990s. You told him about that, didn't you?
- A. He was asking about that, yes.
- Q. You told him about the interests that Mr Berezovsky had taken in the oil sector in 1993 and 1994, didn't you?
- A. Yes, I presume so. I should have told him, yes.
- Q. You gave him an account of meetings at the Logovaz Club in 1995 which were attended by Mr Abramovich, didn't you?
- A. That's correct.
- Q. You told him about the control which Mr Berezovsky was able to exercise over Consolidated Bank, didn't you?
- A. Yes.
- Q. And about the role of Consolidated Bank in the loans for shares auction?
- A. Yes, I did.
- Q. You told him, did you not, about what you knew at the time about Mr Berezovsky's arrangements with Mr Abramovich in 1995?
- A. Well, to the extent that he was asking about it. The questions he was asking about it, I was giving him the

answers.

Q. Now --

A. Whether he asked complete questions, I don't know. And I couldn't judge that, what they need for the case.

Q. You told him, didn't you, about the role of Mr Berezovsky in the preparations of that were made for NFK to participate in the loans for shares auction?

That's right, isn't it?

A. Yes.

Q. And you told him, did you not, about the creation of the offshore holding structure for assets that was being developed in 2000, did you not?

A. Pardon?

Q. In 2000, plans were made to transfer assets of Mr Berezovsky and Mr Patarkatsishvili to an offshore holding structure?

A. Do you mean "H" and "O" structures?

Q. That among other things. There was also Pennand and Tiberius and other structures?

A. Pennand and Tiberius were dealt with by Ruslan Fomichev.

Q. Yes, but you gave Mr Marino information about Pennand and Tiberius, didn't you?

A. The only thing I could tell him about it, I think, was I noticed some inconsistency that Pennand was said to be set up for I think Boris or maybe Badri, maybe for

Boris, which is not correct, because I know that MTM were actually using Pennand for their other clients before they started to use it for this transaction.

- Q. You told him, didn't you, about the involvement of Valmet and Mr Samuelson in the creation of offshore structures?
- A. I told him about our work with Mr Samuelson and Valmet, which later became MTM, to establish big offshore structures: one of them was called Hotspur and we were abbreviating it, call it "H", for simplicity, and the other Octopus, which we call "O". These two offshore structures -- they were quite big, complex -- they were set up by Samuelson and his different offices, because Samuelson had many offices.
- Q. Dr Nosova, Mr Marino's statement is dated April 2009.
- A. Mm-hm.
- Q. In July 2009 you put in a witness statement of your own in the summary judgment proceedings, didn't you?
- A. Yes.
- Q. And that deals mainly with the status and role of Consolidated Bank?
- A. I thought I made it very clear, my Lady, in this witness statement that I put in in July, the purpose of this witness statement is to set out my firsthand knowledge of Mr Berezovsky and Mr Patarkatsishvili's joint control

of Logovaz and Consolidated Bank from 1995 onwards and Mr Abramovich's knowledge of Mr Berezovsky control of Obedinyonniy Bank, which is Consolidated Bank.

So my witness statement for the strike-out application, it was actually dedicated to these two points, and I outlined it in the beginning of my witness statement.

Q. Now, you told us a few minutes ago that there were many aspects of the background and the facts which you were the only person still around who could speak to them. Do you remember saying that?

A. I'm not -- I didn't say that I was the only person. I said there were not many persons -- many people left around. Can we look at the transcript?

Q. Well, we're just scrolling back to that. I don't think the exact words matter but we'll just have a look.

Yes, you're quite right. What you said is:

"... there are not... many people around now who know the background."

A. Not many people around. It's not what you say now: that I was the only person. I never said that I was the only person.

Q. You're quite right. What other people are around who know the background?

A. The background of what exactly?

- Q. Well, the background to the facts which are in dispute in this case. You say that there were not many people who knew the background that was relevant to this case and you were one of them; I'm just asking you who the others were.
- A. As far as I understand, the other people are mainly witnesses in this case from both sides. But some people didn't come as a witness, especially -- maybe having their reasons.
- Q. Now, if you were one of the people -- one of the few people -- who knew the background facts, it must have been obvious to you when you were discussing these matters with Mr Marino that you were likely to be a witness at the trial of the action. Do you agree?
- A. Yes, I agree.
- Q. Now, is your husband Michael Lindley, the head of the private client department at Streathers?
- A. That's correct.
- Q. And what has his role been in the preparation of this action?
- A. I think he'll better describe himself, but he was also involved in what you described as managerial role of this litigation.
- Q. Right. And he also attended, didn't he, the meetings with Mr Patarkatsishvili and Mr Berezovsky at

Downside Manor in June 2007, along with yourself?

A. He was there, but I'm not -- I don't know in what capacity.

Q. You don't know in what capacity?

A. I don't know.

Q. So you bumped into him there and said, "What a surprise to see you"?

A. No, I didn't bump into him there. I knew that he will also be there.

Q. Yes. You must have had some knowledge of why he was there, Dr Nosova?

A. I think you'd better ask him why he was there. But as far as I remember, Boris actually quite valued his opinion on many things.

Q. Do you know whether he has been acting in this managerial role in the litigation in his capacity as a partner of Streathers?

A. I don't know.

Q. Now, you and Mr Lindley each entered into agreements under which you stand to receive 1 per cent of the recoveries in this and other litigation; that's correct?

A. That's correct.

Q. And we've been given copies recently of those agreements. Were both of those agreements made in October 2009? Can you confirm that?

A. Yes.

Q. At a time when you knew you were likely to be a witness?

A. Nobody thought a link to these two things because the agreements are about not giving evidence and being paid for evidence, as Mr Sumption is trying to present now. My Lady, the agreements were for -- to my agreement, for me to provide Mr Berezovsky and, in case he dies, what is very important, to his family assistance to recover his assets. That's the main point. And Mr Berezovsky volunteered this agreement, not only to me but these agreements also, because he was concerned -- he was very much concerned that the litigation should continue in case he dies.

Q. Dr Nosova, the agreement in fact says -- the reference is H(A)98/43.007; perhaps we could get it up.

A. Where is it?

Q. You, I think, prefer to look at this on screen, so it will, I think, appear on your screen shortly.

A. But I need large.

Q. Do you want a hard copy as well?

A. I need to enlarge it.

Q. Sorry?

A. I need to enlarge it --

Q. Well, I'm sure you will be assisted in that.

A. -- because my eyesight is dead. Yes, that's it, okay.

MR RABINOWITZ: Can I generally try to be helpful and suggest that a paralegal sits up with Dr Nosova if you're going to be mentioning documents so she can expand it on the screen. It doesn't sound as if she's going to need a translator, so perhaps the paralegal can sit up and do the expanding.

MRS JUSTICE GLOSTER: Yes, very well. Madam Translator, if you'd like to sit at the back just in case you are needed. Thank you. Just perhaps in the row behind and have the paralegal go where you were. That might be easier.

MR SUMPTION: Have you got that agreement up on your screen, Dr Nosova?

A. Yes. How can I move it if I need it?

Q. Can you see it?

A. How can I move it if I need it? I have half of the first page on the screen.

Q. Right. Well, if you've got that, you will see that recital D says that you have agreed to assist Mr Berezovsky -- this is his alias, Platon Elenin -- and agreed with him that you will assist his estate in the event of his death.

A. Yes.

Q. So it's both, isn't it?

A. Yes, but that's what I'm explaining. That's actually

the key word. Because Boris was very much concerned at the time that the litigation should continue in case something happens to him.

- Q. Now, the agreement and the 1 per cent covers not only this litigation but a large number of other actions which are listed on the second page together with various assets which Mr Berezovsky is claiming?
- A. Of course, because a huge part of his assets is blocked now with all the litigations and it's impossible to recover them without the litigations being solved, being considered by the English courts.
- Q. Now, one of the actions in respect of which you are getting 1 per cent of the proceeds was the North Shore action, wasn't it?
- A. Yes.
- Q. The North Shore action, was that an action in which Mr Berezovsky was claiming \$50 million from Mr Fomichev?
- A. Yes.
- Q. And did you give evidence in the North Shore action?
- A. Yes, I did.
- Q. Now, did you disclose before giving that evidence in the North Shore action that you and your husband stood to gain between you \$1 million if Mr Berezovsky won in full?
- A. Nobody asked me, neither Mr Fomichev's barrister nor the

judge. Apparently it was not an issue for them.

Q. Well, how could it be an issue if they didn't know about it because you hadn't told them?

A. But they didn't ask me.

Q. You're saying that you would have expected them to say, "Oh, Dr Nosova, have you by any chance got a percentage agreement with Mr Berezovsky?" You thought that it was up to them to ask you that, did you?

A. Mr Sumption, I was giving evidence in North Shore action for the first time in my life. I was explained that I have to give truthful, sincere answers to all the questions that will be put to me. That's exactly what I was doing.

Q. You and your husband stand to gain up to \$140 million between you if Mr Berezovsky wins this action; is that correct?

A. That's correct. That's exactly like this and I very much hope he win.

Q. I'm sure, Dr Nosova, that that consideration will enormously improve the quality of your memory.

You were involved in some of the preparations, I think, for the loans for shares auction of 28 December 1995.

MRS JUSTICE GLOSTER: Are you moving on from this agreement?

MR SUMPTION: Yes, I am.

MRS JUSTICE GLOSTER: Is it on Magnum yet? Because

I haven't -- I know it has a reference number.

MR SUMPTION: I thought it was. We have it on our screens.

MRS JUSTICE GLOSTER: Right. I don't have it on mine.

I don't know why that is, but I don't.

Second question: are you getting paid anything as you go along -- I'm not able to scroll down the rest of the agreement. Are you being paid, as it were, time fees or anything of that sort? Your only remuneration is the percentage of any recoveries?

A. Yes.

MR SUMPTION: My Lady, I've just noticed the time. Since I am moving to another subject, would your Ladyship like to take the break?

MRS JUSTICE GLOSTER: Yes.

MR SUMPTION: That would enable us to see whether we can do something about your Ladyship's screen.

MRS JUSTICE GLOSTER: Perhaps Mr Fleming can do something about it. It may be that I'm not operating on the web server, I'm just on the local server; I'm not sure what the position is. But if he can do it for me, I'd be grateful.

Very well, ten minutes.

(11.16 am)

(A short break)

(11.30 am)

MR SUMPTION: Dr Nosova, one other question about the agreement that I was asking you about before the break.

You say that in the North Shore litigation no one asked you about the agreement. In this litigation my client's solicitors did ask Addleshaws whether there were any witnesses who were being paid a contingency fee. Did anyone from Addleshaws approach you or your husband and ask them what the answer to that question was after they'd been asked it?

A. As to myself, I say that nobody from Addleshaws approached me about it. And whether they approached or not my husband, I think you have to ask my husband.

Q. Now, you were involved in some of the preparations for the loans for shares auction of 28 December 1995, weren't you?

A. Yes.

Q. And you were also involved -- is this right -- in the early stages of the plan in 2000 to move the assets of Mr Berezovsky and Mr Patarkatsishvili into offshore trusts?

A. Yes, which became known as "H" and "O" trusts. We are talking about this, right?

Q. Right.

Now, you were not personally involved, were you, in

the discussions between Mr Berezovsky and Mr Abramovich about the terms of their cooperation on Sibneft? You only heard about that, you say, afterwards from one of Mr Patarkatsishvili or Mr Berezovsky. Is that right?

A. Not -- not exactly. I was not involved in the discussions that they had between the three of them --

Q. That's all I'm asking.

A. -- on this. No, no, your question -- can I -- it was wider. That's why I --

Q. Let me narrow it then.

A. Please.

Q. Were you personally involved in those discussions?

I understand the answer is "no".

A. The answer is "no".

Q. Right. And is it right that you were not personally involved in the three cash auctions in 1996 at which 49 per cent of Sibneft was sold off by the State?

A. In the privatisation, 49?

Q. Yes.

A. No.

Q. So you were not involved?

A. I was not involved.

Q. And you were not involved, were you, in the auction of the State's 51 per cent holding which was sold in May 1997, after the default?

A. I was not.

Q. Or in the negotiations for the acquisition of the aluminium assets in early 2000: not personally involved in that?

A. Not personally involved.

Q. And not personally involved in the negotiations for the merger of the aluminium assets with those of Mr Deripaska, were you?

A. Personally, no.

Q. No. Or in the establishment of Rusal?

A. Personally, no.

Q. And, as I understand it, you weren't personally involved with the sale of Mr Berezovsky's stake in ORT. You weren't personally involved in that?

A. Personally -- you mean creation of documents? No.

Q. Well, did you yourself have any involvement in it, as opposed to hearing about it from other people?

A. Look, Mr Sumption, first of all, I was with Boris and Badri all the time at that time, right? All the time.

Q. At which time?

A. 1995/1996.

Q. I'm talking about --

A. No, no --

Q. -- the sale of ORT in 2000.

A. In 2000 I was talking to Badri all the time about it,

especially when Nikolai was arrested, because after Nikolai was arrested I communicated to Badri every day. Every day he was calling me because we very much concerned about Nikolai. We wanted to pass clothes to him, food, medicine, because when he was arrested he had nothing: he was dressed very lightly, he didn't have any hygienic items, he didn't have any medicine, and this was a very ill man. And I was crying all the time and I was talking to Badri all the time.

And Badri assured me that Nikolai would soon be released and when Badri was assuring me that Nikolai would be released soon, he was always referring to Roman. He was always referring to Roman Abramovich because he was saying that Roman Abramovich assured him that Nikolai would be set free.

MRS JUSTICE GLOSTER: Yes, I see. Thank you.

A. And moreover --

MR SUMPTION: Dr Nosova, I will ask you about this in due course.

A. And moreover -- sorry, there is -- could I say something?

MRS JUSTICE GLOSTER: No, no, just answer the questions, please.

THE WITNESS: Okay.

MRS JUSTICE GLOSTER: We'll get on much more quickly. And

anything Mr Sumption doesn't ask you about and Mr Rabinowitz thinks is important, he will elicit from you in re-examination.

THE WITNESS: Yes, okay.

MRS JUSTICE GLOSTER: Thank you.

THE WITNESS: And then he also asked --

MRS JUSTICE GLOSTER: No, no, just a second. Let Mr Sumption ask the next question, please.

MR SUMPTION: You were not personally involved in the Devonia transaction, were you?

A. I was not.

Q. And you were not personally involved in the sale of the second tranche of Rusal shares in 2004?

A. I was not involved in the contractual documentation negotiations that led to the sale of this tranche but I was involved with Boris and John Deuss and Badri discussing alternative ways how to sell this 25 per cent and I am dealing with it in my witness statement.

Q. The evidence of these matters that you give in your written statement is entirely based on what you say Mr Berezovsky or sometimes Mr Patarkatsishvili told you from time to time; that's true, isn't it?

A. Mr Sumption, I'll not only -- you see, you are creating a picture as if it was existed -- everything existed in vacuum. There was no vacuum because we are all

together, Boris was always very open about his discussions with Abramovich. He'll talk to Abramovich; he'll come to the next room, where I will be maybe with other people, he'll tell us what they were discussing.

Then I was watching dealings with them, I was watching the people's behaviour after that. Badri told me a lot. I was very close to Badri also. I heard -- then there were things happening: money were coming in, dividends, for example, from Rusal, dividends from Sibneft.

You can't say that if you were not present in Dorchester Hotel or in some meetings, that you don't know anything about it. My position is I know quite a lot about it, so you can ask me.

For example --

MRS JUSTICE GLOSTER: Okay, that's enough.

MR SUMPTION: Dr Nosova, I haven't yet suggested anything.

I'm simply trying to distinguish between what you know from your own knowledge and what you have been told by Mr Berezovsky or Mr Patarkatsishvili. I understand that the effect of that last answer was that what you know, you have learnt because Mr Berezovsky or Mr Patarkatsishvili has told you at some stage.

A. I disagree with what you are saying. I have just tried to explain to my Lady. Let's take an example, 1995,

because you mentioned it. You kind of put it all together; let's separate.

1995, this first auction, December 1995, for the right to manage 51 per cent of Sibneft, it was the most important auction. It was much more important than all the other auctions, 49 per cent, and even the auction of '97 when this 50 per cent was auctioned to be owned. I'll explain why: because first of all, according to the agreement between Boris, Badri and Abramovich, Abramovich and his team got access to the management and they got access to assets and cashflows of Sibneft.

So all the other auctions, acquiring of the shares 49 per cent through auction, as my Lady already knows, and the 51 per cent auction that took place in 1997, they were not bought by Mr Abramovich with his own monies or with the own funds of his companies.

MRS JUSTICE GLOSTER: Right, just a second.

A. This is very important.

MRS JUSTICE GLOSTER: No, no, please be quiet. I control this court.

THE WITNESS: Okay, sorry.

MRS JUSTICE GLOSTER: No one else does, I do. That must be absolutely clear.

You've had an opportunity to answer the question. As I've said, if Mr Rabinowitz thinks there's anything

you need to ask add to this answer, he will elicit it from you in re-examination.

THE WITNESS: Okay.

MR SUMPTION: Now, we had served on us last night very late your third witness statement in which you say that Mr Patarkatsishvili told you over breakfast at the George V Hotel in Paris, seven to ten days after Mr Glushkov's arrest, that there had been a meeting at Cap d'Antibes between him, Mr Berezovsky and Mr Abramovich. I haven't asked a question yet.

Now, you are aware, are you not, that the George V Hotel in Paris records show that Mr Patarkatsishvili was staying there between 13 and 16 December? You know that, don't you?

A. I am not aware.

Q. Are you suggesting that you made your sixth witness statement, Dr Nosova, without being aware of what the travel records in the bundles showed about the whereabouts of Mr Patarkatsishvili?

A. Travel records is not my thing.

Q. You must have been aware, Dr Nosova, that the travel records showed that Mr Patarkatsishvili was in Paris at that time?

A. I was not aware. But I was aware that he was because I met him there.

- Q. You were aware that he was because his movements in December have been traced from day to day in the documents in this case: that's why you were aware.
- A. I disagree with you.
- Q. As the manager of this litigation did you read the openings, the written openings?
- A. Don't please call me "manager" in singular.
- Q. All right. As one of the managers did you read the written openings?
- A. The written submissions?
- Q. Yes.
- A. Yes.
- Q. Right. Those submissions made it perfectly clear, didn't they, that there was a major issue about the whereabouts of Mr Patarkatsishvili, Mr Berezovsky and Mr Abramovich in December 2000?
- A. That's exactly the reason, my Lady, when I started to prepare for today I revisited, of course, my witness statements and I realised that the meetings I refer to in my old witness statement for asylum application for Glushkov and also I refer to a meeting in my main witness statement for this trial, they're actually the same meeting. And I realised that's the meeting that Badri told me about when I met him, when I met him in France, and I remembered it was George V Hotel and the

meeting was over breakfast. And I started to --

Q. Dr Nosova, I'm going to ask you about this.

A. No, I am explaining why this was served last night. It was served last night because when I was getting ready for today and I revisited my witness statement, I put these two things together and I realised that's exactly the meeting which is very much in dispute.

MRS JUSTICE GLOSTER: Yes, I see. So it was only when you were preparing for giving evidence today --

A. Yes.

MRS JUSTICE GLOSTER: -- that you realised that you hadn't mentioned your bit of evidence about this?

A. Yes.

MRS JUSTICE GLOSTER: I see. Thank you.

MR SUMPTION: Dr Nosova, you say that you read the written submissions. It must have been obvious to you from those written submissions that there was a big issue about the whereabouts of Mr Abramovich, Mr Berezovsky and Mr Patarkatsishvili in December 2000. You realised that, didn't you?

A. I realised, but I am not very good for organisational things: who goes where, plane flies where. I just am not interested in this. My speciality is different: I am a finance manager. I'm not interested in politics, I am not interested in forensics. That's it.

- Q. And you realised, didn't you, that in those written submissions there was a good deal of information about where Mr Patarkatsishvili was in December?
- A. No. I didn't concentrate on that.
- Q. Are you trying to tell the court that you decided what the date of your discussion with Mr Patarkatsishvili was without even checking whether he was in Paris at the time?
- A. Yes.
- Q. That is untrue, isn't it, Dr Nosova?
- A. No, it's true. I didn't check when Mr Patarkatsishvili was in Paris at the time.
- Q. Did you get someone else to check?
- A. No.
- Q. Now, you met Mr Patarkatsishvili on many occasions, didn't you, after the arrest of Mr Glushkov?
- A. I met him.
- Q. On many occasions?
- A. I can't say "many occasions" because the first days when he was arrested, Badri and me, we communicated on the phone.
- Q. I'm not talking about --
- A. But then I also went to France, and I went to France and we met there, in France.
- Q. Dr Nosova, in the years that have passed since

December 2000 you have had many exchanges with Mr Patarkatsishvili, have you not?

A. Yes.

Q. Now, no doubt you have often discussed with him the circumstances in which ORT was sold; is that right?

A. Yes.

Q. Now, when you say that it was on this occasion in mid-December 2000, rather than on some other occasion, that Mr Patarkatsishvili told you this, you are relying, are you, on your memory, your recollection?

A. That it was on this occasion that he told me?

Q. Rather than another occasion. You're relying on your memory rather than a document?

A. But -- but it was after Nikolai's arrest and it was related to Nikolai's release. So if I met Badri and discussed with him in previous months of 2000, Nikolai wasn't in jail yet. I don't understand the question.

Q. No, Dr Nosova, I'm talking about the period after Mr Glushkov's arrest.

Now, when you say in your third witness statement that it was on this occasion in December 2000, rather than on some later occasion, that Mr Patarkatsishvili told you about this meeting, you are relying purely, as I understand it, on your memory rather than on a document. Is that correct?

- A. I was relying on my --
- Q. Memory?
- A. -- memory because it was the first time I met him abroad after Nikolai's arrest. And I wanted to check my memory so I checked my passport and indeed it confirmed to me that I was in Paris at the time.
- Q. You were in Paris between 12 and 20 December, I think your evidence is. Is that right?
- A. No. My evidence is different. My evidence is --
- Q. The 12th and the 22nd?
- A. -- that I arrived in Paris on the 12th and I came back to Moscow on the 22nd.
- Q. Yes. So you were in Paris for ten days --
- A. I was not in Paris for ten days. I am not saying that.
- Q. I see. You were not in Paris for all of that time; is that right?
- A. My recollection is that in the end of this period I think I went to London for several days.
- Q. Now, you have worked, Dr Nosova, for years on this litigation in a capacity as a manager.
- A. First of all, again you are using the singular "manager" and it creates impression --
- Q. I said "a manager".
- A. -- I am the main person over this litigation, which is not.

- Q. Dr Nosova, there's no point in trying to think of what you think the implications behind my questions are.
- A. No, I'm just trying to be precise.
- Q. You have worked for years on this litigation, have you not?
- A. In a different way, yes.
- Q. You have been sitting in court for much of this hearing, haven't you?
- A. I was sitting in court for much of this hearing, yes; not for all of it, but for much of it.
- Q. Including almost all of Mr Berezovsky's evidence?
- A. Yes.
- Q. You have never previously suggested, have you, that Mr Patarkatsishvili told you, between the 14th -- seven to ten days after Mr Glushkov's arrest, about a meeting at Cap d'Antibes with Mr Abramovich? You've never previously suggested that, have you?
- A. My Lady, I just explained why I put in my statement only yesterday. I can repeat again because it will be the answer to the question that I am getting.

I never previously suggested because only yesterday, when I was getting ready for today, I revisited my witness statements -- and I draw your attention: one of them is August 2008, for Glushkov asylum application, and the other is the main witness statement for this

trial -- and realised that the meeting that Badri was talking about when I met him in Paris, between him, Boris, Abramovich, when he said this, that they have to give up or (inaudible) for exchange of release of Glushkov, that it's actually the same meeting everybody are disputing about now.

MRS JUSTICE GLOSTER: Right. Well, I've got your evidence on that.

A. That's it. So I can't add anything to it.

MR SUMPTION: Dr Nosova, would you please look at your witness statement at paragraph 289 and 290 D1/09/165. This is your second witness statement, the big one. Have you got that?

A. Yes.

Q. In paragraph 289 you say:

"At this time, that is following Nikolai's arrest, Badri told me whenever we spoke that he and Boris were doing everything they possibly could to help Nikolai, and he assured me that they would obtain his release. When we had these conversations, he several times referred to Mr Abramovich -- he said that Mr Abramovich had promised that Nikolai would be released."

Now, that's a reference, isn't it, to discussions with Mr Patarkatsishvili during December and possibly after December as well?

A. No. This is -- the reference to discussions that I had with Mr Patarkatsishvili the very first days after Nikolai was arrested, when we were just trying -- it was not only about his release; we were trying to get warm clothes to him because when he was arrested, as I said, he was dressed very lightly, and we found out that the temperature in his cell was 12 and it was December, and it was -- we wanted to get at least a jumper to him, a warm jumper.

And Badri held negotiations with the offices in Lefortovo to get him this jumper: also, by the way, what triggered my recollection, because he explained me on the phone that they refuse because they were told that Nikolai should be kept in harsh conditions. But when I met him in Paris -- now I remembered, after already memory: when you remember, you remember more -- that he mentioned me it was \$50,000 that he offered for -- to give this -- to pass on this jumper to Nikolai and it was refused. I think I mentioned that somewhere.

And also I said he called me and told me and I started to think he couldn't tell me on the phone, and now I remember he told me also at this meeting in Paris. And he was always referring to Mr Abramovich, on whom this release depends.

And moreover --

MRS JUSTICE GLOSTER: No, no, that's fine.

THE WITNESS: Okay, sorry, because I get...

MR SUMPTION: Dr Nosova, now would you look at paragraph 290 of your witness statement D1/09/165. After describing the discussions which you had with Mr Patarkatsishvili at paragraph 289, you say:

"I subsequently found out from [Mr Patarkatsishvili] that there had been a meeting between Mr Abramovich, [Mr Berezovsky] and [Mr Patarkatsishvili]."

In your main witness statement you are saying that you found that out after the various exchanges described in paragraph 289, are you not?

A. I have just explained that the first days we were all talking on the phone and then I went to Paris. So going to Paris, and it was maybe this meeting with Badri happened approximately one week, ten days after Nikolai's arrest, it's already in my mind subsequently because it was not in the same phone conversations that I had with Badri.

Q. The discussions that you had with Mr Patarkatsishvili about getting warm clothes and better conditions organised for Mr Glushkov in fact occurred in January 2001, did they not, after Mr Patarkatsishvili had returned to Moscow and so had you?

A. No.

- Q. Now, until Mr Berezovsky made his sixth witness statement on 14 September 2011, his case was that the meeting at Cap d'Antibes happened shortly before Christmas. You're aware of that, aren't you?
- A. I heard that, yes.
- Q. Now, the evidence that you have just given in your third witness statement would not have been consistent, would it, with Mr Berezovsky's original story that this happened shortly before Christmas?
- A. I didn't have any purpose to make anything consistent; I'm just telling what I remember and what I was able also to recollect.
- Q. Have you read his sixth witness statement?
- A. I don't remember, maybe I did. But again, it's about things that I am not really involved. It's not my thing. It's kind of forensic thing: who flies everywhere and so on, dates. I get dizzy with dates.
- Q. Would you take Mr Berezovsky's sixth witness statement, which is in bundle D4. Somebody will give it to you.
- A. Okay, that's fine.
- Q. It's behind flag 9 of bundle D4 D4/09/75. Have you got that? Now, in this witness statement Mr Berezovsky, having previously said that the meeting occurred shortly before Christmas, says -- and it's paragraph 33 -- that, "In [the] light of the above", and he's referring to the

travel records, he thinks that the meeting with Mr Abramovich occurred on or shortly after 7 December but he could not exclude the possibility that he made two separate visits to the United States between 16 and 26 December and that the meeting happened sometime between the two.

Do you see what he says? Paragraph 33.

A. Yes.

Q. Now, you were aware that that was the way that Mr Berezovsky had expressed his evidence at the time of his sixth witness statement, weren't you?

A. I was aware that there is a dispute whether this meeting took place at all or not and whether it took place end of December or after Nikolai's arrest. I was aware about it, yes.

Q. This witness statement, the sixth witness statement of Mr Berezovsky, was served in the middle of September and you read it, did you not?

A. To tell the truth --

Q. Yes?

A. -- I didn't because I explain: I am not interested in these parts.

Q. You never said at any time that the meeting could not have occurred shortly before Christmas or in the interval between two visits to the United States because

you had been told about it by Mr Patarkatsishvili seven to ten days after Mr Glushkov's arrest?

A. No, but it only shows that we didn't discuss it in this way as you are trying to present now.

Q. The reason why you never mentioned it was that you had no recollection even as recently as the middle of September of this year that it was in mid-December that Mr Patarkatsishvili had told you that; that's right, isn't it?

A. Till -- could I see the question?

Q. I'll repeat my question.

You had no recollection, even as recently as September of this year, that it was in mid-December 2000 that Mr Patarkatsishvili had first told you about the Cap d'Antibes meeting?

A. You are completely wrong. I gave a witness statement in Nikolai's asylum application in August 2008 and if you want, we can cite from there about this meeting. Just a moment.

Where is asylum application? It's not here. My witness statement in Glushkov's asylum application, it's not here.

Q. If you want to look at your asylum statement, Dr Nosova, you'll find it in R(E)7/130/98.

A. Thank you.

Q. Now, what are you referring to here?

A. Okay:

"In December 2000, following Nikolay's detention, I was very worried about him, and Badri kept telling me that they were doing everything they possibly could to help Nikolay's and he assured me that they would soon obtain his release. I was aware from Badri at the time that there was a meeting between Abramovich, Boris and Badri. I wasn't at the meeting but Badri reported it back to me that Abramovich stated that they had to give up their stake in ORT as a condition of Nikolay's release. Badri also told me that Abramovich was acting on instructions from Voloshin and I knew generally from other conversations with Badri that the president wanted the shares in ORT to be returned to the control of the state."

So in my witness statement in Nikolai Glushkov asylum application already in August 2008, I am mentioning this meeting. So you are not right, you are not correct.

Q. Dr Nosova, I am well aware that you understand there to have been a meeting; the question is whether you were first told about that meeting by Mr Patarkatsishvili in the middle of December 2000, seven to ten days after the arrest of Mr Glushkov. That was something that you had

never remembered before serving your third witness statement; isn't that right?

- A. I explained already several times here that when I started to get ready for today I revisited all my witness statements, I paid attention that I mentioning this meeting, that meeting, and then I was also thinking about this sweater, this \$50,000, because he told me about the sweater and that they refused to take it because Nikolai was supposed to be kept in harsh conditions. But I started to remind he would tell me on the phone the amount and then I remembered, and then I remembered that I met him in Paris after Nikolai was arrested.
- Q. Dr Nosova, as a result of sitting through most of this trial you are well aware that there is a serious difficulty about Mr Berezovsky's case on this meeting because it does not appear that any of the three participants were in the same place at any stage. You are well aware of that from having sat through the hearings, are you not?
- A. I'm aware that there is an issue but I'm not -- I don't know whose case -- you said Berezovsky case; I think it's Abramovich case also. The reason I decided to put in this statement because I understood that it's an issue in dispute and I thought it would be helpful to

court if I can explain something which is relevant to the issue in dispute. That's it.

- Q. What you did in response to that difficulty was to go through your travel records and the information in the submissions about your movements and Mr Patarkatsishvili's movements and to find out the earliest date on which you could say that Mr Patarkatsishvili had told you about this; that's what you did, isn't it?
- A. Mr Sumption, I can assure you I didn't go through these movements in submissions because this I never do. These things that are boring for me and I prefer not to do things that are boring for me. That's it.
- Q. Your claim to have suddenly remembered the precise date on which he told you, and that it was on that occasion rather than on some later occasion, is, I suggest to you, a deliberate untruth which you are telling in the hope of bolstering up this part of Mr Berezovsky's case.
- A. It's not so. I completely disagree with what you are saying.
- Q. Now, you attended interviews with Mr Patarkatsishvili in June 2005, did you not?
- A. Yes.
- Q. In your witness statement, your main witness statement, at paragraph 377 D1/09/180, you say that you have

looked at the notes of those meetings at which you were present. You say that:

"... [you] cannot now recall the exact words used... [but you] have no reason to believe that the notes and the proof of evidence do not broadly reflect what was discussed during the meeting."

Do you remember giving that evidence in your witness statement?

A. Yes.

Q. Now, the document that you refer to as "the proof of evidence" in the second line of that paragraph is a draft proof prepared by Mr Lankshear which is at bundle R(D)1/06/68. Could that please be brought up on screen.

Now, have you got that document open on screen or in hard copy?

A. At 377? I have hard copy.

Q. No, it's not 377. I'm referring you to a document which is at R(D)1/06/68. Do you have that document open?

A. Mm-hm.

Q. Right. Now, is it true that you acted as translator at this meeting when Mr Patarkatsishvili needed assistance with the language?

A. This is not correct because Mr Patarkatsishvili, he spoke English. It would be incorrect to say that he

didn't speak English at all. But at that stage in time his English, of course, was not perfect and it was necessary sometimes, even maybe quite often, to translate the questions. He then would sometimes try to word his answer in English. If we felt -- because Ina was also translating, right? But when -- if we felt that he had difficulty in expressing himself, then we would translate his answer.

Q. Now, would you please turn to page 77 of the bundle numbering. It will be brought up on screen. I would like you to look at R(D)1/06/77 and in a few moments 78 I will turn to, but let's start at 77. Have you got that?

A. Which one? This? Mm-hm.

Q. Now, this is Mr Lankshear's draft proof, which you say you have no reason to regard as incorrect. I would like you to read to yourself, please, from line 320 on page 77 to line 357 on page 78.

A. Mm-hm. (Pause) Yes.

Q. Now, I can show you the actual notes on which this is based if you like, but this is an easier version to read because it's not in note form.

A. It's here also.

Q. Now, Mr Patarkatsishvili did not say at this meeting, did he, that Mr Abramovich had promised that Mr Glushkov

would be released?

- A. You know, you should look at my witness statement also because I'm explaining why he didn't say that and -- because Mr Patarkatsishvili explained to me in Russian, informally, that he was very, very careful, very, very cautious when he was giving his answers because he was worried that what he will say will leak out to Mr Abramovich. And that would have been a disaster for him because for the time being he was negotiating with Mr Abramovich and he didn't want his negotiating position to be destroyed.

He was pretending that he believed Roman's explanations about ORT, about everything, Sibneft, because he had to -- he wanted to keep this channel of communication open to negotiate. That's why he was giving a very guarded account and that's why he didn't say many things.

And besides, the lawyers were not asking much and also Patarkatsishvili expressed to me his surprise that lawyers were not asking more probing questions. But for the lawyers, it was initial stage: it was just finding -- fact-finding exercise. They ask him to tell the story and he told them that part of the story that he thought was safe to tell, keeping into account that he was negotiating with Abramovich and he didn't want

his negotiating position to be damaged.

MRS JUSTICE GLOSTER: Right, thank you.

MR SUMPTION: Dr Nosova, this was a meeting between Mr Patarkatsishvili and Mr Berezovsky's own closest assistants and lawyers, wasn't it?

A. Yes.

Q. He had absolutely no reason, did he, to believe that the material was going to be handed over to Mr Abramovich?

A. Did Mr Abramovich have reason to believe that Patarkatsishvili would be recording their conversation in Le Bourget?

Q. Kindly answer my question.

A. No, I'm just giving you an example. There is always a risk.

Q. I would like you to answer my question, please, Dr Nosova.

A. I think he had reason to believe that there was a risk that information could leak out. It's a big house with big staff. Who knows? Nobody knows. It could be bugged, telephones could be bugged. That's the reality.

Q. Now, if you look at the draft proof again, it wasn't simply that he didn't mention Mr Abramovich --

MRS JUSTICE GLOSTER: Which line are you looking at please, Mr Sumption?

MR SUMPTION: Line 343 on page 78 R(D)1/06/78.

It wasn't just that he didn't mention Mr Abramovich had promised the release of Mr Glushkov. What he says at line 344 is:

"Evidently it was not within [Mr Abramovich's] power to release [Mr Glushkov]. [Mr] Voloshin himself had promised this to me in a personal conversation I had with him later."

Now, Mr Patarkatsishvili was saying: it wasn't in Mr Abramovich's power, it was in Mr Voloshin's, and it was Mr Voloshin who made me that promise. That's what he was saying, wasn't it?

- A. Okay, as to ORT, of course the main people who wanted ORT, it was Putin and Voloshin; but Abramovich was helping them, he was helping them to do it. And he was not an intermediary because he was trying to help Boris or Badri to get the shares sold. Boris didn't want to sell; he wouldn't want to sell. If not -- if Nikolai wasn't put in jail, he would never sell ORT. It was one of his babies, you know, and he understood the real value of ORT.

So Voloshin -- and that's why, by the way, when I referred to this meeting that Badri, Abramovich and Boris had in France, about which we've had a dispute now, I added there my recollection that Badri said that Abramovich was acting on instructions from Voloshin. So

they were all acting together.

Q. Dr Nosova, just have a look, would you, at the draft proof. What I asked you was this.

You've accepted, although you give an explanation, that Mr Patarkatsishvili did not say that Mr Abramovich had promised to have Mr Glushkov released. What I'm suggesting to you is this: Mr Patarkatsishvili actually positively said that there was nothing that Mr Abramovich could do about it and it was Mr Voloshin who had promised that Mr Glushkov would be released. That's what he said, isn't it?

A. Mr Sumption, Mr Patarkatsishvili had to play a game with Abramovich pretending that he believed his explanations. That's one of the rules when you are negotiating, and especially --

MRS JUSTICE GLOSTER: Sorry, can I just interrupt you again.

What I'm not understanding at the moment is that this is a meeting between Mr Patarkatsishvili and Mr Berezovsky's lawyers and associates, friends, at which a proof is being taken or notes are being taken for the purposes of a proof to assist Mr Berezovsky and perhaps also Mr Patarkatsishvili in litigation that's being brought against Mr Abramovich.

So what I want to understand from you is why you say Mr Patarkatsishvili would be being guarded during the

course of these conversations when he should be, one would have thought, trying to help Mr Berezovsky?

- A. Okay, I explain to my Lady. The position was Mr Berezovsky wanted to bring a claim and Mr Patarkatsishvili didn't want to bring a claim, not because he thought that what Abramovich did to them was right, he knew that he was wronged by Mr Abramovich, but he hoped to negotiate with Mr Abramovich and he hoped that by way of negotiation he would deal with Mr --

MRS JUSTICE GLOSTER: Yes, I've got that.

- A. Yes.

MRS JUSTICE GLOSTER: What I don't quite understand is the basis of Mr Patarkatsishvili's fear that what he's saying to Mr Berezovsky's lawyers and associates will leak out to Mr Abramovich. That's what I don't quite understand.

- A. He was worried about security all the time and he didn't want to have a slightest chance that what he says never to hear about Abramovich could leak out to Mr Abramovich. So -- and he explained it to me informally, to myself at the time.

MR SUMPTION: Dr Nosova, are you also suggesting that in addition to being guarded, Mr Patarkatsishvili actually told lies to Mr Berezovsky's solicitor when he said it was evidently not within Mr Abramovich's power to

release NG and it was Voloshin who had promised him that in a personal conversation which occurred later? Are you saying that was actually untrue?

A. I am saying that Mr Patarkatsishvili was playing a game. I am saying that Mr Patarkatsishvili pretended that the explanations that Roman gave, "Oh, it's not in my power", that he believed these explanations when in reality he did not.

Q. You see, Dr Nosova, a great troupe of witnesses, including yourself, is coming along to this court to say, "Mr Patarkatsishvili told me at the outset that he had been bullied by Mr Abramovich into selling his stake in ORT", and yet you say that Mr Patarkatsishvili was so guarded about that that he wouldn't even admit it to Mr Berezovsky's own solicitors. That's what you're saying, isn't it?

A. Because he was worried this information could leak because the house could be bugged -- we had so many examples of this -- the house could be bugged, there's staff around, somebody brought the coffee and heard something, something put on some recording device. Who knows?

Q. And yet you say he told you this in the breakfast room of the George V in Paris?

A. This?

- Q. About this meeting.
- A. About what meeting?
- Q. About the Cap d'Antibes meeting?
- A. About Cap d'Antibes meeting, yes.
- Q. Yes.
- A. But this -- so we're finished with this part?
- Q. No.
- A. No?
- Q. We're talking about the circumstances in which the ORT shares were sold.
- A. Mm-hm.
- Q. Now, you say that Mr Patarkatsishvili was so frightened of a leak happening that he wouldn't even say that Mr Abramovich had made threats or promises about Mr Glushkov to Mr Berezovsky's solicitors; yet on your evidence he was perfectly happy to tell you that in the breakfast room of the George V Hotel in Paris. Is that right?
- A. You forget one more thing. You forget that the notes that the lawyers -- my Lady, I want to also stress this point. Badri knew that the lawyers are taking notes. He understood that the notes would be typed in London, be in the computer. There is always a risk with the computers that the computers also can be hacked and so on. So when information was put on papers, a document,

the risk is even more.

In George V Hotel there was no risk that it would be put on paper, right? We didn't know that it will be here right now, right? So that may be the difference. And there is maybe less probability that the table in George V Hotel breakfast table -- you don't know at which table you will sit -- will be bugged.

Q. Now --

A. Big difference.

Q. Can we look back at what Mr Patarkatsishvili said at this meeting which you attended:

"Evidently it was not within RA's power to release NG. Voloshin himself had promised this to me in a personal conversation I had with him later."

Now, are you suggesting that Mr Patarkatsishvili was not only guarded about information he disclosed but actually told untruths to Mr Berezovsky's solicitors? Is that what you're suggesting?

A. It's not true or untrue about the fact. It's a guess.

Can I tell you something about Roman's --

MRS JUSTICE GLOSTER: No, just answer the question, please.

A. Yes. It's a guess. And it all changed because after Roman Abramovich bought the ORT shares and held them, he kept them. It meant that Putin trusted him and considered him to be one of his own camp because he

allowed Abramovich to keep the ORT shares. You know that Putin was very concerned that the ORT shares finish in very safe hands. So for --

MRS JUSTICE GLOSTER: I'm going to interrupt you because I would like you to answer the question please. I think you've answered the question "yes". The question was: are you suggesting that Mr Patarkatsishvili actually told untruths to Mr Berezovsky's solicitors?

A. On this point I think he was not sincere.

MRS JUSTICE GLOSTER: Thank you.

MR SUMPTION: And is that what you describe as "a guess"?

A. Can I continue then? My Lady, can I continue? Because you wanted me to answer this question. Now Mr Sumption wants me not to guess --

MRS JUSTICE GLOSTER: No, I think you've answered the question I wished you to answer --

A. Okay.

MRS JUSTICE GLOSTER: -- and you've said that you thought that Mr Patarkatsishvili was not sincere when he answered in this way.

A. In this very question, on this very point.

MRS JUSTICE GLOSTER: Yes, thank you.

A. It doesn't mean that everything that he was saying was not --

MRS JUSTICE GLOSTER: No, of course not.

Mr Sumption, ask the next question, please.

MR SUMPTION: Dr Nosova, I suggest that your evidence that Mr Patarkatsishvili told you privately that he was just playing a game or anything of that kind is not in fact true. He never said that to you, did he?

A. He said it to me and what you are saying now, it's not correct.

Q. At paragraph 294 of your witness statement D1/09/166 you say -- and you are talking now about the very end of December, when I think both you and Mr Patarkatsishvili were in Moscow; is that right?

A. The very end of December.

Q. Yes, New Year's Eve.

A. Where is it?

Q. Paragraph 294.

A. 294?

Q. Yes. You say that:

"... Badri kept repeating that Nikolai would be released because Mr Abramovich promised that he would be released before the New Year."

Now, in fact Mr Patarkatsishvili did not say that, did he? What he said was that he was confident that Mr Glushkov would be released because he had been given a personal assurance to that effect by Mr Voloshin. That's what he said, isn't it?

A. Badri called me at 11 o'clock in the evening on 31 December 2000 and asked me if someone could go to Lefortovo prison in case Nikolai was released and, if it happens, to meet him and pick him up. And he kept repeating to me, my Lady, that Nikolai would be released because Roman Abramovich promised that Nikolai would be released till the 31st -- till the New Year, and it was actually one hour left till the New Year. So he was actually waiting for Roman Abramovich to deliver on his promise. That's what it is.

MRS JUSTICE GLOSTER: Right. You said that in paragraph 294 of your witness statement.

A. Yes. Mr Voloshin was not mentioned here. Here he was not mentioned. Here only Roman Abramovich was mentioned.

MRS JUSTICE GLOSTER: Okay, you've given the answer. Thank you.

MR SUMPTION: Now, after the ORT sale had gone through at the end -- the ORT sale went through at the end of December, didn't it?

A. It was completed in January I think, but this -- if you're referring to Akmos Trade contracts and the transfer of shares of Logovaz to Betas.

Q. That all happened at the end of December?

A. It was all signed end of December. That's why, by the

way -- Badri told me we did everything that they wanted us to do, so that's why Nikolai should also be released.

Q. After the ORT sale had gone through there were negotiations, were there not, in the first three months of 2001 between Mr Patarkatsishvili and various emissaries of the presidential administration? That's correct, isn't it?

A. Continue -- you mean continuing attempts of Badri to release Nikolai?

Q. Yes, that was one of the matters discussed; another was the future of the TV6 television station.

A. Mm-hm.

Q. You agree that there were negotiations directly between Mr Patarkatsishvili and various emissaries of the presidential administration in the first three months of 2001; is that right?

A. Patarkatsishvili was also negotiating with the Kremlin and the officials.

Q. Yes. Now, could you please take -- you've probably still got -- hang on, you're not using bundles. Can we have up R(D)2/22/8. For those using hard copies, it's behind flag 22 of the bundle.

Now, have you got this, Dr Nosova?

A. Mm-hm.

Q. If you look halfway down --

MRS JUSTICE GLOSTER: Just a second. Have you got it blown up all right?

A. Yes, thank you.

MR SUMPTION: If you look halfway down page 8 in the bundle numbering, you will see a heading between two horizontal lines which says "TV6 -- RA + N Glushkov???". Do you see that?

A. Can you remind me what it is?

Q. Well, do you see the heading first?

A. No.

Q. I just want to make sure you're in the right part of the document.

A. I don't see the heading. Can I see the heading?

MR SUMPTION: Can the witness have pointed out to her --

A. No, but what kind of document it is?

MRS JUSTICE GLOSTER: No, just a second. The question is, Dr Nosova: can you see on the screen "TV6 -- RA + N Glushkov???"?

A. Yes, I see.

MRS JUSTICE GLOSTER: Right.

MR SUMPTION: I am interested in the text that follows that heading. You will see that your name then appears, "Natalia -- Nosova", okay?

A. Mm-hm.

Q. This, as I understand it, is information which in the

course of this meeting in June 2007 you were giving to Mr Berezovsky's solicitors. Is that right?

A. Is it some -- is it some note of some meeting?

Q. Yes. This is Mr Stephenson's note of a meeting with Mr Patarkatsishvili on 13 June 2007 --

A. Mm-hm.

Q. -- at which you were present.

A. Yes, I was present.

Q. You agree you were present?

A. Yes, I was, yes.

Q. And as I understand it, the bit that appears underneath your name is information which is being supplied by you.

A. No.

Q. Who is it being supplied by then?

A. Don't know.

Q. What?

A. I don't know.

Q. Well, why is your name there?

A. Because maybe I said something about TV6, maybe I said something about RA and Nikolai Glushkov. I doubt that it was I who said something about Pugachev. Because you see here it is written "Pugachev -- in presence of Ruslan": it means the source of information was maybe Ruslan, if it was in his presence, and Ruslan told somebody about it, apparently. That's how I can guess

it.

Q. Mr Fomichev was not at this meeting.

A. Huh?

Q. Mr Fomichev wasn't at this meeting.

A. No, but he told somebody maybe who was at this meeting about it because there is a reference that Pugachev said it in the presence of Ruslan. That's how I can understand it. You're asking me to guess: I'm guessing.

Q. Who is Mr Pugachev?

A. Pugachev was not only senator; he had business interests, he had Bank Mejprom.

MRS JUSTICE GLOSTER: He was a senator, was he?

A. He was a senator but I don't remember whether he was a senator at this time or not. I am not very much interested in politics. But I remember he had a bank and then I think the bank lost the licence, but before it lost licence it was quite a big bank.

MR SUMPTION: Mr Pugachev was a close friend and emissary of President Putin, wasn't he, or Acting President Putin at this stage?

A. He was quite close to the authorities.

Q. Yes. And he opened negotiations, didn't he, at the beginning of January with Mr Patarkatsishvili about the future of Mr Berezovsky's other television station, TV6?

A. You see, it only shows that --

Q. First of all, is that true or not?

A. I don't know. I can tell you what I know about TV6.

I can't tell you what other people were discussing when I was not present and when I wasn't actually briefed on it, on the...

This was said at this meeting but for me it was not the information that I knew before, before it was said in this meeting. But I know about TV6 that we were being pressed also about TV6 because we had another TV channel, less important than ORT but still, and of course the authorities wanted us out of this TV channel.

But in the end, Roman Abramovich by the end also helped the authorities out: he approached Badri and said, "Badri, I can pay you \$20 million for TV6". And Badri said -- he came and said, "Why taking \$20 million from him?" Because it's such huge undervalue, it's ridiculous. "If we take money from him, he will think that he has got a fair deal, a deal, and it's not a deal, it's robbery, so let's just give it to him". And he said, "Roman, we'll just give it to him".

That's --

Q. Were you present on that occasion?

A. Badri told me about that.

Q. Right. Just have a look at the next line --

A. And about TV6 I know a little bit because I was a member

of the board of TV6.

Q. Dr Nosova, have a look at the next line. Under the line it says:

"31 Dec[ember] Badri rang to say promised he would be released -- N Nosova."

A. Yes.

Q. Now, that's you, isn't it, giving this information?

A. Yes.

Q. Right. Just as the previous text is you giving information?

A. No. I disagree about Pugachev, I don't think it was me.

Q. Now, further down the page you will see:

"TV6 -- Second asset -- talks with RA, Voloshin, Sergei Ivanov... talked about TV6 & NG."

Mr Ivanov was the secretary of the Russian Federation Security Council, wasn't he?

A. Yes, maybe. Yes, I remember something like this. He had big position, yes.

Q. Yes. After Mr Pugachev's approach, there were direct negotiations between him and Mr Patarkatsishvili also, weren't there?

A. Yes.

Q. And over the page, if the screen could move to the next page, you are describing visits --

A. Where? I don't see it? Where I am describing? I think

you went too far, no?

MRS JUSTICE GLOSTER: Which line are you referring to? Can it be highlighted on the screen, please?

MR SUMPTION: If you look at the very top of page 9:

"34 Kosygin Street -- official gov[ernment] building -- Sergei Ivanov -- Sec[retary] of Sec[urity] Council of Russia. Part of the group -- he says if we do everything correctly about TV6 -- NG will be freed."

A. Mm-hm.

Q. Now, the promises for Mr Glushkov's release which had originally come from Mr Voloshin were now being made, were they not, by Mr Pugachev and by Mr Ivanov?

A. Just a small correction, I didn't understand: you said that I was describing?

Q. Yes, because the --

A. It was not me who was describing.

Q. The whole --

A. It was Badri, I think.

Q. The whole of the section at the bottom of page 8 and above the line on page 9 is information supplied by you, is it not?

A. No. No. This information I am sure was supplied by Badri. And the previous -- can you go back?

Q. If you look at the bottom of the previous page, page 8 --

- A. "... talks with RA, Voloshin, Sergei Ivanov", I think it was also supplied by Badri.

So your assumption that everything which is under this section is what I said is completely incorrect.

- Q. Do you see at the bottom of the previous page, the last block of text on page 8:

"Natalia Nosova -- Steve Curtis -- doc[ument] escrow -- absolutely sure will be released -- TV6 Badri exchange of all negotiations -- Sergei Ivanov -- Putin asked him to be in [the] middle of [the] deal..."

Now, what I suggest is being said here -- and I suggest it's being said by you -- is that in early 2001 Mr Ivanov had been asked to act as an intermediary by Putin and had offered Mr Glushkov's freedom in return for TV6.

- A. It was not said by me. I can -- actually you need to separate. I can explain you where what I said ends. "Natalie Nosova -- Steve Curtis -- doc[ument] escrow -- absolutely sure will be released", tochka, dot. Everything else is not me.

And I'll explain why I said it. I remembered that at some point in Down Street I met Stephen Curtis, and who was -- who told me, and I also knew it from some other people, that we were considering to sell Kommersant. This is what was going to call the, I don't

know, aborted sale of Kommersant.

And the concern was that if we sell -- that we maybe will sell Kommersant, you know, it's also very important, my Lady. Kommersant was very important independent newspaper in Russia. Everybody read it, all the -- not only all the business people; everybody read it. It was our newspaper and it also had magazines and so on.

In 2003 at some point we were starting to experience pressure to sell Kommersant and then Stephen Curtis was working on creating some kind of escrow arrangement, that was the idea: that if we sell Kommersant then Nikolai Glushkov will certainly be released. And this didn't materialise, I don't know the reasons; maybe because it was very difficult to put on paper. It's -- if you sell them this, then Nikolai Glushkov can walk out of jail, maybe people from the other side were not prepared after what happened with Lesin, protocol 6, to take such a risk.

And that's what it refers to. And the big -- "TV6 Badri", I am sure it's all Badri after that.

- Q. Your name appears seven times in this section and I suggest all of that information came from you.
- A. You're absolutely wrong. I already explained what information could be attributed to me, which could come

for me and came from me, and what information didn't come from me and even couldn't come from me.

Q. Now, the negotiations with the presidential administration, through various intermediaries, came to an end, didn't they, on 11 April 2001, when the incident occurred which it was later alleged showed that Mr Glushkov was trying to escape? That's when they came to an end, isn't it?

A. The pressure -- to increase the pressure on us this so-called escape attempt was orchestrated.

Q. I'm not asking you about the escape; I'm just trying to establish the date.

A. Yes. What, 11 April, so-called escape attempt? Yes.

Q. All right, let's call it a so-called escape attempt. That was when these negotiations came to an end, right?

A. About Nikolai?

Q. Yes.

A. About Nikolai?

Q. The negotiations with the government.

A. Then, okay, Abramovich stepped into the shoes of the government and now -- and after that, after this alleged escape attempt, we had another situation from Abramovich: "If you don't sell Sibneft to me at the price that I want, Nikolai will stay in jail forever". That's it.

Q. Well now, you refer to that, I believe, in paragraph 308 and following of your witness statement D1/09/168.

Would you like to turn to that? It starts at 306.

Could you open your witness statement on the screen at page 168. At the top of the page is paragraph 306.

A. Yes.

Q. Right. Now, what you say here is that:

"In April 2001, [you] went to see [Mr Berezovsky] in Cap d'Antibes."

A. Yes.

Q. And:

"The purpose of this [meeting] was to discuss the positions of Nikolai and [two of] his associates... who [had been] arrested on 11 April in connection with the alleged escape attempt. When I went there and met Boris, he asked me to estimate how much... Sibneft was worth."

And you discussed that.

A. Mm-hm.

Q. You then say you were not able to give him an exact estimate. And then in paragraph 308:

"At that meeting..."

And I think that must be the April meeting; yes?

A. Yes.

Q. "... we also talked about Nikolai, Vladimir and Igor;

about the chances for their release, and the costs of the lawyers and supporting their families while they were in prison, and how they were to be provided for. It was in this context that Boris said to me that Mr Abramovich had told Badri and him that Nikolai would only be released if they sold him their interest in Sibneft, and that otherwise he would stay in prison for a very long time."

Do you see that?

A. Yes.

Q. Now, one point on which Mr Berezovsky's case has been consistent ever since the letter before action of 2007 is that the only occasion on which Mr Abramovich uttered a threat relating to Mr Glushkov in connection with the sale of Sibneft was at a meeting with Mr Patarkatsishvili in Munich in May 2001. That's his evidence.

Now, you can't, I suggest, have been told by Mr Berezovsky in April that that was what Mr Abramovich was doing.

A. That's my recollection, that I was told about it in April.

Q. Yes. Your recollection cannot be correct if that was a threat that was only made in Munich, a month later?

A. I'm not sure that it wasn't actually formulated by Roman

to Badri before that because they were talking and because Abramovich was putting pressure all the time and he was using the position of Nikolai.

Q. Now, this meeting that you had with Mr Berezovsky must have been just after the breakdown of negotiations with the various Russian government representatives, Mr Ivanov and so on, about TV6?

A. I don't think Mr Berezovsky would mix the government negotiations with Abramovich. I would very be much surprised because if I'm not interested in politics, he is.

Q. Well, what I suggest to you is that you are mixing them up.

A. My recollection is that it was like this because Badri was talking to Abramovich, Abramovich now had much more power, and we understood now that he had much more power because -- sorry, my Lady, but this is very important -- when he bought ORT shares from us, he didn't pass them on to the government; he kept them, and it means that Mr Putin allowed him to keep them. It means Mr Putin considered him to be his own man.

And for us it was very significant because we understood how powerful -- it gave us exactly the understanding of his relationship with Mr Putin.

Q. Dr Nosova, you were a director of TV6; you confirmed

that a few minutes ago.

A. I was on the board of TV6.

Q. Exactly.

A. Yes.

Q. And you were therefore critically involved with the suggestion that TV6 should be sold in return for Mr Glushkov's release, weren't you?

A. You know, TV -- it was -- TV6 is a more complicated situation because first of all --

MRS JUSTICE GLOSTER: Just a second.

A. Yes.

MRS JUSTICE GLOSTER: Could you answer the question which is: were you critically involved with the suggestion that TV6 should be sold in return for Mr Glushkov's release? Were you involved in the decision?

A. I was not involved and I'll explain to my Lady why: because it's not a question that we put on the agenda of the board of directors. Can you --

MRS JUSTICE GLOSTER: It's for shareholders, is it?

A. Yes. Can you imagine on the agenda of the meeting of the board of directors a point, "TV6 to exchange for freedom of Glushkov"? Even in Russia at that time it wasn't possible.

MR SUMPTION: Dr Nosova, I am not suggesting that this was ever formally put to any meeting of TV6. What I'm

suggesting is that you were involved with considering this proposal because you were a director. I'm not suggesting it was discussed at board level. That explains why you were involved in these discussions with Mr Ivanov.

- A. Directors -- I don't know directors being involved in such discussions. The owners were involved in such discussions, and the owners were Mr Berezovsky and Mr Patarkatsishvili.
- Q. Now, it is not possible that Mr Abramovich made statements in relation to the proposed sale of Sibneft about Mr Glushkov's position because that is said to have happened in Munich. What Mr Berezovsky might have been talking to you about in April was the breakdown of negotiations with Mr Ivanov on TV6. Do you follow me?
- A. Mr Sumption, even I couldn't mix up Abramovich with Mr Ivanov, sorry to say that, no matter how uninterested in politics I was. That's my recollection. If the recollection of Mr Berezovsky is different, okay, it's different.
- Q. Now, you say at paragraph 321 of your witness statement --
- A. Which one?
- Q. Paragraph 321. It's on page 170, right at the bottom of the page D1/09/170.

A. Just a moment, I need to find it. 321?

MRS JUSTICE GLOSTER: Paragraph 321.

A. And which one? Re Munich, ah, okay.

MR SUMPTION: You say at paragraph 321 that:

"[You] heard from both Boris and Badri about a meeting between Badri and Mr Abramovich at Munich Airport at the beginning of May 2001..."

A. Mm-hm.

Q. "... although neither told me at the time exactly what had been said there. After the meeting, however, it was clear that Boris and Badri were still of the view that they had to sell Sibneft to Mr Abramovich because if they did not he could and would encourage raids which would make their position untenable or the confiscation of their interests."

Now, when you say that there was a concern that Mr Abramovich would encourage raids, what sort of raids and on whom?

A. This concern actually appeared much, much earlier. It started, I think, somewhere autumn 2000, when Abramovich started to say that Boris has still association with the company, his conflict with Putin, it could lead to either confiscation, it could destroy the company, he was saying, it could lead to confiscation of assets and -- no, with Nikolai I think we covered already.

- Q. Which company are you talking about: Sibneft?
- A. Sibneft.
- Q. Are you seriously suggesting that Mr Abramovich was threatening to have his own company raided in order to put pressure on Mr Berezovsky? Is that what you're suggesting?
- A. Mr Sumption, I think you missed a very important point, I'm sorry to say. I several times stressed that when we sold ORT shares to Mr Abramovich, he was allowed by Putin to keep him as his most trusted man. So it shows the relationship between Putin and Abramovich.
- Q. You're not focusing on my question, Dr Nosova.
- A. So -- no, I am focusing on your question. So when you are saying Munich -- it was May, right? May 2001 -- it already happened.
- So Abramovich was quite capable of orchestrating something and then stopping it at an appropriate moment, which could be tax investigations, it could be a threat to the shares, it could be anything. But I am certainly convinced that he wouldn't have left it to go too far and he would have stopped it when it started damaging his own interests. That's the reality that we had at the time.
- Q. I would suggest to you, Dr Nosova, that the idea that Mr Abramovich would encourage raids on his own company

in order to bring pressure to bear on Mr Berezovsky in France is absurd and you know that.

- A. It is not absurd. For anyone who knows Russia at the time, it is not absurd at all.
- Q. Would you please look again at bundle R(D)1/06/79.
- A. Which one?
- Q. This is a later point in the draft proof which I was asking you about earlier.
- A. Badri? Is it Badri's proof?
- Q. Yes.
- A. Mm-hm. What the date?
- Q. This is Mr Stephenson's note and the date is June 2007.
- A. Thank you.
- Q. 5, sorry. 2005.
- A. So is it June 2005 or is it December?
- Q. Yes, it's in fact the combined proof based on both notes, so it's June 2005.
- A. Okay.
- Q. Now, do you see what is said about the Munich meeting here?
- A. Can I --
- Q. The section on the Munich meeting actually starts -- I'm trying to help you, Dr Nosova, to find it. If you start at the bottom of the previous page, page 78, there's a heading, "Sale of Sibneft", and I'd like you to read

from line 361 on page 78 to line 379 on page 79.

A. Mm-hm. (Pause)

Q. Have you done that?

A. Yes.

Q. If you look between 377 and 379, Mr Patarkatsishvili says that:

"When negotiating this deal there was no specific mention made of [Mr Glushkov] but this was not necessary as it was clear that his release was one of the reasons we were prepared to sell."

A. Mm-hm.

Q. Now, that is what Mr Patarkatsishvili said at this meeting: that there was no specific mention of Mr Glushkov. That's right, isn't it?

A. That's what it says.

Q. And you have no reason, as you say in your witness statement, to believe that that is wrong?

A. Well, I have no reason to believe that what he said was put in wrong way but I have to tell you that there was -- it was not necessary to discuss it because it was discussed before on many, many occasions. So people knew what they were talking about. They discussed it before on many, many occasions.

Q. Though, according to Mr Berezovsky's case, it was only in Munich that there was a threat to Mr Glushkov's

position designed to produce a sale of Sibneft.

A. The release of Nikolai was discussed as a condition, was discussed between Badri and Roman many, many, many times before that. That was -- it was not necessary to discuss. And that's why Badri said, "But you know, remember our main condition", and Roman confirms: yes, he remembers, because the main condition that Nikolai shouldn't be kept in jail discussed many, many times before that.

Q. Could you please turn to paragraph 196 of your witness statement D1/09/149. I want to ask you about a completely different topic.

A. 100...?

Q. Yes, would you remind yourself of what you wrote at paragraphs 196 and 197 of your main witness statement about the Eurobond offering circular of 1997. (Pause)

Have you read that, Dr Nosova?

A. 196?

Q. 196 and 197.

A. Oh, okay, sorry. I didn't realise I have to read it. (Pause) Yes.

Q. Leave that open, would you, and could we have up on screen H(A)07/34, which is the relevant part of that circular. What I would like you to read is the paragraph underneath the table of shareholders which

begins --

A. I don't see anything.

Q. Do you see a table of shareholders?

A. Here, uh-huh.

Q. Underneath it there's a paragraph that begins:

"FNK, SINS, Refine Oil and Runicom..."

I would like you to read to yourself the whole of that paragraph, please. (Pause)

A. Mm-hm. I've read it.

Q. Now, what that paragraph says, among other things, is that:

"Mr Berezovsky..."

I'm reading from three lines up from the end of the paragraph:

"... does not own or control, or have any other interest in, any shares in Sibneft, directly or indirectly."

A. Mm-hm.

Q. Was that statement true?

A. No.

Q. Now, in your witness statement you say it was technically correct. Why was it technically correct in your view?

A. "Technically correct" referred not to this statement.

"Technically correct" referred to the statement that was

supposed to be here, that was agreed could be here, and not to this one. This one, nobody showed this to us. As far as I know, Mr Berezovsky haven't seen it, I haven't seen it. It's some other statement.

- Q. The only statement that was ever shown to you or Mr Berezovsky was the one that we have just read here, wasn't it?
- A. It wasn't shown to us before the circular was published.
- Q. You say at paragraph 195 of your witness statement D1/09/149 that you weren't involved in the preparation of the offering circular.
- A. I wasn't.
- Q. "... but Boris told me that Mr Abramovich had consulted [him] and [Mr Patarkatsishvili] about it before it was published."
- A. He told them about this attempt to raise finance on the international capital markets and he said that again they will distance Boris from it as the public position. That's what he said, as far as I know. Nobody showed Boris what they managed to stick into this circular.
- Q. Well, let's just look at how you describe the document in paragraph 196.
- A. Okay.
- Q. "In the preparation of this Offering Circular, I was aware of the fact that Mr Abramovich had agreed with

Boris that there should be a statement in the document confirming the agreed public position which they were adopting: ie that Boris did not have an interest in the company."

A. Mm-hm.

Q. Now, that is precisely the statement that the circular makes, is it not?

A. Not at all. Could I read it myself?

"... I was aware of the fact that Mr Abramovich had agreed" --

MRS JUSTICE GLOSTER: No, you don't need to read it out aloud. We've all got it on the screen.

A. Okay. My Lady, I need to explain. It's not the statement that is in the circular; it is statement that was supposed to be in the circular and that was supposed to cover only legal interest. That's why I am saying that technically correct, because Sibneft was held by Mr Abramovich, and that's because I refer everywhere in these paragraphs to 1996 agreement.

And then I say that it was Mr Abramovich and Mr Shvidler who were instructing the lawyers and the investment advisers on this circular and they were supposed to explain the real position to them and get their advice whether or not it's possible to include a statement that they agreed to the fact that it would

cover only legal interest.

They didn't do that, obviously; they put in something else, something completely different. It was never approved by Mr Berezovsky, it was never approved by myself. We haven't even seen it.

Q. Dr Nosova, you weren't even involved in the preparation of this circular and you have no knowledge --

A. I was not --

Q. Let me finish -- you have no knowledge of the matters which you have covered in your last answer.

A. Why?

Q. There was no other statement, was there?

A. No, no, I have knowledge. Because who is instructing lawyers and investment advisers? The chief financial officer of the company, who was Mr Shvidler.

Q. Then why do you say that you weren't involved in the preparation of the offering circular?

A. I was not involved, but it's common knowledge. You asked whether I am familiar to such documents. Who instructs the lawyers and investment advisers? The chief financial officer of the company. At that time it was Mr Shvidler.

Q. You yourself, in paragraph 196, do not refer to a legal interest; you refer to just "an interest". Your gloss that you were told that it would refer to a legal

interest is simply something that you have invented in the course of your oral evidence?

A. You are absolutely wrong. I'm saying "interest" in the 1997 -- in 197. I explain: technically correct, since Sibneft was held by Mr Abramovich. It's obvious it covers only legal interest. It also refers several times to 1996 agreement and the public position which they were adopting.

And by the way, I was shown Mr Abramovich's fourth witness statement and Mr Abramovich himself says that he never showed this circular --

MR SUMPTION: Well, I'm not asking you to comment on other people's evidence.

MRS JUSTICE GLOSTER: Just a second. Can I just interrupt you. It's not appropriate --

THE WITNESS: Ah, okay, sorry.

MRS JUSTICE GLOSTER: -- for you to comment upon other people's witness statements --

THE WITNESS: Ah, okay, sorry.

MRS JUSTICE GLOSTER: -- unless, again, in re-examination Mr Rabinowitz wishes you, in connection with an answer you've given to Mr Sumption --

THE WITNESS: I'm sorry, my Lady.

MRS JUSTICE GLOSTER: It's all right, don't worry. It's difficult to know the rules of the game sometimes.

THE WITNESS: Yes, we are learning.

MR SUMPTION: Dr Nosova -- just one more question if I may,
my Lady.

MRS JUSTICE GLOSTER: Very well.

MR SUMPTION: Could you look back at paragraph 195
D1/09/149.

These paragraphs which I've been asking you questions about, the evidence that you give in your witness statement at 195 to 197 is not about some earlier or different version of this statement because you start out by referring to the very document that you've got open on your screen. H(A)08/90 is the same document -- that is the circular and participation certificates; that's simply another reference to it.

A. Mr Sumption, it is not about any versions of this circular because we have never seen any versions. We have never seen a single version. The only thing that was discussed, that Roman asked Boris that they will again distance him from the company as usual, meaning legal interest, that's it. And they were supposed to take advice from people who were advising them whether it's possible in such a document to cover only legal interest. Apparently they couldn't do that. And instead of just dropping it, they went all the way, made this blatant denial, which is completely wrong.

- Q. This document was disclosed by Mr Berezovsky, wasn't it?
Look at the bottom of the page on the left.
- A. Maybe, but it doesn't mean that Mr Berezovsky saw it
before it was published.

MR SUMPTION: My Lady, I think we --

MRS JUSTICE GLOSTER: Very well. 2.05, please, we'll resume
for your cross-examination. Can you make sure that
during the lunch hour you don't discuss your evidence or
the case with anybody.

THE WITNESS: Mm-hm. Thank you.

MRS JUSTICE GLOSTER: Very well. 2.05.

(1.05 pm)

(The short adjournment)

(2.05 pm)

MRS JUSTICE GLOSTER: Yes, Mr Sumption.

MR SUMPTION: Dr Nosova, there are a large number of points
in your witness statement when you say that this or that
statement was made to you at particular times by either
Mr Patarkatsishvili or Mr Berezovsky. What I am going
to put to you generally is that what you did when
preparing your witness statement was to go through all
the points in Mr Berezovsky's evidence which you thought
were likely to be challenged and simply to stick into
your witness statement that he had told you those things
at the time, regardless of whether he had or not.

A. Is this a question?

Q. I'm giving you an opportunity to comment on that.

A. This is completely wrong. Absolutely wrong.

Q. Now, one different aspect if I may. Could I ask you to look at bundle H(A)19/10, which is a note of a meeting with Mr Berezovsky and Mr Patarkatsishvili prepared in September 2000 by Mr Samuelson of Valmet.

Have you seen this document before?

A. It was shown to me.

Q. Were you present at this meeting?

A. No, I was not.

Q. You did, however, have other meetings with Mr Samuelson of Valmet, did you not?

A. I did; not only with him but also with people who were working in different Valmet offices.

Q. Yes.

A. MTM.

Q. Now, do you see on the second page, page 11 of the bundle H(A)19/11, a statement saying -- this is about five/six lines from the top of the page:

"We will start by moving the Sibneft holdings into the funds in about ten days. These holdings are owned through Cypriot companies mainly today."

Did you at any stage tell Valmet that?

A. About ten days?

- Q. No. Did you at any stage tell Valmet that Sibneft was held through Cypriot companies?
- A. It could be, yes.
- Q. Are they?
- A. Were they at the time?
- Q. Yes.
- A. My recollection, yes, they were.
- Q. You're talking therefore, are you, about Cypriot companies of Mr Abramovich?
- A. Yes.
- Q. Which companies are they?
- A. Now I don't remember their names. But they were -- it was not Cypriot companies of Mr Berezovsky or Mr Patarkatsishvili; they were Cypriot companies of Mr Abramovich.
- Q. Right, I see. So you think you may have been the source of that information?
- A. As well Ruslan could be the source of this information.
- Q. What about the statement that appears in the next paragraph, which consists of just one line:
- "BB and AP also own a large stake in Aeroflot..."
- Did you tell Valmet at any stage that?
- A. No, I didn't, because we didn't own shares in Aeroflot. Maybe we had a very small stake which was just bought on the market, but it was not -- obviously it's not the

stake that Samuelson is describing here.

Q. So do you have any knowledge of how Mr Samuelson could have obtained that information?

A. It could -- maybe he just misunderstood what Boris was telling him because Boris obviously was telling him about future project because for some time it was considered to -- there was some synergy in combining Aeroflot and Transaero activities.

We already owned Transaero, we owned a big stake in Transaero, which was actually controlling stake, but we didn't have the same in Aeroflot. So I can only presume he was maybe talking a future project to get a stake, a big stake, in Aeroflot and then do -- maybe a merger, maybe not a merger -- cooperation between two airlines. And I think that Samuelson just didn't understand him.

Q. Dr Nosova --

A. But it's my guess. Sorry, I need to say.

Q. There's just one other thing I want to ask you. It's about a document which has just been brought to my attention, although it involves dealing with a matter that I asked you about at the outset of your cross-examination.

Could we please have onscreen L(2001)1/207.

MR MALEK: 2011?

MR SUMPTION: Yes, L(2011)1/207. Have you got that? You

should have in front of you a letter of 18 February from Addleshaws to Skadden Arps.

A. Mm-hm.

Q. Right. Now, this letter is about documents in your possession of which disclosure was sought.

A. Mm-hm.

Q. And if you look on the second page of the letter, you will see that it was copied to Charles Fussell & Co.

A. Mm-hm.

Q. Now, Charles Fussell & Co, were they your personal solicitors?

A. Yes.

Q. And did they draw up the disclosure statement which was made on your behalf about documents in your possession?

A. Yes --

Q. Now --

A. -- and I of course approved it.

Q. Sorry?

A. Yes, yes.

Q. Who approved what?

A. I approved the statement.

Q. You approved it, yes.

Well now, in the last paragraph on the first page of this letter reasons are given why your documents are not at the disposal of Mr Berezovsky.

A. Mm-hm.

Q. What this says is:

"... we understand that any attempt to determine which documents held by Dr Nosova are BB Documents and which are not BB Documents... would be highly complex. Mr Berezovsky does not have, has no right to, and has no proper basis for requesting, a complete list of Dr Nosova's documents. Dr Nosova has never been Mr Berezovsky's employee, and we are informed that there is not (and never has been) any formal contractual arrangements between our client and Dr Nosova."

Now, I think you acknowledge that that statement is not correct?

A. In what respect?

Q. There was a formal contractual arrangement between you --

A. In what respect?

Q. Sorry?

A. In what respect?

Q. There was a formal contractual arrangement between Mr Berezovsky and you, wasn't there?

A. Which one?

Q. The contract under which you receive 1 per cent.

A. Something different completely. Because what is being said here that I wasn't his employee, which is correct,

and there is a reference to Logovaz times. At Logovaz I was not employee of Mr Berezovsky; I was his deputy.

Q. Did you see this document? Were you consulted about this document, Dr Nosova, and your position?

A. The dis -- this document prepared by Charles Fussell?

Q. No. This letter was copied to Charles Fussell --

A. I need to look at it again.

Q. Okay. Copied to your solicitors.

A. From Addleshaw Goddard. I don't -- to Skadden Arps, okay. (Pause)

As far as I remember, Addleshaw Goddard were dealing with my lawyer, Charles Fussell, about this letter.

Q. Yes. Now, this letter, as you can see after the signature of Addleshaw Goddard, was copied to your lawyers, Charles Fussell.

A. Yes.

Q. And what I want you to tell us is: did you see it?

A. I think I saw it when Charles Fussell received it.

Q. Yes, and you must have noticed that Addleshaw Goddard were saying that there was no formal contractual arrangement between Mr Berezovsky and yourself?

A. Yes.

Q. And you must have realised that there was a formal contractual arrangement between Mr Berezovsky and yourself: the contract that we were talking about this

morning?

A. No, because what is meant here, it's other contractual arrangements.

Q. What contractual arrangements?

A. Here the point is I was equally close to Boris and Badri, I was advising them on the affairs of the joint venture and I held documents for both of them. I had documents for Badri, I had documents for Boris, I had documents for their joint venture, and it was sometimes very difficult to identify for whom I have these documents.

So I'm not a lawyer myself but, as I was explained, it was very difficult to distinguish which documents I hold for the joint venture which is disputed, which documents I hold in some other capacity. So to avoid these disputes on whose behalf I am holding a certain document -- there were many, right? -- so the parties came to an agreement that I will be doing a disclosure as a third party. That's what it's all about.

Q. Yes, I understand what it's all about, Dr Nosova, but it's not the aspect of this letter which I wish to draw your attention to.

This letter says that there is no formal contractual arrangement between Mr Berezovsky and you, and that statement was untrue, wasn't it?

- A. It was true because I didn't work for Boris Berezovsky on a contract basis.
- Q. But you had a formal contract with him, didn't you?
- A. But it doesn't mean that I worked for him under a contract.
- Q. No. I'm not suggesting that you worked for him in the sense of being an employee. You had a formal contract with him, didn't you?
- A. Mr Sumption, I am not a lawyer and especially I am not a labour lawyer. So I still disagree with you. My opinion is different.
- Q. Is the 1 per cent agreement a contract or is it not?
- A. Many things are contracts, agreements; it doesn't mean that they cover the contractual relationship which is meant here. Here it's obvious that this is not meant here, this kind of contractual arrangement. What is meant here was: was I under control of Mr Berezovsky as, for example, somebody who was working in his office for salary or under contract? I was not; that's true.
- Q. The recital of the 1 per cent agreement records that you had agreed to assist Mr Berezovsky with his litigation, and you had, hadn't you?
- A. Yes.
- Q. You were perfectly content that this kind of statement should be made in a letter by Addleshaw Goddard to

Skadden Arps because you never wanted the 1 per cent arrangement to see the light of day, did you?

A. This is completely untrue. Completely untrue. When I was looking at it, I never linked it with that because in my opinion what is meant here completely different.

Q. And when your disclosure statement was prepared by Charles Fussell, it did not include any reference to the 1 per cent contract, did it?

A. No.

MR SUMPTION: Thank you.

MRS JUSTICE GLOSTER: Mr Sumption, could you give me, please, for the record, the page reference to the agreement that you took Dr Nosova to earlier this morning?

MR SUMPTION: Yes: it is H(A)98/43.007.

MRS JUSTICE GLOSTER: Thank you.

Yes, Mr Malek.

Cross-examination by MR MALEK

MR MALEK: Dr Nosova, can you please turn to your statement, which is at D1/09/155. Do you have that in front of you? This is a section of your statement under the heading "The Aluminium Assets" which starts at the previous page, at 225. What I would like to do is look at paragraph 231.

A. Could I ask you to refer to paragraphs because my pages

are different because it's blown in another format.

Q. Yes, paragraph 231. What you tell us is that:

"By early 2000, Boris in particular had developed a close affinity with England. He was particularly impressed with its democratic society and its fair system of law, and he respected the English judicial system, which he very often referred to as the 'British system'."

At paragraph 232 you say this:

"It was standard practice by this time for Boris and Badri to hold their assets through overseas, including offshore, vehicles and to use a western system of law as the governing law of acquisition agreements and other contracts. In the early and mid-1990s, Swiss structures and Swiss law as the governing law were widely used by them. However, by the end of 1999/early 2000, an obvious shift had already occurred to use common law offshore structures and English law as the governing law."

What is the basis of your knowledge? Were you involved in these structures that you're referring here as the financial adviser for Mr Berezovsky?

A. First of all, early and mid-'90s, it's still Logovaz.

I was deputy general manager of Logovaz and some time later first deputy general manager of Logovaz: my

responsibility was finance. I was involved in it.

I knew which structures were created and I knew we had a number of contracts, agreements, and we often used Swiss law.

Q. Is this a reference to Logovaz or is this a reference to Badri and Mr Berezovsky personally?

A. It is early and mid-'90s, Badri and Boris were at the time at Logovaz, so it's very difficult to distinguish. They owned Logovaz, Logovaz was a separate entity. So it was used by Logovaz and they know their affairs. But with -- it wasn't only Swiss; we were using other offshore structures also.

Q. So how should paragraph 232 read? Where it says, "In the early and mid-1990s Swiss structures and Swiss law as the governing law were widely used by them", should that read "widely used by Logovaz"? Or can you help us --

A. Not only Logovaz, by Boris and Badri also, because it was used by companies, offshore companies, not Russian companies but other companies: companies that we had abroad and we used for our business.

Q. You refer at paragraph --

A. And they were owners of these companies.

Q. In paragraph 232, you say:

"It was standard practice by this time..."

Do we take "by this time" to mean early 2000? Is that the period of time that you're referring to by the use of the phrase "by this time"?

A. In this paragraph I made a distinction because I was talking "By early 2000" in the previous paragraph and then I explain that it was not always like this, it changed over the time, because in the early period we were more inclined to use Swiss structures and Swiss law but with the passage of time we more and more started to use common law offshore structures and English law.

Q. If we look at the last sentence of paragraph 232:

"By the end of 1999/early 2000, an obvious shift had already occurred to use common law offshore structures..."

Can we look at the position at the end of 1999: what common law structures are you referring to there?

A. We were using, for example, British Virgin Islands.

Q. For what purpose?

A. For our offshore companies.

Q. And what were those offshore companies doing?

A. The offshore companies we had, we used them for different business: we used them for cars business that we still had, we used them for subsidiaries of our Swiss companies, for many purposes.

Q. If we look at paragraph 232, the first sentence:

"It was standard practice by this time for Boris and Badri to hold their assets through overseas, including offshore, vehicles..."

Can you explain to us why Mr Berezovsky was holding assets in offshore vehicles? What was the reason for that, according to your understanding?

- A. It started very early in the day. I explained in my witness statement: when I was invited to work at Logovaz, the initial meeting I had, it was with Boris and Badri -- with Boris and Nikolai Glushkov, and Nikolai Glushkov specifically, he explained the strategy to develop the business and a very important element of this strategy was creating offshore companies. And it was 1991/1992: not many people in Russia at that time used offshore companies and at least not efficiently. It all happened later.

MRS JUSTICE GLOSTER: Sorry, not efficiently or not officiously?

- A. Not efficiently.

So Logovaz was one of the first big companies that started to use not just shell offshore companies but offshore companies that were doing real business. You know the history, it was described how Forus was created, Anros, Forus, Andava, but there were also other offshore companies and they were satellite companies

around the subsidiaries.

MR MALEK: Would it be right to say that Mr Berezovsky's assets were invariably held through offshore companies, for example like properties, his property in England and in the south of France?

A. In the time he didn't have these properties in England or south of France so...

Q. But in the end of 1999?

A. In the end of 1999, not necessarily, because both offshore structures were used and sometimes assets were owned in the name of Mr Berezovsky or members of his family. I can't say that invariably all the interests were held through offshore companies.

Besides, we know that, for example, Sibneft was held by Mr Abramovich on oral agreement. So it was not held through offshore companies belonging to Mr Berezovsky and Mr Patarkatsishvili.

Q. At the end of 1999 what assets did Mr Berezovsky hold in his own name of a substantial nature?

A. There were some shares in his own name, both in Russia and abroad.

Q. Yes.

A. But he actually -- the shares he -- in 1996, almost everything he transferred to Badri because with Badri he also had an agreement for his protection.

- Q. That's not my question. My question is: in 1999 can you give us an example of substantial assets held in Mr Berezovsky's personal name, rather than in a trust or offshore company? Can you think of anything?
- A. He had just a shareholding in Logovaz, part of it, in his personal name because it was frozen by the Russian authorities; it could not be transferred to Badri.
- Q. And any other asset that you are aware of?
- A. There was some real estate. There was some real estate.
- Q. Where?
- A. Real estate in England. But it was not in his name, maybe it was in the name of his wife.
- Q. No, I'm asking about assets in his own name.
- A. I think TV6, while we still had that, part of it was in his own name.
- Q. And how much?
- A. This is difficult for me to remember now. But part of this stake in TV6, I think it was a significant part, it was in his own name.
- Q. Can you turn to paragraph 228 D1/09/155, where there's a section dealing with the acquisition of the aluminium assets.
- A. Mm-hm.
- Q. You've been listening to the evidence and have heard about the KrAZ assets which were acquired in early 2000.

Do you recall the press statement where Mr Berezovsky told the media that Logovaz had acquired the aluminium interest? Was that something that you were in court to listen or would you like to see the document referring to that?

A. No, I don't need to see the document because for Logo -- you know, don't forget that in Russia Yukos was very often called Menatep Group, though Yukos is Yukos. Same, assets of Logovaz, they can -- people could refer to them as Logovaz. The assets via Logovaz or shareholders of Logovaz, owners of Logovaz held interest. So till today we consider ourselves to be Logovaz Group; this is true.

Q. So the statement to the media that Logovaz had acquired the aluminium assets, do you think that was a correct statement?

A. Shareholders of Logovaz, owners of Logovaz acquired aluminium assets.

Q. Now, at 230 you explain that:

"The ['H' and 'O'] structure was put in place to offer asset protection for Boris's and Badri's oil and aluminium assets."

Do you see that in front of you?

A. Which?

Q. Paragraph 230 of your statement.

A. 230, yes. (Pause)

Yes.

Q. I'm not going to ask you questions about Mr Berezovsky's case as to whether or not he acquired the KrAZ assets in early 2000, but can you confirm this: that, as far as you are aware, no offshore vehicle of Mr Berezovsky ever held those assets?

A. Assets that were put in "H" and "O" structure?

Q. No, the assets that -- you refer at paragraph 230 about the "asset protection for Boris's and Badri's oil and aluminium assets".

A. No, I need to explain here to my Lady that the main purpose for creating "H" and "O" structure was to put there their oil and aluminium interests, but it was not the only purpose because we also put there TV6, Kommersant, some other -- and then newly acquired assets also, but it happened later, because it was not used for its primary purpose. The main purpose was to put assets which were oil and aluminium interests.

Q. Let me try and ask the question once again. As far as you're aware, no offshore vehicle of Mr Berezovsky ever acquired those oil and aluminium assets; that's correct, isn't it?

A. Before putting oil and aluminium assets into these structures, Mr Berezovsky and Mr Patarkatsishvili had to

use the right that they had according to agreements with Mr Abramovich, so that when they call for their shares, Mr Abramovich was obliged to transfer them to them.

So the structures needed to be created. It took time to create these structures because they're very complicated, very, very complex, because they were supposed to be very well protected.

MRS JUSTICE GLOSTER: Protected from what?

A. From Russian authorities. So... but after the structures had been created, the idea was to transfer -- to call for the shares of Sibneft and Rusal that were held by Mr Abramovich and transfer them into the structure. That was the idea.

MR MALEK: Let me try and make it even more simple.

Think about the KrAZ assets that were acquired in 2000. You know what I'm talking about?

A. Mm-hm.

Q. It's right to say that those KrAZ assets never found their way into an offshore company belonging to Mr Berezovsky, did they?

A. Because apparently Mr Abramovich didn't keep his obligation, didn't transfer them.

MR MALEK: I've no further questions.

MRS JUSTICE GLOSTER: Thank you.

MR ADKIN: My Lady, I do have some questions.

Cross-examination by MR ADKIN

MR ADKIN: Dr Nosova, my first question is: can you hear me properly from here?

A. Not as well as the others, but I still can hear something.

MRS JUSTICE GLOSTER: Well, speak up, Mr Adkin, that's all.

MR ADKIN: Did your husband draft the 1 per cent agreement that we've been talking about this morning?

A. Yes, he did.

Q. You said that you worked for Mr Patarkatsishvili and Mr Berezovsky --

A. Yes.

Q. -- and you looked after financial matters for them?

A. Yes, exactly.

Q. And presumably you had a reasonably good awareness of their investments?

A. Yes.

Q. And that remained the position, did it, when Mr Patarkatsishvili died?

A. Yes.

Q. Was your husband also aware of their investments?

A. Not of all of them; of part of them. Here I need to explain to my Lady, if I may, that the investments were managed actually by four groups of people and entities: it was MTM and which -- and later LMC corporate service

providers, who were managing part of the assets; it was Salford investment management who were managing Rainbow Fund --

Q. Dr Nosova, I hesitate to interrupt but this isn't the question that I asked.

A. No, no, it's very relevant to your question.

Q. Well --

MRS JUSTICE GLOSTER: Let her finish, please, the explanation. But keep it short, please, Dr Nosova.

A. Yes. They were managing Rainbow Fund and some other assets. There was Mr Anisimov, Mr Anisimov who also managed a very, very big group of assets. And there was also Joseph Kay, who managed a group of assets.

So that's the question -- the answer to your question, Mr Adkin.

MR ADKIN: And one of the assets that Mr Anisimov, you say, managed on behalf of Mr Berezovsky was Metalloinvest, wasn't it?

A. Yes, it was.

Q. Yes. Could you please take up bundle H(A)95, and turn to page 56 H(A)95/56. Do you have that?

A. Yes.

Q. This is the last in a number of draft deeds between Mr Patarkatsishvili and Mr Berezovsky.

A. Mm-hm.

- Q. And it was disclosed, along with five others, by Streathers, which is your husband's firm.
- A. Mm-hm.
- Q. We are told that the date upon which the deeds were produced -- and this one, one can see from page 56 -- is the handwritten date at the top. Do you see that? "4.9.2007".
- A. Is it one of the versions?
- Q. This is the last version in time.
- A. The last version?
- Q. This is the last version.
- A. Because there were several versions.
- Q. There were indeed several versions. Do you remember these documents?
- A. Yes, I do.
- Q. And do you remember being involved in having produced these documents?
- A. Yes, I remember. Yes.
- Q. Now, these deeds purport to record an agreement between Mr Berezovsky and Mr Patarkatsishvili to separate their various business affairs. Do you recall that? Do you recall what they purport to say?
- A. Not exactly.
- Q. Well, you can take it from me that that is what they purport to say but, as we understand it, Mr Berezovsky

says that these deeds are in fact false and that they purport to record an agreement which was never in fact made between him and Mr Patarkatsishvili.

Do you agree with that analysis?

A. I think the most important thing to say here is these deeds were never signed. Moreover, Mr Berezovsky never seen these deeds. It never come to that, right? It was idea of Badri and he was thinking of whether it is possible for asset protection to create some document, without distorting reality, legal document that could distance Boris again from the assets.

Q. Can I go back to my question, please, Dr Nosova.

Do you agree that these deeds purport to record something that did not actually happen?

A. When these deeds were being created, it wasn't clear whether something will happen or not because it would depend on the principals because these, when -- if they were progressed to the point when they became more or less complete documents, would have been given for consideration to the principals. It was never given to Badri -- to Boris. Badri was looking at them several times.

And with this very last deed, on 4 September -- if it is the last deed; I just take your word for it -- Badri came up with something that was impossible to do.

Can I tell my Lady what it was?

MR ADKIN: Dr Nosova, I don't want to --

MR RABINOWITZ: My Lady, before this conversation carries on much further, Mr Adkin of course is here just to deal with the overlap issues. I don't know where he's going with these questions. This is an issue, the effect and status of this document -- your Ladyship will have heard it referred to, I think, as the economic divorce -- which is one for the Chancery trial, not for this trial.

Now, again, I don't know where my learned friend is going with these questions but I do need to put down that marker because I think he has been, or at least on the verge, going over a line and I just want to make that clear both to your Ladyship and to my learned friend.

MRS JUSTICE GLOSTER: Yes. Mr Adkin, I am very conscious that I am not going to be deciding Chancery issues that are not overlap issues.

MR ADKIN: My Lady, I am very conscious of that too and I want to say to your Ladyship and to the witness that for the purposes of this cross-examination I'm perfectly happy to accept, for these purposes only, Mr Berezovsky's case that these are false documents and that they do not record something that actually happened. That doesn't matter for my --

MR RABINOWITZ: With respect to my learned friend, that sort of pejorative way of putting it I think really doesn't help anyone. If he wants to say these documents were never agreed and never signed, that's fine. If he wants to say that Mr Berezovsky says that he didn't actually finally agree to what's here, that's fine. It was never put to Mr Berezovsky. But if he's going to go further and put it in a pejorative way, in my respectful submission --

MRS JUSTICE GLOSTER: I don't know that he was putting it in a pejorative way.

MR RABINOWITZ: I think he was suggesting they were false documents.

MRS JUSTICE GLOSTER: That's Mr Berezovsky's case.

MR RABINOWITZ: No, that's the way my learned friend is characterising Mr Berezovsky and it's that that I object to.

MRS JUSTICE GLOSTER: Okay. Well, what is clear is that they're draft documents and the witness has told us that they were never signed up and that is common ground.

MR RABINOWITZ: Indeed.

MR ADKIN: Indeed.

MRS JUSTICE GLOSTER: And we don't need, I think, to go into whether there was or was not any sort of agreement between the parties which these documents, if signed,

might have reflected.

MR ADKIN: My Lady, absolutely, and I don't intend to do that in any way because I'm very conscious that there is a line over which I must not tread.

What I want to ask is this: presumably, Dr Nosova, whatever status these documents have, the purpose of your input into these documents was to make them look as genuine as they could do by accurately recording the status of the investments between Mr Berezovsky and Mr Patarkatsishvili?

- A. That was not the purpose and that was not my role, to make something good -- look good or real when it was not. My role was always different. And when I told Badri that it's impossible to write in these documents what he thought was possible, the whole project was abandoned.
- Q. Can I ask you, please, to take up page 59 of the bundle that you're in H(A)95/59. Now, as we understand the documents, you will see on page 59 and page 60 two schedules and they set out various investments. As we understand the documents, these schedules purport to set out the investments which were made between Mr Patarkatsishvili and Mr Berezovsky.
- A. These schedules do not purport to set out anything because it's only part of the investments and it is only

a small part of the investments. The schedules were never complete.

MRS JUSTICE GLOSTER: What, Mr Adkin, I need to know before I let this cross-examination go further is why these draft documents are of relevance to the overlap issues.

MR ADKIN: My Lady, they are of relevance because I am going to put to the witness what is in these schedules and what is not in these schedules. I'm going to suggest to the witness that there are certain significant investments missing from these schedules which would otherwise be in them if Mr Berezovsky had an interest in Rusal or the proceeds of sale of Rusal or the investments purchased with those proceeds of sale.

MRS JUSTICE GLOSTER: Well, the value of a draft document is questionable, isn't it?

MR ADKIN: Well, my Lady, there are three documents which have schedules, all of them are the same --

MRS JUSTICE GLOSTER: Right. Well, I'm going to let you put the question.

MR ADKIN: Dr Nosova, you can take it from me that in three of the six draft deeds that have been produced the schedules are exactly the same, save that one investment has moved from the second schedule to the first schedule.

A. Okay.

Q. What I want to ask you is this: nowhere, I suggest to you, in either the first schedule or the second schedule is Metalloinvest mentioned as an asset that was held as part of the joint venture between Mr Berezovsky and Mr Patarkatsishvili, is it?

A. My Lady, could --

Q. Do you agree with that?

A. I agree that it's not mentioned. There is a reason.

Q. Well, we'll come on to the reason.

A. I need to tell --

Q. Nowhere in either of the schedules --

MR RABINOWITZ: With respect to my learned friend, he asks a question: the witness is trying to answer it and explain the position and he won't let her do it.

MRS JUSTICE GLOSTER: No, well, I'm going to allow the witness, once the alleged admitted assets have been identified, to give her reasons why she says those assets were omitted from this draft document.

THE WITNESS: Okay, thank you.

MR ADKIN: My Lady, absolutely.

MRS JUSTICE GLOSTER: So just identify which assets you say were missed from these schedules, Mr Adkin, please.

MR ADKIN: Nowhere in either of these schedules is any other asset which was acquired with the \$585 million paid out from the second Rusal sale in July 2004 identified, is

it?

A. No, this is not true because here is identified Rainbow Fund and part of the investments in Rainbow Fund were made with the Rusal monies.

But it's not the main answer to your question. I'll answer you when your Lady allow me.

MRS JUSTICE GLOSTER: Well, just identify the assets you say were not in these schedules.

MR ADKIN: Well, the assets that Mr Berezovsky says in his main Chancery action were acquired with the proceeds of that \$585 million include Metalloinvest, Kulevi Port, a Mosselprom poultry factory; none of those is mentioned in any of these schedules, is it, Dr Nosova?

A. Is it time to give full answer or should I --

Q. Do you agree with that?

MRS JUSTICE GLOSTER: Just agree whether they're mentioned or not, will you?

A. They're not mentioned.

MR ADKIN: Now, you've been wanting to give your explanation as to why; would you do so, please.

A. Yes. In the very beginning, my Lady, do you remember I insisted to explain that there were four groups of people and entities who were managing assets: Valmet, which became MTM and then LMC took over; Mr Anisimov with his people; Mr Joseph Kay; and Salford.

So this, as I mentioned here, it was the knowledge of LMC. Had these drafts ever come to completion, then Mr Anisimov, Mr Joseph Kay and Mr Salford would have been requested to complete the schedules and then there will be Metalloinvest, Kulevi Port, this poultry factory, all the assets managed by Salford, Fisher Island and the other assets managed by Joseph Kay; everything.

That's the answer.

Q. Well, none of the assets in the first schedule was managed by LMC at all, was it?

A. What?

Q. None of the assets in the first schedule was managed by LMC at all, was it?

A. These are the assets that we had in Russia and that we have sold. Transaero, the companies that received the proceeds of transfer were managed by LMC. KPH was all managed by LMC. Spartak Moscow, there was a kind of promissory -- it was commercial paper, it was also received by a company managed by LMC. Forus, there was a role of LMC in this transaction. Latvia TV too. Avtoconsortium also. So all these were within the knowledge of LMC.

And the same assets -- where is this other schedule? Could I have a look at that?

MRS JUSTICE GLOSTER: The second schedule, you mean, in this document?

MR ADKIN: Page 60 H(A)95/60.

A. These were projects either managed by LMC or projects into which LMC made payments, they were on records, they knew about this project. For example, TG Project, B Media, these were projects managed by Salford, but LMC, formerly MTM, before them. They have made so many payments into these projects that they knew about it.

Q. Well, Project Embassy, that was a Salford project, was it not?

A. It was Salford, that's what I'm saying, but LMC --

Q. And B Media was also a Salford project, wasn't it?

A. Yes.

Q. So when you said a few moments ago that these were all LMC projects and that the reason why the Metalloinvest and Kulevi weren't mentioned is because this was just limited to LMC, that was not correct, was it, Dr Nosova?

A. No, you are distorting my words or maybe you just, sorry, didn't hear what I said, because I have the problem with the sound.

I said that LMC were aware of some of these projects that were actually managed by Salford because LMC were either paying money or their predecessors paid money to this project, quite big amounts, and it was in LMC's

databases; that's why LMC knew about it. But there were other projects managed by Salford where cashflow didn't go through LMC. They're not here. Kulevi Port, Metalloinvest, the cashflow never went through LMC. They're not here.

So the idea was if this document ever came to completion then all these four groups of people who were managing investments, including Mr Anisimov, Joseph Kay, Salford and LMC, just to check whether they didn't miss anything, it would have been completed. This is not full schedules at all; it's just a hint.

Q. I suggest, Dr Nosova, that the reason why the assets -- Metalloinvest, Kulevi, Mosselprom -- that were derived from the second Rusal sale are not in this document is because those were not assets that Mr Berezovsky or Mr Patarkatsishvili ever regarded as being Mr Berezovsky's or that Mr Berezovsky had an interest in.

A. Completely wrong.

MR ADKIN: My Lady, I have no further questions, other than formally to adopt the lines of cross-examination.

MRS JUSTICE GLOSTER: Right, thank you. Mr Mumford?

MR MUMFORD: My Lady, I have no questions.

MRS JUSTICE GLOSTER: Thank you. Yes, Mr Rabinowitz.

Re-examination by MR RABINOWITZ

MR RABINOWITZ: Just one question, Dr Nosova.

You were asked earlier today whether you were personally involved in making the agreements of 1995 and 1996, whether you were involved personally in the auctions in 1997 or indeed personally involved in the acquisition of the aluminium assets, February 2000, or indeed in Rusal, and you explained that you were not personally involved in this.

It was then suggested to you that the information in your witness statement that you give about these transactions is all knowledge that would have come to you simply by being told about these things by Mr Berezovsky and Mr Patarkatsishvili, and you made clear that that was not right and you had knowledge about these matters outside of the fact that they were mentioned to you by Mr Berezovsky and Badri.

Can you just explain the basis for that answer, please?

A. It was -- first of all, Boris and Badri, they were quite open with me about these meetings. They told me a lot. Second, I witnessed dealings between these people in these assets and also I participated in events.

Can I make an example?

Q. Please.

A. We had a meeting in Israel in 2004 where Badri invited

me to go with him and Dmitry Bosov to the house of Lev Chernoi and what the agenda for Mr Bosov was, he claimed that Badri, Boris and Mr Abramovich owed him commission for the acquisition of aluminium assets in 2000 and he wanted this discussion to be in the presence of Lev Chernoi because Lev Chernoi was also one of the sellers. And they discussed in front of me, people who were party to this transaction, who were sellers of these aluminium assets, because you know Lev Chernoi was a seller, Dmitry Bosov was a seller, and they discussed in front of me how they sold these assets to Badri, Boris and Mr Abramovich.

So I think it's also knowledge. This is just one of the examples. I may continue; I have many.

MRS JUSTICE GLOSTER: Yes, I see. Thank you.

MR RABINOWITZ: Thank you, Dr Nosova.

MRS JUSTICE GLOSTER: Yes, I have one question for you.

The commission agreement that you have entered into with Mr Berezovsky, have you received any payment under it already in respect of any of the litigation recoveries?

A. No.

MRS JUSTICE GLOSTER: Nothing in respect of the North Shore litigation?

A. Nothing.

MRS JUSTICE GLOSTER: Very well. Thank you very much indeed for coming to assist the court.

THE WITNESS: Thank you. Thank you very much.

MR SUMPTION: My Lady, on that last point, we understand that actual recoveries on the North Shore litigation have been minimal.

MRS JUSTICE GLOSTER: Right. Thank you.

Right, next witness I think, please.

MR RABINOWITZ: Thank you, Dr Nosova.

MRS JUSTICE GLOSTER: Thank you very much.

(The witness withdrew)

MR RABINOWITZ: Mr Voronoff.

MR VLADIMIR VORONOFF (affirmed)

MRS JUSTICE GLOSTER: Please sit down if you would like to.

Examination-in-chief by MR RABINOWITZ

MR RABINOWITZ: Good afternoon, Mr Voronoff.

A. Good afternoon.

Q. Mr Voronoff, just to confirm, you don't have a mobile phone or any other electronic device with you?

A. No, no, it's not even with me.

Q. Can I ask that you be given bundle D2, please, opened at tab 15 D2/15/73. You should, I hope, see a document titled "Witness Statement of Vladimir Voronoff" there.

A. I do.

Q. And can you go to page 88 of the bundle D2/15/188.

You should be looking at the numbers on the bottom right-hand corner.

A. I'm here.

Q. Can you confirm that that's your signature?

A. It is.

Q. And that this is your only witness statement in these proceedings?

A. That's right.

Q. Can you confirm that the contents of your witness statement are true to the best of your knowledge and belief?

A. Yes.

MR RABINOWITZ: Thank you. Can you wait there, please.

Cross-examination by MS DAVIES

MS DAVIES: Mr Voronoff, you first met Mr Berezovsky in 1994?

A. Correct.

Q. And after meeting him, you relatively quickly started assisting him in various ventures; is that right?

A. Generally, yes.

Q. Mr Goldfarb, do you know him?

A. Yes.

Q. He describes you as being "Mr Berezovsky's point man in Europe by late 1995", by which I understand him to mean a point of contact in Europe for Mr Berezovsky. Would

you agree?

A. To a large extent, yes. Not fully, though, because Europe is large.

Q. So parts of Europe, including the UK?

A. Definitely. Definitely including the UK, yes.

Q. And as a result did you see Mr Berezovsky and communicate regularly with him over the years that followed?

A. That's right.

Q. And you travelled extensively together?

A. We did, especially in the '90s.

Q. And you quickly became very good friends?

A. Well, let's not define "quickly" but, yes, over a certain period of time we became very good friends, very close.

Q. In your statement at paragraph 13 D2/15/76 you say:

"... we quickly became... close."

A. Yes, but I mean, we can go into discussion how quickly it was.

Q. Okay. And you remain --

MRS JUSTICE GLOSTER: Well, I don't think that's relevant.

MS DAVIES: Sorry, my Lady.

You remain close friends now?

A. We do.

Q. And you were also a close friend of Mr Patarkatsishvili

from 1997?

A. Probably even before then. But very close, yes.

Q. And so presumably you also saw and communicated regularly with Mr Patarkatsishvili between 1997 at least and his death?

A. That's right.

Q. Now, you've been based in London since 1991; is that correct?

A. Yes.

Q. Is one of the companies you're associated with a company called Stargate Management Limited?

A. Yes.

Q. And did that company share offices with Mr Berezovsky or Mr Fomichev in Savile Row for a time in 2000?

A. It did for a short time, yes. But not with Mr Fomichev; Mr Berezovsky, yes.

Q. Mr Berezovsky.

Did Mr Berezovsky purchase a property for your use in 2002?

A. In -- you mean an apartment?

Q. A property.

A. Yes.

Q. Is that the flat in Holland Park Avenue in which you state you currently live?

A. That's right.

- Q. And does Mr Berezovsky still own that property?
- A. For all my knowledge, yes.
- Q. Would it be fair to say you have strong feelings of loyalty to Mr Berezovsky?
- A. Well, we are very close friends.
- Q. Do you have any arrangement whereby you stand to benefit financially in the event that Mr Berezovsky succeeds in his claim?
- A. No.
- Q. Given your close friendship with Mr Berezovsky, you have no doubt discussed his claims against Mr Abramovich with him on several occasions?
- A. Yes.
- Q. Many times?
- A. No, not really, you know. Actually few times, very few times.
- Q. And have you been present in court?
- A. From -- as apart from today?
- Q. Apart from today?
- A. One day.
- Q. Which day was that, Mr Voronoff?
- A. Well, it was when Mr Berezovsky was giving evidence, it was last week, but I can't remember. But I can check, if you want me to check.
- Q. Can you remember what subjects were being covered?

A. It was already Rusal, it was not -- it was not Sibneft anymore, it was already Rusal.

Q. Okay, thank you. We can locate it.

Now, when did you first meet Mr Abramovich?

A. I think it was '95. I'm pretty sure it was '95.

Something is wrong with the glass. The glass is broken. Sorry. It's a mess here with the water.

Q. Do you need to clear that up?

A. Well, I'm being helped by somebody. The plastic is not really... is not very enduring. I'm okay.

Q. I don't want you to get all wet, Mr Voronoff.

A. Yes. Well, I am already so...

Pray continue.

Q. So we were just on when you first met Mr Abramovich.

A. I think it was in 1995.

Q. And was that through Mr Berezovsky at the Logovaz Club?

A. It was specifically through Mr Berezovsky who introduced us.

Q. And you did not have a business relationship with Mr Abramovich thereafter yourself?

A. Business relationship, no.

Q. In 1995 -- and I'm focusing on 1995 for the moment and the period prior to Sibneft's creation -- is essentially what happened that you would bump into Mr Abramovich sometimes when you were at the Logovaz Club wanting to

see Mr Berezovsky?

A. Yes, now I will be true: and I think also abroad sometimes when we travelled together, we travelled with Roman or, you know, see him abroad from time to time. But, yes, essentially it's true.

Q. But you did not actively participate in any meetings between Mr Abramovich and Mr Berezovsky, did you?

A. Not specifically, I mean, unless it was a special need for me to do so. What happened was, like in the case of Dr Nosova, you know, when I was in a group of people, things were discussed, you know, which did not necessarily have anything to do with me but, you know, I guess for a reason of being trusted I was never asked to leave the room, I was just there, you know, and then we would discuss other things.

And once or twice it was specific meetings, you know, with Boris and Roman and myself, specifically called, but that was rare.

Q. You were not yourself participating -- as in being directly involved in the discussions rather than just being in a room when they were going on -- in any detailed discussions between Mr Berezovsky and Mr Abramovich about the Sibneft project, were you?

A. No. I was not a participant, active participant.

Q. Now, you do tell us in your statement, and it's

paragraph 25 which is at page 79 D2/15/79 --

A. Just one second.

Q. -- that you had a small role in the project to create Sibneft; in particular you approached some contacts in the west to try and find funding.

A. That's correct.

Q. That was at Mr Berezovsky's request, was it?

A. Well, we had a couple of meetings before then with Roman as well, but it was essentially with Mr Berezovsky, you know.

Q. You see, Mr Abramovich's evidence will be that he wasn't aware of the steps you were taking in relation to western investors and indeed he doesn't recall meeting with you in 1995.

A. Well, that's -- I don't think his memory serves him well but I do remember very well.

Q. Now, you say that, as part of the steps you took, you organised and attended a meeting between Mr Berezovsky and Mr George Soros.

A. Not with George Soros, no.

Q. Well, if you could look at paragraph 25.

A. Yes.

Q. The third sentence:

"I approached a number of investment banks,
including Morgan Grenfell, Rothchild's, George Soros and

some others, and organised meetings that Boris and I attended."

You weren't intending to indicate by that that you were at the meetings between Boris and any of those parties; is that right?

A. Yes, I was; not with George Soros but everybody else mentioned here and some others which are not.

Q. In the event, the efforts you made to attract western investment proved unsuccessful?

A. Totally.

Q. No western investor was prepared to take the risk?

A. That's -- unfortunately that statement is entirely correct.

Q. Now, apart from that, you were not involved yourself in a project that led to the creation or acquisition of Sibneft, were you?

A. No.

Q. And you didn't have any knowledge of which companies or which persons had acquired shares or by which auction, or anything like that?

A. Well, I mean, I knew about the auctions, I knew about the proceedings as were told me in passing by Boris and Badri mostly, and some other people like Alexander Mamut, for example, who is not mentioned here but we discussed it with him. But I was not directly involved,

I was not a participant to those. It was all sort of secondhand information, if you will.

Q. Your principal source of information in this respect was presumably Mr Berezovsky or Mr Patarkatsishvili?

A. Correct.

Q. Now, you tell us in paragraph 29 of your statement, over two pages, on page 81 D2/15/81, that your understanding was that Mr Berezovsky and Mr Patarkatsishvili owned 50 per cent of Sibneft.

A. Yes.

Q. Do you mean to indicate by that that you understood that at some point they directly owned 50 per cent of Sibneft, in the sense of either owning it themselves or through corporate entities that they owned?

A. Neither really. You know, I didn't really think of how exactly. I mean, I was pretty sure -- if I was questioned at that time, I would be pretty sure to say that not directly, but in actual fact, so de facto rather than de jure.

Q. And are you saying that that is the conclusion you drew from behaviour and meetings you witnessed or are you saying it's something you recall specifically being told by Mr Berezovsky or Mr Patarkatsishvili?

A. I recall specifically being told by Boris and Badri on many occasions but not like, "Look, I want you to sit

down and listen to this, I'm going to tell you now". It was really pretty much common knowledge. It was a fairly close circle of people and certain things were just taken entirely for granted and this one was -- was one of them.

Q. You were taking it for granted that they had an interest in Sibneft?

A. Well, no, no, not for granted. I mean, we were told but it's not -- like I said, it was mentioned many times in various contexts, in many conversations, you know, so obviously I took it like that.

Q. It must now, in 2011, be very difficult to distinguish any one conversation you had with Mr Berezovsky or Mr Patarkatsishvili with any other?

A. Well, it's hard. But, you know, it was mentioned on numerous occasions because I spent a lot of time with them, you know, and -- with Boris and Badri and we'd talk about a lot of different things. Sibneft was definitely one of them, many times, and the general nature of the relationship with Roman was discussed many times. And so it was really something that was mentioned numerous times.

Q. Now --

A. This partnership, and the word "partnership" was always used.

- Q. The word "partnership" was used?
- A. Yes.
- Q. You don't tell us that in your witness statement, Mr Voronoff.
- A. Well, I mean -- okay, I don't tell you this in the witness statement.
- Q. And nor, in fact, do you say in your witness statement that you were told by Mr Berezovsky or Mr Patarkatsishvili that they had a 50 per cent interest in Sibneft; what you say is that it was never suggested that they didn't.
- A. No, it was -- they said specifically many times that they owned 50 per cent of Sibneft and their relationship with Roman was, you know, 50/50 and they were partners.
- Q. Now, your evidence is that you continued to meet Mr Abramovich from time to time after 1995, in particular in France and sometimes in London.
- A. France, London, Moscow, you know, yes.
- Q. Over what period do you say you had such meetings with Mr Abramovich?
- A. Well, they pretty much stopped, I think, in the fall of 2000.
- Q. And you tell us in paragraph 33 of your statement D2/15/82 that you recall Mr Abramovich saying:
- "... he did not like Mr Berezovsky's political

activity... and wanted [him] to quieten down..."

A. That's right.

Q. When are you saying you had such conversations with Mr Abramovich?

A. Well, it was obviously in the late '90s. I think it was in Moscow he mentioned -- again, we'd talk about different things and he was -- Roman was concerned about that.

Q. You say it's obviously in the late 1990s. You've just told us that you continued meeting Mr Abramovich until the fall of 2000. Isn't it more likely it was in the fall of 2000, when Mr Berezovsky's difficulties with Mr Putin had surfaced?

A. No, no. That's -- surely not, because I don't remember meeting Roman anytime in the summer of 2000. You know, it may have been. But, I mean, those conversations were way before, when Boris was actually very much -- how shall I put it? -- well, you know, he's a visible figure, he was a political figure in Russia, he was giving a lot of interviews, and that's his nature and that's his political, you know, MO, but Roman didn't like it one single bit.

Q. You see, Mr Abramovich's evidence is that he didn't have any such discussions with you.

A. Well, I don't know what we've done to accept that

Mr Abramovich was always a very busy man and he had, you know, zillions of discussions with different people and he would never remember them all.

Q. Well, he wasn't concerned about Mr Berezovsky's political activity until 2000.

A. Yes, he was.

Q. Now, you also tell us in your statement that you attended Mr Berezovsky's birthday party in Cap d'Antibes in January 2001.

A. Yes.

Q. Is that the only birthday party of Mr Berezovsky held in Cap d'Antibes that you've attended over the years or have there been others?

A. Well, that one actually I remember very well. I think there were no others, no. I mean, I think his -- after that he was really confined to this country and all the birthday parties, you know, whether I attend them or not, were held here.

Q. Do you attend other birthday parties here?

A. Oh yes.

Q. Was --

A. Whenever I was in town, of course.

Q. Was the birthday party in January 2001 the first time you'd seen Mr Berezovsky since he fled Russia or had you seen him on other occasions between --

A. I saw him -- I see him actually quite frequently. So in the fall of 2000 I saw him quite a few times, you know, and it's just -- we do see each other often.

Q. How many people were present at the party in January 2001?

A. I would say, as a guess, about 50.

Q. Now, you tell us in paragraph 45 of your statement D2/15/85 that at this party in 2001 Mr Berezovsky told you about a meeting that he had had with Mr Abramovich in the south of France:

"... in which Mr Abramovich [had] claimed to be acting as a messenger for President Putin, and had used [Mr Glushkov's] release from prison as a bargaining chip, along with [making] threats [about] ORT..."

Did Mr Berezovsky tell you when that meeting had taken place?

A. Yes. He said "a few weeks ago" -- well, see -- yes, "a few weeks ago", something like this. December, I think it was.

Q. Before or after Christmas?

A. It had to be after Christmas, I think, or during Christmas time, because just before Christmas time we were together in another country.

Q. Which country were you in together with Mr Berezovsky?

A. US.

Q. Sorry?

A. US.

Q. In the US. You travelled to the US with him?

A. Yes.

Q. And he didn't tell you about this meeting then?

A. Not at that time, no.

Q. When did you travel with Mr Berezovsky to the US? Was that for the launch of the International Foundation of Civil Liberties in --

A. No, it was not that. I think that was the -- that was the only time we actually skied together, I think was December 2000.

Q. You went to Aspen with him?

A. Yes.

Q. And how long were you in Aspen with Mr Berezovsky?

A. About a week. I can check my diary.

Q. And that covered the Christmas period, didn't it? It was the week before Christmas --

A. No, just -- I think it just ran up to the Christmas period.

Q. Just running up to Christmas?

A. Yes.

Q. And you were skiing with him and therefore spent a lot of time with him every day, did you?

A. Well, spent a lot of time, yes. Talked a lot, probably

no, because we mostly skied. But we were together, yes.

And I stayed in a different residence.

Q. But you met him for lunch --

A. Yes.

Q. -- and you generally socialised with him during that period?

A. Yes.

Q. Now, coming back to the birthday party in January 2001, when you say that at that meeting Mr Berezovsky told you about Mr Abramovich's visit to the south of France, what are you relying upon to pinpoint it as being at that meeting as opposed to any other conversation you had with Mr Berezovsky?

A. Well, that really sticks out in my mind because I didn't see Roman there and that was a surprise because Boris was close to Roman, they saw each other a lot, and obviously there were huge business interests together, partnerships, as I said. So when I didn't see Roman there, it kind of was strange. So I initiated the conversation.

Q. But you're not relying on a document, are you, a record you made or anything like that?

A. No. I make records of my comings and goings but not any conversations I have.

MRS JUSTICE GLOSTER: Ms Davies, will you choose your moment

for the break, please.

MS DAVIES: Of course. Just now, my Lady.

MRS JUSTICE GLOSTER: Very well. Ten minutes.

Don't talk about the case or your evidence to anyone.

THE WITNESS: Of course.

(3.18 pm)

(A short break)

(3.35 pm)

MRS JUSTICE GLOSTER: Yes, Ms Davies.

MS DAVIES: Mr Voronoff, just before the break you told me you could check your diary in relation to the dates of your ski trip. Have you previously been asked to check your diaries for December 2000?

A. Yes.

Q. And did that not reveal the date of your ski trip?

A. Yes.

Q. And are those diaries available to Addleshaws?

A. Yes.

Q. Who else was in Aspen with Mr Berezovsky during your ski trip?

A. With Mr Berezovsky or with me or in our group?

Q. Who else did you meet when you met with Mr Berezovsky? Who else did you come across?

A. Boris was with his wife and his -- I think his friend

came for a couple of days from New York, but that's all, and I was accompanied by a girlfriend.

Q. Which friend was that, Mr Voronoff?

A. A gentleman called Ruslan -- not Ruslan Fomichev -- who lived in New York. He came for two/three days, didn't ski very well, but he left.

Q. Coming back to January 2001, presumably you've spoken to Mr Berezovsky about Mr Abramovich's visit to Cap d'Antibes on more than one occasion?

A. No, not really. I was -- that was a major specific question and then I got the answer I did not expect. But after that we referred to -- generally to Roman's turnaround and his role in the whole affair many times, but not -- I was not given an account of Cap d'Antibes for any -- in any more detailed fashion.

Q. I wasn't suggesting that it was in any more detail but it must have come up again in the many conversations you've had with Mr Berezovsky?

A. It did, a few times, yes.

Q. Given that you've spoken to him so regularly, it must be possible, mustn't it, that what you're recalling in your witness statement is a conversation you had with Mr Berezovsky after 2001?

A. I didn't get that at all.

Q. Now, you're aware that Mr Abramovich's case in this

action is that the meeting you say Mr Berezovsky told you about did not take place and indeed couldn't have taken place as he was in Russia at all relevant times after Mr Glushkov's arrest?

A. Yes.

Q. Now, if that's right, that the meeting didn't take place, that leaves one of two possibilities about your evidence and I just want to identify them and give you an opportunity to comment, if I may.

A. Please.

Q. The first is that Mr Berezovsky never told you about any such meeting at his birthday party in January 2001, as the event you're describing never happened; or the second is that Mr Berezovsky made it up and did tell you. What would your comment be?

A. I would say neither is true.

Q. Now, you also say that in the summer of 2001 you were told by Mr Patarkatsishvili about a meeting he had had with Mr Abramovich in Munich in the summer of 2001. Do you recall that? It's paragraph 49 of your statement D2/15/87.

A. Yes, I recall that.

Q. And you suggest that at this meeting Mr Patarkatsishvili told you that Mr Abramovich had suggested that if they didn't sell Sibneft, it would be taken away from them,

whereas if they did sell Sibneft, Mr Glushkov would be released?

A. Yes, and they would get at least some money.

Q. And you say that before then you'd also been told by Mr Berezovsky and Mr Patarkatsishvili that they were being put under pressure coming from Mr Abramovich to sell their shares in Sibneft?

A. That's right.

Q. Now, those events are events that you've no doubt discussed with Mr Patarkatsishvili on a number of occasions before his death in 2008?

A. Yes.

Q. And also with Mr Berezovsky?

A. Not too many times. But they were referred to, you know, a number of times during our meetings after that.

Q. And, again, it must be impossible, mustn't it, Mr Voronoff, now to distinguish between what you've been told over the years by Mr Berezovsky from what you've been told over the years by Mr Patarkatsishvili?

A. No, it's not impossible at all. I happen to have a very bad memory for faces but a pretty good memory for dates and events.

Q. But conversations with friends, when you were told in one year rather than another?

A. No, I remember very well. I mean, the conversation with

friends, very often I can pinpoint them actually to pretty much the time of year, you know, and very often to months, years afterwards.

Q. You were here this morning when Dr Nosova was giving her evidence?

A. I was.

Q. And you recall that she confirmed when Mr Patarkatsishvili was interviewed in June 2005 by solicitors acting for Mr Berezovsky he said that there had been no specific mention of Mr Glushkov at the Munich meeting. Do you recall that evidence?

A. Not really. But --

Q. Well, Dr Nosova accepted this morning that that's what Mr Patarkatsishvili had said at the meetings in June 2005.

A. That there was no connection to --

Q. No specific mention of Mr Glushkov at the Munich meeting.

MRS JUSTICE GLOSTER: Well, she accepted that that's what the note said and that's what he had said at the meeting.

A. No, I recall very, very well that Badri specifically referred to Nikolai's fate in conversations with me. And I saw him and talked to him a number of times during the -- well, I talked to him regularly until his

untimely death but, I mean, at that time as well.

Q. You recall that Mr Patarkatsishvili mentioned Mr Glushkov's fate but what I'm suggesting to you Mr Patarkatsishvili didn't mention to you in the summer of 2001 is that at the Munich meeting Mr Abramovich had expressly mentioned Mr Glushkov and made a threat about him.

A. No, no, absolutely. He expressly mentioned it. He specifically told me he was very angry about this because already Boris and Badri and we all, in a way, who were friends of Nikolai, and I am one as well, we were let down severely in fact, you know, deceived.

Q. You feel deceived, do you?

A. Yes, absolutely, because the -- well, yes, the answer is yes, because the promise was that Nikolai would be out by Christmas 2000, he wasn't, and then the Nikolai card was dangled -- character was dangled again.

MS DAVIES: Thank you very much, Mr Voronoff.

MR MALEK: I have no questions, my Lady.

MR ADKIN: My Lady, no.

MR MUMFORD: No, my Lady.

MRS JUSTICE GLOSTER: Right, Mr Rabinowitz.

Re-examination by MR RABINOWITZ

MR RABINOWITZ: Just one question, Mr Voronoff.

It was suggested to you by Ms Davies when she was

asking you questions -- this is at [draft] page 140 -- that you do not say in your witness statement that you were told by Mr Berezovsky or Mr Patarkatsishvili that they had 50 per cent and she said:

"... what you say is that it was never suggested that they didn't."

Can I just ask you to go to your witness statement, paragraph 29 on page 81 D2/15/81.

A. Yes.

Q. Do you see the sentence:

"... it was my understanding from the conversations for which I was present and which I had with Boris, Badri and Mr Abramovich, that Sibneft was owned 50% by Boris/Badri and 50% by Mr Abramovich."

Does this assist you as to whether the suggestion that was made to you about what is and isn't in your witness statement was an accurate one?

A. Well, what was accurate was that Boris told me many numerous times, and Badri did, that "we", meaning Boris and Badri, owned 50 per cent of Sibneft, in so many words.

MR RABINOWITZ: Thank you very much.

MRS JUSTICE GLOSTER: I have no further questions. Thank you very much indeed for coming along and giving your evidence.

THE WITNESS: My Lady.

(The witness withdrew)

MR RABINOWITZ: My Lady, we have one more witness. I don't know how long he will be but given that we're going to break until next week --

MRS JUSTICE GLOSTER: Well, I don't want to waste half an hour or three-quarters of an hour that we have today.

MR RABINOWITZ: Mr Goldfarb.

MR ALEXANDER GOLDFARB (affirmed)

Examination-in-chief by MR RABINOWITZ

MR RABINOWITZ: Good afternoon, Mr Goldfarb.

A. Hello.

Q. Again, Mr Goldfarb, can you confirm that you don't have any mobile phones with you or electronic devices?

A. No.

Q. Can I ask that you be given bundle D1 open at tab 3, please.

A. Yes.

Q. And if you turn, please, Mr Goldfarb, to page 56 of the bundle, page 19 of your statement D1/03/56.

A. Yes.

Q. You should see a signature there. Can you confirm that that's your signature?

A. Yes, I do.

Q. Thank you very much.

Can I just ask you to go back to the first page of your witness statement D1/03/38.

A. Yes.

Q. As I understand it, there is an issue both with your current address and indeed with the age that you give there at the time you made the statement.

A. Yes.

Q. Can you just explain?

A. Well, I've moved from this address since, actually it was before my last statement, third statement, so the current address is different. It's 71 Knapps Road, with K, Stephentown, New York, 12168 zip code.

And with regard to my age, the statement was given on my birthday. So I, by mistake, said that I'm 63 where I -- whereas I should have been 64 on that day.

Q. All right. Subject to those two corrections, can you confirm that the contents of your first witness statement are true to the best of your knowledge and belief?

A. Yes, I do.

Q. Thank you. Can you then be given bundle D4, please, open at tab 5.

A. Yes, I have it.

Q. And if you go in this tab to page 27 of the bundle, page 5, I think, of your statement D4/05/27.

A. Yes.

Q. Again, you see a signature: can you confirm that that's your signature?

A. It's mine.

Q. And can you confirm that subject to, again, the change of address, that the content of this statement are also true to the best of your knowledge and belief?

A. I do.

Q. Thank you. And then you have a third witness statement which, if you go to tab 10, hopefully you will see.

A. 10, yes.

Q. Can I ask you to go to page 98 of the bundle D4/10/98. It's the seventh page of your statement.

A. Seventh page.

Q. You're not on the right page there.

A. Yes, I have it.

Q. Do you have it?

A. Yes.

Q. Again, you should see a signature.

A. Yes, it's mine.

Q. Can you confirm that that's your signature?

A. Yes.

Q. And again, subject to the point about your address, can you confirm that the contents of this statement is also true to the best of your knowledge and belief?

A. Yes, it is.

MR RABINOWITZ: Thank you very much. Can you wait there, please.

Cross-examination by MS DAVIES

MS DAVIES: Mr Goldfarb, I understand you've known Mr Berezovsky since 1995?

A. Correct.

Q. And you regard him as a good friend?

A. Yes, I do.

Q. And you've been in his employment for various periods since then?

A. Yes, mostly since 2000, late 2000, and for a brief period in 1997/98.

Q. The brief period in '97 to '98 was when you provided political consultancy services to Mr Berezovsky from New York?

A. That is correct.

Q. And your fees for those services were the expenses that were paid by Runicom?

A. It was -- I never paid attention at that time who was the entity -- which was the entity that transferred the money. It was Runicom. But my invoices were given to Sibneft.

Q. Your invoices were addressed to Mr Shvidler at Sibneft's offices and they were paid by Runicom?

- A. Correct.
- Q. And your understanding was that Runicom was a company owned and controlled by Mr Abramovich?
- A. At the time, as I said, I didn't know what Runicom was. I learned about it years later and then I discovered in my records that it was actually Runicom. But when I learned about it, I thought that Runicom was some sort of a subsidiary of Sibneft.
- Q. You didn't investigate?
- A. I didn't, no.
- Q. You were just happy to have your bills paid, presumably?
- A. Yes. That's correct.
- Q. Then from late 2000, as you've just told us, you became directly involved again with Mr Berezovsky. Was that principally in connection with the foundation, Mr Berezovsky's Foundation for Civil Liberties?
- A. Yes, we set up a foundation in December 2000 in New York and I was the -- essentially the chief operating officer of this foundation and Mr Berezovsky was the sole funder.
- Q. And you remained active in that foundation until 2006?
- A. Well, technically it's active still now. I mean, it's there, it has some operations, it files tax reports. But since 2006 it was essentially toned down; it's much less activities than it was before.

- Q. But you continue to provide consultancy services to Mr Berezovsky?
- A. On and off, yes, on an on-and-off basis.
- Q. So is it right that over the last ten years you've largely been working for Mr Berezovsky?
- A. I would say that up until 2006 from 2000, for those six years, yes; and since 2006 I probably spent on Mr Berezovsky's related effort probably 40 per cent to 50 per cent of my time.
- Q. And do you continue to receive consultancy fees from Mr Berezovsky now?
- A. Yes, to a much lesser extent. I'm now running another non-profit entity funded by several Russian exiled, so to say, oligarchs and Mr Berezovsky is one of the sponsors.
- Q. Do you have any arrangement whereby you stand to gain financially if Mr Berezovsky wins this litigation?
- A. No.
- Q. Turning to the various meetings you had with Mr Berezovsky in the second half of 2000 --
- MRS JUSTICE GLOSTER: Sorry, just before we leave this point, you say you still receive consultancy fees but to a lesser extent?
- A. Yes.
- MRS JUSTICE GLOSTER: What percentage of your overall fees

are your consultancy fees from Mr Berezovsky?

A. I mean, from 2006 until now?

MRS JUSTICE GLOSTER: Yes, from 2006.

A. I would say that -- just ballpark -- maybe 20 per cent of my income that comes from Mr Berezovsky's side is structured as consultancy fees and the balance is my salary in different entities, like the one I've just mentioned.

MRS JUSTICE GLOSTER: Yes. Where Mr Berezovsky is one of the founders?

A. Yes, one of the founders. So altogether I would say 40 per cent, as I said, of my income comes from there. But I also have income from the book, for example, that I wrote and that sort of...

MRS JUSTICE GLOSTER: Yes.

MS DAVIES: Now, you had a number of meetings with Mr Berezovsky in the last few months of 2000. If we can start with your visit to see Mr Berezovsky in Moscow in late August 2000, in the immediate aftermath of the Kursk tragedy --

A. Yes.

Q. -- but before Mr Berezovsky had fled Russia.

A. Yes.

Q. You tell us you went to stay with Mr Berezovsky at his house in Moscow, arriving on 20 August?

- A. No, I never stayed at his house in Moscow, I usually stayed at a hotel, but I came to Mr Berezovsky's house to see him. I might have occasionally spent the night there, but basically it's not where I was staying.
- Q. But you did go and see Mr Berezovsky at his house?
- A. That's correct.
- Q. And do you recall how long you were in Moscow for this period?
- A. Well, I could give you exact dates because I keep a record of my comings and goings but at the moment I wouldn't be able to tell you. But I never spent there more than two/three days at a time.
- Q. Now, it seems as if you were still in Moscow on 23 or 24 August because you tell us in paragraph 50 of your statement D1/03/51 that after a meeting Mr Berezovsky attended with Mr Voloshin that day, he told you about it upon his return within an hour?
- A. That's about so. Maybe within two hours but...
- Q. How good a recollection would you say you have today of that conversation with Mr Berezovsky?
- A. Well, that was a very, I would say, seminal event in modern history of Russia and I would say that I have repeated that conversation so many times on different occasions to different people, including in writing, that I would say that the recollection is good.

- Q. You must have had numerous conversations with Mr Berezovsky about the events on this date over the years, mustn't you?
- A. I had some, yes.
- Q. Now, in paragraph 50 of your statement D1/03/51 you say that Mr Berezovsky told you that Mr Voloshin made two separate demands during the meeting he'd had with Mr Berezovsky, the first being that Mr Berezovsky surrender control of ORT --
- A. Yes.
- Q. -- and the second being that Mr Berezovsky surrender his 49 per cent stake in ORT to a friendly entity?
- A. Yes.
- Q. Are you sure that Mr Berezovsky told you on his return from the meeting that Mr Voloshin had made both of those demands?
- A. Well, I wouldn't say that it was structure -- put as structured as you've just said because it was kind of a package situation. He did own 49 per cent and the control came not only from this 49 per cent but from the structure of ORT and from the arrangements and influence he had on the ORT management. He didn't tell me all that; it was common knowledge. And so the gist of this conversation was that he should surrender the -- his stake and with it his control.

- Q. Are you saying that's your understanding of the conversation or are you saying that Mr Berezovsky told you that that's what Mr Voloshin said?
- A. He told me that Mr Voloshin said that, "You have to surrender your stake".
- Q. Now, have you read Mr Voloshin's statement in these proceedings?
- A. I did look through it briefly yesterday, yes.
- Q. And you're aware, are you, that he says that he did explain to Mr Berezovsky that the government wanted Mr Berezovsky to stop using ORT for his own political and financial benefit and to stop influencing ORT, but that he is certain that he did not discuss with Mr Berezovsky whether he should sell or give up his shares in ORT?
- A. Yes, I've seen that.
- Q. And he also says that he doesn't believe that President Putin wanted to run ORT himself or that he mentioned Mr Gusinsky.
- A. Yes.
- Q. Do you think it's possible, Mr Goldfarb, that you might be misremembering when you say that Mr Berezovsky told you that Mr Voloshin had said those things?
- A. No, I don't think I could say that. I'm absolutely positive that this is what Mr Berezovsky told me about

what's being said because we did discuss specifically what was and what was not being said a couple of months later, when I was in Cap d'Antibes and helped him draft his letter where he announced the creation of teletrust and actually revealed the fact of this conversation, which I remember very well starts with, "a high member of your administration threatened me", or told me something to that effect, "in the Kremlin".

Q. Could you be given bundle R(E)1 at tab 4, please R(E)1/04/356.

A. Yes.

Q. This is a statement that you made in support of Mr Berezovsky's application for asylum in the United Kingdom.

A. Correct.

Q. And if you turn forward to the last page, page 361 R(E)1/04/361, you see you made it in August 2003.

A. Yes.

Q. Now, you address what Mr Berezovsky told you about his meeting with Mr Voloshin in paragraph 8 of this statement at page 359 R(E)1/04/359.

A. Yes.

Q. If you just want to remind yourself of what you said in that paragraph. (Pause)

A. Yes.

Q. You say there that:

"Mr Berezovsky said that he had been told by Mr Voloshin that [President] Putin wanted him to surrender control of ORT because 'the President wants to run the station himself'. Mr Berezovsky at that time had 49% of ORT... But he had an effective veto on top management appointments... Mr Voloshin told Mr Berezovsky that he would have to change the management..."

But you don't make any reference to a statement by Mr Voloshin that Mr Berezovsky should surrender his ORT shares to a friendly entity.

A. I think it's quite obvious from the context because right after I'm talking about control, I talk about the equity split between the State and Mr Berezovsky.

Q. You talk about the equity split and go on to explain that nonetheless Mr Berezovsky had "an effective veto on top management appointments".

A. Yes.

Q. But you don't say in this paragraph, as you do if you look back at paragraph 50 and compare the two, that "[Mr] Voloshin told [Mr Berezovsky] that he would have to surrender his 49% stake in ORT to a friendly entity", do you?

A. That depends on the -- how you read this. My

understanding when I made this statement that what was demanded from Mr Berezovsky is to surrender both his 49 per cent stake and the control, which was essentially the provision that a majority -- that 70 per cent, as I understood then, was important for control. And I don't see how you could surrender control without surrendering 49 per cent if you need 70 for control.

Q. Now, it would obviously have been relevant to Mr Berezovsky's asylum application for you to have said, if you recalled it at the time, what you now say at paragraph 50: that Mr Voloshin specifically told Mr Berezovsky he would have to surrender his 49 per cent stake? That would have been a relevant thing for you to put in this statement in support of Mr Berezovsky's asylum application?

A. What would be the relevance? I think there is no essential difference between the two statements. Here I say that he has to surrender 49 per cent stake; here I say that he was supposed to surrender control, with clarification that the control consisted of two components: one is 49 per cent stake and another, because 49 per cent by itself would not be a control without the provision of larger -- of this requirement for the majority vote.

So I don't think you could come to any -- there is

any real discrepancy here.

- Q. Well, Mr Berezovsky could have surrendered control of ORT by simply allowing the State, who was the 51 per cent shareholder, to appoint the manager, couldn't he?
- A. I think we're in guesswork here. What I remember exactly, that the conversation was about surrendering 49 per cent stake and control because what Mr Putin wanted, as far as I could guess, was to run ORT by himself, as far as he told me.
- Q. Would you at least agree this, Mr Goldfarb: your recollection in 2003 about the conversation you had with Mr Berezovsky, as set out in your asylum statement, is much more likely to be accurate than your recollection now, in 2011?
- A. Well, obviously it was, and my recollection on the day he told me was probably better. But in this specific case I would stand by what I said in both statements. I don't see any difference in substance.
- Q. You tell us in your statement that you made three visits to Cap d'Antibes in late 2000. I just want to identify them and then I'm going to ask you about them, but let's just set the framework if that's possible.
- A. Well, it depends how you call late 2000. I made two visits in December and at least two in November.

- Q. The visits you tell us about in your statement are a visit between 11 and 14 November 2000?
- A. Yes.
- Q. A second visit between 7 and 10 December 2000?
- A. Oh yes, that's right.
- Q. And a third on 28 December 2000?
- A. Yes. Then it was one in November, sorry. There was one in October too.
- Q. There was one in October, but those are the three visits in November/December?
- A. Yes.
- Q. Those are the three visits after Mr Berezovsky has fled Russia?
- A. Well, for me it was a different milestone: it was the three visits after I brought Mr Litvinenko to this country and that was the watershed for me. That's my point of reference.
- Q. Now, starting with the visit in November, you address that in paragraphs 57 to 60 of your statement --
- A. Yes.
- Q. -- at page 53 of D1/03 D1/03/53.
- A. It's page...?
- Q. D1/03, page 53.

At paragraph 57 you say that you went to stay with Mr Berezovsky on 11 November and that whilst you were

there he received a summons to appear as a witness in the Aeroflot investigation.

A. That's correct.

Q. Well, in fact Mr Berezovsky had known since the end of October that the State intended to prosecute him in relation to the Aeroflot matter, hadn't he?

A. I think the formal summons was much later and I remember it quite correctly, although I may be mistaken. There were two summonses issued at about the same time: one for Mr Berezovsky, one for Mr Gusinsky. And Mr Gusinsky immediately, he was by that time in Spain already, that he's not going to go on this summons. So I think my recollection, without checking the sources, would be that it was -- the actual summons was much closer to that date.

Q. Well, Mr Berezovsky tells us in his witness statement -- we don't need to turn it up; you can take it from me -- at paragraph 331 D2/17/267 that:

"On the same day that I left Russia..."

Which was the end of October.

"... Deputy Prosecutor Vasiliy Kolmogorov announced on television an intention to prosecute me."

A. Yes.

Q. And:

"On the following day... I was summoned... to face

charges on 13 November 2000."

And we have press reports that show that at the end of October there was an announcement that he'd be prosecuted.

A. My recollection that there was an announcement about intention of him being prosecuted maybe, but at the same time I clearly remember that his legal status in this investigation at the time was that of a witness and that the possibility of him being arrested, for example, or even charged with something was discounted by himself and it took quite an effort to talk him out of going to Moscow on that day.

Q. Have you been here during the course of this trial, Mr Goldfarb?

A. Most of the time, yes.

Q. Were you here when Mr Berezovsky was giving evidence?

A. I think I missed a day.

Q. Do you recall which day that was?

A. I can't tell you right now. One of the days.

Q. You see his oral evidence -- and for the transcript it's at Day 7, page 22 -- was that he definitely knew by this time that he and Mr Glushkov were going to be charged.

A. I can't comment on that. My understanding from that time, as I said, I was with Mr Berezovsky in Moscow on his last visit in October and then I saw him next on

November 13, when I came to Cap d'Antibes, and on the morning of that day he had the plane ready to go to Moscow and a big discussion that morning was whether he should or should not go and his inclination was to go.

One of the reasons was that he didn't want to make it look that he runs and by doing that he admits some guilt, he never thought. And so in the -- and another was of course, as I learned later that day maybe, that his concern was that if he doesn't go, he puts Mr Glushkov in jeopardy. So it was clear to me at least, and I would confirm it now, that on that day Mr Berezovsky was not 100 per cent sure that he would be arrested or anybody who lives in Russia can be arrested any day.

So it's all a matter of probability. But he thought that there is a chance that he would go and come back.

- Q. You knew when you went to visit Mr Berezovsky on 11 November that he'd fled Russia, didn't you?
- A. No, he hadn't fled Russia because his intention was initially to go to Moscow and to talk to the prosecutor. And we collectively, myself and his wife Elena and a friend of mine, the widow of Nobel Laureate Andrei Sakharov, on the phone took a lot of effort to persuade him not to go.
- Q. Could you be given Mr Berezovsky's fourth witness

statement, which is in bundle D2, tab 17, at page 267
D2/17/267.

A. Yes.

Q. Paragraph 330, under the heading "ORT: my departure from
Russia", Mr Berezovsky tells us:

"I understood very well that when President Putin
made the threat to deliver 'a crushing blow'..."

And he's referring to the interview with
President Putin published in Le Figaro on 26 October,
which is quoted in paragraph 328.

"... it meant that I was in imminent danger of
arrest or worse. As a result, on 30 October... I left
Russia and travelled to France."

A. Yes, what can I tell you? That interview by Mr Putin
about the cudgel in Figaro was one of the major
arguments that helped us persuade Mr Berezovsky not to
go to Moscow on 13 November. So I would say that we're
now discussing a very vague issue of the probability of
being arrested. Mr Berezovsky is rather a careless
person and he takes risks. And I can tell you that my
understanding of what was happening then, and it is
still now, is that he was willing -- he knew about the
dangers, he was willing to take this risk, for the
reasons I've mentioned, and it took some effort to
persuade him that this risk was not worth taking.

- Q. Your fear was that if he returned to Moscow, he would indeed be arrested once he got back there?
- A. Oh yes.
- Q. Now, you also knew, didn't you, at this time that Deputy Prosecutor Kolmogorov had announced an intention to charge Mr Glushkov?
- A. No, I didn't know that at the time. I mostly was worried about Boris. I simply didn't know about Glushkov. I learned about Glushkov's problem more -- in more detail when I read the interview in Kommersant.
- Q. But when you visited Mr Berezovsky in November in Cap d'Antibes, he expressed his concerns to you about Mr Glushkov, didn't he?
- A. No, he expressed his concerns to me about Mr Glushkov after we persuaded him. So it was at that visit but probably after he took the decision not to go. He was --
- Q. But during your visit between 11 and 14 November Mr Berezovsky explained to you that he was concerned about Mr Glushkov's position, didn't he?
- A. He was -- that was one of the reasons why he wanted to go. He thought that by not going there he put Mr Glushkov in graver danger than he was.

I mean, the thing is that I remember that discussion very well. It was -- I was trying to persuade him that

this is the MO of the Russian State when they are out to get somebody and they took hostages. That was the case with Mr Gusinsky earlier, when they held one of his financial persons in prison trying to get something out of him, and that was the case later with Mr Khodorkovsky and that's their MO.

So obviously it was clear that Mr Glushkov is in jeopardy in Russia and, as I said already, that was a real consideration of whether or not Mr Berezovsky should or should not go.

MS DAVIES: My Lady, I'm about to move on to another meeting and I just wonder whether that might be a convenient moment.

MRS JUSTICE GLOSTER: Very well.

Mr Goldfarb, you mustn't talk about this case or your evidence over the break. Do you understand?

THE WITNESS: I understand that, yes.

MRS JUSTICE GLOSTER: Very well.

Monday, 10.15; does that suit the parties?

MR SUMPTION: Yes.

MRS JUSTICE GLOSTER: Does that suit you --

MR RABINOWITZ: Yes, my Lady.

MRS JUSTICE GLOSTER: Very well. 10.15 on Monday. Thank you very much.

(4.15 pm)

(The hearing adjourned until
Monday, 24 October 2011 at 10.15 am)

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