

Tuesday, 11 October 2011

(10.15 am)

MRS JUSTICE GLOSTER: Yes, Mr Sumption.

MR BORIS BEREZOVSKY (continued)

Cross-examination by MR SUMPTION (continued)

MR SUMPTION: Do you want to stand up, Mr Berezovsky?

A. I start with that, maybe I sit. When you put me down,
I sit!

Q. No, no, no, you do what you like.

Could you please be given bundle E6. This is the
Le Bourget transcript.

The main purpose, as I understand it, of the meeting
that you attended at Le Bourget was to discuss the state
of your accounts with Mr Abramovich and in particular to
work out how money could be paid to you and Badri
outside Russia in a tax-efficient way. Do you accept
that that was what this meeting was mainly about?

A. Generally, yes. I -- I'm sorry, you put me down
already. Generally, yes, my Lady, but I just want to
mention that it was, in my recollection, the first
meeting with Mr Abramovich after I left Russia, in spite
of my wife, she recollect that we have a meeting at --
I left Russia, as I remember, 30 October. As far as my
wife recollect that we had meeting at 31 October as
Badri birthday in Paris, I don't recollect that.

The reason of this meeting was absolutely correct, mainly for calculate what is happening because it's new reality, but -- okay, that's it. Just to show, to mention that there was the first meeting, at my recollection, after at least -- after I left Russia between Badri, Abramovich and me.

Q. There was at least one other meeting, wasn't there, on 6 November but we'll come to that later. Let's not take up time on 6 November now.

Looking at this transcript, I'm not going to take you through the whole of this transcript, but in broad terms the conversation began with a discussion of the state of accounts between you and Mr Abramovich; is that right?

A. As I understand, I initially didn't participate almost at all in discussion as far as account is concerned. As my recollection is and when I read that, as I told you, my Lady, I forgot at all about this meeting. My recollection was that the first meeting was just in Cap d'Antibes and only later on I recollect, when I got this recording I recollect.

As I recollect, I almost did not participate in discussion at all, except of some principal points. And if you watch who is speaking, me or Badri or Roman, it's clear that it's mainly discussion between Roman

Abramovich and Badri as far as accountings is concerned.

Q. Yes. Well, you explain that and the reason for it at box 29 in your commentary --

A. Just a second, Mr Sumption. I'm sorry, could you please give me the Russian transcript.

Q. You've got it, I hope --

A. Yes, yes, it's in parallel.

Q. -- in parallel columns. English translation, then Russian text, then your commentary and then Mr Abramovich's commentary.

MRS JUSTICE GLOSTER: Could you give me the page, please, Mr Sumption?

MR SUMPTION: Page 8 of the bundle E6/01/8.

A. Just a second.

Q. If you've got E6, that should be the version which has both the English and the Russian text.

A. No, I have -- you see in --

Q. Are you looking at the right bundle, Mr Berezovsky?

A. Just a second. In E6 there is English translation of our conversation.

Q. Yes. Look at the second column: it should be the Russian text. If it's not, then you've got a different version of E6.

A. Yes, yes, it's true, but it's in English our conversation and I prefer to have two, English and

Russian as well.

Q. You should have both.

A. Yes, thank you.

Q. Well then, fine.

A. E6 and E7 as well.

Q. Now, would you look at E6/01/8, box 29. Okay?

A. E6, box 29.

Q. Page 8, box 29.

A. Yes.

Q. You'll see that at 28 Mr Patarkatsishvili says, "well, where shall we start?" which is the effective beginning of this discussion.

A. Just to be -- to identify, R is Roman, yes?

Q. Yes.

A. A is Badri?

Q. No, A is Mr Abramovich.

A. P is Patarkatsishvili and B Boris, yes, or Berezovsky, yes?

Q. Yes.

A. Thank you. Now it's clear.

Q. If you look at your commentary against box 29, what you say is:

"... I did not play an active role in [the discussions that followed this box] as it was my practice to leave the detail of our joint business

affairs to both these men."

Do you see that?

A. Yes.

Q. Just to make sure I understand this, you have told us on a number of occasions that you left the details of your financial affairs, particular transactions and so on, to other people?

A. Yes.

Q. And that included not just Mr Patarkatsishvili but also, as I think we established yesterday, Mr Fomichev, the other people who dealt with your affairs?

A. Yes.

Q. Now, that meant, did it not, that when you were at this meeting you did not yourself have the detailed information about the discussions and transactions that had happened earlier that Mr Patarkatsishvili had?

A. Definitely, yes.

Q. And that must have made it quite difficult for you to follow at the time what they were talking about?

A. You're absolutely correct.

Q. Now, the discussion opened with the \$305 million which we discussed on a couple of occasions yesterday, did it not? If you would look on to box 35, which is on page 13 E6/01/13, you'll see that Mr Abramovich says:

"So, this is last year's."

That's referring to what Mr Patarkatsishvili was just saying.

A. Just a second. It's box...?

Q. If you look at box 35 --

A. Just a second because I need in parallel Russian and English. 35. Yes.

Q. Now, box 35, Mr Abramovich says:

"So, this is last year's. This is what we had agreed, 275 million."

Okay?

A. Yes.

Q. And Mr Patarkatsishvili says:

"Absolutely (correct)."

And Mr Abramovich says:

"From this point. And 30 million -- it was... Aluminium."

Mr Patarkatsishvili says:

"Ah, Aluminium. Yes, correct. It's 305."

A. Just a second. This is the box now we discuss number?

Q. Well, I've been referring you to boxes 35 to 39.

A. Thank you. Ah, 35 to 39. Yes, I'm sorry.

Q. Yes. I mean, in fact references to the 305 million continue into subsequent boxes.

A. Could you give me chance to read that?

Q. Very well. (Pause)

A. Yes, okay.

Q. Now, those are the amounts, 275 million plus 30 million, which make up the 305 million?

A. Yes.

Q. And you'll see that Mr Abramovich refers to that as the sum which had been agreed, box 35, and Mr Patarkatsishvili agreed --

A. Yes.

Q. -- and then there's additional 30 million making up the 305 at box 37.

A. Yes.

Q. So it looks, doesn't it, as if Mr Abramovich and Mr Patarkatsishvili had agreed at some previous stage that you would be paid \$305 million?

A. Yes, it looks like -- just I want to go back my comment. When Badri said in 35, in 35 -- just a second. When Roman said at box 35 that, "This is last year", in English, I need to understand, "last year", it's clear identification that it's money for Sibneft because the previous year, I mean the year before 2000, as I understand, we did not get a profit from aluminium because we did not obtain that time aluminium assets.

Q. Well, it's obviously the current year, isn't it, ie 2000, which was just coming to an end?

A. Just a second.

Q. It can't have been 1999.

A. Just a second, okay.

Yes, I think they calculate now the year 2000 from the beginning.

Q. Yes. Now, therefore at some stage before this meeting Mr Abramovich and Mr Patarkatsishvili had obviously agreed that you were going to be paid, the two of you, \$305 million, hadn't they?

A. I think that they definitely discussed that. I don't have almost any doubts that they discussed before.

Q. And the reason why it was broken down into two amounts of 275 and 30 was that \$275 million was going to be funded from Mr Abramovich's oil trading operations and \$30 million from his aluminium operations?

A. Maybe. I only -- I refuse the word "funding". It was not funding; it was our profit which we share with Abramovich in Sibneft and profit which we start to share with Abramovich in aluminium.

Q. Well, we'll have to agree to disagree on that, Mr Berezovsky. But Mr Patarkatsishvili's complaint was that so far he said he'd received only \$100 million out of the 305 and he wanted to know when he'd receive the rest; isn't that right?

A. Where is mentioned?

Q. I think you may find that it helps to look at box 60

E6/01/23. This is a very long and rambling conversation. Do you see?

A. Just a second, Mr Sumption, because I need to list two sections.

Q. Don't look at E7 because I'm referring you to E6.

A. Just a second.

MRS JUSTICE GLOSTER: Mr Sumption, it's helpful if you refer to the page number just because it then gets automatically hyperlinked, if you could.

MR SUMPTION: Yes. In that case it's E6/01/23.

MRS JUSTICE GLOSTER: Thank you.

THE WITNESS: Just a second. Why it's different here?

MR SUMPTION: Is that --

THE WITNESS: Just a second, Mr Sumption, because it's different in two bundles. Just a second.

MRS JUSTICE GLOSTER: You're being directed to box 60.

THE WITNESS: Yes. My Lady, I need to look as well at the other bundle because there is --

MR SUMPTION: What is the other version?

THE WITNESS: -- a different translation. Russian, because conversation had been in Russian, and it's reason why I like to watch our comment in --

MRS JUSTICE GLOSTER: You have it in Russian in the box next to the English, the translation.

MR SUMPTION: Did you write the commentary in Russian or in

English?

A. No, I wrote the commentary in Russian.

Q. I see. Okay. Well, E7 contains a Russian version of the commentaries as well as a Russian version of the text.

A. Yes, correct.

Q. Right.

A. Okay, again I return back. 60?

Q. Well, the numbering is the same so just look at the Russian version if that's easier for you.

A. Yes.

Q. In box 60 on page 23 you'll see that Mr Patarkatsishvili says:

"No, here, look... to get 275 plus 30, right?

Instead of which we got 100."

So in summary what Mr Patarkatsishvili is saying is: you said you'd pay us 305 million, we've only had 100 of it?

A. Yes.

Q. Do you agree?

A. Yes. But, my Lady, I'm sorry for interruption because I have different story in two bundles with the same number, 60. I'm sorry. I don't know what's happened, it's technical problem, but it's different.

Q. The commentary is different, are you saying? Is the

commentary different --

A. Just a second.

Q. -- or the text?

A. Okay, fine.

Q. The text seems to be the same.

A. Fine, okay.

Q. It's just on different pages.

A. No, the same, okay. Yes.

Q. All right.

Well now, I think we've established, have we not, that Mr Patarkatsishvili's complaint is he'd been promised 305 and he'd only got 100? Do you agree with that?

A. Yes.

Q. Now --

A. Yes, finally I got it.

Q. Could you turn on to box 90, please, which is E6/01/36, though you may prefer to look at it in the Russian version.

A. Just a second.

Mr Sumption, I have a question. What we are watching now, it's --

Q. Sorry?

A. I have a question. What we're watching now, this E6 and E7, it was Abramovich last correction how he said that,

"I later recognise", and so-so or it's just initial version which was presented by us?

Q. I'm sorry, I can't tell you anything, Mr Berezovsky, about the Russian version; what I can tell you about is exclusively the parallel texts in English and Russian and the commentaries in English because --

A. No, no, I just -- my Lady, it's very important because initially, when the first detailed explanation of Le Bourget was done by our team, not Abramovich, Abramovich initially presented just three pages in his witness statement, yes? Or reply.

MRS JUSTICE GLOSTER: Okay. Well, what you've got now is clear in the English version.

THE WITNESS: No, no, no, it's no doubt about that. But later on Abramovich added (inaudible) correct what he understood after he start to listen attentively, what he did not understood and what he want to add as he remind how to continue. My question is very simple: is it initial version or it's which corrected by Abramovich later?

MRS JUSTICE GLOSTER: I imagine this is the finalised version. Could Mr Rabinowitz and Mr Sumption agree that this is the final version?

MR SUMPTION: I am told that there are minor translation issues in relation to just the text but not the

commentary which have yet to be resolved but I also understand that they don't actually affect the substance of the matter.

THE WITNESS: No, no, my Lady, I'm sorry --

MRS JUSTICE GLOSTER: Well, I'm going to direct that we work on this one at the moment. If Mr Rabinowitz has any concerns with the cross-examination on the current translation, that is something he will have to raise in re-examination with you.

Are you content with that, Mr Rabinowitz?

MR RABINOWITZ: I am, my Lady.

MRS JUSTICE GLOSTER: Right. Let's proceed on this at the moment, please.

THE WITNESS: Thank you.

MR SUMPTION: I am not going to ask you about

Mr Abramovich's comments because that's a matter for his evidence. But if you look at box 81 on E6/01/34, or you may prefer to look at it in the Russian version --

A. I just want to mention, I don't care about Abramovich comment; I care just correction of initial text. This is important point.

Q. Mr Berezovsky, we're going to proceed for the moment on the footing that this is a correct translation but if you want to make any points about the translation when giving your evidence, you must feel free to do so.

- A. No, I worry just about the other point: I worry that Abramovich added the text. It's only translation or it's added text? This is simple question.
- Q. No, Mr Abramovich has not edited the text.
- A. Good.
- Q. You mustn't be so suspicious, Mr Berezovsky.
- A. Yes, okay. No, no, because he added text at the last his correction.
- Q. Do you see at box 81, which is on page 34 in the version that the rest of us are looking at, Mr Abramovich is on the phone? Do you see that?
- A. Just a second. Yes.
- Q. And he is on the phone to Ms Panchenko, who is the accountant. That's not apparent from here but --
- A. It's his statement that it's Mrs Panchenko.
- Q. Absolutely.
- A. I didn't comment that.
- Q. Yes, I quite understand that you have no direct knowledge of that. But what happened was that he rang somebody, and I'm telling you it was Ms Panchenko, and he then handed the phone over to Mr Patarkatsishvili -- see boxes 83 and 84 -- so that he could discuss with the accountant directly.
- A. Yes. Yes.
- Q. And then, it's obviously a bit difficult to follow only

one side of a conversation that's been recorded but if one turns to box 90 at E6/01/36 --

A. Just a second. Now we go to box 90?

Q. Yes.

A. Yes.

Q. -- it looks as if it's been established during that phone call that there is \$85 million outstanding from the \$305 million. Do you see that?

A. Yes, I see that.

Q. Right, and that seems to have been agreed.

Now, I'd like you to turn on from there to a different subject covered by this transcript at box 159, which is at E6/01/59.

A. Yes.

Q. Now, that is a discussion, isn't it, of the raid by the police on ORT's offices in Moscow which had happened the day before?

A. You're absolutely correct, 5 December 2000. It's the point where we start to recognise when happened this meeting.

Q. Yes. In your commentary on this, you appear to suggest -- and your commentary is quite a long commentary on this box but the essential point is at the bottom of E6/01/61 to 62.

A. Sorry, again?

Q. In the version I'm looking at at E6 --

A. Yes.

Q. -- it's at the bottom of pages 61 and 62 of the page numbering.

A. Could you please -- because I want the other version in Russian, better for me -- could you just refer to the box, 90 or 89?

Q. Well, I'm referring you to the box but it's a very long commentary on this box.

A. Yes, yes, yes. It's just one box, 158 -- 9?

Q. 159, Mr Berezovsky.

A. Yes.

Q. Towards the end of your commentary on that box --

A. Okay.

Q. -- in fact the last paragraph of your commentary on that box, you say:

"When Mr Abramovich returned to Russia without our Signatures..."

That's on the ORT contract.

"... Mr Putin realised that he needed to increase the pressure to make us sell. Consequently, the following day, 7 December 2000, Mr Glushkov was arrested."

A. It's correct.

Q. What you are saying there is that it was because of what

happened at Le Bourget, or what didn't happen at Le Bourget, that Mr Glushkov was arrested on the following morning?

- A. You're absolutely correct because it's absolutely -- my Lady, and I want to make a special comment to that for better understanding because it's absolutely the way of KGB black op. At 5th they organise their Maski show, they demonstrate power, at 5th; at the 6th, Abramovich came to discuss that push us to sign papers and ask how I -- "Vladimir Vladimirovich Putin is waiting, I need to report him", "to report him" we will find here; and on the 7th, because we did not give clear answer to Abramovich that we sell, and next day they arrest Nikolai Glushkov.

Just understanding how I worry about that, because I put direct question to Mr Abramovich, "Tell me, Roman, could Nikolai be arrested?" And Roman said, like, "I think not, I think not. Not likely. I think not".

It means that it's typical KGB way. Everybody know from their classical books that the threat, then negotiation; and if negotiation is not successful, another threat. This my understanding, I'm sorry.

- Q. Now, the first question I want to ask you about this part of your commentary is: did Mr Abramovich have a draft agreement for the sale of ORT with him at

Le Bourget ready for you to sign?

A. I haven't seen anything what Abramovich had but they discuss with Badri that everything almost ready.

Q. You see, he didn't.

A. But Abramovich insist, "Let's sign something".

Q. His evidence is that he did not have an agreement with him for signature --

A. No, no, no, no.

Q. -- and I think your last answer indicates that you never saw one?

A. You're correct. It doesn't mean that it didn't exist.

Q. Right.

A. I haven't seen that. You're correct.

Q. Now, if he didn't have an agreement for signature, he certainly can't have pressed you to sign such an agreement at the Le Bourget meeting, can he?

A. Mr Sumption, it doesn't mean like you just now mentioned. I haven't seen, it means that I'm sure that if Abramovich be sure that we are ready to sign, he could have this agreement with him or some paper to sign, because if you really read attentively the text, Abramovich told absolutely clear, "Can you sign something that I report Mr Putin that we are -- that you are selling -- you sold ORT". This is the point. And Abramovich mentioned that directly in Le Bourget.

- Q. Mr Abramovich never asked you to sign any particular document at Le Bourget, did he?
- A. Particular, no, but the sense what he was asking to sign is absolutely clear: to report Mr Putin, how he said directly, that we made a deal. This is the point, to sign anything.
- Q. Now, the next aspect of this I want to ask you about is your suggestion that it was because of the non-signature of something at Le Bourget that Mr Glushkov was arrested. As I understand what you said a few moments ago, this is something that you infer from the sequence of dates: the raid on the 5th, the meeting on the 6th and the arrest on the 7th.
- A. You are absolutely correct.
- Q. Right.
- A. And my clear understanding is that Abramovich like to get clear answer, clear understanding that we finalise the deal, and he did not get. He did not get. And it is reason why he several time mentioned, "What I need to report Vladimir Vladimirovich?" What he means, like not -- to convince us to finalise the deal, and he did not get that. And the next day they arrest Mr Glushkov. And I put direct question to Mr Abramovich, "What do you think about Nikolai, could he be arrested?" Because I start to worry about that because I already calculate.

Mr Sumption, you as a professor understand that it's impossible just to take one point without understanding what happened before and day after. And it's absolutely clear it's KGB black op operation. That's it.

- Q. You had known for five weeks at the time of the Le Bourget meeting, hadn't you, that Mr Glushkov was going to be arrested?
- A. Definitely not. I'm not -- he could be arrested, I know that well. He could be arrested. He took a risk. Moreover, Nikolai Glushkov -- you will have chance to question him -- I recommend him to leave Russia. He refused that. He did not believe. And I believe because I knew -- I know -- I already can recognise these people better. It's the reason why I left Russia.
- Q. Yes. When you left Russia, you advised Mr Glushkov that he should leave Russia as well, didn't you?
- A. We discussed that with him.
- Q. Yes. You advised him that he should leave Russia?
- A. He's already not young man and he made his personal choice but I talked to him about that.
- Q. Did you advise him that he should also leave Russia; yes or no?
- A. As I recollect, yes.
- Q. Right. So you obviously anticipated at the time that you left Russia that he was going to be arrested?

A. I think that he could be arrested, yes.

Q. The occasion which finally pushed you into leaving Russia was that on 30 October you learnt that you were going to be summoned for questioning by the public prosecutor on 13 November, didn't you?

A. No, main reason was, as I mentioned yesterday, that president of Russia, Mr Putin, said that he has a cudgel in his hand to hit me on the head. This is a little bit more dangerous than the other reasons.

It means that clear that after that Prosecutor Office start to operate in the manner like they know how to operate, just starting to increase pressure, they press me to leave my house, which I rented years, stay with my family, with my children, and then they start to make other -- I don't recollect exactly. I wrote in my statement how they developed the pressure: opening again investigation, then calling me to General Prosecutor Office to meet and finally issue -- finally issue warrant to arrest me. But this happened a little bit later.

But, as I recollect, on 13 November 2000 I was invited for questioning to Prosecutor Office.

Q. Yes.

A. But I have been that time already abroad when I was --

Q. On 30 October the deputy public prosecutor,

Mr Kolmogorov, publicly announced, did he not, in a live television interview in Russia, that you were going to be charged with misfeasance related to Aeroflot? He publicly announced that, didn't he, on 30 October?

A. I don't recognise the 30, I think 31 October, but maybe 30 October, you are correct. But it's happened, it's correct.

Q. That's what Mr Glushkov tells us in his witness statement.

A. But it's clear to clarify, I think 31 October it was.

Q. Well, he says 30 October --

A. Okay.

Q. -- and that is consistent with the documents that we have.

A. Good.

Q. Now, when Mr Kolmogorov gave that interview, he also said, did he not, that he was proposing to charge Mr Glushkov?

A. Yes.

Q. So you had therefore known at the time of the Le Bourget meeting for five weeks that not just you but Mr Glushkov were going to be charged?

A. Yes, I knew that, definitely.

Q. Yes. And if they charged Mr Glushkov, that meant that they were going to arrest him, didn't it?

- A. It's -- you already know the practice of Russian KGB because if they --
- Q. Not dissimilar to other police forces.
- A. -- if they invite someone to questioning, it's practice that the same day they practise to arrest, yes? And it was really my worry that Glushkov on the one hand did not follow my advice and understand that he could become hostage and it was my worry about that.
- Q. Now, in the middle of November your newspaper, Kommersant, reported that when Mr Glushkov appeared for interrogation he was going to be arrested. Do you remember that?
- A. Again, I don't remember that definitely but I just now present you the regular practice of General Prosecutor Office that people -- that people are invited for questioning and in the second it could be that they -- from the witness could be converted to suspicion. And it's exactly happened when Mr Kolmogorov, to whom you refer, after Putin took cudgel in his hand, inform immediately that Berezovsky could be turned from witness to suspicion.
- Q. At the time of the Le Bourget meeting you and everybody else close to Mr Glushkov knew already, didn't you, that the date fixed for Mr Glushkov's appearance at the interrogation by the prosecutor was 7 December?

A. Yes, it's correct.

Q. Right. And presumably you also know that Mr Glushkov was tipped off by a friend in the security services about that also? That's what he says in his witness statement.

A. Look, you know, there is a principal point here and the details are important. As I know, Glushkov came to this questioning with a suit, yes, not with the heavy things which people are prepared -- when people are prepared to go to jail. It's very important. For example, when Badri met Mr Patrushev, when he was invited and after that they go to president together -- maybe you remember, my Lady, we discussed that -- Badri took his sweater, Badri took his special trousers, being prepared to be arrested.

Nikolai Glushkov was not prepared to be arrested, even at that situation. And I think it's -- some details are important to understand what Glushkov feels, not what I feel, yes? This is important.

Q. You did think that he was going to be arrested on the 7th anyway?

A. Definitely not. I hope, and it's the reason I ask Abramovich and he gave me the positive indication, not negative indication. But my question definitely create for Abramovich clear impression that Glushkov is very

important for me because I did not participate attentively when they discussed the numbers, and you will see that clear. But I really worry about Nikolai and it's reason why I put the question to Abramovich.

Q. Well, so far you've given two answers to this question. On one occasion you have said that you were aware he was going to be arrested on the 7th; you now say that you were not. Can I ask you to look at your commentary at box 642, please, which is E6/01/206, box 642.

A. Just a second.

Q. Do you have box 642?

A. Just a second. I've got it, I just try to read it, okay? Because the first -- I read the question in Russian -- the comment, the transcript. (Pause)

Yes.

Q. Now, that confirms, does it not, that you were aware at the time of the Le Bourget meeting that he was going to be arrested on the following day or interrogated --

A. Definitely not. Mr Sumption, if I were aware, why I should put question to Abramovich if I already aware? As you mentioned before, I knew that Glushkov already is invited, I'm sorry --

Q. Yes, for the next day.

A. Mr Sumption, please let me finish. Invited. And if I was sure, as you tried to explain my Lady, it's not

correct, because it's exactly the question which I put Mr Abramovich. If I was sure, I didn't put this question or at least would get the answer that: yes.

Even Abramovich has doubt about that, more informed than me. Definitely I'm not informed like Abramovich at the time being informed. And if Abramovich created doubt that he could -- no. His answer is, "I think no", this answer from Abramovich, and for me he is an expert now, much more than me, because he is in Moscow, I am not. And as I told you, referring how Glushkov was prepared for this meeting, he was in suit. Nobody who is prepared to be arrested goes to the suit to Prosecutor Office.

Q. I will come to Mr Glushkov in a moment.

A. Thank you.

Q. Let's just look at what you wrote. Did you write in your commentary, which is part of your witness statement:

"I, and everyone close to Mr Glushkov, was aware that he had been summoned to the Prosecutor-General's Office for an interrogation interview on 7 December..."

Did you write that?

A. Yes, yes. Yes, I wrote that.

Q. And was it true? Were you aware of that?

A. I knew that he next day should be in General Prosecutor

Office.

Q. Yes, and you told us a few minutes ago that the practice was that when you turned up for interrogation, you were arrested?

A. The practice was that it's not definitely that he -- many people go to Prosecutor Office and were not arrested. Many people. But one of the terrible practices that people are invited as a witnesses and then transfer to the suspicions and arrested. But it's not the regular way what Mr Sumption tried to insist. It's happened like that, it could happen with Glushkov, and it's the reason why I ask Abramovich, "What do you think about that?" And his answer is completely opposite. He said, "I think no".

Q. Mr Berezovsky, Mr Glushkov in his witness statement said that on 13 November it was announced in Kommersant that he would be arrested at his interrogation and he says:

"From then on, I knew that I would be arrested and detained."

Now, you're not questioning Mr Glushkov's evidence about what he himself knew, are you?

A. No, I -- Glushkov is writing his witness himself, not me. I never even, I'm sorry to say, I haven't seen his witness statement. But again, as far as my clear understanding, Glushkov -- whatever Glushkov is writing

now, my understanding is completely opposite. Glushkov didn't exclude that he could be arrested but he did not know that he would be arrested.

Q. You were very close to Mr Glushkov and in constant contact with him before his arrest, and with his lawyers, weren't you?

A. I was not in very close contact with him because I had a lot of headaches except of that, but definitely I worry about Glushkov. He is my closest -- one of the closest friends and definitely we discuss that and it is reason why I think that he also should leave Russia, it's correct.

But, on the other hand, nothing more than I said and it's just confirmation that you tried to -- as I understand, you suggest that I knew that Glushkov was arrested. No, as I told you before, my Lady, I am optimist. If we maybe have much more evidence that he could be arrested, I think that he will not. This is the problem.

Q. Mr Berezovsky, if the prosecutor had announced his intention to charge Mr Glushkov five weeks before the Le Bourget meeting and if you already knew, as you have admitted in your witness statement, that he was going to be arrested, then the Le Bourget meeting cannot have had anything to do with his arrest on the 7th, can it?

A. Completely wrong. Moreover, Mr Sumption, go a little bit ahead. As, my Lady, I told you yesterday, I forgot about Le Bourget meeting at all and definitely I analysed how it's happened that so important meeting I forgot. And now I know the answer absolutely clear: because I was so shocked that Glushkov was arrested.

You know, like maybe you have a mother who is sick and you know that one day maybe she will die, but when she dies it's shock; and definitely for me it's absolutely shock that Glushkov was arrested. Again, particular because Abramovich answer is, "I think no". And after Glushkov was arrested, later on, I didn't have any doubt that Abramovich played game together with Putin and the Prosecutor Office and so, no doubt at all. This one of my key -- turn point.

Q. Mr Berezovsky, I've referred you to what you yourself said at box 642. It's inconsistent with the untruthful evidence that you have been giving for the last five minutes, is it not?

A. No, it's absolutely truthful what my understanding -- what is written in box -- in my comment box 642 and my answer now.

Q. Right. Let's look at box 234, which is at E6/01/93.

A. 200...?

Q. E6/01/93, box 234.

A. 200...? Sorry, I'm sorry.

Q. 234.

A. Yes.

Q. Okay. Now, this is where Mr Patarkatsishvili turns to the proposed sale of ORT to Mr Abramovich.

A. Yes.

Q. Now, it is obvious, isn't it, from the fact that he is raising this subject that there had been previous discussions between him and Mr Abramovich about the sale of ORT, hadn't there?

A. And not only between him and Mr Abramovich; also between me and Badri as well.

Q. Right. Well now, what he says in 234, if you'd just like to read the Russian text of the tape, is that:

"We had a problem with Borya..."

That's you.

A. Yes.

Q. But that had been sorted out and he, Mr Patarkatsishvili, was now ready to go ahead. That's essentially what was being said, wasn't it?

A. Yes.

Q. So it looks as if already on 6 December there had been an agreement in principle which everybody was ready to go ahead with?

A. Everybody are not go -- are not prepared to go. As

I told you, Badri and me, we had different understanding what is happened and different approach what to do. My position was absolutely clear: I was not prepared to sell ORT till Nikolai was arrested. Badri tried to play kind of game, as I understand, try not to cut our relations decisively and so. And he is playing his game because he knew perfectly that I am not in position to sell ORT that time.

Q. Well, let's have a look at what he said.

A. Yes.

Q. "We had a problem with Borya, and we sorted that out too."

So what he's referring to there, as you point out in your commentary, was your earlier resistance to the idea of selling. What he says is that that problem has been sorted out; and it had been, hadn't it?

A. Again, Mr Sumption, it's absolutely the same answer.

Badri play his game, I play his game, because I knew already the pressure and the pressure was not -- the source of the pressure was not Mr Abramovich; the source of the pressure was president of Russia, who made clear statement, eyes to eyes, I mean me and him on the one hand, and when I did -- I mean our meeting in Kremlin in presence of Voloshin, when he said that I should immediately transfer my shares under State control. And

after that, when I refused to do that, after that he made a clear statement that he has stick to hit to my head. What do you think, it's not impressive enough? It's impressive.

But again, I already start to collect people for TV trust and I took some obligations, and only after Glushkov was arrested I deny my obligations because I recognise that people are in danger because Glushkov already in jail and they follow him to jail. This is only the position.

Q. You say that Badri was playing games. Please explain to us why Mr Patarkatsishvili should have said that the problem with you had been sorted out if it hadn't been?

A. Because Badri and -- you see that I -- and if you watch what has happened in Le Bourget, I didn't confirm that there. Because Badri want to say that, "Roman, I will control Boris and I am finally -- we'll find a solution with Boris", and it's clear that he said Boris was a problem, yes.

It's complicated nevertheless to understand what kind of problem that is: a problem general that I refuse to go or a problem with a payment which I don't accept. My recollection is that the problem was that he explained that he knows -- Roman knows well that I'm not prepared to sell, but I can't exclude that the same time

it could be discuss about the way of payment. But my recollection is that mainly both or one and the other point.

Q. Mr Berezovsky, would you like to focus on the question, which I will ask again.

A. Mm-hm.

Q. You say that Mr Patarkatsishvili was playing some sort of game.

A. Yes.

Q. I want to try and discover what sort of game you think he was playing and my question is this: why should Mr Patarkatsishvili say that your objections to this deal had been sorted out, and say it in your presence, if it wasn't true?

A. What does mean the "game"? The game is game. And what we discuss with you, it's just mislead person who insist that we make a deal now because he want to report Mr Putin.

Q. But why --

A. And I am not prepared to give him documents to report Mr Putin that he made a deal. This only the point.

Q. I'm not asking --

A. And Badri -- I'm sorry. And Badri understood that well. He play in his way the game, trying to -- not to make deal today because he understand that I'm not prepared

to make any deal.

Q. But, Mr Berezovsky, on the contrary, he is saying that there's a deal to be made today because he's saying that your objections have been sorted out.

A. Mr Sumption, it's very simple. If it's so -- let's suppose that it's so -- why it was not done? Why there was no paper which confirm that the deal was done? This is the crucial question. And why only 24 December I gave finally confirmation to Mr Dubov, who is sitting here, that we don't have choice to sell because it's price for Nikolai freedom? Why it did not happen immediately? If everything was ready.

And even when 7 December, my Lady, I announce publicly, "That's it, do this", I accept to sell because Nikolai is in jail, I don't want to danger the other journalists, and why, again, 20 days or more, allowing 20 days after, the papers were prepared? Why if they were ready now? Why it should take again 20 days more to prepare the papers? This is question.

Q. Would you have a look at boxes 235 and 236. The reference is E6/01/95.

A. Sorry, Mr Sumption, 235?

Q. 235 and 236, the very next boxes after the bit of Badri that I've been referring you to. Do you see that?

A. Yes.

Q. Mr Abramovich says in answer:

"We also have everything ready, as always and like everybody."

A. Yes.

Q. Mr Patarkatsishvili says:

"Yes."

A. Yes.

Q. Right?

A. Yes, yes.

Q. Now, that suggests that the two of them were in fact agreed that it would now be possible to go ahead, doesn't it?

A. Your mentioning "two of them" is absolutely correct; not three of us but two of them.

Q. In your presence?

A. In my presence and I don't comment that.

Q. And without any objection by you? You didn't say, "Hang on" --

A. But without any confirmation.

Q. Let me finish my question.

A. Sorry.

Q. You isn't say, "Hang on, I'm not agreed to all this", did you?

A. Because Badri is playing game and I don't want to destroy his game.

Q. What sort of game did you think he was playing?

A. Not to sign anything because he knows well my position, not to sign to selling ORT. This is the point.

Q. Would you look back at box 234 on page 93 in the E6 version E6/01/93.

A. Yes.

Q. After observing --

A. Just a second. 234, yes?

Q. Yes. After saying that the problem with you had been sorted out, there's a slightly obscure part of the text here but the text as appearing in the translation says:

"He..."

Or "it", I think.

"... is in England, he is ready, we disclosed the documents, everything, and we are ready to sort it all officially."

A. Mm-hm.

Q. Now, that rather obscure piece of text is a reference, isn't it, to the fact that you and Mr Patarkatsishvili intended to credit the proceeds of the ORT sale to trust accounts in England?

A. Mr Sumption, it's absolutely correct. On the other hand, again and again I repeat the same point, and the point is very simple, my Lady: where is the result? If it's everything like Mr Sumption try to present, not

like me, suppose Mr Sumption is absolutely correct that deal already done, no questions, why after that it took 20 days more, and only after Nikolai was arrested, when I confirm that I'm ready to sell? If everything is done already, as you try to insist, and Badri said done, I don't object, why not to sign next day or day after? Why it takes 20 days more to make this deal happened?

Q. Because, Mr Berezovsky, Mr Abramovich had an election campaign to fight in Chukotka and it took time to get the documents prepared and to sort that out with Logovaz?

A. Really? I have completely opposite information. I know that people what I read in the witnesses of Mr Abramovich said that they plan -- they were waiting for Mr Abramovich. My Lady, it's important what Mr Sumption mentioned now. They waited Mr Abramovich on 5 December to fly with them to Chukotka but they postponed -- but Abramovich postponed to fly, yes? And they fly without Abramovich even. I don't remember on the 7th or on the 8th or the 9th, but later on.

And now Mr Sumption gave us answer why it's happened: because Abramovich promised Mr Putin definitely to get a result and he did not. And the result he wants to get -- again, Mr Sumption, I would just to remind you why Mr Abramovich was in hurry:

because Putin was in hurry, because on 24 January, according of the government or presidential decree, government elections in many Russian regions were planned to happen and Abramovich as well participate as a -- at these elections, and Putin was in hurry to put under control ORT at that time to be sure that nothing happened wrong in information -- in information space. This is the point.

- Q. Mr Berezovsky, on your own case, as it emerges now from your latest witness statement, you decided to sell on 7 to 10 December and it still took 20 days to sort the documents out, didn't it? Your present case is that you decided to sell between 7 and 10 December --
- A. Mr Sumption, you are absolutely correct. It means that it took time. Everybody need to take time to prepare the papers. If papers would be ready, it will be signed next day.
- Q. Right.
- A. The papers were not ready. This is the reason why the signature --
- Q. That's exactly what I put to you a moment ago.
- A. Just a second. It's the first. And the second reason why: after that I had discussion with Mr Abramovich about conditions, final conditions, and the final conditions was releasing of Mr Glushkov, not money

sense. And this is the reason why they were not signed immediately, the basic reason.

Q. Would you go to box 237 again E6/01/96. We've looked at it before for a different reason. The point which is being made by Mr Abramovich here is this, isn't it: Mr Abramovich was saying that he's dealing, is he not, with the problems of paying the ORT proceeds to you in the west? Do you agree with that?

A. Yes.

Q. And what he says is:

"The simplest thing would be to do what (Gorodilov) was explaining..."

And Mr Gorodilov had been on the phone.

A. Mm-hm.

Q. "... to me last night: we transfer part of the money in Moscow from Moscow to a person who would, you know, to your account, say, 20 million dollars. The rest we shall transfer to the West..."

A. Yes.

Q. Now, that's a reference, isn't it, to potential exchange control problems that might be encountered in making payments out of Russia?

A. I think so. I think so.

Q. And you had your own reasons for not wanting to receive funds in Russia, didn't you --

A. I have --

Q. -- because there was a threat of criminal proceedings against you?

A. No, that was not against -- because of criminal proceedings; because I knew well that Russian may freeze my money using this criminal proceeding.

Q. So Mr Abramovich is referring to a proposal from Mr Gorodilov that a small part of the money should be paid to you in Russia and the rest outside?

A. Yes, it was proposal by Mr Abramovich and Badri; I don't remember well how they decide to do that. But it's -- at this paper, it's Abramovich proposal.

Q. Now, if you look at box 238 E6/01/97,

Mr Patarkatsishvili says:

"No, in fact, when we made our agreement, when we made our agreement in Moscow, yes, you said the following: that as you are taking it all on your account, I mean, you are the one who is paying for it, right, so you will not have any problems with transfers, because the payment transfer will originate from the West."

A. Yes.

Q. Now, what do you say was the agreement to which Mr Patarkatsishvili is referring in that box?

A. I said -- I don't comment that. No, I comment that --

I comment then lower.

Q. Well, comment on it to us now, will you, please. What do you say was the agreement to which

Mr Patarkatsishvili is referring?

A. Again, the question? What is the question again? I'm sorry.

Q. What do you say is the agreement to which Mr Patarkatsishvili is referring in box 238?

A. Here, I will comment that below.

Q. Well, what is your answer?

A. My answer is that I comment that below and --

Q. Can you not remember what you think about this, Mr Berezovsky, without finding it in your commentary on this transcript?

A. I don't remember that, definitely.

Q. You don't remember?

A. As I told you, I even don't remember initially that this meeting happened.

Q. Well, it's obvious, isn't it, that Mr Patarkatsishvili is referring in your presence to an agreement that he has made with Mr Abramovich in Moscow about the sale of ORT?

A. It's correct.

Q. Right. What he --

A. Not made; is preparing and is discussing.

Q. And what he is saying in this box is that he had been assured by Mr Abramovich that when they reached agreement in Moscow, Mr Abramovich had said "We'll find a way somehow or other to pay the money in the west". That's the point he's making, isn't it?

A. Yes, it's correct.

Q. Now, if you would turn on to box 249, which is at E6/01/99. This is part of a discussion between Mr Abramovich and Mr Patarkatsishvili --

A. Yes.

Q. -- about Russian exchange control problems.

A. Yes.

Q. And it's in this context, isn't it, after the conversations we've just been looking at, that Mr Abramovich refers to his conversation with Mr Putin, box 249?

A. Yes.

Q. Okay?

A. Yes.

Q. And in his witness statement Mr Abramovich says that he had spoken to Mr Putin in order to make sure that the government would not object to his buying ORT and had been told that it would not object. This is Mr Abramovich reporting that conversation to you, isn't it?

- A. That Mr Putin will not object it? This happened at Le Bourget, Mr Abramovich said that -- described how Mr Putin will help or not help to organise payment for ORT. It's the first time when I had clear identification that Abramovich is a messenger from Mr Putin and he has direct connection to Mr Putin and obligation, some kind of obligation to help Mr Putin to convince us to sell ORT. It's true.
- Q. Well, all he said is that he's gone to Mr Putin to find out what Mr Putin's view would be about an acquisition of ORT, which was majority government-owned, by him. That's all he said, isn't it?
- A. Yes, he said many things and including that. But the main point is his phrase, "Can I report already Vladimir Vladimirovich". It means that it's absolutely clear target of Abramovich at this meeting to find the final decision of us that he may report Putin that everything is done.
- Q. And he returns to that subject, doesn't he, at box 259 E6/01/102, when he says -- this is referring to Putin:
- "He doesn't want to say 'yes'... He says, 'If you can sort it out yourselves, so it doesn't involve me, then I don't mind, go ahead...'"
- That was what he was saying Mr Putin's reaction was to the possibility of him, Mr Abramovich, acquiring the

49 per cent stake in ORT?

- A. Yes, because Putin has just one target, to obtain control over 49 per cent and he said, "Roman, find the solution yourself, find the solution with Badri, with Boris, it doesn't matter for me how you... don't involve me to this money sense transaction". That's it. Nothing more. And Abramovich is proposing how to find the solution.

MR SUMPTION: My Lady, it may assist if we just finish this rather turgid transcript before we have the break.

MRS JUSTICE GLOSTER: Yes, very well.

MR SUMPTION: I don't think it's going to take much longer.

Could you turn on, please, to box 339, which is at E6/01/123.

A. 339?

Q. Yes.

A. Yes.

Q. Now, this is the conclusion of a very long series of exchanges about Mr Gorodilov's proposals for getting the money to you in the west.

A. Yes.

Q. Okay?

A. Yes.

Q. I'm not going to go through all the previous discussions about that rather technical subject.

A. Yes.

Q. But at box 339 you will see -- and I'll ask you just to remind yourself in a moment of what it says -- that Mr Abramovich telephoned Mr Gorodilov in the course of this meeting; Mr Abramovich handed the phone to you so that Mr Gorodilov could explain the payment method. That appears from 340.

A. Yes, it's correct.

Q. Sorry, to Mr Patarkatsishvili, isn't it?

A. Yes.

Q. Sorry, not to you.

The next 40 boxes or so are Mr Patarkatsishvili's side of a conversation with Mr Gorodilov interspersed with occasional exchanges directly between you and Mr Abramovich.

A. Yes.

Q. And then at box 402, which starts off at E1/01/136 --

A. Just a second.

Q. -- the conversation ends with Mr Patarkatsishvili saying in effect that he doesn't mind where the money comes from, provided it gets to London.

A. Yes.

Q. And Mr Abramovich and Mr Patarkatsishvili both agree about that.

A. Yes.

Q. Now, then, if you turn on to boxes 403 and 404 you'll see that they agree about that --

A. Sorry, box?

Q. Well, you've confirmed that that was agreed?

A. Yes, it was agreed between Abramovich and Patarkatsishvili.

Q. At the end of box 402 he hands the phone back to Mr Abramovich.

A. 40...?

Q. End of 402. Okay?

A. Yes.

Q. Now, at box 406 E6/01/139, if you move on a bit, Mr Patarkatsishvili tells Mr Abramovich that he will organise the mechanism for payment of the ORT proceeds straightaway.

A. Yes.

Q. And there's then a discussion about some other things that Mr Patarkatsishvili wants Mr Abramovich to pay. And at box 408 you refer to -- at 407 you'll see Mr Abramovich is still on the phone to Mr Gorodilov and at 408 the text says:

"Borya, well, we need to finish this off, don't you think? So a decision must be taken, one way or another, right? I am absolutely fine with what I am being offered..."

That's Mr Patarkatsishvili to you. And your comment is this is Mr Patarkatsishvili "continuing to string Mr Abramovich along".

A. It's correct.

Q. How could Mr Patarkatsishvili have been trying to string Mr Abramovich along when Mr Abramovich was not a party to this conversation but was on the telephone to Mr Gorodilov?

A. No, it's very -- it's absolutely simple: that -- just a second -- that understanding well that Abramovich is present in here and continue to do absolutely the same because, as I told you, Mr Sumption, if it was agreed, the question is why it was not signed. The position is absolutely the same: that not Badri, not me -- not Badri, maybe he accept that, but me definitely he knew absolutely perfect that I am not prepared to make any step to sell ORT shares.

Q. Now look, please, at box 428.

A. Just a second.

Q. Yes? 428. It's at E6/01/148.

A. Just a second. 428.

Q. Have you got box 428?

A. Yes.

Q. Would you read boxes 428 to 431, quite short bits of text.

A. Yes, yes. (Pause)

Yes.

Q. Now, Mr Abramovich says:

"We could now close this deal as it is, and later -- I promise -- we shall always find understanding on this matter..."

And Mr Patarkatsishvili says:

"Sure, sure..."

A. Yes.

Q. And Mr Abramovich says:

"(So then) we shall finalise this deal, so that I could report on it without further ado, (that) the deal is done..."

And Mr Patarkatsishvili says:

"No problem..."

A. Yes. But if you go a little bit -- sorry, sorry.

Q. What I am suggesting to you, Mr Berezovsky, is that this shows that while the formal documents would no doubt have to be agreed and signed later, the deal was done in principle by this stage, was it not?

A. Definitely not. Because it's not occasionally that Abramovich mentioned in paragraph 432, if you read that -- 432. I just want to find that in English.

The purpose why Abramovich is in hurry, he phoned me later himself, absolutely clear:

"... (So that he can finish the election campaign in peace)..."

This is the main reason why Abramovich want to report Mr Putin not to worry about ORT problem and, as you know, the result, the result is absolutely clear: we didn't signed anything, in spite of Abramovich was asking, "Sign please anything because Vladimir is waiting me with anything you sign". And we did not sign and next day they put in jail Mr Glushkov and everything happened automatically, nothing more.

Q. Mr Berezovsky, the boxes that I've referred you to show Mr Patarkatsishvili and Mr Abramovich, in your presence, agreed in principle that the deal was done, don't they?

A. In my presence, it's absolutely correct. Badri, as I told you before, played a game which he knows to play because he knew my position: that I don't accept to sell ORT. And it's absolutely clear: as a result -- I would like to stress, my Lady, that why I insist and I can confirm my position: because the deal was done on 24 or 27 December and if everything was ready, like Badri and Abramovich are discussing now, why it was not signed the next day, after I gave up and said, "Finish the story, Glushkov in jail, I ready to sign"? Why it was not signed? Only because of one reason: because it was not still a deal. It was not ready to sign.

Because what was signed finally -- and this is the question, because I didn't pay attention to this question -- what was signed finally, how it was corrected and so, it's important, maybe not so important, but what is important that it was not signed. It was not signed until 24 December. If everything was ready, why not to sign immediately? Because it was not ready.

Q. The only thing that was outstanding after this meeting was the arrangements for the transfer of the funds to the west in a way that would solve any problems related to Russian exchange control or western money-laundering regulations; that's correct, isn't it?

A. It was one of the worry what Badri had and me, if we took a decision to get the money.

Q. Finally, Mr Berezovsky, would you turn to box 449, E6/01/154.

A. 449?

Q. Box 449.

A. Yes, just a second. Yes.

Q. Mr Abramovich says there:

"What, then, should we sign then so that I could take it to Vladimir Vladimirovich, show it to him and say: here you are, the deal is done..."

He's asking what documents should be signed so that

he could establish that the deal is done.

A. Yes.

Q. And Mr Patarkatsishvili, two pages further on at box 450 E6/01/156, says:

"... we have signed everything. Now, as soon as the payment goes through, they can already get the shares... we have already signed everything (we have everything signed)."

Now, that is a reference, isn't it, to the fact that all of the preliminary steps necessary to transfer the shares, such as the issue of the pre-emption notices and so on, had been sorted out in Moscow in the course of November with Mr Gorodilov?

A. It's very good word what you mentioned now, "preliminary signed". I hadn't seen anything preliminary signed, yes? I hadn't seen anything preliminary signed and this is a good point. And moreover, as I have clear recollection, Mr Dubov called me surprising that he should sign paper on 24 or 20 -- 24, I think, December and only that time the papers were completed; not before.

MR SUMPTION: My Lady, that would be a moderately convenient point to break.

MRS JUSTICE GLOSTER: Have we finished with this transcript?

MR SUMPTION: Yes.

MRS JUSTICE GLOSTER: Very well. I'll take ten minutes.

(11.32 am)

(A short break)

(11.44 am)

MR SUMPTION: My Lady, having told your Ladyship as we rose that we could put away E6, there is one thing that I should perhaps --

A. I'm sorry, I don't have it.

Q. -- have pointed out to the witness. Perhaps the witness can be given E6 again. If you could find for the witness box 408 E6/01/140.

A. 408?

Q. 408, yes.

A. Oh, we miss that. E6. 408. We miss these papers.

Q. Sorry?

A. We miss these papers, there is no papers. We have 400 and then 426.

Q. Well, you certainly had it 20 minutes ago because I asked you a different question about this, so I'm not sure what's happened to it.

MRS JUSTICE GLOSTER: It's page E6/01/140 in the English.

MR SUMPTION: Can somebody find the witness box 408, please, or the piece of paper on which it was once written.

THE WITNESS: Because it doesn't --

MRS JUSTICE GLOSTER: Are you looking at it in the Russian?

THE WITNESS: I look not. I look at the English translation, Russian text and commentary in English and there is no papers with --

MRS JUSTICE GLOSTER: The page is missing.

THE WITNESS: The page is missing here.

MRS JUSTICE GLOSTER: You look at it in the Russian then.

THE WITNESS: Yes, yes.

MR SUMPTION: Now, between boxes 408 and 411 there is a private conversation between you and Mr Patarkatsishvili while Mr Abramovich is on the telephone. Do you see that? You can see he's on the phone from 407 and from 409.

A. Just a second. (Pause)

Yes, yes.

Q. Right. Now, the private conversation that you had while Mr Abramovich was on the phone consisted of Mr Patarkatsishvili saying:

"Borya, well, we need to finish this off, don't you think? So a decision must be taken, one way or another, right? I am absolutely fine with what I am being offered..."

And then he continues, 410:

"The only thing is, they're saying that we should make the transfer from offshore... This will not, in any case, achieve legalisation, right? Therefore, what is

the point of it for us?"

And you say:

"Yes."

Now, there's then a further conversation about the cost of legalisation which appears to be concerned with satisfying money-laundering enquiries.

Now, this isn't Mr Patarkatsishvili playing any game, is it, because this is a private conversation with you?

- A. No, it's not so. I explain you. It's private conversation that Abramovich is still hear. It's my understanding, again. And it means that Badri not -- didn't tell me in secret, yes? And he is discussing with me, you're correct, but again I want just to confirm that Abramovich still hear. I don't know what kind of acceptance of the situation Badri has. But again and again, I never gave any confirmation on any messages that I accept what they are doing, what Badri is discussing.
- Q. What you didn't say privately to Mr Patarkatsishvili was, "I'm not selling at all", did you?
- A. Again, Abramovich is here telling by telephone. It's the situation like it is and game is absolutely the same, as I understand.
- Q. Now, let's just move on to the next day, 7 December.

Mr Glushkov was arrested in Moscow on 7 December.

A. Yes.

Q. You, I think at that time were in Cap d'Antibes, having returned there from Paris the night before. Is that right?

A. I returned back to Cap d'Antibes the same day of meeting in Le Bourget.

Q. Yes. Now, you tell us in your witness statement that at the time of Mr Glushkov's arrest, his lawyers were with him. This is in fact in I think one of your later witness statements. You may be able to remember it.

Do you remember being told that his lawyers were with him --

A. Yes. He called me around -- he called me around 10 o'clock French -- European time. It was around 12.00 midday in Russia when Nikolai was arrested; immediately he called me.

Q. Right. I thought it was in fact his lawyers who called you?

A. It's complicated. My recollection is that likely it was Mr -- I don't remember -- Borovkov, I think, lawyer called me.

Q. Mr who?

A. I think my recollection is it may be Mr Borovkov, lawyers, who was lawyer, he called me. But lawyer.

I don't remember Borovkov, but I remember Borovkov as a lawyer.

Q. As I understand it, as soon as you heard the news about Mr Glushkov's arrest, you concluded that this was Mr Putin's way of getting at you. Is that correct?

A. It is correct.

Q. Now, you then immediately, after hearing the news of the arrest, decided, didn't you, that you would give to Mr Putin what you thought he wanted and sell out of ORT?

A. No, immediately I made the -- immediately I made the call to Badri, because Badri still had been in Paris that time, and I call him because -- as I remember, when I returned back from Paris I also called him; it doesn't matter -- I called him and talked to him about this news. And I don't remember well what happened then but definitely conclusion was that we are now in the corner; we don't have any choice.

Q. Right. So as soon as you heard the news of Mr Glushkov's arrest, you decided that you would have to sell?

A. I even gave interview to Ekho Moskvyy at the same day saying that I decide to sell it and I tried to conclude that in short time.

Q. Yes. Now, if you decided as soon as you heard the news of Mr Glushkov's arrest that you would have to sell out

of ORT, then it can't have been any visit by Mr Abramovich to Cap d'Antibes that caused you to do so?

A. It's completely opposite. I took a decision -- first of all I try, as I told you, to recollect exact date, and it was a lot of investigation. I have done my -- my wife's recollection, my bodyguard's recollection, people who have been there, and not only; we even calculate the flights and so. Today my recollection, the most my recollection is that has happened on the 7th, the same day, or it happened 8 December.

My recollection is -- and again, my Lady, the point is that I forgot at all about Le Bourget, and I forgot at all about Le Bourget because everything what -- because Nikolai arrest was, as I told you, absolutely was shocking me and it's the reason that only later on I remind -- recollect that meeting in Le Bourget.

My recollection even now is it's happened definitely 7th or 8th but I can't make a choice and I can't --

MRS JUSTICE GLOSTER: What are you saying happened on the 7th or 8th?

A. 7th or 8th, correct.

MRS JUSTICE GLOSTER: What are you saying happened on the 7th or 8th?

A. It's meeting with Mr Abramovich in Cap d'Antibes.

MR SUMPTION: Well, we'll come to the date. But there's

a difficulty, isn't there, before we get to that? Your evidence is that as soon as you learnt of Mr Glushkov's arrest, which was very shortly after it happened, you decided you'd have to sell out of ORT?

A. Yes, I announced that on the evening of the 7th.

Q. Yes. Well now, if you decided straight after hearing about Mr Glushkov's arrest that you were going to have to sell out of ORT, unless Mr Abramovich was already there in Cap d'Antibes when the news came through, you couldn't have been influenced by anything that he said to you, could you?

A. No. The point is that, as you remember, our discussion with Mr Abramovich in Cap d'Antibes is the condition to give up is Mr Glushkov release. And this is a key point because after that I told that I am not interested more in money at all; I am interested in just the condition should be Glushkov should be released.

Q. Mr Berezovsky, I don't think you're really grappling with the point I'm putting to you. Your case is that you would never have sold out of ORT if it hadn't been for what Mr Abramovich said to you on this visit to Cap d'Antibes. That's your case, isn't it?

A. My case is absolutely clear: that I would not sell ORT if Glushkov would not be arrested and I would not sell -- I wouldn't sell ORT if Glushkov would not be

released, and this is the point which I discussed with Mr Abramovich in Cap d'Antibes. As I told you just now, I don't remember, happened on the 7th, and it means that I decree -- that I decree my position, present my position, when already Abramovich visited me or it's happened later, one day later.

Q. Mr Berezovsky, is it your case or is it not that it was Mr Abramovich's threats that caused you to decide to sell out of ORT?

A. Definitely, but threat already have done by Putin himself, putting Mr Glushkov in jail.

Q. Now, the point I'm putting to you is very simple --

A. Abramovich was just messenger of that.

Q. If you decided to sell out of ORT as soon as you heard the news from Mr Glushkov's lawyer that he'd been arrested, unless Mr Abramovich was already at Cap d'Antibes, he couldn't possibly have influenced your decision?

A. Definitely he could not influence to my decision but I still have in mind my clear understanding that the condition finally will be if Nikolai Glushkov will be released. I was very emotional, as you understand, that day and I don't remember exactly what happened. But the point is absolutely clear: that condition was to release Glushkov, in spite of I said I don't have choice, but

I have arguments to make happen that Glushkov will be released because I had hope that if he will not be released, I will not accept that.

Q. Would you please turn to paragraph 361 of your witness statement D2/17/274. What you say --

A. Just a second. Paragraph?

Q. Paragraph 361.

A. Yes.

Q. What you say is that you regarded Mr Abramovich's words to you as being an implicit threat --

A. Yes.

Q. -- that if you didn't sell out of ORT, he would keep Mr Glushkov in jail for longer.

A. Yes.

Q. That's your case, isn't it?

A. Yes, it's correct.

Q. Right. Now, you say -- see the last sentence of this paragraph -- that:

"On [this basis, and [on that] basis alone, [you] agreed to sell [your] interest in ORT."

A. You are correct.

Q. And you agreed, as I understand your case, with Mr Abramovich there and then, while he was at Cap d'Antibes, that you would sell?

A. Mr Sumption, you remember that in my interview I said:

I will take a final decision in two days, if you refer to my interview to Ekho Moskvyy. It means that I was in position -- sorry, Mr Sumption -- that I was in position: on the one hand I didn't have choice; on the other hand I want to be sure that if I sell, Mr Glushkov will be released. This is the point. And if you open my interview in Ekho Moskvyy, it's written clear: I will take a final decision in two -- in couple of days. This is the point.

Q. That is what you said to Ekho Moskvyy.

A. Yes, correct.

Q. But what you actually decided to do was to sell your shares to the State, and you made that decision immediately and certainly on the same day, the 7th, didn't you?

A. Mr Sumption, I present my position in Ekho Moskvyy like it is. Definitely I already took my decision to sell ORT shares because they put me in the corner, but I said that I need two days more to take a final decision. It means that I present my position. My understanding that I am in the corner, I was really shocked, and I present my position. But I took the final decision, as it's correctly I gave in my interview, only after we agreed that Mr Glushkov will be released because I will sell my shares in ORT.

- Q. Could you please turn to bundle H(A)29/206, which will be produced.
- A. H...?
- Q. Somebody is just about to give it to you. Right?
- A. Yes.
- Q. Do you have page 206? This is a report in the Moscow Times which is based in part on an interview with you.
- A. Just a second. What is date?
- Q. 20 April 2001.
- A. Okay.
- Q. Now, if you look at the bottom of the article from the Moscow Times, what you say is:
- "'Glushkov's arrest was a clear signal to me that I have to sell my stake to the State immediately'..."
- A. Yes. Yes, it's true. It's correct, yes.
- Q. That was true, okay. Now, you will see on the same page, about two-thirds of the way down, there's a reference to an interview --
- A. Which page?
- Q. Same page, about two-thirds of the way down the page, there's a reference to an interview on your website which I think was called grani.ru. That's your website address, isn't it?
- A. What does mean "my website"? It's site which I funded.
- Q. Yes, and which has got an awful lot about you in it?

- A. It's not -- definitely it's not correct to give any answer. Maybe they know a lot about me; maybe they don't know.
- Q. Right. Well now, I wonder if you could -- I'm afraid this is not in the bundles but we will make sure that it gets into them. I want to show you an interview with yourself that appears on the website and there's a Russian and an English version of the website. You may prefer to look at the Russian one. (Handed)
- A. When it was?
- Q. This was posted in April 2001.
- A. April 2001, yes, yes.
- Q. What you say here, if you look at the first answer under the photograph:
- "I regard this..."
- You are being asked by Mr Korsunsky, the interviewer, about a statement you made about your intentions relating to TV6.
- A. Yes.
- Q. You then say:
- "... You know that recently Kremlin bought ORT, namely the portion of shares that was owned by me and my group. It was done through Roman Abramovich, but it was done under the strongest pressure, and I would like to" --

- A. I'm sorry, I don't follow you. Refer, please, again where it is written.
- Q. The first answer that you give under the photograph of yourself.
- A. Yes, yes.
- Q. "You know that recently Kremlin bought ORT, namely the portion of shares that was owned by me and by our group. It was done through Roman Abramovich, but it was done under the strongest pressure, and I would like to point out again that I decided to sell my shares to the State on the day Nikolai Glushkov was arrested."
- A. Mm-hm.
- Q. That was the time that you made that decision, was it not?
- A. Mr Sumption, why you don't want to open my interview to Ekho Moskvyy? What is written there?
- Q. I accept --
- A. I just want to say, to tell you, immediately, the same day and so, again, it was so painful for me. On the one hand, I clear understood, my Lady, that I don't have choice after Glushkov was arrested and it's position which I presented but I definitely took some -- how to say? -- some break to understand how it could happen.
- And only way for me to sell it, even when I said after Glushkov was arrested, "It means that he will be

released if I will sell, yes?" This is the point: that he will be released if I sell. And the point what I discussed with Mr Abramovich, "I accept any price you like and for me the importance is only releasing Glushkov", that's it. And I never changed my understanding of that or changed my position on that.

Q. Mr Berezovsky, when you learnt that Mr Glushkov had been arrested, you've told us that you regarded that immediately as being Mr Putin's way of getting at you to make you sell out of ORT.

A. Yes. Definitely, yes.

Q. So without Mr Abramovich having to tell you so, you realised that one way of getting Mr Glushkov out of jail might be to do what Putin wanted and sell out of ORT?

A. You are correct.

Q. You didn't need Mr Abramovich to tell you that, did you?

A. No, I need Mr Abramovich because -- Mr Sumption, definitely I told you that I didn't remember Le Bourget meeting when I describe the meeting in Cap d'Antibes initially. But later on, definitely, if you -- but nevertheless meeting in Le Bourget happened; no one able to refuse that finally. And if it's happened, it means it just was continuation for me that time because that time it was continuation for me what happened in Le Bourget.

And as a result of that, I was in position to sell and definitely I want to understand: is it possible to exchange the selling to releasing of Glushkov? We are not able now to -- again, to discuss just in Cap d'Antibes without understanding the day before happened Le Bourget and day before happened Maski show. It's not correct because all events has a logic together, only altogether; not just to pick up one of them.

Q. Look at paragraph 358, please, of your witness statement D2/17/273.

A. 300...?

Q. 358.

A. Yes, just a second.

Q. "I gave a telephone interview to the Ekho Moskvya radio station on the day of Nikolay's arrest and expressed my view that President Putin was trying to get at me via those closest to me. However, I announced immediately that I would be giving President Putin what he wanted, namely ORT. In an interview on 7 December... with NTV (which was reported in Russian newspapers), I announced that I was abandoning my plan to transfer ORT into a trust. I explained that I was doing this because the trust would have been placed under incredible pressure by the Kremlin. This was correct, but I also understood

that I would have to give up ORT to the State so as to secure Nikolay's release."

A. Yes, correct.

Q. Now, my question is this, Mr Berezovsky: you came to that conclusion without needing to have any conversation with Mr Abramovich?

A. Definitely. On the one hand conclusion was without any conversation with Abramovich. On the other hand, I want to understand condition and I want to send clear message that I don't worry more about money, I worry just about releasing of Nikolai Glushkov. And as far as Abramovich already took mission to be messenger between Putin and me, he is absolutely correct person to present my position to Mr Putin.

Moreover, moreover, Abramovich said that Nikolai will be released, as I understand he already talked to Putin, I don't know, by telephone or somehow, that Nikolai -- or Voloshin, maybe, I'm not sure, president maybe with Voloshin, because he said that his message is from Voloshin and Putin, and he already said -- and he accept during our meeting in Cap d'Antibes.

Moreover, Mr Sumption, I would like to remind you that from the very beginning I told that it have been meeting in Cap d'Antibes and Abramovich at the beginning did not refuse that, did not refuse that it have been

meeting. Moreover, Mr Sumption, I would like to stress you to -- again, my Lady, it's important what we are discussing, the principle important, because, as Abramovich in his witness statement, after Le Bourget I met him just once and meeting have been in Le Megeve in beginning of January. If you read the statement of Mr Abramovich in Le Bourget, you will recognise that Abramovich said, "But it was meeting between Berezovsky, Badri and me, and Berezovsky did not say anything".

My Lady, you know me a little bit, I speak maybe too much, and it's almost impossible to accept what Abramovich present in his witness statement: that after Badri was arrest, I met Abramovich the first time in Le Bourget and didn't say anything at all. It doesn't work. It's the reason why I was absolutely sure from the beginning that this meeting have been -- I forgot about Le Bourget, it's true; but when Le Bourget happened, I already create the logic of what has happened, but it's impossible that I did not meet Abramovich at all after Nikolai was arrested and met him just one forever, forever.

I said, "Roman" -- in Cap d'Antibes, I said, "Roman, this is our last meeting, I don't want to see you more". And next time I met him in Hermes shop in Sloane Street just to serve him invitation to the court; that's it.

Q. Let's get back to 7 December.

A. Yes.

Q. Your old friend Mr Goldfarb came to visit you at Cap d'Antibes on that day, didn't he?

A. Mr Goldfarb recollect that, I didn't, but I accept his recollection.

Q. Did you meet him at the airport?

A. Whom?

Q. Mr Goldfarb?

A. I don't remember that.

Q. Did he stay at the Chateau de la --

A. No, no, moreover, I am sure that I did not meet him in airport and he came to visit us because his son stay in the house near the main house in Clocher, in Cap d'Antibes the same.

Q. He stayed at the Clocher de la Garoupe, which you used as a guest house for the chateau?

A. You are correct.

Q. Did he come straight to your property from the airport?

A. I don't remember that.

Q. Well, we know that he arrived in Nice at 9.50, from his own witness statement, in the morning.

A. Yes.

Q. And he says that on his way to see you he was phoned by a journalist friend in Moscow who told him that your

intention to sell out of ORT was already out in Moscow, together with reports that Mr Abramovich would be buying the shares.

A. Mr Sumption -- sorry.

Q. He says that he asked you on his arrival whether that was true and you confirmed that it was. Is that correct?

A. Yes, first of all, the first interview about Glushkov arresting I gave just, as I understand, late afternoon, not in the morning. It means that Mr Goldfarb's recollection is completely wrong.

Q. I see.

A. Moreover, I know well that I did not discuss -- not I know well -- I did not remember that I discuss with anybody except of my wife and except of Badri at that time what was happening because I afraid to -- I afraid to break my opportunity to release Glushkov.

It's the reason why, again, we discuss all the time when it happened, the 7th or the 8th. My -- again, not my recollection, my logical understanding is it happened more likely at the 7th than at the 8th, and Abramovich came with Badri from Paris and Badri came the first just to make me come, because he knows that I didn't have any doubt that Abramovich is a messenger and play game together with Putin.

Q. So is this your theory? We know that Mr Abramovich returned to Moscow on the evening of 6 December because his passport stamp records his entry into Moscow Airport on that date. You say that at some stage after Mr Glushkov's arrest on the next morning, he flew straight back to Paris, met Mr Patarkatsishvili, and the two of them came down to Nice to see you. Is that your theory?

A. Definitely not.

First of all, you're referring to passport stamp. It's a special story, my Lady, and if you'll see how long time we spent to identify what means one stamp, what means the other stamp. And until now, as I know, Mr Abramovich refuse to invite the person who gave him information how it's happening in Russia, it's the deputy of FSB --

MRS JUSTICE GLOSTER: Well, we don't need to go into that. Just give your evidence.

A. Absolutely, 100 per cent. It's not the base for that.

But, on the other hand, in Le Bourget transcript, which you I understand read attentively, it's clear that Abramovich said, "I will fly tomorrow". Abramovich is rejecting now that. But it's his words, as I recognise. Abramovich later on said, "No, it's not my words". But his -- my recollection, again, the most likely

recollection -- I want to be very precise, my Lady -- that they came the next day, Badri and Abramovich separately. Badri came the first, just to prepare me, because he know that I didn't have any doubt that it's Abramovich and Putin together, and then Abramovich appeared. This is my -- the most likely recollection.

MR SUMPTION: Mr Berezovsky, I'm not going to cross-examine you on anything connected with the stamps for the additional reason -- and my Lady should know this -- that we have received from Addleshaws a letter saying that, having examined the original of the passport, they confirm that the 6 December 2000 stamps in both Mr Abramovich's and Mrs Irina Abramovich's passports are no longer in dispute.

Now, could you please turn to paragraph 359 of your witness statement D2/17/274. Now, you have just said in your last answer that you now clearly remember that Mr Abramovich came down to Cap d'Antibes shortly after the arrival of Badri, that Badri prepared you for the imminent arrival of Mr Abramovich and that Mr Abramovich himself then appeared. Right?

A. Yes, it's my most likely recollection.

MRS JUSTICE GLOSTER: Excuse me. When you say your "most likely recollection", a moment ago you seemed to be suggesting that you were, as it were, constructing

a theory logically.

- A. No, no, no. Because my recollection -- on the one hand you're correct, my Lady. On the other hand I still have a little bit doubts about the 8th. And it means that my recollection almost -- not 100 per cent, first of all, but almost 100 per cent that has happened on the 7th.

MR SUMPTION: So you're not reconstructing from documents; you are actually recollecting almost 100 per cent that this was when it happened. Is that right?

- A. I don't reconstruct any documents, you are correct; I reconstruct just my memory. I try to understand my feelings and my memory, nothing more. On the other hand, when I present this position, definitely I try to understand how it's happened and events which happened before and events which happened after. Again, my recollection is that it's happened at the 7th.

Q. Well, Mr Berezovsky, if you have a look at paragraph 359 of your witness statement --

- A. Yes.

Q. -- what you wrote here is:

"A couple of weeks after Nikolay's arrest, towards the end of December 2000 and a day or two before Christmas, Mr Abramovich came to my house in Cap d'Antibes, where I was then living..."

- A. Yes.

Q. You obviously then did not have the recollection you've just described when you wrote this witness statement.

A. Mr Sumption, I changed my recollection many times.

Q. Indeed you have.

A. I changed my recollection many times because it was so emotional and if you look at my witness -- at my discussion with Mrs Duncan in Tel Aviv in 2000 --

Q. 2007.

A. -- 2007, you will see that I told there that it's happened shortly after Nikolai was arrested.

Q. I think you told her that it was on 17 December.

A. This Michelle Duncan, this Michelle Duncan mark 17 because initially I also want to remind it's happened on the 7th or 17th. Then definitely I recollect that it's happened on 7 December, Nikolai arrested. But I really change many times of my recollection, it's happened immediately or it's happened later, because information which influence to me, particularly Le Bourget meeting and so.

Q. Mr Berezovsky, what's actually happened is that you have put various dates as being the date when this meeting occurred.

A. Yes.

Q. Each time you identify a date, someone points out that you were somewhere else, usually on the other side of

the world, when this happened, so then you try another date. That's what's happened.

- A. I didn't try anything. You put me the question: is it your reconstruction, logical reconstruction of events, or it's just because of your recollection? And I gave you absolutely clear answer. It's not reconstruction because I put logical construction: definitely I fix some point and then try to follow this way. I just present my -- my reconstruction -- my feelings, my memory, my recollection. That's it.

Because, Mr Sumption, again, I don't want to explore too much the same point --

- Q. No, I'm not surprised.

- A. -- but, my Lady, just to pay you attention, I really forgot about Le Bourget. I really forgot about Le Bourget, a principal meeting, because arrest of Nikolai was just like explosion and I forgot a lot what happened before.

It's happened once in my life when I had car accident and it's very famous story in psychology: when you have a shock, you don't remember what happened ten minutes ago or half an hour ago. I have car accident and I didn't remember what happened two hours before. I remember that well. This almost the same.

Again, I don't ask excuse. It's my recollection

which unfortunately changed several times.

Q. Well now, Mr Berezovsky, you told us a few moments ago about what you said to Michelle Duncan: you said that you told Michelle Duncan that it happened on the 7th. I'm going to ask you to look at Michelle Duncan's notes of that meeting, which will be handed to you: they're in R(D)2/30/120. This is quite a confusing bundle to handle because there are internal divisions 1, 2 and 3.

A. I can take this H(A)29 --

Q. Yes, in a moment somebody, I'm sure, will remove that for you. You don't need it anymore. It's in flag 30 --

A. Just a second.

Q. I'm addressing not you, Mr Berezovsky --

A. Sorry.

Q. -- but the gentleman who is trying to help you behind.

Now, is that headed at the top of the page "Michelle Duncan's notes of Tel Aviv meetings with Badri in November 2007"?

A. Just a second.

Q. I'm not asking you, I'm asking the assistant. Right.

Could you look at it, please, and look at the top heading on the first page that's open in front of you, "Michelle Duncan's notes of Tel Aviv meetings with Badri in November 2007". Do you see?

A. Yes.

- Q. Right. Now would you please turn in the bottom left-hand numbering to page 122 R(D)2/30/122. It's the third page behind the flag.
- A. Page?
- Q. The bottom left-hand numbering, page 122. It's the third page. If you turn two pages on from the bit you've just been looking at.
- A. Yes.
- Q. Right? You will see in the margin on the left the initials "BB": that's you.
- A. Yes.
- Q. And you'll see in the second box down from the top:
"Glushkov arrest Dec[ember]."
Do you see that?
- A. Just a second. "Glushkov arrest Dec[ember]", yes.
- Q. "17 [December] RA came to France -- arranged by Badri."
- A. Mm-hm.
- Q. So the date that you actually gave Michelle Duncan was not the 7th, it was the 17th?
- A. No, it's not what I gave her, it's what she wrote here. She write nevertheless.
- Q. She wrote 17 December.
- A. Again, she wrote like that. I can't recollect that I said 17th or 7th but I think, again, that it's correct written here that I said 17th.

Q. Right, thank you.

Well now, in your statement in support of Mr Glushkov's asylum application, which was made in February 2007, you said that Mr Abramovich's threats to you were delivered at the end of December. Do you recall that?

A. I think so. I don't want to check but I hope you're correct.

Q. Right. And in your main witness statement for trial, as I've just shown you --

A. Mm-hm.

Q. -- paragraph 359, you say that it was a couple of weeks after Mr Glushkov's arrest and a day or two before Christmas.

A. Yes, yes.

Q. Now, the common feature of all these statements is that they place the meeting in the second half of December, at least ten days after Mr Glushkov's arrest. Do you agree?

A. Yes, but -- yes, I agree.

Q. Now, as I understand your evidence, it was at the meeting with Mr Abramovich --

A. It was --

Q. Let me finish the question -- at Cap d'Antibes and faced with the threat that Mr Abramovich, you say, had made to

you, that you said to him, "Okay, I'll sell the shares".

Is that correct?

A. You're absolutely correct.

Q. Now, you say in your witness statement that after the meeting with Mr Abramovich -- look at paragraph 365, if you would D2/17/275.

A. 365, yes.

Q. It's just a page beyond the last bit you had open. You say that:

"After the meeting with Mr Abramovich... [you] left it to Badri and Dr... Dubov to deal with the detail of how the shares would be transferred."

Do you see that?

A. Yes.

Q. That's true, is it?

A. Yes. And I refer today that I met -- that I talk to Mr Dubov how the shares will be transferred at around 24 December 2000, correct.

Q. Well now, Mr Dubov was the deputy director general --

A. Yes.

Q. -- of Logovaz, wasn't he?

A. Yes, yes, correct.

Q. And Logovaz held 11 per cent of the shares in ORT-KB?

A. Yes, correct.

Q. And was that the reason why you were --

A. No, not -- just ORT, not KB. ORT-KB own 39 per cent and Logovaz itself own 11 per cent.

Q. Okay. That was why Mr Dubov had to be involved, wasn't it?

A. Correct.

Q. Now, presumably you wanted both Mr Patarkatsishvili and Mr Dubov to deal with the details as fast as possible?

A. They made it at the 24th and I ask them to move as quick as possible after I agreed with Abramovich that Nikolai will be released. Definitely we're in hurry to release Nikolai on the eve: on the one hand 24th; on the other hand it was birthday of Nikolai Glushkov, 24 December.

Q. Well now, if Mr Abramovich visited you at Cap d'Antibes on 7 December --

A. Mm-hm.

Q. -- why did you wait until 24 December before telling Mr Dubov to get on with organising the transfer?

A. I didn't give Mr Dubov information to organise the transfer. I confirm when Dubov called me with all prepared documents that we are doing that. He need my confirmation. It means the preparation, completely opposite to your previous discussion, started just when I decide to sell ORT and change Glushkov to ORT.

But, my Lady, on the other hand, the same meeting with Michelle Duncan, the same, and if you turn to the

page 130, the page before the last, and if you will see

"AP" on the top, it's written here:

"2 meetings w[ith Roman Abramovich] -- Fouquet
[plus] Antibes."

It's written clear here.

Q. Now, Mr Berezovsky --

A. Threat made.

Q. Mr Berezovsky, I entirely accept that you have said before that this meeting happened but, as you will understand, the point that I am leading up to is that you've made this up.

A. Mm-hm.

Q. But we'll come to that.

Now, you may recall -- have you read Mr Dubov's witness statement?

A. Sorry?

Q. Have you read Mr Dubov's witness statement in this action?

A. No, not at all.

Q. Could I ask you to look at a part of it now, please.

Bundle D1/12. Right. I would like you to turn in Mr Dubov's witness statement to paragraph 114, which is on D1/12/285.

A. Mm-hm.

Q. Okay?

A. Yes.

Q. Now, in the previous paragraph, paragraph 113, he is describing a conversation with Mr Abramovich. In paragraph 114 he then says:

"Immediately after Roman called me on 24 December, I spoke with Boris. Boris called to tell me that I should proceed with the deal..."

Now, Mr Dubov's evidence therefore was that you telephoned him and told him to proceed with the deal on 24 December.

A. Yes.

Q. He says:

"... it was clear that he and Badri had already agreed this with Roman."

Okay?

A. Yes.

Q. Now, the question that I have for you is this: if Mr Abramovich came and threatened you and forced you to agree to sell on 7 December, as you now suggest, why did you wait until the 24th before talking to Mr Dubov?

A. It's absolutely clear: because after in principle we agreed with Abramovich that Nikolai will be released, we start to negotiate -- not me personally, I don't remember that, because, as I told you, after that meeting I never talked to Abramovich at all; it was

negotiation which I think led by -- Badri leads -- that Nikolai should be released until 24th. This is the point.

And it's nothing illogical that after we took a principal decision, we want to be guaranteed that Glushkov will be released. Definitely we are not able to get written guarantee because no one could imagine that written guarantee; it means something from Mr Putin that time. But it's absolutely clear that our approach was to release Glushkov as quick as possible.

Q. You say, as I understand your evidence, that Mr Abramovich gave you that guarantee. Is that right?

A. Yes.

Q. And you now say that he gave it to you on 7 December?

A. And he gave it on 7 December, if we calculate the meeting. I recognise meeting was on 7 December.

Q. So I repeat my question: having got that guarantee on 7 December, why did you wait until the 24th in order to get Mr Dubov to act on it?

A. Again and again, if Glushkov will be released, we will immediately release the paper; but as far as Glushkov was not released, definitely we continue to insist to release Glushkov because, as I told you just before, we are not able just to have written guarantee and Glushkov will be released automatically.

Q. Why didn't you, if your story is true, Mr Berezovsky, ring up Mr Dubov on 7 December itself, immediately after your meeting with Mr Abramovich, and tell him, "I've made this agreement to sell out of ORT, please get moving on the 11 per cent that Logovaz owns"?

A. Because, as I understand, first of all Badri continued to manage this situation and to prepare all agreements and that completely coincide with my previous point of view that nothing was prepared for that.

On the other hand, as you know the result, Nikolai Glushkov was never -- was not released. It means that we insist that he should be released and they did not release him. Finally we agreed, and I remember that well, that he will be agreed (sic) on the 24th, and we wait up to the last moment; and when finally recognise that it will not happen, we decide, okay, what to do. We don't have choice now.

Q. Mr Berezovsky, it's become apparent to you, hasn't it, over the last few weeks before the opening of this trial that the date which you originally gave for this meeting was impossible because you flew to Luton on 16 December and from there to the United States, where you arrived on the 17th?

A. You're absolutely correct. As more information I have about my flight, more opportunity I have to recollect

what has happened, to excluding when it can't happen.

Q. You accept that you were in Washington on 18 December and in Aspen, Colorado on 21 and 22 December, don't you?

A. I absolutely accept that and we wrote when we investigate in absolutely details all flights and all -- I reconstruct events and Alex Goldfarb remind me that I have been in Washington opening the Foundation for Civil Liberties in conference. And when we really reconstruct and reconstruct what was not -- when it was impossible to think what happened, but I think I still continue to recollect, to recollect what has happened. And it's absolutely natural way to exclude what logically impossible.

Q. And your passport stamp shows that you passed back through Luton on 26 December from America?

A. It's my stamp in the passport, it's correct. And moreover we call all hotels, all credit cards bank, all aviation, I mean the company which I use and company which even I use before, asking them to give us all information.

Q. Now, you now say, as you've told us, that this visit occurred almost certainly on 7 December; that's right, is it?

A. Yes, that's correct.

Q. That's your evidence now. Now, in your latest witness

statement, you say -- and you also said this orally yesterday -- that you always remember or you usually remember events that are of great emotional significance to you. Do you remember saying that?

A. Yes. You're correct.

Q. Was the arrest of Mr Glushkov an event of great emotional significance to you?

A. The most. One of the most in my life.

Q. And Mr Abramovich's visit to Cap d'Antibes, was that an event of great emotional significance to you?

A. Much less, but also emotional strong.

Q. Now, if these two events happened on the very same day, I suggest that you would always have remembered it and you wouldn't have had to shift about choosing one date after another.

A. I was waiting this your question. It's good question. And I tell you I recollect definitely the arrest of Glushkov; I recollect definitely the meeting with Abramovich in Cap d'Antibes. I did not recollect that it's happened in the same day and I think, again, because it's so emotional, was Nikolai Glushkov arrest, that I did not coincide those two events, I did not put those two events in one day. It was too much for one day. It's the reason why initially I didn't remember that it could happen at the 7th.

Q. If Mr Abramovich came to see you at Cap d'Antibes on the 7th, after the arrest of Mr Glushkov, which occurred, you've told us, at about midday in Moscow, Moscow time, he would have had to get into an aeroplane from Moscow at mid-day Moscow time, head for Paris, meet Mr Patarkatsishvili, then come down to Nice and then arrive, according to your wife, after lunch at Cap d'Antibes to see you.

A. I don't believe in that.

Q. No.

A. As I told you, I believe that Abramovich came from Paris together with Badri and there is a plane who took three passengers, because they don't put name in the flight list, they put just number of passengers and dates. And Abramovich came, as I understand -- definitely logically, not my recollection -- came the same day.

They land in -- not in Nice airport, which happened regularly, they land in Marseilles, and then we reconstruct because that time was the summit of European leaders in Nice and they came from by helicopter or by cars, I don't know, by cars, I don't know. And Badri -- as I remember, when Abramovich came -- it's again picture in my eyes -- when Abramovich came, I already had been with Badri. I remember the room where we were sitting and this was not sunshine that day, but this is

other story.

Again, it is the reason why I think that it's almost 100 per cent it's happened on the 7th, not on the 8th, and what is -- definitely it's happened. And Abramovich, it's not -- your theory that Abramovich he turn back, then returned back, as far as stamps is concerned, my Lady, it's a very special story; we will discuss that, I think, again and again. And until now, as I understand, the key witness statement (sic) is not ready to go and to give witness statement, who -- I mean this higher level officer who is head of -- who is head of custom officer, who made statement for Mr Abramovich, but he refused, I don't know why, to come as a witness statement -- as a witness.

MRS JUSTICE GLOSTER: No, I don't think you need to go into that at this stage. I still have to make the ruling about that.

A. Just to let you know that it's special story about stamps is concerned. On the other hand, as I told you in Le Bourget transcript it's clear for me -- and it was not made by me, it was made by professional -- that Abramovich said, "I will fly tomorrow".

MR SUMPTION: You'll be glad to hear, Mr Berezovsky, that we won't be discussing this particular stamp endlessly because your solicitors have told us that the passport

stamps of Mr Abramovich and his wife for that date are no longer in dispute.

Am I right in thinking, however, that the whole of this notion of yours that Mr Abramovich came to see you on the 7th depends on the idea that instead of going back to Moscow on the evening of the 6th, he actually stayed in Paris overnight? Is that what you're suggesting?

A. Yes.

Q. I see. Well, at least we know where you're coming from.

Now, what I suggest happened is that you remembered a meeting in Cap d'Antibes in late 2000 when you came to devise your case in this action but it was in fact the meeting of 6 November that you remembered. I'm telling you this so that you get a chance to comment on it in a moment.

A. Yes.

Q. You then made up this story about threats and associated it with the meeting that you had had with Mr Abramovich at Cap d'Antibes. Because the story that you had made up involved threats about Mr Glushkov's continued imprisonment, you had to place the meeting in December, so you placed it in December, but without checking where either you or Mr Abramovich were at the time. As a result you have simply been found out. Your story is

nonsense.

Do you follow the point that I'm going to be submitting in due course? Now is your chance to say something about that.

A. I completely disagree with your way of thinking and with your conclusion.

Q. Now, you were, I think, very close to Mr Patarkatsishvili in this period, were you not?

A. Yes.

Q. Did he tell you all about his dealings with Mr Putin and Mr Voloshin?

A. What does mean "all about his dealings with Mr" --

Q. Did he tell you about them?

A. What do you mean? As I told you, I know that he visited Putin in September -- in August 2000, as I told you, convened(?) by Mr Patrushev, head of FSB. That only I know about meeting of Badri and Mr Putin.

Q. Now, you knew about that because Mr Patarkatsishvili told you?

A. About this meeting which we are discussing?

Q. Yes. Is that right?

A. Yes, definitely. Mr Patarkatsishvili told me about proposal of Putin to leave me and to stay with Putin. Yes, I know that well.

Q. And did Mr Patarkatsishvili tell you about discussions

that he had had with Mr Abramovich? When Mr Patarkatsishvili had a discussion which affected both of you with Mr Abramovich, was it his practice to tell you about his discussions?

A. Not every time definitely.

Q. Usually?

A. I think mainly, yes.

Q. Now, could you please have a look at bundle R(D)1/02/13.

A. Sorry?

Q. Let the assistant get it for you.

A. Yes. What is that?

Q. Hang on. Right, do you have -- sorry, the referencing system is quite complex in this volume. Have you got flag 2 at the beginning of that volume?

A. Yes.

Q. Right. That should be a note, as you will see from the top right-hand corner, dated 30 June 2005 of a meeting with Mr Patarkatsishvili. You were not present on this occasion.

A. Yes, I think it's -- okay, I don't remember. Yes, okay, fine.

Q. Now, this is a typed up version of Mr Stephenson's note of his meeting with Mr Patarkatsishvili on that occasion.

A. Yes.

Q. Mr Stephenson, as you'll recall, was a partner of your then solicitors, Carter Ruck.

A. Correct.

Q. Now, could you turn on to page 20 at the very bottom right-hand numbering of the bundle to find the relevant part of this note R(D)1/02/20.

A. Yes.

Q. Now, you'll see a line about a third of the way down the page, a horizontal line.

A. Yes.

Q. The note records:

"Badri met Lesin..."

He was the minister of telecommunications.

A. Yes.

Q. "He negotiated -- agreed 300 [million]. That's all they had -- need to pay for Gusinsky [and] ORT. Badri wanted to sell first -- BB stubborn -- not going to sell -- did not go back to Russia. Agreements breached by gov[ernment] don't trust them."

Then he goes on:

"So we needed trustworthy man" --

A. Sorry, again?

Q. "So we needed trustworthy man..."

That's the next block of text under the line. Okay?

A. Mm-hm.

Q. "... rec[eive]d invitation from Roman to meet -- met in Paris. RA said for your sake -- I will buy shares [and] give them to government -- offered \$150 [million] -- before that agreement with Roman -- for election campaign for Putin \$50 [million] -- our share was \$25 [million]..."

He then refers to, "Fouquet Champs Elysees 3rd table":

"NG mentioned one of main reasons to sell -- Before meeting -- even if not paid -- we will give free for NG release. -- Didn't hesitate. -- Evidently he couldn't -- Voloshin promised in personal conversation with Badri later -- not easy to persuade BB -- thought would deceive -- Badri believed should keep."

Now, what Mr Patarkatsishvili is saying there is that he wanted to sell and would have liked to accept an offer of 300 million from the Russian government and you were more reluctant, and the agreement with the Russian government for whatever reason failed. It then goes on to say, so you and Mr Patarkatsishvili needed a trustworthy man, and that was Mr Abramovich, wasn't it?

A. Mr Sumption, first of all, it's dated 2005. As I understand, it's the first time when I start to act

and ask Mr Stephe -- Andy Stephenson to visit Badri in Tbilisi that time. As we know and as we'll see many times, the notes of lawyers were not absolutely the same what it was the reason to discuss -- what was the real sense of discussion. That time which Badri describe, I don't understand exactly which time he discuss, and it's correct to say that I did not want to discuss to sell at all after Gusinsky was arrested and they start to press me. That's it, because my understanding of ORT was completely different and the price even completely different. But what is the question?

- Q. The question was that, after the discussions with the Russian government had got nowhere, you and Mr Patarkatsishvili decided that you needed a trustworthy man. Do you see that's recorded?
- A. I don't remember that at all.
- Q. And that trustworthy man was Mr Abramovich, wasn't it?
- A. I don't remember that at all.
- Q. And it was Mr Patarkatsishvili, therefore, who was keen to do a sale to Mr Abramovich?
- A. Mr Sumption -- could you please, my Lady, allow me to have a look for the interview which was given by Roman Abramovich press secretary, I don't know, Mr Mann, in 2010 who based here, that to make story a little bit shorter, and Abramovich never refused this interview.

Q. Mr Berezovsky, I'm afraid I am going to set the agenda for this cross-examination and I want your answers about this document.

A. Okay.

Q. Right? Now, I have suggested to you that the trustworthy man was Mr Abramovich because, as we see from the note:

"... rec[eive]d invitation from Roman to meet -- met in Paris."

Do you see that?

A. Again, I can't exclude that at all. I just tell you that I don't know.

Q. Now, Mr Patarkatsishvili says in the note taken by the solicitor that Mr Abramovich offered, for your sake, to get the two of you out of the difficulty of owning ORT, now that you had fallen out with Mr Putin, by buying the shares off you. That was what Mr Patarkatsishvili told the solicitors, wasn't it?

A. No, it was solicitor wrote after he discussed with Mr Patarkatsishvili. It doesn't mean that it's exactly what Patarkatsishvili said. I'm sorry to say that.

Q. Now, Mr Patarkatsishvili is then recorded in this note as saying that one of the main reasons for selling was the position of Mr Glushkov, and we know from the material we've looked at earlier this morning that from

the end of October it had been appreciated that Mr Glushkov was going to be charged and arrested?

A. It means for me now that, unfortunately, Andy Stephenson that time lost completely the subject, I am sorry to say. Because it was first discussion with Badri at all, the first meeting of solicitor, and it's completely wrong story at this point.

Q. But you weren't there, Mr Berezovsky. How do you know what Mr Patarkatsishvili told Mr Stephenson?

A. No, because I know the story, the real story. I won't -- I haven't been there but I know that Patarkatsishvili was well-informed and it's not the story which he present.

Q. Now, according to Mr Patarkatsishvili, who ought to have known, it was Mr Voloshin who had promised, in a direct conversation with him, Mr Patarkatsishvili, that Mr Glushkov would be released. Do you see that?

A. Again, I don't know anything about meeting of Mr Patarkatsishvili with Mr Voloshin, and it's exactly the reason why I have a lot of doubt what is written here.

Q. Right.

A. You're absolutely correct --

MRS JUSTICE GLOSTER: You can't say whether there was a meeting between Mr Patarkatsishvili and Mr Voloshin?

MR SUMPTION: Or a phone call.

A. Yes, yes. I said that I -- I'm sure that Mr Sumption is correct, that if Badri meet Voloshin, I am almost sure that Badri inform me about that but --

MRS JUSTICE GLOSTER: Or if he spoke to him on the telephone?

A. He will tell me that.

MR SUMPTION: Well, Mr Berezovsky, he did tell you about that, didn't he, and that's why you were happy to sell out of ORT?

A. Mr Sumption, I understand, you put the question, I am not able to move away, but if you see the document which I want to present you, it's absolutely clear that I didn't want to sell ORT, including even if Glushkov would not be arrest, because the price for ORT was completely different and Mr Abramovich spokesman confirm the price was completely different. That time the price of ORT was more than billion dollars, this is the point, and this direct reference to Mr Abramovich spokesman which he gave this estimation on the -- November 2010. And again I was 100 per cent sure, no, okay, 100 per cent sure, that if Mr Badri -- Patarkatsishvili talk to Voloshin, definitely he will tell me that.

Q. Right. Because, you see, it's not just Mr Stephenson who recorded that but the same point was independently

noted by Mr Lankshear also of Carter Ruck, if you would like to look on to -- sorry, he was of Streathers. If you look on behind flag 3.

A. After flag 3?

Q. After flag 3, and in the bottom left-hand numbering --

A. Just a ... Before?

Q. After flag 3.

A. It's in writing, yes?

Q. Yes but I'm going to ask you to look at the typed-up version which is at page 39.004 R(D)1/03/39.004. Do you see "PAGE 10"? It's 39.004, there's a heading "PAGE 10".

A. Yes.

Q. Right?

A. Yes.

Q. "Didn't hesitate that RA fulfil agreement. 'How would release be arranged'. Voloshin promised to release in conversation with Badri later."

Now, what actually happened was that you concluded that the best way of getting Mr Glushkov released was to sell out of ORT because of a direct conversation that Mr Patarkatsishvili had had, either face to face or on the phone, with Mr Voloshin, the head of Mr Putin's administration?

A. Mr Sumption, I don't know anything about Badri

conversation with Mr Voloshin, believe me. It doesn't mean that Badri did not have but I'm almost sure, almost 100 per cent, that if Badri in this important time for us, to release Mr Glushkov, will talk to Mr Voloshin, I think he will inform me about that.

Q. Now, I suggest that the reason why, in these interview notes, Mr Patarkatsishvili doesn't mention any threat by Mr Abramovich is that there wasn't one?

A. It's your suggestion. My understanding and my proof moreover is completely different. Tell me the reason why I never met Abramovich again after.

Q. You did meet him again. You met him at Megeve early in January, that's part --

A. And it's strange that Abramovich wrote that I didn't say even one word. I met him in Megeve in January 2010 but did not talk anything at all about Nikolai's arresting, I know connections Abramovich to Putin well, that he is messenger and so, and I just keep silent. It's impossible, Mr Sumption.

Q. Now, Mr Berezovsky, in fact, Mr Glushkov was not released after the sale of the ORT shares and you say, in your witness statement, paragraph 365, that you think that Mr Abramovich deliberately arranged for Mr Glushkov to stay in prison so that he could use the same threat a second time in order to force you out of Sibneft as

well?

A. You are correct -- I am correct, sorry.

Q. That is a very serious allegation. What evidence do you have for it?

A. I present my evidence in my witness statement and I can -- again, I can just, to make the story shorter and more better for understanding, my clear understanding is that after Mr Abramovich recognised how important Mr Glushkov is for us and that we, without any discussion about price or anything, agreed that Glushkov will be released if we will -- if we'll sell -- return back our shares and not to be keep in jail a long, long time. Abramovich recognise that it's -- this point is very sensitive for us.

And just later on, but not too much later because even in autumn 2000, when we have been in Russia, Abramovich already mentioned that Sibneft is under pressure because of my new and -- because of my tension with Putin and he already that time start to, already that time start to present position that we had become more dangerous for the company than even before. But when he recognised that he has amazing leverage, then he made -- he is progressing in his, I don't like to say, violence. Because initially he put Putin behind -- he put Putin in front of him as far as ORT is concerned,

saying, "This is Putin, this is not me, this is Putin asking".

In Sibneft, position was different, "Putin is behind of me and you know that he is dangerous, he can do everything and I'm the person who has special relations with Putin", and he may influence -- "I may influence to his decision".

In Rusal case, he even did not put Putin at all as a name because he already was form himself, I'm sorry to say, as a gangster, yes, because he already knew that it's enough him to do any step, we are not able to do anything. It's like evolution of crime of Mr Abramovich and in Sibneft it was the same story but it's the story of Abramovich with Putin behind of him.

- Q. What is your evidence, if you have any, that Mr Abramovich deliberately kept Mr Glushkov in jail so as to be able to use the threat a second time? If you don't have any evidence, fine; if you do, now is your chance to tell us what it is.
- A. It's exactly the point. The point is that Abramovich has a great influence to Mr Putin. I don't think that Putin point was to seize Sibneft because he got that time what he want to get, ORT under his control, and recognising the importance for us of Glushkov, Abramovich used the same method, the same method,

threat, and we didn't have choice. We didn't have choice for two reasons. Because, first of all, Abramovich did not deliver on the one hand that Glushkov will be released. On the other hand, he again said that he -- that Glushkov will be released and we will start negotiations, because it's long story, not just for five minutes. And it is the point that we accept absolutely seriously, serious, that this is threat and Abramovich (sic) stay in jail long, long time if we will not sell our shares or if we will not sell --

MRS JUSTICE GLOSTER: Sorry, you mean Mr Glushkov?

A. Yes, yes. Or our shares will be just seized by State or by whom, I don't know, this was the point of threat of Abramovich.

MR SUMPTION: The short answer to my question "What is your evidence that Mr Abramovich deliberately kept Mr Glushkov in jail?" is that you haven't got any evidence, isn't it?

A. I have a lot of evidence.

MR SUMPTION: I see.

My Lady, would that be a convenient break?

MRS JUSTICE GLOSTER: Yes. Very well. I'll sit again at 2.05.

(1.03 pm)

(The short adjournment)

(2.05 pm)

MRS JUSTICE GLOSTER: Yes, Mr Sumption.

MR SUMPTION: Mr Berezovsky, in your witness statement you say that at the meeting that you contend occurred in Cap d'Antibes in December, you concluded that Mr Abramovich was a blackmailer. That's your case, isn't it?

A. Yes. She (sic) blackmail me and made a threat from the name of Mr Putin.

Q. And you say that you felt that he had betrayed you and that you never wanted to see him again?

A. It's correct.

Q. And you say that you never in fact did speak to him again until 2007, when you served the writ in this action?

A. It's absolutely correct.

Q. Could you please have a look at bundle H(A)28/18. Now, this is --

A. Just a second. Yes.

Q. This is an extract from an interview with you --

A. Yes.

Q. -- and the Russian version you will find at page 18R on the yellow sheets. You may prefer to look at that. Okay? Now, this appeared in Kommersant --

A. Yes.

Q. -- your newspaper, on 11 January 2001. You'll find the date in the English version on the top right of the print-out.

A. Just a -- again, the date, please? Sorry, I find it my own.

Q. If you look on page 18 in the English version, you will see the date "01-11-2001" --

A. Yes.

Q. -- which I think is the American dating because if you look in the first paragraph, you will see that it says, five lines down from the top of the first paragraph:

"Following is the text of a report by Russian newspaper Kommersant on 11 January..."

A. Yes.

Q. "... In an interview with Kommersant correspondent Natalie Gevorkyan, Boris Berezovsky commented on the situation with regard to the sale of shares in Russian Public Television..."

A. Mm-hm.

Q. Could you please look at the second page of the English or I think it's probably also the second page of the Russian.

A. Yes.

Q. I can't tell you exactly where the Russian is. But if you look at the English text on page 19, you will see,

about ten lines up from the bottom --

A. Just a second. Page 19.

Q. Yes.

A. Yes.

Q. There is a question from the interviewer:

"(Gevorkyan) Will not the story of the ORT sale resemble..."

Can you see that?

A. Just a second. Which line?

Q. If you count 11 lines up from the bottom of the page.

A. Yes.

Q. "(Gevorkyan) Will not the story of the ORT sale resemble the earlier story of the sale of Kommersant..."

Do you see?

Now, would you like to find the Russian equivalent of that.

A. Yes, yes.

Q. Okay, have a look then. It will probably be on page 19R. Have you got that?

A. Yes.

Q. Now, the question that the interviewer put to you was:

"Will not the story of the ORT sale resemble the earlier story of the sale of Kommersant" --

A. Earlier story, yes, it's '9 -- just a second -- '98/'99, yes.

Q. "... when some purchaser was announced but then it turned out to be you. This time Abramovich, for example, could actually be that purchaser..."

And your answer was:

"Well, how can I rule that out? I cannot rule out anything at all. I simply know what I know and I am only saying that. I cannot say anything more than that. I trust Abramovich as a business partner.

"(Gevorkyan) Does Abramovich remain your business partner?

"(Berezovskiy) In the business that I created jointly with Abramovich he remains my partner to this day. He had no part at all in creating the ORT business."

A. Yes.

Q. Now, what you said in that interview was, "I trust Abramovich as a business partner". That seems a rather odd thing to say about somebody who has just blackmailed and betrayed you, doesn't it?

A. No, it's absolutely correct because at that time Abramovich was the person who still could be messenger between me and Putin to help to release Glushkov and that time I don't want to put Abramovich as my enemy publicly because I want to give him space to deliver what we discussed to deliver.

Q. But you didn't have to say anything about your feelings about Abramovich, did you? You could simply have said he remained your partner in other business ventures.

But what you actually said was that you trusted him.

A. Mr Sumption, I already express my vision: if I trust him at least once to discuss what happened after meeting in Cap d'Antibes, at least once I should meet him and to discuss if I trust him.

As you know, 23 January should be my birthday and I celebrate my birthday with all my friends and it's the first time when Abramovich was not invited to my birthday, it was January 33 -- 23, 2001. It means that I didn't have any trust of Abramovich but to try to -- not to explode that because Abramovich still was in position of one person who I understood perfectly was able to convince Putin to keep Glushkov in jail and to help to release him.

It's only reason why I understanding that Glushkov could stay in jail forever. I didn't want to break my public relations in -- I don't want to break in public my relations with Abramovich.

Q. You met Mr Abramovich together with Mr Patarkatsishvili at Courcheval in Switzerland on 10 January, didn't you, about the same time as you were making this statement to Kommersant?

- A. Once more, I just want to stress that I met the last time Abramovich just in Cap d'Antibes at the time -- after Mr Glushkov was arrested.
- Q. Sorry, I said Courcheval; it was actually Megeve.
- A. I didn't meet him, not in Courcheval, not in Megeve.
- Q. I see. I suggest that you had a perfectly amicable meeting, witnessed by at least one third party who will be giving evidence.
- A. Sorry?
- Q. You had a perfectly amicable meeting with Mr Abramovich in Megeve, didn't you?
- A. Once more, I want just to stress: I haven't meet Abramovich at all in Megeve. This is the first point. I didn't meet Abramovich in Courcheval as well at all. I had -- the last meeting I have had him in Cap d'Antibes and I absolutely -- and I remember the wording that I said, "Roman, I see the last time, we'll never meet again". This is the point.
- Q. You never did say that, did you?
- A. Sorry?
- Q. You never did in fact say that, did you?
- A. I said that in -- "I don't want to see you more", and this exactly what I said in Cap d'Antibes.
- Q. You were in Megeve on that day, weren't you?
- A. I have been in Megeve, as my wife recall me. I have

been in Megeve in -- for vacation, and Badri had been as well, but I didn't meet Abramovich there.

Q. You knew he was there, didn't you?

A. I can't recollect did Badri told me but I'm sure he told me that Roman is here.

MRS JUSTICE GLOSTER: The [draft] transcript has recorded at line 15, "but I did meet Abramovich there". I think your evidence you gave was "I didn't meet"?

A. I did not meet. I'm sorry, my Lady. I did not meet him.

MR SUMPTION: Could you please turn to bundle H(A)55, which you haven't got but which somebody will find that for you. You can put away the bundle I just referred you to.

A. If I can take away this?

Q. Leave your witness statement but you can put away everything else.

Now, in the volume you've just been passed, I would like you to turn to page 157.001. So the reference is H(A)55/157.001.

A. Yes.

Q. Right. This is another extract from the collection of interviews and speeches that you published under the title "The Art of the Impossible".

A. Mm-hm.

Q. Now, I would like you to turn, if you would, in the bundle numbering to page 004 H(A)55/157.004 or in the numbering in the book you might find it easier to turn to page 733. It's about the third page beyond the first.

A. Yes.

Q. All right?

A. Yes.

Q. Now, right in the middle of the page, there's a question from the host, as he's called:

"Will you comment, please, on the statement that all this is also due to the mischievous scheming of Abramovich, who is at odds with you."

A. Just a second. What we are reading now? The host, "Will you" -- yes.

Q. You're referring to the extradition proceedings that Russia had begun against you in England.

A. Yes.

Q. And you're asked to comment on the statement that all of this is due to the scheming of Mr Abramovich and you say:

"As for my quarrel with [Mr] Abramovich or with any of my former partners, I have absolutely no quarrel with them."

A. When -- just a second. When it was?

Q. Why did you say that -- can I ask you a question before you answer, Mr Berezovsky.

A. When it was? When it was?

Q. This was in 2003, the interview, the date of which appears on page 002. It was on Channel Three, Russian Channel Three, on March 25, 2003.

A. Mm-hm.

Q. Now, why did you say you had no quarrel with Mr Abramovich if the truth was that he had blackmailed and betrayed you?

A. It's absolutely the same reason: because, as you remember, at that time, as I recollect, we still did not get money, didn't get money from sale of Sibneft. And, as you remember, Badri asked me -- asked me on the one hand say that we still did not sold it; on the other hand, I try not to press personally Abramovich at all because of the other reason, because I was sure that as far as Mr Putin is concerned, as far as he reached his target and got under his control ORT, he is not -- let's say, we were not fighting for Sibneft or something himself. Moreover, as you remember, even in Le Bourget, Putin said that, "They may sell; it's not a problem. You pay him money, them money, but made quiet". It means that Putin did not try to squeeze us himself by his initiative in business.

Abramovich is a different story and Badri thought that if I will do something, if I will present some public position against Abramovich, he may just stop to return our payment. And on the other hand I just want to remind you that Mr Glushkov still was in jail and it was not threat, just one second; it was continuous threat, as far as my clear understanding and Badri clear understanding. And we understood well that Abramovich is able to influence to Putin to keep Glushkov in jail so much -- how much he need.

- Q. Well, we'll come to that last suggestion at a later stage because you also make it in trying to explain why you never originally complained about the circumstances in which you were sold out of Sibneft. But the facts as regards the payment are that 100 per cent of the money which Mr Abramovich had agreed to pay, \$1.3 billion, had in fact been paid into the account of Devonian by August 2002, well before this interview had been given.
- A. No, as is my recollection, the last money we got just in 2003 is the first point. But there is another reason which I mentioned to you: Glushkov was still in jail and this is the biggest -- my number one priority. But as far as money is concerned, try to check, please, with your assistants: we didn't get all money in 2002.
- Q. The position was it had all been paid to Devonian and

all, apart from \$134 million, had been paid to you by Devonian. Those were the facts when you gave this interview.

A. In 2002?

Q. In March 2003 --

A. Just a second. Interview was given in -- when interview was given?

Q. In March 2003 the situation was that the whole of the \$1.3 billion had been paid by Mr Abramovich to Devonian and all but \$134 million had been paid by Devonian to you.

A. It was paid just -- it's correct, it was paid just at -- the final payment was done in 2003, it could be. But I present you two reasons, because I can't recollect exactly. But the main reason, as I told you from the beginning, was that Glushkov was not released. But nevertheless there is -- I remember that it was also economic reason and, as I understand that time, Rusal still was not -- at that time we did not sell Rusal steel. It means that we have on the one hand economic reason and maybe you correct that Sibneft was paid already, but Rusal still was not paid.

But again, the main reason was that Glushkov was in jail and I understood that for Putin, it already was become the periphery of his thoughts about me; but for

Abramovich it was important.

Q. The position of Mr Glushkov at this stage was that he was indeed still in jail but his trial was actually in progress, wasn't it?

A. Glushkov was in jail, spent in jail two and three years and he --

Q. Yes. His trial was in progress, wasn't it?

A. Just a second, Mr Sumption, okay? Our clear understanding was that Glushkov is in danger and I am threatened until Glushkov return back in London. And even more, when he already has been in London and was looking for political asylum, until he was granted political asylum, only that time I become quiet. But -- because of my personal experience, because I've read that Glushkov -- that Russia will issue warrant to extradite Glushkov, what I had myself.

Q. Was his trial in progress or was it not at the time you gave this interview in March 2003?

A. I don't understand. What does mean "progress"?

Q. It meant that the trial had opened in August 2002 and was still continuing.

A. Just a second.

Glushkov, he was under the control of General Prosecution Office until he leave Russia. He leave Russia. And he leave Russia -- he was arrested in 2000

and until he leave Russia in 2006 I was threatened and my main priority of worry was Mr Glushkov and I don't follow which condition trial had. I just know one thing: that Glushkov ran away from Russia, he ran away, he was not allowed to cross the border, and he ran away himself because he afraid. This is the point.

Q. You can't possibly have thought that Mr Abramovich was going to be in a position to influence the fate of Mr Glushkov at a time when his trial was actually in progress? It was too late for that, wasn't it?

A. Completely wrong. First of all, definitely I don't remember in which condition trial of Glushkov was. I just knew that Glushkov is in jail. This is the point. Moreover, the situation changed dramatically in April 2003 because it was -- because it was classified that Glushkov tried to run away from the jail and situation become even worse after that.

Q. That was in 2001, Mr Berezovsky. You've got the dates wrong?

A. Sorry, you are correct, in 2001, agreed. But situation generally become worse after he attempt -- so-called attempt ran away because Lugovoi, as we know now, just fix this fake.

Q. Now, Mr Patarkatsishvili remained on perfectly good terms with Mr Abramovich, didn't he, after

December 2000?

- A. Definitely not. Abramovich -- after -- it was absolutely clear understanding in Badri and me, after meeting in Le Bourget and definitely after meeting in Cap d'Antibes, that Abramovich is enemy. And Badri played game against of the enemy, yes? How he can do that? Trying to protect our interests. All the time we were under pressure of Abramovich; all the time.
- Q. He met Mr Abramovich on many occasions both before and after the deal about the \$1.3 billion was concluded in 2001, didn't he?
- A. You're absolutely correct. You're absolutely correct.
- Q. And relations between them were perfectly amicable throughout that time?
- A. Perfectly, perfectly, perfectly hypocritical, it's true.
- Q. Who was the hypocrite?
- A. I think both of them.
- Q. Your claim that relations between you and Mr Abramovich broke down suddenly in December 2000 is just untrue, isn't it?
- A. It's 100 per cent true and no one have any evidence that I met Abramovich after that. Only evidence is personal Mr Abramovich, La Megeve; but strange situation, I did not tell anything at all. And after Glushkov was arrested, after I was squeezed, after I had clear

message that Glushkov stay in jail forever, you think I did not talk to Abramovich anything -- meeting him in La Megeve? But it's not my witness statement. It's witness statement of Mr Abramovich, not mine. My statement is that I never met Mr Abramovich again.

Q. Now, let's turn to the circumstances in which you say that you sold out of Sibneft in the course of 2001. As I understand it, your case is that you sold out of Sibneft because you were threatened that otherwise your interest that you claim to have had in Sibneft would be expropriated and Mr Glushkov would be kept longer in jail. That's your case, isn't it?

A. My case is that I did not plan to sell Sibneft at all; I sold that just because of threat of Mr Abramovich, who kept Putin as a bogeyman, and I had clear understanding that Glushkov will continue to stay in jail.

And I would like to just say you what Badri said after he returned back from Munich. I didn't want to use this word but you yourself initiate to use the so-called proper Russian words, very special. What Badri said me when he returned back, he said -- in Russian, I'm sorry, and then I translate it -- he said, "Borya, (Russian spoken)". And this word "zamochit", it was important because it was part of our discussion with judge in my defamation case, Judge Eady.

Q. Will you tell us what it means before --

A. Yes, and I -- it means to kill.

Q. It means what?

A. To kill. It means to kill.

Q. To kill, I see.

A. Yes.

Q. So what's the whole sentence?

A. "Borya, (Russian spoken)."

Q. Perhaps the translator sitting behind the witness could tell us what the translation is.

THE INTERPRETER: Borya is a term of endearment in Russia, this is Boris.

"Boris, you don't understand, they will waste him, they will do him in, they will kill him."

MR SUMPTION: Thank you.

Now, you say that was what Mr Patarkatsishvili said to you after Munich?

A. When he returned back -- after Munich, when he returned back. It's absolutely correct.

Q. Well, we'll come to the Munich meeting in a short time.

A. But again, Mr Sumption, I just want to tell you, it's special word which President Putin also used when he mean that he will kill Chechen terrorist.

Q. Now, when was the first time that you publicly alleged that Mr Abramovich had intimidated you into selling out

of Sibneft?

- A. I think that -- I don't remember well, but I think after Nikolai -- definitely after Nikolai was ran away from Russia but I can't exclude that it could be happened earlier because I had a lot of emotions. But at least I tried to keep me in my hands until Nikolai was in Russia because, again, I blame a lot of Putin.

I said a lot -- I gave a lot of interviews that Putin, so-so, I fight against of him, but I try to keep quiet as far as Abramovich is concerned because Putin already recognised that I'm his political opponent, he did not push us to sell our assets himself; and moreover, maybe you know well that after we sold Rusal our shares, Badri insist that we invest again in Russia if --

MRS JUSTICE GLOSTER: Sorry, say that again?

- A. After we sold our interest in Rusal -- it happened later on and we got around \$600 million -- Badri, what surprised me, insist to invest again into Russian business, in Metalloinvest, because he said, "I know well Mr Anisimov", who as I understand is present today here --

MR SUMPTION: Mr Berezovsky, I'm not asking you about that.

- A. No, no, I just answer to my Lady's question.

Q. The first public statement that you made that you had

been pressured by Mr Abramovich into selling out of Sibneft was in December 2003; that was three years after you say that it happened and three years before Mr Glushkov reached England.

A. Mr Sumption, I was absolutely correctly said that sometimes my emotions were over my logic and my rational behaviour. But you just yourself mentioned, and I think it's happened when we already sold Sibneft, and you are correctly mentioned that all those years I kept silent.

Q. Would you, please, look at bundle H(A)69. Somebody will give it to you in a few minutes. The reference I want is H(A)69/2. This is a report on 1 December 2003 from the Moscow Times, an English-language paper, and I would like you to look at page 3 in the bundle numbering, the second page of the report.

A. Yes.

Q. Now, what you were being asked about was the --

A. It's in English.

Q. This is the Moscow Times which is an English-language paper.

A. Yes, yes, it's correct.

Q. Now, what you are being asked about is the recent news about the abandonment of the second Sibneft-Yukos merger and the fate of Mr Khodorkovsky. That's what you're being asked about. And I would like you to look at the

middle of the second page of the report, where you will see a paragraph that begins:

"In a telephone interview from London, where he is now in exile, Berezovsky said..."

Do you see that?

A. Yes.

Q. Well, what you are quoted as saying is that:

"... he had discussed a possible takeover attempt by Abramovich with Nevzlin during a trip to Israel last week.

"'I raised parallels between what happened at Sibneft and what is happening now with Yukos,' he said. He said Abramovich had pressured him into selling his stake in Sibneft or risk facing the collapse of the company."

A. Yes.

Q. "He said the same seemed to be happening now with Yukos."

A. Yes.

Q. "'Nevzlin did not rule out that this analogy was correct'..."

Now, did you say that "Abramovich had pressured [you] into selling [your] stake in Sibneft or risk facing the collapse of the company"?

A. Yes, you are absolutely correct, and it's exactly the

explanation why I said that because emotions were all, because that time I recognised that Abramovich is doing exactly the same what he have done against of us, pushing me to sell Sibneft: he's trying to play the same game with Yukos. And you know the story, finally -- there were two attempts to marriage with Yukos because Abramovich was trying to --

Q. I'm not asking you about the details of that.

A. Okay, sorry. But that was exactly why my emotions were over: because I recognised that Abramovich is doing -- is playing again the same game.

Q. All that happened on the second occasion, Mr Berezovsky, is that Sibneft pulled out of a proposed merger with Yukos shortly after Mr Khodorkovsky had been arrested. That's what happened on the second occasion.

A. But Abramovich still did not return \$2 billion to shareholders of Yukos. He obtained just \$3 billion and still nobody knows how he used this \$3 billion.

Q. Now, if you look at the passage from the interview that I've just pointed you to --

A. Yes.

Q. -- you'll see that the pressure that you said that you were under when you gave this interview was that Mr Abramovich had told you that if you didn't sell out of Sibneft, the company, Sibneft, would collapse.

That's what you were saying at that time, wasn't it?

A. Mr Sumption, I said absolutely precisely that if there are two ways of threaten me: one way was that Glushkov will die in prison; the second way was that our shares just will seize to somebody, to Abramovich, to State. It means that -- or just seize for nothing, we will get nothing. This is the point and this is my case, nothing more.

Q. Mr Berezovsky, what you were saying in this interview was not that your own stake in Sibneft would be expropriated. What you were saying is that if you continued to be associated with Sibneft, the Russian government would destroy the whole company; just as in 2003 it was destroying Yukos.

A. Mr Sumption, again you are absolutely correct. We should clarify this in context. My case is what I think -- what is reality for me is written in my case. There are two points again: that if I will not -- Badri and me will not sell Abramovich our shares, Nikolai will be under his death -- Nikolai will die in there, in the prison; and the second, that our shares will be just seized by State or someone. This is my case and it's written clear.

You refer to interview. Definitely interview is different story. Moreover, sometimes you -- because

I recognise me as a politician and definitely I try to send messages. And what happened with Yukos, it was my real prediction that Yukos finally was destroyed completely, nothing more. And Abramovich, definitely he was lucky because he was in connections with Putin, they just -- he just squeeze me and Badri, he got our shares, and Sibneft survived until he sell it for \$13 billion.

With Yukos, completely different story, and I present absolutely correctly.

Q. Well now, can I please ask you to be given bundle K2 and you can put away the bundle you've just been looking at. K2/01/1, it's the first page of text in the bundle.

This is the letter before action sent by your solicitors, Carter Ruck, in May 2007 to Mr Abramovich.

A. Yes.

Q. And it is the letter in which they say that they are going to claim --

A. Yes.

Q. -- and on what grounds they're going to claim, unless Mr Abramovich pays up. Okay?

A. Just a second. Yes. Yes, I remember that.

Q. You presumably supplied the information that went into this letter; do you agree?

A. Sorry?

Q. You must have supplied the information to Carter Ruck

which they put into this letter?

A. You're absolutely correct, I talk discussion with Andy Stephenson and his assistant, I forgot her name now, and I described them the story and they put that in written form.

Q. Right. Let's have a look at the letter. They start by saying they act for you.

"We write in connection with transactions concerning the sale of his beneficial interests in three companies, [ORT, Sibneft and Rusal] as described below. In each case he was forced to dispose of his interests at a very significant undervalue. In each case you unconscionably and improperly took advantage of the threats and persecution he suffered at the hands of the Russian authorities... directly in relation to Sibneft and Rusal, to enrich yourself and your partners."

Now, in that paragraph your solicitors do not seem to be saying that Mr Abramovich made threats; they seem to be saying that Mr Abramovich took advantage of threats that had been made against you by the Russian State.

A. Mr Sumption, you absolutely correctly said that it was just a letter before actions and I describe absolutely correctly to Mr Andy Stephenson what was reality and Mr Stephenson put in this way. It's happened not one

time. Because, for example, "beneficial interests" is written here; I never told about beneficial interest, yes, in these terms? I told that Abramovich is holding -- was holding our shares and we have interest and so.

Again, I can comment and I will answer to all your questions definitely, but I try to explain you that understanding of lawyers step by step changes but the facts are the same which I present from the beginning. Because I just want to stress you, Mr Sumption, for better understanding, in '99 I said that if we take Sibneft company and put in United States -- it's written in some my interview -- its value will be \$50 billion. And could you imagine that I buy myself without any pressure, without any threat, decide to sell it for nothing?

It's not nothing, definitely, \$1.3 billion it's a lot; but company was \$50 billion, it's nothing. And it's just my will, just because I decide I'm not under threat, just because Nikolai is not in jail?

Q. Well, let's look at the facts.

A. Just like that?

Q. You say we should be looking at the facts.

A. Yes.

Q. The facts as you presented to your solicitors are

summarised on the second page under the heading "Sibneft" where you say, in the first paragraph under the heading "Sibneft" --

A. Just a second. Yes.

Q. "Notwithstanding our client's agreement to relinquish his shareholding in ORT, you advised Mr Patarkatsishvili that for as long as our client continued to hold any beneficial interest in the oil company, Sibneft, the company, its management and owners would face continued persecution from the Russian Prosecutor's Office and the tax authorities."

And then if you would now look two paragraphs below that:

"In May 2001, you..."

That's Mr Abramovich.

"... advised Mr Patarkatsishvili that if he and our client did not relinquish their beneficial interest in the shares of Sibneft, the companies would come under the same attacks from the state authorities as had the companies controlled by Mr Gusinsky. You also, again, assured Mr Patarkatsishvili that if their interests were sold, Nikolai Glushkov would be released from imprisonment."

I'm going to come to the bit about Mr Glushkov in a couple of minutes but at the moment I want you to

concentrate on what you said about the threat relating to Sibneft.

According to your solicitors, the threat relating to Sibneft was that, for as long as you were associated with Sibneft, the company Sibneft would be persecuted by the Prosecutor's Office. You were not saying that your particular stake in it would be expropriated, were you?

A. Mr Sumption, it's absolutely incorrect to say that I didn't say that, what you mentioned just now. It's just Andy Stephenson's understanding, the result of our discussion, nothing more. And you know that long time, when I already met -- faced with other solicitors, with the other barristers, it was not simple to understand this story, even when they put all the time -- for example, in Devonia agreement they put, "Berezovsky sold beneficial interest", because they don't understand what was agreement in Russia and how it could be without beneficial interest. It's just terminology, nothing more.

But again, I present from the very beginning not the story; I present from the very beginning my personal involvement in all events. And they describe even later on, the other company got, Cad --

Q. Cadwalader.

A. Cadwalader -- they also describe in different terms than

Andy Stephenson describe.

Definitely, definitely, your point and your position is to prove that Berezovsky just play trying to form according of English law and so. I don't know -- I didn't know anything. Do you know that time I don't know what does mean "implicit" or "explicit"? I didn't know that at all, definitely, if it was explicit choice of law or implicit choice of law. I didn't know anything at all. I just present my story and this is just reflection of my solicitors.

Q. The story that you presented was the one that they summarised in the bottom half of this page of the letter, isn't it? That's what you told them?

A. Again, I told the same story which I tried to present to my Lady and to you, to explain what is the real story. It's the only reason why we are here. If the story was like that, Abramovich won't strike out and we did spend time here for nothing.

Q. Mr Berezovsky, the story as summarised by Mr Stephenson of Carter Ruck in this letter was exactly the same, wasn't it, as the story that you told to the Moscow Times in the interview that I showed you a few minutes ago?

A. Definitely -- Mr Sumption, again, what journalists reflect, how they -- how I present the story, it depends

on political reasons, first of all, not on economic reasons. This is the story. Because definitely I sent all the time messages not to Abramovich on newspaper; I send messages to Putin. And this is for political battle, not economic battle. And when I return to the point of economic battle, I present my understanding in economic terms and what's happened in reality.

Q. Would you please put that bundle away and be given bundle H(A)95/84.

Now, let me tell you what this is before I ask you a question. This is a witness statement made by you in September 2007 in Mr Michael Cherney's action against Mr Deripaska. This was a witness statement made in support of Mr Cherney's application for permission to serve the claim form on Mr Deripaska out of England, right?

A. Yes, correct.

Q. Now, if you take page 86 and page 87 of the bundle numbering, I would like you to have a look at paragraphs 9, 10 and 11.

A. Yes.

Q. Just read those to yourself, if you wouldn't mind.

A. I more or less remember this statement. It is the reason I will not take a lot of time.

Q. Right. Have a look at it.

A. Yes. Just a second.

Q. Now, this isn't your lawyers, this is you, and at the last page of it you say it's true.

A. Yes, it's me, and last page has a signature. I have seen this witness statement.

Q. What you say at paragraph 9 is:

"... Mr Patarkatsishvili informs me, and I believe, that Mr Abramovich told him that for as long as I continued to hold any beneficial interest in the oil company, Sibneft, that company, its management and its owners would face continued persecution from the Russian Prosecutor's Office and the tax authorities."

A. I'm sorry, I just concentrate a little bit. It's point number...?

Q. Paragraph 9.

A. 9, just -- okay.

Q. You've read that once; if you would like to read it again.

A. Yes.

Q. You are describing what you say Mr Patarkatsishvili said to you.

A. Yes.

Q. What he said to you, according to this document, is that if you continued to hold a beneficial interest in Sibneft, "Sibneft, the company, its management and its

owners would face continued persecution" from the Russian authorities.

A. Yes.

Q. Now, you do not say that the Russian authorities were simply going to expropriate your particular interest in Sibneft, do you?

A. Yes, I understand the point, Mr Sumption.

Mr Sumption, this statement, my witness statement, made mainly to help Mr Chernoi in his litigation and against of Mr Deripaska and the main point, as I understand here, was the relations with Mr Deripaska which -- and the way how Abramovich and Deripaska in parallel doing the same way. If you recognise, it's written here also "beneficial interest", what is not so again.

And again, I responsible for this witness statement, but on the one hand, it's nothing wrong; on the other hand, it is not added that at the same time it's absolutely clear that Glushkov will stay in jail forever, yes?

Again, I present absolutely the same story. Definitely it's my witness statement, which was prepared with the help of my lawyers, and moreover definitely my lawyers have truth to prepare this statement; but again, what I describe in my presentation is exactly what

I describe in my witness statement at this hearing.

Q. Mr Berezovsky, let me just try and explain the problem to you.

A. Yes.

Q. You say in your witness statement for this action that Mr Abramovich threatened you that he would get Putin to expropriate your interest in Sibneft.

A. Yes.

Q. Now, I understand what you're saying, although we don't accept it, as you know. What you're saying here is that the danger was not to your interest in Sibneft but to the whole company, and Mr Abramovich couldn't possibly have said to you, "I will ensure that Sibneft is destroyed if you don't sell out of the company", because it was his company, on your case, just as much as yours.

A. Completely wrong. Abramovich, his message was very clear: that my shares and Badri's shares which will be taken somehow just State and Abramovich did not discuss that he -- it will -- his part will be destroyed.

At the very beginning, in autumn 2000 -- in August 2000 maybe, when just I start to fight against of Putin strongly, he discussed exactly in wording which you presenting now. At the first stage Abramovich really said the company will be destroyed, it's dangerous for the company; but later on he completely

changed his presentation. He never said that he will be destroyed; only we will be squeezed. And this is a big difference what he start to -- how he talk in the autumn 2000 and how he talk already in 2001, when he decide to squeeze us, threaten us -- threat us to give our shares under his control. And we know the result again.

Mr Sumption, my Lady, I appreciate you that you told me: is it your recollection or is it your logic just, when we discuss about meeting in Le Bourget? And I said: my Lady, it's recollection, but definitely recollection based on the new knowledge, as much knowledge I have because it's ten years ago, it's impossible to... and I try to -- definitely I try to be logical as well.

But the basis of my presentation is recollection, yes? And it's exactly the same at the beginning and you will see it's clear that in 2000, in autumn 2000, Abramovich said about company, that company is in danger and so, but later on he completely changed his position and that we will be squeezed, Nikolai will stay in jail forever. This is the point.

Q. Would you turn over the page, please, of this witness statement. Paragraph 10:

"... Mr Patarkatsishvili... tells me... that Mr Abramovich told him in May 2001 that if he

(Mr Patarkatsishvili) and I did not relinquish our respective beneficial interests in the shares... the companies would come under the same attacks from the state authorities as had the companies controlled by Mr Gusinsky."

A. Yes.

Q. And you then say in the next paragraph:

"Based on these representations... an agreement was entered into [to sell out of Sibneft]."

A. And the next paragraph?

Q. Paragraph 11: "Based on these representations", you agreed to sell your interest, as you call it, in Sibneft?

A. To sell to whom? To sell to Mr Abramovich, not to State. It means that it's absolutely logical that company is not destroying because Abramovich become shareholder. And it's exactly what I all the time try to present: that Abramovich, understanding well that we have enormous difficulties, he decide just to squeeze us, having Putin back to him, and to buy our shares for very low price. That's it.

Q. Mr Berezovsky, in the last few answers you have said that the very clear message of Mr Abramovich, as described to you by Mr Patarkatsishvili, was that your shares would be expropriated and that this was your own

clear recollection.

Now, if that is true, why did you not say so in these paragraphs of your witness statement for Mr Cherney?

A. I don't have clear answer to that. I just have clear understanding that it was not a decisive point for evidence of Mr -- for Mr Chernoi and it's clear understanding that Abramovich, starting from 2001, never mentioned that the company will be destroyed completely if we'll continue to stay as a shareholder. Abramovich position was very clear: to take our stake for nothing, for his personal benefit. That's it.

Q. Now, you say that wasn't the critical point for Mr Cherney. Was it the critical point for you in this action?

A. I don't think that it is critical point because it's a lot of evidence where present my position all the time in the same way.

Q. Well, would you please look at bundle K2. You can put away bundle H(A)95. Bundle K2, flag 3. This is how you originally put it --

A. What is the date?

Q. Well, your statement of truth, if you look at page 14 K2/03/14, was dated 6 September 2007.

A. Page 14. Yes, I see that.

Q. Now, if you look at page 9, paragraph 15 K2/03/9, you say:

"At the May 2001 meeting" --

A. Page 9?

Q. This is your pleading.

A. Page 9, sorry?

Q. Page 9, paragraph 15. You say:

"At the May 2001 meeting, the Defendant..."

That's Mr Abramovich.

"... told Mr Patarkatsishvili:

"(1) that so long as the Claimant continued to hold any beneficial interest in Sibneft, Sibneft, its management and its owners would face continued persecution from the Russian Prosecutor's Office and the tax authorities;

"(2) that if the Claimant did not relinquish his interest in Sibneft, it would come under attack by those in power in Russia in a manner similar to companies controlled by Mr Gusinsky;

"(3) that if the Claimant did not relinquish his interest in Sibneft it would simply be seized by the Russian State without compensation. Accordingly, he had no alternative but to dispose of it to the Defendant."

Now, what you say there is both versions; is that right?

- A. What does it mean, "both versions"?
- Q. Ie both that there was a threat to expropriate your interest and that there was a threat to the company.
- A. It's like, as you see, it's particulars of claim and it's -- I have more responsibility what you present before, my witness statement, my personal witness statement to Mr Chernoi, and it's really I should -- it's also not at the beginning -- what year it was? 2000 -- in Chernoi, could you remind me again?
- Q. What are you asking, Mr Berezovsky?
- A. The time when you just refer to my witness statement for Chernoi, what time was that?
- Q. That was in September 2007.
- A. 2000 -- always the same -- all of the same time, and this is particulars of claim. And again, it was understanding -- and definitely, even preparing the witness statement which I sent personally for Mr Chernoi, definitely it was preparing by lawyers, with the help of my lawyers, and that the position which they recommend me to put in, exactly like particulars of claim, it's also prepared by lawyers, not also -- I have more responsibility for claim for witness statements for Chernoi than this one, yes?

But again, I present again, Mr Sumption, the same story. I never change the facts. The interpretation of

the facts is like lawyers' understanding. And at the beginning, particularly at the beginning, it was a lot misunderstanding what I presented and what was reality; what I presented and how they accept it.

Q. Now, if you look at the way in which for the first time you suggested that there was a threat to expropriate your interest, which is at paragraph 15(3) on page 9?

A. 15...?

Q. 15(3). I've just shown it to you. Page 9, paragraph 15, subparagraph 3.

A. Just a second. Yes.

Q. You do not suggest there that Mr Abramovich was threatening to bring about the confiscation of your interest; what you say is that Mr Patarkatsishvili told you that that is what the Russian State would do. There's no suggestion that Mr Abramovich was responsible for what the Russian State would do.

A. Well, first of all, it's absolutely clear that my understanding what Abramovich is doing as far as Sibneft is concerned based on connections with Mr Patarkatsishvili because that time, after December 2000 Cap d'Antibes, I never met Abramovich again. It means that it's the result of my meeting with, on the one hand, with Patarkatsishvili; on the other hand, I want to stress again it's particulars of

claim. It's how lawyers accept what we discussing.

Q. But it was signed by you, Mr Berezovsky, personally --

A. Definitely it's signed by you (sic) but --

Q. -- as a true statement.

A. This is true statement, no doubt. But this how my lawyers convert that to legal form; nothing more.

Q. If you weren't satisfied with the account that they gave about the facts -- this is a description of what Mr Patarkatsishvili told you but can only have come from you.

A. Again --

Q. And if you weren't satisfied with it, you would have said, "No, you've got this wrong, I want it changed", wouldn't you?

A. I didn't know the way what is -- what accent should be done in the claim in Great Britain. I didn't have this experience. And I just present this story how it is. And how they reflect this story, it's completely other point, according of my understanding. And you will see that we asked to put changes but never changes connected to the facts, which are present from the very beginning.

Q. Now, would you please turn to paragraph 383 of your witness statement D2/17/280.

A. 3...?

Q. 383 of your witness statement.

A. This I can --

Q. You can get rid of the other bundle that you've got there if you like.

A. K2 I should keep still or not?

Q. No, I would put away K2.

A. Thank you.

Q. This is the point of your witness statement where you say what you claim now --

A. Sorry, which point number?

Q. Paragraph 383 is the section of your witness statement where you deal with what Mr Patarkatsishvili told you had been said at the Munich Airport meeting in early May. You say at paragraph 384:

"Badri telephoned me from the meeting. I was at my home in Cap d'Antibes..."

A. Yes.

Q. Right? Then you summarise the conversation at 385:

"The first thing we discussed was the release of Nikolay from prison, which, Badri told me, he had raised. He said that Mr Abramovich had told him that although Nikolay had not been released in December 2000, if we were to sell our interest in Sibneft to him, he would see to it that Nikolay was now released."

A. Yes.

Q. Now, what you are saying there is not -- you then go on

to say:

"I understood from this that, unless we sold our interests in Sibneft, Mr Abramovich would use his influence with President Putin... to ensure that Nikolai would not be released from prison."

Now, as I understand your evidence, you're not suggesting that Mr Patarkatsishvili was telling you that Mr Abramovich would use his influence in that way; that was just what you claim to have inferred. Is that right?

A. No. Definitely after -- as I told you, after Le Bourget and after meeting in Cap d'Antibes we understood absolutely perfect the influence of Abramovich. And when today we started from the Le Bourget transcript, we touched some point but we didn't touch the point that it was the first time when Badri and me recognised how powerful Abramovich become and how connection he has in Prosecutor's Office. It's absolutely clear that -- and Badri and me understood absolutely the same when Badri mentioned Prosecutor's Office and Putin.

Q. In fact --

A. And it's clear absolutely reason here that Nikolai could stay in jail forever. And, as I told you, when Badri met me after this meeting already eyes to eyes, he said me that, "They kill him, they kill him". It was what

Badri thought as -- what Badri expressed, which I accept as a result of the meeting.

Q. Are you saying that Mr Patarkatsishvili said to you, "Mr Abramovich is going to ensure that Mr Glushkov stays in jail"?

A. Definitely. Our common understanding was Mr Abramovich can ensure that Glushkov stay in jail.

Q. Are you saying that that's what Mr Patarkatsishvili said to you?

A. It's exactly what I told you. When we met with Patarkatsishvili when he returned back, if he said me that they can kill him, it means that he understood well that Abramovich is able to ensure that Glushkov stay in jail. This is the point.

Q. Well, he was talking about the state killing him, not Abramovich killing him.

A. Definitely Abramovich is not killer, as I understand it still until now, but influenced the killers, he had this opportunity.

Mr Sumption, you know well, already from the new history, Mr Magnitsky died in jail, they kill him. Unfortunately my prediction of what this power can do was front of the other, in front of the other, I predict a lot what they have done later. And definitely my worry was that they kill Mr Glushkov. Particularly he

was very sick and Abramovich knew that, that he is sick. And they raised several times questions -- the point that Glushkov is sick and can die any time. Like happened with Magnitsky, like happened with Aleksanyan who recently died, just for dying, he stay in jail even being -- even having cancer.

Glushkov is lucky, he doesn't have cancer, but he has a health problem which very dangerous. He is invalid of the first rate. It means that the most rating invalid -- there are three rates in Russia, the third, the second and the first, and Glushkov, as I understand, is like the first rate.

Q. Would you please take bundle R(D). The reference I want is R(D)1/03/39.004. What you're looking at or about to be looking at is Mr Lankshear's notes of June 2005.

A. Lankshear, it's from the Carter Ruck, yes?

Q. Well, Lankshear was in fact Streathers. They were assisting with this at that stage.

A. But here -- I'm sorry, Mr Sumption, I want just to remind.

Q. Mr Lankshear worked for the people who were then your solicitors: they were a firm called Streathers.

A. But they work together with --

Q. With Mr Stephenson of Carter Ruck.

A. Yes, good. Thank you very much that you helped me to

remind.

Q. Now, these are notes of an interview with Mr Patarkatsishvili. You weren't present but Mr Patarkatsishvili gives his account of what was said at the Munich meeting. Okay?

A. Yes.

Q. Now, if you look on this page --

A. Page number?

Q. 39.004, which should be open in front of you.

A. Just a second. Yes, I open.

Q. You will see there's a heading at the bottom of the page "Sale of Sibneft". Okay?

A. Just a second. Yes, I have it.

Q. And right at the bottom of the page, under that heading, it says:

"Date of Munich meeting. Either April/early May 2001. No specific mention of [Glushkov], but not necessary as implicit."

Do you see that?

THE INTERPRETER: I'm so sorry, Mr Sumption, which part of --

THE WITNESS: No, no, "Implicit".

MR SUMPTION: Last two lines of 39.004.

THE INTERPRETER: Thank you very much.

THE WITNESS: Okay.

MR SUMPTION: Now, what Mr Patarkatsishvili remembered when he was interviewed by your solicitors was that there had been no specific mention of Mr Glushkov but that it wasn't necessary as it was implicit.

A. Mr Sumption, I already face many demonstration when my solicitors did not put me questions at all for some area, but later on they asked me. I give you the best example: I never was asked, when we return back to Rusal, I never was asked about their -- which kind of -- how to say this? -- law we discuss; but when I was putting the direct question, I gave answer.

It means, again -- I just want to stress again -- it's just the beginning. It's just the first -- what is the date? It's also 2005 or which year?

Q. 2005, yes.

A. 2005, yes, I'm correct. It's just the beginning of understanding what happened in very complicated Russian story, where a lot of killers -- well, the president is almost killer and so and so. It's not simple to understand and it's -- and I don't see any unusual according of my personal experience.

Q. You see, it's obvious that the solicitors did in fact ask Mr Patarkatsishvili about the Munich meeting and what had been said at that meeting about Mr Glushkov because that's why Mr Patarkatsishvili told them that

Mr Glushkov hadn't in fact been mentioned.

A. Mr Sumption, I want just to stress again and again: this is discussion solicitors at the very beginning. How it would happen that they didn't get that if Badri -- it was the first point which Badri discussed with them and there's a lot of evidence that it's so. If you read the statements of Badri -- not statements -- yes, statements or his notes of lawyers meeting with Badri later on, it will be clear, because I also not read in too details, but no doubt that Glushkov was a key point of the meeting in Munich.

Q. Indeed. And if you look in flag 6 of the same bundle, you will see -- flag 6, in the very bottom right-hand numbering, page 79 of the bundle numbering R(D)1/06/79.

A. 79?

Q. Yes. Flag 6, page 79. This is the draft proof that they prepared on the basis of the interview we've just looked at and you should see -- there are lines numbered on the left and I'd like you to look at line 377, which is his account of the Munich meeting:

"We agreed a price of \$1.3 billion. 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."

There was no threat by Mr Abramovich, was there?

- A. No, Mr Sumption, completely wrong, because what is written here that it's clear that Mr Glushkov is a key issue to sell the company; the key issue, I would like to stress.
- Q. Yes.
- A. And again, it's how solicitors made the note and all the time Glushkov is mentioning here. It means that absolutely clear that Badri discuss story of Nikolai Glushkov. How they accept that, how they put it in the note, is the other story.
- Q. What it means is that whatever was known or thought about Mr Glushkov, he wasn't mentioned at the meeting?
- A. Mr Sumption, I have a lot of doubts that Mr Glushkov didn't mention on the meeting, the first point. The second point: it was just the beginning of our preparation for the claim, it was 2005, it's just the first meeting of Mr Patarkatsishvili with solicitors and it's clear that there were a lot of questions which will be clarified later on.

Unfortunately Badri is not with us now and definitely we are not able to ask him what happened. But, again, just note of the solicitors which -- who met him and understood in this way, and we had a lot of

examples that solicitors understood not correctly.

MR SUMPTION: My Lady, I'm coming to a natural break in a moment.

MRS JUSTICE GLOSTER: Fine.

MR SUMPTION: Now, Mr Berezovsky, if you could look at bundle A2, flag 12, page 69 A2/12/69.

A. Yes.

Q. You are asked for some further information about your claim.

A. When it was? When it was?

Q. Do you see the heading "Under paragraph 51" on page 69? Page 69, Mr Berezovsky, you see a heading --

A. Yes, 69.

Q. -- "Under paragraph 51". They're asking for further information --

A. Just a second. Yes. Yes.

Q. -- about your statement:

"Mr Abramovich undertook a course of conduct in which he made and was party to the implicit and explicit coercive threats and intimidation pleaded above."

They ask:

"Please clarify...

"a. precisely which statements... are alleged to have constituted an explicit... threat... [and]

"b. ... which conduct of the Defendant is alleged to

have constituted an implicit coercive threat..."

Right? Then over the page you will see the answer which you sign a statement of truth for.

A. Could you please read me the question and with help of translator?

Q. I think actually the answer is self-contained. Let's have a look at your answer, which is what you said was true:

"The statements pleaded at paragraph C41...

That's of the main pleading.

"... were implicit threats, in that Mr Abramovich intended by these statements to cause Mr Berezovsky and Mr Patarkatsishvili to fear that, unless they sold their interests in Sibneft to Mr Abramovich, Mr Abramovich would use his influence... to cause their interests to be expropriated."

You go on to say:

"The statement... at... C46(1)(a) was an implicit threat, in that Mr Abramovich intended by this statement to cause Mr Berezovsky and Mr Patarkatsishvili to fear that, unless they sold their interests in Sibneft to Mr Abramovich, Mr Abramovich would use his influence within the Putin regime to seek to ensure that Mr Glushkov would not be released from prison."

The reason I'm asking you to look at those was that

that was the first occasion -- and it was on the fifth day of the hearing in the Court of Appeal of your claim on the strike-out hearing -- that you said in clear terms that Mr Abramovich was threatening to bring about these results himself. That's right, isn't it?

- A. Mr Sumption, I, as I've told you before, answer to request of my lawyers and when they ask me to confirm or to refuse something, I prepare to give my truthful statement as far as the point is concerned. And my lawyers put me the question, I give the answer.

And I don't understand, I'm sorry to say, what is the problem. Because, as I understand, every day there are new questions, even today, during the hearing, and answers which are not contradict. This is the most important, are not contradict. You are not able to -- that I lie, that I change my -- change the facts. I didn't change the facts; I just follow advice with my lawyers to give or not to give answers. That's it.

- Q. Mr Berezovsky, the reason why this was introduced into your claim is that Mr Abramovich was applying to strike out your claim on a number of grounds, one of which was that you hadn't pleaded a threat of action by Mr Abramovich but only a threat of action by the Russian State and he wasn't liable for that. Your response to that was to change the facts so as to say that

Mr Abramovich intended and you understood that he was threatening to do these things himself. That's what happened, isn't it?

A. Mr Sumption, it's not the change of facts; it's added the facts. It's a big difference between that -- the first one and the second one. Moreover, I would like to tell you that finally, as a result of that, including that, the court took decision in my favour.

Q. It took the decision that now that you had changed your case, you had produced a legally arguable case.

MR RABINOWITZ: With respect to Mr Sumption --

A. I completely disagree.

MRS JUSTICE GLOSTER: Yes, Mr Sumption, we don't need to argue the analysis of the Court of Appeal.

MR RABINOWITZ: -- that is factually false as well.

MR SUMPTION: Well, I quite agree. I'm not going to cross-examine Mr Berezovsky about what was actually decided. We can read the judgment ourselves.

I apologise.

Mr Berezovsky, what I suggest to you is that there was never a threat and you never understood that there was a threat by Mr Abramovich either to get your interest expropriated or to get Mr Glushkov kept in jail.

A. Mr Sumption, I'm sorry that I am already boring to say

that I am not an idiot. If the company -- I understand value and I declare that even in '99, understanding that everything is growing, my estimation is \$50 billion in the United States, yes, if to put in protection in -- protected area. Do you think that seriously I just, my personal will, will sell it? Estimation is \$2.6 billion because we sold 50 per cent for \$1.3 billion. It's not serious at all. It's impossible to establish this position; impossible.

Only threat, only Nikolai Glushkov in jail under pressure that he could be killed, and we have example that it's happened so with many people, businessmen in jail. You know it well, not less than me. How it's possible to imagine that just because I'm idiot to sell Mr Abramovich, nice guy, my and Badri 50 per cent, \$1.3 billion, and in three years Abramovich sold the same for \$13 billions? I'm really, really crazy, completely. It's impossible to believe in that.

MRS JUSTICE GLOSTER: Right, I'm going to take the break now, if that's a convenient moment, Mr Sumption. Ten minutes.

(3.28 pm)

(A short break)

(3.40 pm)

MR SUMPTION: Mr Berezovsky, could you please be given

bundle R(D) again. The reference I want is

R(D)2/30/123. Do you have that?

MRS JUSTICE GLOSTER: R(D)2/30/132?

MR SUMPTION: No, 123. I'm sorry, I think I did say 123 but that's certainly what I'd like.

Mr Berezovsky, just before we took the break you had asked the forensic question: why in that case did you accept the \$1.3 billion? And I'm going to show you a passage from a discussion in which you took part which explains that. These are Michelle Duncan's notes of the meeting in Tel Aviv with Mr Patarkatsishvili in November 2007 at which you were present.

A. Mm-hm.

Q. On the page that you should have open, page 123, the bottom left-hand numbering, you will see that there is a grey horizontal band about two-thirds of the way down the page where I would like you to start. Okay?

A. Yes, okay.

Q. Right. Now, this is the part which deals with the discussions that led to the sale, as you put it, of the Sibneft interest.

First of all, there's a measure of uncertainty about this but Michelle Duncan has put in the left-hand margin "AP via BB". So if that's right, this is Mr Patarkatsishvili but through you. Okay?

A. Mm-hm.

Q. What the note says is that:

"... [Mr Patarkatsishvili], [understanding] the reality, started to play same game.

"He spoke to RA, said I [understand your situation], we need to work out how to save [you].

"Therefore started disc[ussion] on Sibneft, [Patarkatsishvili] spoke to [Berezovsky] [e]xplained his position [and] using BB disagreed gen[eral] but u[nder]stood logic... that c[ould] lose assets [and] agreed [Patarkatsishvili] sh[ould] share.

"[Patarkatsishvili] met [Abramovich] in Munich at airport. In v[ery] small room -- not conf[erence] room.

"- Ruslan, he our financial m[anag]er, BP, RA and his financial m[anag]er, Irina [Panchukova]."

As they call her. Then there's a bit where Patarkatsishvili takes over himself, according to Michelle Duncan's note.

A. Sorry, what he took himself?

Q. Do you see it says "AP"? The first bit I've just read says "AP via BB" and then we've got a thing that just says "AP". Right?

"BB [and] I decided 2.5 [billion].

"We start to disc[uss] with him."

That's with Mr Abramovich.

"I [understood] his pressure [therefore] I had no choice but to take what he offered -- not poss[ible] to negot[iate] [because] if we didn't agree w[ith] his price, he c[oul]d walk away [and] give us nothing.

"BB felt differently.

"Also understood [Abramovich] hadn't paid us."

There's a reference to a gold mine. And taking it up just opposite "AP" on the next page --

A. Yes.

Q. "[Had not paid] any div[idend]s for a few months. We were outside co[mpany], no other income -- BB needed [money] to fund political career."

A. Yes.

Q. "So accepted 1.35 [billion]. Also agreed he needed to pay 500 [million] in 3 m[on]ths and balance in 12-15 months.

"Agreed this, shook hands -- that is all.

"[Meeting] only took 1 hour."

Now, summarising that, what Mr Patarkatsishvili is saying in your presence is that there was a meeting with Mr Abramovich at Munich Airport and that you didn't think that your bargaining position was very strong because Mr Abramovich could just pay you nothing; you were outside the company with no other income and needed the money to fund your political career.

Now, that was why you agreed to accept \$1.3 billion, wasn't it?

- A. Definitely not. I explain you. First of all, to discuss about that, we need to go to the beginning. And the beginning was again ORT, who sold because we didn't have a choice or Nikolai continue to stay in jail forever and they take our shares in ORT for nothing.

Then the same story happened with Sibneft. The difference is just that beneficiary of ORT was Mr Putin and beneficiary of Sibneft was Mr Abramovich. It means that you start to discuss from the point which already middle of the story and it's not correct. This is already a story that we accept under pressure, under everything, to sell the company, under threat.

And now we are discussing about number and Badri said that even the proposal \$2.5 billion which we give to Abramovich, he refused because he's strong, Putin behind of him, Glushkov is in jail. And I'm not in hurry, let's say, political. We understand that or we get anything or we get nothing, and this is the reason.

Again, it's story which described by Michelle Duncan, yes, this kind of story, and the story impossible to interpret without understanding why we start to discuss 2.5. This is the story.

- Q. Michelle Duncan wasn't describing the story; you and

Mr Patarkatsishvili were describing the story.

Now, if you look at this note, first of all it doesn't suggest that there was anything said at this meeting in Munich about Mr Glushkov and the reasons given for accepting the \$1.3 billion are nothing to do with either Glushkov or a threat of expropriation, are they? It's all about your need for money now that you'd left Russia.

- A. Mr Sumption, completely wrong. I already gave my explanation, not one time; and I not only gave my explanation, I gave my recollection and I gave -- and, as I understand, I present completely logic what everything what happened. Why we were in the corner? Glushkov in jail, we should sell. It's decision which was done under threat, nothing more. We voluntarily never planned to sell.
- Q. Why didn't you say at this meeting, "Hang on, Badri, you've got this all wrong. Don't you remember? We decided to accept the \$1.3 billion because he threatened to keep Glushkov in jail and get our interests expropriated"?
- A. Mr Sumption --
- Q. Why didn't you say that?
- A. Mr Sumption, what Mrs Duncan put in that, it's her priority, her understanding at that time our discussion.

I don't have any doubts that we present this story like I present it today, without changes of the facts. Maybe really I understood better what is priority to make the story, to make the story more understandable, but I never changed the sense of the story, the facts of the story.

Q. The question that I actually asked you was: why didn't you, at this point in the meeting, say, "No, that's not the right explanation; the explanation is that we were threatened"?

A. It's not -- it doesn't mean that I didn't say anything. It doesn't -- it means that Michelle Duncan understood priority like she understood and put on the note; nothing more at all.

Q. Now, do you say that Mr Patarkatsishvili didn't really say at this meeting that you needed the money to fund your political career? You see, that's what Mr Patarkatsishvili is quoted as saying. Do you say that Mr Patarkatsishvili never said that?

A. I don't remember that at all.

Q. Do you deny that he said it or do you --

A. No, Mr Sumption, I don't deny. Maybe we discuss about that I continue a political battle and so and I need money, it's true, but not -- I'm sorry, it's maybe not correct, not peanuts which they propose me. I never

hide that I want to spend money for political reason,
I never hide it, because we start to create -- what year
is that? It's 2000...?

Q. 2007.

A. Yes. I already two of my friends, they were killed.
Maybe, my Lady, you didn't read that, yes? And
definitely I will continue, definitely I need money, but
it's not the basic reason that -- to sell for nothing.

Q. Because, you see, this was in November 2007, about four
months after you'd started this action, when it was very
important to discover what the real facts were, wasn't
it?

A. Mr Sumption, I answered the questions which Mrs Duncan
put me and she fix what is important for her, what is
not important for her, and that's only the story.
I don't know why it's in that way.

And moreover, I understand that it's not simple
again to understand the story and she just start to
discover the story and, as I understand, Mrs Duncan
accept to give evidence and definitely she has better
explanation what is happening compared with me and why
it's happened so. I don't think -- I don't know,
I don't suppose -- I don't propose that it's mistake but
I don't know the reason why it's happened so.

Q. Now, as with the ORT threat, these threats that you say

induced you to accept the \$1.3 billion, you have simply made them up, haven't you?

- A. Mr Sumption, I already gave, I think, clear answer. And I think it's a very special story to pridumat story like that. Unfortunately it's life, life in Russia.

And moreover, all events which happen after we under threat, sold ORT, sold Sibneft and sold other company -- or at one case it was threat from Putin, the other case it was threat from Abramovich -- it was just the beginning of the new Russia. We just were the first victim. And then step by step they increased number of victims and their way, Jesuitic way how they raid the other company, how they destroy the other company, how they got under control the other company. We just were the pioneers, I am sorry to say.

- Q. Would you look at paragraph 377 of your witness statement D2/17/279. You can put away bundle R(D).

- A. Paragraph?

- Q. Paragraph 377 of your witness statement. Would you like to read that paragraph to yourself before I ask you about it.

- A. Thank you, Mr Sumption, just a second. (Pause)

Yes.

- Q. Now, what you are saying here is that before Mr Patarkatsishvili met Mr Abramovich in Munich in

May 2001, you discussed with him how your agreement would be recorded and agreed that it would need to be in writing and subject to English law. Do you see? That's your evidence there.

A. Yes.

Q. If you turn on to paragraph 382 over the page, you will see there's a bit more information about that. You say:

"... it was very important for us that the agreement be in writing and subject to English law, and recording the interest in Sibneft which we were giving up."

And you give three reasons why it was important.

A. Yes, I remember.

Q. First of all, you say you wanted to be able to enforce it if Mr Abramovich didn't pay; is that right?

A. Yes. Not enforce it -- what the terminology I use?

Q. You wanted to be able to enforce it if Mr Abramovich didn't pay up, so you needed it in writing for that reason, among others; yes?

A. Mr Sumption, don't be in hurry, please. I'm already tired(?) a little bit like you as well.

No, the first:

"... we wanted to be sure that... Abramovich would not find a way to avoid making payment."

Q. Yes. And that was why you wanted it in writing?

A. Secondly, we want to have absolutely transparent money;

and the third, we need a record that later on, when -- I mean, unfortunately after ten years it's happened today, what I predict at that time: we're in the court finally and to have arguments enough to prove that it was sale.

- Q. Now, if it was so important to you to have the transaction in writing, why did neither you nor Mr Patarkatsishvili ask Mr Abramovich for a written agreement?
- A. Sorry, we have two -- we discuss two opportunities. The first, direct sale from Mr Abramovich to us, direct sale. And the second, if Abramovich will not accept that, because of some reason which we don't understand if it's truthful agreement '95 and '96, then to find a way how to obtain this money nevertheless. Money should be absolutely transparent, not like you present in your skeleton that it's money-laundering, special professional team. And the third one, to have record of that, that one day to return to --

MRS JUSTICE GLOSTER: To have what on it?

- A. A record. A record. To fix it in writing that we sold our interest or our shares, then to have opportunity to prove in the court that it was our shares which was sold.

MRS JUSTICE GLOSTER: Yes.

MR SUMPTION: Did you or Mr Patarkatsishvili, so far as you knew, ever ask Mr Abramovich to enter into a written agreement about the basis on which he would be paying you \$1.3 billion?

A. As I told you, I never met Abramovich more. And, as I know from Badri, the first -- he tried to realise the first idea, to have direct sale from Mr Abramovich; was not successful. And after that we returned back to the mechanism which we use already before, I mean sheikh, the way how we sold ORT; not the same exactly way but the way using the same vehicle -- the same type of vehicle, the same people, and that was done.

In case of ORT, Abramovich did not hide that he sold because he agreed with Mr Putin, as he told before, he insist that I shouldn't be visible as well. But in Sibneft case we use the same mechanism but even more accurate for Abramovich not to be linked to us directly.

Q. Mr Berezovsky, what I'm interested in is discovering, so far as you knew from Mr Patarkatsishvili, what was actually discussed between Mr Patarkatsishvili and Mr Abramovich.

What I want to ask you is this: so far as you are aware, did Mr Patarkatsishvili ever ask Mr Abramovich for a written agreement recording this agreement?

A. Written agreement recording the agreement?

Abramovich -- Mr Patarkatsishvili, from the very beginning, we understood that our priority is direct agreement between us and Abramovich. This is the point and that what exactly I discussed with Mr Patarkatsishvili. I don't remember -- or maybe Mr Patarkatsishvili discussed that with Abramovich but the result, I remember well the result, the result was negative: finally we should go through the scheme where sheikh was included. This is the point.

Q. You see, in fact there was no suggestion at any point by Mr Patarkatsishvili to Mr Abramovich that this transaction should be recorded in writing. Are you in a position to challenge that?

A. No, Mr Sumption, completely wrong. Completely wrong. And I told you again, and it's mentioned in my witness statement, that the first option was direct agreement between us and Abramovich. This is the first option and Abramovich refused this option. This is the point. And after that --

Q. When did he refuse it?

A. Sorry?

Q. When did he refuse it?

A. I don't remember when he refused it. Badri told me that we don't -- we have just this option, this one which we used finally.

Q. Well, we will come to the discussions that led to the Devonia agreement --

A. Yes.

Q. -- I'm afraid not today but tomorrow, and we'll have to go through that.

But did you decide or did Mr Patarkatsishvili decide to make, having not got any kind of written record from Mr Abramovich, did you decide to make any note or memorandum or record of your own?

A. Mr Sumption, I completely follow what Badri was doing. As I recollect, Mr Curtis, the professional English lawyer, was involved to create agreement between us, sheikh -- and I think Mr Curtis present sheikh, not us, and Mr Fomichev was involved in that -- how to make happen that our interest in Sibneft was fixed under Abramovich name and Abramovich paid to us \$1.3 billion. Sheikh took commission, as I remember, a lot -- a big commission. That's it.

Q. Now, what about Mr --

A. It means that it was fixed in this agreement the way how Abramovich pay us money and how we put under his control and how we fix that it was our interest.

Unfortunately -- not unfortunately -- they wrote even in agreement "beneficial interest" because everybody understood that it's beneficial interest. It's

mistakable -- if it's mistake, definitely, because we didn't have a beneficial interest, we just had agreement '95, but everybody on the west understood that it's beneficial interest. That's it.

Q. So far as you know, Mr Berezovsky, did Mr Abramovich ever ask you or Mr Patarkatsishvili for a document recording the transaction?

A. Mr Sumption, I told you that I didn't talk to Abramovich at all after last meeting in Cap d'Antibes.

Q. So far as you knew, did Mr Abramovich ever ask Mr Patarkatsishvili for a document?

A. I don't remember that.

Q. Because you see, according to you, Mr Abramovich was promising to pay you \$1.3 billion in return for the surrender of your interests in Sibneft. That's your case, isn't it?

A. Yes, it's my case.

Q. Now, so far as we are aware, Mr Abramovich never asked you for any written record that you had surrendered your interest, did he?

A. Mr Sumption, I didn't talk to Abramovich at all. My -- and Mr Abramovich knew absolutely perfect that my interests are presented by Badri and it's the reason why he talked to Badri directly.

Q. So far as you are aware, Mr Abramovich never asked Badri

for a written record that you had surrendered your interest either, did he?

A. Mr Sumption, I already gave this answer: I don't remember that at all.

Q. If Mr Abramovich was really agreeing to buy out your interest in his company, then I suggest to you, Mr Berezovsky, that both sides would have insisted on a written record.

A. It's wrong.

Q. And in fact neither did.

A. It's wrong. The written form is what you have seen in the paragraph 377 and it's absolutely clear that sheikh bought not air. Sheikh understood perfectly what he bought and he understood perfectly that what he is buying is Abramovich interest in Sibneft -- should be transferred to Abramovich as his -- as -- according of this deal, we sold our interest of Sibneft to Mr Abramovich and sheikh absolutely perfectly knew that.

Q. Now, you have given evidence earlier today that the reason why you never referred to these threats before 2003 was that you were worried about the position of Mr Glushkov. That's evidence that you have previously given?

A. The main priority; it's not the only one, as I told you.

Q. Yes.

A. Because before they did not pay us -- didn't pay us full amount of money, we even continue -- I even continue, because of Badri request, say -- present that I still own Sibneft. How I may at the same time say that it was threat from Abramovich if I still continue to have that? It's not logical at all.

Q. Could I please ask you to look at bundle R(E)2/7/169.

A. Could I keep my witness statement in front of me?

Q. Yes, please. This is behind flag 7 of bundle R(E)2.

A. What is that?

Q. It's your statement in support of Mr Glushkov's application for asylum.

A. Yes.

Q. Now, if you turn to page 229 --

A. When it was done? When it was done?

Q. July 2006. Please turn to page 229 R(E)2/7/229. This is while you were planning your action against Mr Abramovich.

A. Yes.

Q. And at paragraphs 164 to 167 you explain why you have said nothing about -- sorry, September 2008. I gave you the wrong date before. I apologise.

A. No, no. Thank you. 2008, yes?

Q. Yes, so after this action had begun.

Now, what you are dealing with here is you are

explaining why it is that you had not mentioned being intimidated out of your stake in Sibneft in your own asylum application some years before --

A. Mm-hm.

Q. -- but you are saying it now in support of Mr Glushkov's asylum application.

A. Yes.

Q. In summary, what you are saying is that you did not wish to mention it in the earlier application made on your own behalf because you and Mr Patarkatsishvili were trying to negotiate with Mr Abramovich compensation for the undervalue.

A. It's true that Badri discussed with Mr Abramovich compensation undervalue, it's correct.

Q. Well, first of all, there were no negotiations with Mr Abramovich about compensation at any time before you began these proceedings, were there, either with you or with Mr Patarkatsishvili?

A. Before -- no, no, no. According of my understanding, Badri negotiate to Abramovich about compensation even in 2004/2005.

Q. Well, if it was in 2004 and 2005, that was after your application for asylum, wasn't it?

A. My application for asylum, I think it's a little bit -- for my asylum or for Glushkov asylum?

Q. No, your application for asylum in which you didn't mention the threat which you say forced you out -- let me --

A. Sorry.

Q. You didn't mention in your application for asylum being forced out of Sibneft by these threats. That application for asylum was originally made in October 2001 and was successful in September 2003.

A. Mr Sumption, I gave application for political asylum, it's clear that the accent -- and I told you even now -- that Abramovich made this threat because he had behind of him -- not behind of him -- because he was supported by Putin. And Putin is a key person because he put Putin, show Putin and say, "If you will not do that, Putin will be -- will damage you".

I just want to tell you that this is important to understand: that it was impossible in Yeltsin time because Yeltsin never -- no one can accept that Yeltsin will support you to raid something. In Putin time it's different and I make political -- you're absolutely correct -- I made political application because I try -- I start -- I try to stress that it's political motivated and I think it's correct what I have done.

Q. Mr Berezovsky, the point I'm getting at is actually quite a limited one.

A. Yes.

Q. I have challenged you on your account of these things.

A. Yes.

Q. I am now interested in discovering why you never publicly said anything about the threats you say forced you out of Sibneft until long after 2001.

A. I -- sorry.

Q. In this asylum statement you say that your reason was that Badri was negotiating with Mr Abramovich.

A. Yes.

Q. You do not say, as you did this morning, that your reason was that you didn't want to make trouble for Mr Glushkov in Moscow.

A. Mr Sumption, I have many reasons not to do that and all the reasons, if you want, I may repeat those reasons again. The reason was, first, that the first priority was Nikolai and my belief was that not Putin more fight for Nikolai to be in prison but Mr Abramovich is fighting for Nikolai to be in prison. It means that even when I came to the battle against of Putin openly, I tried to keep Abramovich aside of that because I knew that if Abramovich will come to Putin just caring of his interest, he will make influence Putin to be more aggressive. This is the point.

Q. Well now, I understand your evidence that you've just

given to be that you didn't want to make public statements that you had been intimidated into selling out of Sibneft in case it made Mr Abramovich cause difficulty for Mr Glushkov in Moscow. I understand that's your evidence.

A. It's one of the reasons, you're correct.

Q. Now, I would like you to look, please, at bundle

H(A)69/3.

My Lady, I think this may take just five minutes or perhaps a little more.

MRS JUSTICE GLOSTER: Very well. Can we put away the asylum statement?

MR SUMPTION: Yes, we can.

Would you please look at H(A)69/3, which is a document you've seen before where you said for the first time that you had been pressurised by Mr Abramovich into selling out of Sibneft.

A. Yes.

Q. Now, you've seen that before and you said sometimes your emotions got the better of you?

A. Yes, correct.

Q. Now, on the same day that you made this statement to the Moscow Times, you also issued a press statement to Agence France Presse, didn't you?

A. Yes.

Q. We'll find it at page 5 of the same bundle.

A. Okay. Yes.

Q. And a few days after this you told the Novosti wire service that you were preparing a claim for damages; see page 13.001 of the same bundle H(A)69/13.001.

A. Yes.

Q. Your statement a few days after that to Novosti?

A. Yes.

Q. Now, you didn't just do this in a fit of emotion, did you? You took very great care over several days to give your intentions the widest possible publicity?

A. Yes, and what? That connect -- I need to recognise what events happen exactly because I was emotional, it doesn't mean that I emotional one second, yes? It means that something happened, I don't remember, maybe -- I don't remember well, as I told you, because in parallel there were very other -- a lot of other events which were happening. For example, in 2003, was killed my partner from liberal Russia, I don't think that it was December or at the end(?) of the year but it was something what made me emotional and not for a second, that's it.

You are absolutely correct: there are several statements which contradict with my previous position. It is that something happened, I don't remember well

what happened exactly, I try to analyse that and to give you the answer but it's nothing what didn't coincide with my position that sometimes I have been emotional.

Q. Now, at the time that you made these statements to the various news agencies and papers, Mr Glushkov's trial was in progress in Moscow, wasn't it, and he was still in jail?

A. I don't remember when Nikolai Glushkov was released from the jail --

Q. In March 2004.

A. Yes, 12 March 2004, correct.

Q. Right.

A. It means that he still have been in jail.

Q. You wouldn't have made these statements if you had really been concerned that Mr Abramovich would respond by making difficulties for Mr Glushkov, would you?

A. Again, Mr Sumption, again and again, sometimes my emotions were over, yes, and I'm a human being. I understood that it's the most dangerous because Abramovich is -- in case of Glushkov, he's more dangerous than Putin, but I have done that. You have correctly said that it's just few examples of that and you gave example which coincide with almost -- which made almost at the same time. It means that something really touched me a lot and I made this statement.

Q. Well, would you turn to bundle H(A)90, page 55
H(A)90/55. You haven't got it yet but somebody is
about to give it to you. This is an extract from
Kommersant and there's a Russian version on the yellow
pages that immediately follow.

A. Yes, fine.

Q. Now, this is 18 months or so later, in July 2005, when
you publicly announced that you would be suing
Mr Abramovich shortly. Do you see?

A. July 2000...?

Q. July 2005.

A. Yes.

Q. And what you say is:

"The experts and my lawyers are estimating the
losses I suffered when forced to dispose of the assets.
I had to do it under the pressure of Putin, Voloshin...
and Abramovich. I was, in effect, under the racket.
I'm no short in proofs of their actions having political
background."

So you are saying you are about to sue
Mr Abramovich, that's what you were announcing?

A. Just second, I want to open Kommersant, okay? What is
the paragraph?

Q. In the English, it's the second paragraph of the
article.

A. Yes, yes. (Pause)

Yes.

Q. Then after saying a bit more about your proposed claim, in the fourth paragraph of the article you say:

"The timing for the suit is not accidental: the public opinion on Putin has changed in Great Britain. They used to believe his actions resulted in economic growth in Russia, that, for instance, he had to rectify Yeltsin's errors. Today's public opinion is rather that political persecution started in Russia exactly in the time of Putin..."

A. Yes.

Q. Now, at the time you made this statement, Mr Glushkov was in the middle of his second trial in Moscow, the retrial that was ordered by the Court of Appeal?

A. Yes.

Q. So this was a particularly sensitive moment for Mr Glushkov, wasn't it?

A. Glushkov was -- as I remember, Glushkov that time was already not -- was already -- just a second. When Glushkov was released?

Q. Glushkov was released in 2006 --

A. 4, yes.

Q. Sorry, Glushkov was released from jail in March 2004, he left Russia in 2006.

A. Yes, 12 March. It means that Glushkov already was not in jail and to put in jail much more complicated than to release from the jail, particularly Glushkov -- proof Glushkov was in jail not because he accuse what they initially tried to prove but Glushkov was in jail mainly because he tried to run away from jail. It was the final conclusion.

Q. Now, you told us this morning that the reason why you had taken so long to make public allegations and you have said in your pleadings that the reason why you took so long to start this action was that you didn't want to do anything until Mr Glushkov was safely out of Russia. Now, he wasn't safely out of Russia at this time and yet you explicitly said that you planned to have an action against Mr Abramovich by September?

A. Yes, again I want just to stress, that time Glushkov was not already in jail. Definitely it's again, as you see later, it's politically motivated, what I said, because I connect with Putin position that time and definitely it's -- again it does not help Glushkov but my calculation was it will not damage him to be in jail again.

Q. You can't mean that, Mr Berezovsky.

A. Sorry?

Q. You can't possibly mean that. What you have literally

said is that Mr Glushkov wouldn't mind going back to jail and I don't think you meant to say that.

A. No, no, no. I mean that I understand that Glushkov already was released again, that he is on the trial and it's -- I don't remember what time I discuss with him to run finally -- to leave Russia and he was completely, he was in completely different position when he was in jail and I tried to -- not to present any strong statements against of Mr Abramovich.

Q. This morning, what you told us was that you couldn't make strong statements even after he left jail until he was safely out of Russia?

A. You're absolutely correct but, again, my position, as I told you, my emotions sometimes and my situation sometimes move me, push me to make such kind of statement.

Q. It wasn't your emotions that pushed you to make this statement. The reason you made this statement appears from the fourth paragraph. You made it at this time because it would maximise the political impact of what you were saying?

A. You are again -- it's exactly the reason why I mentioned when I gave explanation that it was political reason for that. And all the time, I would like to stress that Glushkov being in jail told me, "Boris, don't change

your political battle to my freedom". It's not my word, it was wording by Glushkov.

Q. Mr Glushkov's position had nothing to do with the delay in making this allegation and bringing this action, did it?

A. No, it's completely wrong and you know well that I serve or that I start action almost the last days when I had limited time to start and it's only the reason why I wait up to the last moment was -- and I discussed that with Glushkov, was the reason that maximise -- minimise the risk for Glushkov. It was the main reason. But when Glushkov already had been in -- again, it's declaration that I will start action. It's not -- and only when Glushkov had been in London already and when he was almost to get political asylum, because it also was the point which I discussed with Mr Glushkov and Glushkov accept my position finally, I file -- I start the process. I ask Andy Stephenson to write a letter for action only after I talk to Glushkov and Glushkov accept to start these steps.

MR SUMPTION: My Lady, I have one more question, I'm quite happy to leave it until tomorrow if your Ladyship wishes to rise now.

MRS JUSTICE GLOSTER: I can't sit beyond 4.30.

MR SUMPTION: No, it should take less than that, even under

difficult conditions.

MRS JUSTICE GLOSTER: Right. Well then, put it,
Mr Sumption.

MR SUMPTION: Mr Berezovsky, you say in your witness statement that even after Mr Glushkov arrived in England, you didn't want to start this action in case Mr Abramovich got the Kremlin to obstruct Mr Glushkov's asylum application.

A. Yes, it's absolutely correct. I afraid that it will be -- it will come extradition warrant to arrest Glushkov and what happened with me and it's reason why I wait up to last moment to start the process.

Q. In your evidence you're not talking about extradition warrants; indeed, you hardly could because the trial had already occurred. But what you say is that you were concerned that Mr Glushkov's asylum application might be obstructed by the Kremlin at the prompting of Mr Abramovich.

A. Exactly, because as equally from personal experience, when I was asking political asylum and a long time I didn't get political asylum, exactly at that moment Russia sent extradition warrant and I faced with the two case together in parallel: political asylum and extradition. And I fight in parallel with -- against of one and for another one. And I got political asylum

automatically only when extradition warrant was refused.

It's exactly what I afraid --

Q. It was the other way --

A. -- what Glushkov could face at that time.

Q. It was the other way around, Mr Berezovsky.

A. Sorry?

Q. It was the other way round, Mr Berezovsky.

A. Mr Sumption --

Q. -- the home secretary granted you asylum and then the extradition warrant was refused.

A. Mr Sumption, you're absolutely correct. But the point is that in parallel I face two problems: political asylum fighting and extradition fighting. And extradition was refused after I was granted political asylum. But, before, when I just start political asylum, it was refused at the initial stage. It is reason why I went to the court to fight for that.

Q. Your own experience must have shown you that the Russian government had no influence over asylum applications against Russia in England because your asylum application was granted in spite of protests by the Russian government, wasn't it?

A. I have completely different experience because I know well that unfortunately -- know well unfortunately, or it maybe coincide, but when I was looking for political

asylum and there was no answer at all, one and a half year I think, and then when Russian sent extradition warrant, that time asylum was refused.

It means that it was some coincidental between my attempt to obtain political asylum and waiting for extradition warrant. I don't want to say that British government coordinate with Russians but it is the reality. And after that I faced with two problems together: I was refused political asylum, and start to fight for political asylum, in surrounding of extradition warrant.

MR SUMPTION: My Lady, that's a natural break.

MRS JUSTICE GLOSTER: Very well. 10.15 tomorrow?

MR SUMPTION: Yes.

MRS JUSTICE GLOSTER: Very well. 10.15 tomorrow.

(4.30 pm)

(The hearing adjourned until
Wednesday, 12 October 2011 at 10.15 am)

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