

Tuesday, 8 November 2011

(10.15 am)

(Proceedings delayed)

(10.28 am)

MRS JUSTICE GLOSTER: I apologise to the parties for keeping the court waiting. I was in a meeting outside the building.

Yes, Mr Rabinowitz.

MR ROMAN ABRAMOVICH (continued)

Cross-examination by MR RABINOWITZ (continued)

MR RABINOWITZ: Mr Abramovich, I was about to take you to some of the materials that had been gathered to support your case that you could not have been in Cap d'Antibes in December and I'd made it clear to you that I was going to be submitting that this evidence shows that you have been willing to procure evidence to support your case that simply cannot be taken at face value.

I don't expect that you will dispute the fact that you are a person of substantial power and influence in Chukotka and indeed that you have been in such a position for more than ten years now?

A. "Influence", the word "influence" sounds bizarre; but yes, indeed, I have been working in Chukotka for many years.

THE INTERPRETER: I'm repeating the answer.

A. The word "influence" sounds a bit bizarre; but yes, indeed, I have been working in Chukotka for several years.

MR RABINOWITZ: And you personally have been directly involved in actively soliciting the evidence that you have obtained from individuals in Chukotka; that is right, is it not?

A. No, that's not right.

Q. Can you go, please, to paragraph 263 of your third witness statement: E1, tab 3, page 115 in the English E1/03/115, page 216 in the Russian E1/03/216. Do you see at paragraph 263 you say:

"To confirm my recollection..."

And you are dealing with the position in Chukotka.

"... I... asked the officials and other people I met when I was in Chukotka at that time to provide me with any documentation that shows I was in Chukotka from 10 to 26 December 2000."

Now, that suggests you were directly involved in soliciting this evidence from the people of Chukotka.

A. I did not directly participate in obtaining this evidence and soliciting it. What is written here is what I've said. I had no contacts with those people at that time at all.

Q. You say, "What is written here is what I've said", and

that seems to suggest that you were involved with this. But can you look at bundle E5, tab 11, page 47 in the English E5/11/47 and page 123 in the Russian E5/11/123.

If you look at paragraph 111, the second-last sentence, you are again dealing with aspects of your visit to Chukotka and you say:

"At my request, several residents of the Bilibino district who attended that meeting have kindly provided me with written confirmations of it."

Again, Mr Abramovich, that suggests that you were directly involved in soliciting and obtaining this evidence, doesn't it?

A. That's not so. If you read this sentence in Russian, it says, "Upon my request". So this request was passed on. I hadn't -- haven't visited this village for at least five years I think.

Q. Well, can I show you, if I may, just one of the documents which you received in response to your request. If you go to bundle H(A)99 and you turn to page 37 in the Russian H(A)99/37, 37T in the English H(A)99/37T.

Do you see on this document, which is a letter from a Mr Zivilev, who claims that he can confirm that you personally took part in the celebration of Chukotka's

70th anniversary on 20 December 2000 in Anadyr, do you see:

"... further to a request by Roman Arkadyevich Abramovich."

Doesn't that suggest that you were involved in requesting this correspondence?

A. I can't see the word "request" here at all.

Q. The second line of the document, top right-hand corner:

"Copy: further to a request by Roman Arkadyevich Abramovich."

A. It says "Upon request". It's an official term saying a request. That doesn't mean my personal request to someone; it's an official requisition or request. If a person has an official public position, I have to send him an official request.

Q. My Lady, I wonder if we can get the translator just to translate the word for us, since there seems to be a dispute about what the document actually says.

THE INTERPRETER: It says, second line from the top, "Copy" --

MRS JUSTICE GLOSTER: Just a second. Can you translate it very literally, please.

THE INTERPRETER: Okay, my Lady, I shall go from the top of the page:

"For submittal to court and other official bodies.

"Copy: following an official request of Roman Arkadyevich Abramovich."

MRS JUSTICE GLOSTER: Right, thank you.

MR RABINOWITZ: Thank you.

Now, still on the evidence that has been procured in the form of statements from the people in Chukotka, are you aware that on four separate occasions your lawyers told Mr Berezovsky's lawyers that the evidence from these people in Chukotka had been provided without any written request for that evidence having ever been made and that that turned out to be untrue?

A. I know nothing about that.

Q. Well, you can take it from me that that is what has happened. If the lawyers want to address it with you in due course, they can.

The position in fact, Mr Abramovich, is that it was only after Mr Berezovsky's written opening made the point that the four confirmations given simply couldn't be true that it was acknowledged by your lawyers that there was indeed a written request in existence that had elicited the evidence from the Chukotkans. Are you aware of that?

A. I didn't quite get it. What is the question?

Q. Are you --

A. So I've already mentioned that if there was some kind of

correspondence, I have no knowledge of it at all.

- Q. Perhaps we can just look at the document that was at that stage produced. Can you go to bundle H(A)99. It's at page 27.001R in the Russian H(A)99/27.001R, page 27.001 in the English H(A)99/27.001.

You should have there a letter dated 12 April 2000 (sic) and it appears to be a letter from the Duma of Chukotka. Is that the letter you're looking at?

- A. Yes.

- Q. Just reading what it says:

"Dear Aleksander Aleksandrovich!

"The Duma of the Chukotka Autonomous Okrug (at the request of Roman Arkadievich Abramovich, the Chair of the Duma of the Chukotka Autonomous Okrug) asks that you provide information about the presence of [yourself] in the Chukotka Autonomous Okrug in December 2000. This information is needed so it can be provided to court agencies and other official agencies."

- A. It also says "upon official request". So the Russian word "zapros" means "official request"; the Russian word "pros'ba", there would just be a request. So in Russian there is a bit difference between these two terms, an official -- so you can't write in this letter, "I am asking you" -- for instance to the Customs authorities, you can't just ask, "I'm asking you"; you have to write,

"I'm officially requesting", which is what is written here.

- Q. Just for the transcript, I think I said or the transcript records that the letter is dated 12 April 2000; it is dated 12 April 2011.

Mr Abramovich, can you tell us this, please: can you explain why the request made of the Chukotka Border Protection Directorate was made on behalf of the Duma of Chukotka? What did the request for use in your private litigation have to do with the Duma's function?

- A. That's the rule. As a private individual, I cannot -- well, perhaps I can, but there's a very low probability that I will get an answer or a reply from them. If I make this official request as the chairman of the Duma, I have a chance. This is why I asked my deputy to write this official letter.

However, had it been a request from a private individual, we would have been waiting for a long time. I'd still be waiting for them to reply. Usually FSB Russia, if I understand it correctly -- this is my feeling anyway -- FSB Russia would not react to a private individual. That's the way things are. That's the rule in Russia.

- Q. Can you explain why the request says that the information was needed for "court agencies and other

official agencies", and in particular can you indicate what those other official agencies are?

- A. It's a standard form of words for an official request. You have to state why it is that you need these documents; otherwise you will get no reply.
- Q. Faced with a request in these terms, Mr Abramovich, the individuals approached in Chukotka, seeing that the request was coming either from the Duma itself or even from you as the chairman of the Duma, would have been very concerned to ensure that they gave you precisely what it was they knew you were looking for; that's right, isn't it?
- A. I don't agree with that. First of all, this person didn't know what it is that I wanted to receive because I just wanted to understand where I had been at that time. That's the first thing.
- Secondly, the Federal Security Service and the Border Directorate and border protection services of Russia are in no way subordinate to the Duma of Chukotka Autonomous Okrug or region.
- Q. Would it be fair to say that the reason that care was taken to ensure that there should be almost no written requests either in existence or handed over was because you well understood that if the court were to see the way in which these requests were framed, this would



expose the fact that the person who had been asked to give the request was likely to have felt under some pressure to give you evidence that would be of assistance to you?

A. Absolutely disagree. No.

Q. Can I ask you, please, just to look at one or two examples of the sort of statements or evidence that you did obtain from these people and can I ask you, first, to go to bundle H(A)99, page 48 H(A)99/48 and it's 48T in the English H(A)99/48T.

Now, as you can see from the heading of this document, this is described as "Testimony" and it comes from a Ms Makarova and again we see that it has the statement towards the top on the right-hand side:

"Copy on request to [yourself]."

And:

"For production in court and before other official bodies."

Then Ms Makarova says this. After explaining who she is, she certifies -- and look at the words:

"... that, on 17 December 2000, I as a member of a delegation of residents from the village of Keperveyem, Bilibinsky district, Chukotka Autonomous Region, was present at the meeting with Roman Arkadievich Abramovich, member of the State Duma of the

Federal Assembly of the Russian Federation, and MA Zurabov, Chairman of the Russian Federation State Pension Fund, which took place in the Bilibino community centre."

Keep a finger on that page and go over to the next page, page 49 in the Russian H(A)99/49, page 49T in the English H(A)99/49T. It should be just the next -- yes, close to the next page.

Now, this is a statement from an SA Antipova and again she explains who she is, and then look at the words that she uses in giving her evidence. She again certifies:

"... that, on 17 December 2000, I, as a member of a delegation of residents from the village of Keperveyem, Bilibinsky district, Chukotka Autonomous Region, was present at the meeting with Roman Arkadievich Abramovich, member of the State Duma of the Federal Assembly of the Russian Federation, and MA Zurubov, Chairman of the Russian Federation State Pension Fund, which took place in the Bilibino community centre."

The words, Mr Abramovich, are identical. Do you accept that this suggests that these people either agreed between themselves what to say or that they were told by someone precisely what to say?

- A. It all depends on what kind of request they got, official request they got. Most likely this is the answer to the question that was put to them. Whether these people agreed with each other, it's not very likely. I didn't quite catch where it was happening; I had many meetings. I can't insist that these people were at the same meeting. But in my view it's very unlikely that these people agreed with each other beforehand. What would be the reason for that? They have no reason to have done that.
- Q. You see, Mr Abramovich, you say, "It all depends on what kind of request they got, official request they got", but we will never know because according to your solicitors, who have apparently checked with your team, no written requests were ever in existence and therefore the only way in which a request must have been made would have been by someone telling these people precisely what to say.

Do you want to comment on that?

- A. Yes, I can comment. Nobody was telling these people precisely what to say, that's for sure. Moreover, if you are talking about me, then I wasn't even there.
- Q. Let's just have a look at one more example of this. Can you go to page 31 H(A)99/31. It's 31T in the English H(A)99/31T.

This is a statement from a Ms Rechkunova, who says, after giving her name, she was:

"... born in 1961, a Russian citizen, residing at the address..."

And what she certifies is that:

"... on 12 December 2000, RA Abramovich had been in our cafe three times (for breakfast, lunch and dinner), and on 24 December, he was dining in our cafe with his entire team."

Now, go, if you would -- keep a finger in that page -- to page 35T in the English H(A)99/35T, 35 in the Russian H(A)99/35.

Again, the name is similar but presumably that's because they are related. They apparently are born in the same year. The wording here is again identical. But again, you say that's just the way these people chose to express themselves and that's not because they were told what to say here; is that right?

- A. I insist this because, as far as I understand, they're husband and wife. And there are photographs in the case materials from this particular cafeteria.
- Q. Mr Abramovich, there are numerous other examples of such documents produced from Chukotka which strongly hint at this evidence having been dictated. I'm not going to go through any more of it because it does relate to

a period where in fact there is no dispute that you were in Chukotka.

What I want to do next is to look at a further category of evidence that you try to rely upon in seeking to establish that you could not have been in Cap d'Antibes in December 2000 and that is evidence from your bodyguards.

Can I ask you, please, to go to paragraph 127 of your fourth witness statement, which you will find at E5, tab 11, page 127 in the Russian E5/11/127, pages 51 and 52 in the English E5/11/51.

MRS JUSTICE GLOSTER: Just before we go there, Mr Rabinowitz.

Mr Abramovich, can you help me, please. There are a number of these statements. Who identified whom should be asked to provide the statements? Because presumably you must have told your solicitors or your advisers, "Well, I was in that cafe, I was at that meeting, go and speak to those people". So the question I'm asking you is: who went along in Russia or in the Autonomous Region of Chukotka and found the people and asked them to sign a statement pursuant to the request? Who did that?

A. I didn't go there, for sure. It was done in the following way: I telephoned my deputy, he telephoned

everyone -- because I couldn't remember where I was at what point of time -- he telephoned to everyone who could theoretically have any recollection. So it looks like that. He rings to the head of the village, the head of the village disseminates this information; and the people who remember anything -- some people might have recollections, some people might have photographs -- they come along and they tell them. And the form of words is a standard Russian form of words: I confirm, this and that and the other.

MRS JUSTICE GLOSTER: I'm not asking you about the form of words; I'm just asking you about how you went about the process or somebody on your behalf went about the process of gathering these statements.

So you said to your deputy, "I need to establish where I was in December, I've got a formal request, please go and find the following people", or somebody on your behalf said that?

A. Indeed. It was my deputy who signed the letter, Dallakyan; we saw his signature. He took care of that. In towns, in terms of Chukotka they're large towns of 5-10,000 people, there the request was done through the internet. But in villages of 100, maybe 150 inhabitants, it was done through the head of the village. It is an elected position, head of the

village, and he can gather people to a meeting and the citizens can tell him what they remember.

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

MR RABINOWITZ: Let's just try and get some clarity about that, Mr Abramovich.

When you say you spoke to your deputy about this, you're talking about your deputy in the Duma and that is Mr Andrey Gorodilov; that's right, isn't it?

A. Andrey Gorodilov and Aramais Dallakyan.

Q. And they got in contact with Mr Gorenichy, Sergey Gorenichy, who is a lawyer or has been a lawyer with Sibneft; isn't that right?

A. Yes.

Q. And it was Mr Gorodilov and Mr Gorenichy who were involved in obtaining these statements in this form; is that right?

A. Yes, yes. Not in this form. They took part in organising this, yes.

Q. Right.

Now, I've asked you, if you would -- and I see you have it -- to look at paragraph 127 of your fourth witness statement, page 51 of bundle E5 at tab 11 E5/11/51, page 127 in the Russian E5/11/127.

What you say here, dealing with your attempt to establish that you could not have been in Cap d'Antibes

in December, is this. You say:

"In addition to all the evidence of my movements itemised above, I am also able to provide further corroborative proof that during the entire period of 6 December 2000 through 2 January 2001, I was in the territory of the Russian Federation. In the years 2000 -- 2001, the private security firm Centurion-M provided security services to me. When I was in the territory of the Russian Federation, I was escorted by bodyguards. Individuals who served as my bodyguards were issued weapons for every 24 hours that I was in the territory of Russia. This was documented in a special Record of Issuance and Collection of Weapons and Special Equipment, which is maintained by Centurion-M and strictly controlled by the department of internal affairs of the Tagansky district of the directorate of internal affairs of the Central Administrative District of the city of Moscow. For the purposes of these proceedings, I requested this information to be provided to the English Court. The director general of Centurion M has signed a corresponding statement No 47 of 2 June 2011 and provided me with a copy of the Record of Issuance and Collection of Weapons and Special Equipment."

Now, just let's be clear about what you are saying



here. The first thing you seem to be saying here is that whenever you were in Russia, you were accompanied by armed bodyguards; is that correct?

A. Yes.

Q. Secondly, you are saying here that those armed bodyguards would be issued weapons for every 24 hours that you were in Russia; is that correct?

A. Yes.

Q. Third, you are saying that the issue of such weapons to your bodyguard had to be recorded in a register; is that right?

A. Yes.

Q. And fourth, what you appear to be suggesting here is that if one could look at the register then provided it showed that arms had been issued to your bodyguards for a particular 24-hour period, this could be regarded as corroborative documentary proof that you would have been in Russia in the period from 6 December to 2 January; is that correct?

A. If we're talking about 24 hours, yes.

Q. Can we then look at the document that you have produced, which you say corroborates your evidence. Can you first go to H(A)99, page 39 in the Russian H(A)99/39, page 39T in the English H(A)99/39T.

This is the statement from the director general of

Centurion M that you were referring to at paragraph 127. You see it's dated 2 June 2011 and, as you can see, the letter says -- this is from Mr Romanov -- that Centurion M provided security services to you while you were in Russia in 2000/2001. He then says:

"For the purposes of personal protection of RA Abramovich... CENTURION M Private Security Firm created a special group that consisted of 24 hour shifts of bodyguards. In December of 2000 the shift managers were..."

And it then names them.

"... who went through the daily arming procedure in the weapons storage room of CENTURION M Private Security Firm only when starting their shift and that of mandatory disarmament once their shift was over."

And he then explains that this is all strictly regulated.

And he then sets out, looking at the last paragraph before the bullet points, in the journal from which he has extracted this material:

"... there are records of times and dates when weapons were issued to [your bodyguards] prior to their assuming the responsibilities of bodyguards [to you] and times and dates when weapons were collected after termination of their respective shifts between

03 December 2000 and 02 January 2001."

And can we just look at two entries in particular here. Can you first please look at the third bullet point, which records that Mr Brusentsov took out weapons at 6.33 am on 6 December 2000 and did not return them until 10.03 am on 7 December. Do you see that?

A. Yes.

Q. But you accept, Mr Abramovich, that you attended a meeting at Le Bourget Airport with Mr Berezovsky and Mr Patarkatsishvili during the day on 6 December 2000; that's correct, isn't it?

A. Yes, I accept. This is why they're talking about 24-hour shifts. I mean, I can be taken out from these 24 hours for a bit. If during these 24 hours I left and came back, this doesn't help us, because in the morning the person gets his weapon, then in the morning I leave for France for a couple of hours, then I come back; this person is not going to surrender his arms because his 24-hour shift is not over. However, if I leave Russia, the 24-hour period is over, then he does have to hand over his weapons, if I don't come back within the same 24 hours. That's how I understand the system.

Q. All right. Well, let's assume that that may be how it works. Can we look at another bullet point then.

Would you look at the next bullet point, which is

Mr Drobushevich -- sorry, let's just do this.

Mr Brusentsov returns the weapon on 7 December; you see that, do you? He takes it out on the 6th, then he returns it on the 7th?

A. Yes, yes.

Q. Following that, the next entry here is Mr Drobushevich who collects the weapons on 10 December and then returns them on 26 December. Do you see that?

A. Yes, I can see that. Drobushevich is the person who accompanied me to Chukotka.

Q. The difficulty of this for you, Mr Abramovich, is that if your evidence is true about how the system works, you were not in Russia from 7 December until 10 December, because if weapons were checked in on 7 December, the next time they were checked out was on 10 December.

MR SUMPTION: My Lady, if my learned friend is going to put this sort of point, he should actually be referring to the weapons book and not to the letter purporting to take contents out of it.

I have to say I question the appropriateness of my learned friend cross-examining on points that have been expressly conceded on Mr Abramovich's behalf. We have in fact conceded that the weapons book provides no valuable evidence, primarily for the reason which the witness has given.

I also, with respect, question whether it is appropriate for my learned friend to beat about the bush in this way. In taking documents, for example, relating to the events in the cafe on 24 December, is he actually saying or is he not that Mr Abramovich instructed people to obtain lies that he was somewhere else? In which case let him say that out loud and not simply tiptoe around the point and allow innuendos of this sort to go on to the record.

I respectfully suggest that this is not the way in which to make very serious allegations of falsification of evidence.

MRS JUSTICE GLOSTER: Two points, Mr Rabinowitz.

Firstly, put the weapons book or don't put the weapons book, but put it against the background of the concession made on behalf of Mr Abramovich.

Secondly, if you are suggesting that Mr Abramovich wasn't in Chukotka on a day where the witness says he was, I think you should put that directly. I think Mr Sumption is right about that.

MR RABINOWITZ: My Lady, can I deal with the second point first because in my respectful submission there is nothing in either of my learned friend's points.

So far as the second point, I accepted when I started with Mr Abramovich that there was no dispute

at all about his being in Chukotka in this period. The point that I was making is that there is a great deal of evidence which has been obtained from people in Russia which cannot be taken at face value. We will come to other examples of this, but there is a stream of this sort of letter where, frankly, it is simply unreliable evidence, and that is the first of the examples.

MRS JUSTICE GLOSTER: So the point you're making which you say goes to Mr Abramovich's credit is that he's the sort of person who will go round collecting up highly questionable evidence; that's the point you're making?

MR RABINOWITZ: That's the point, and it is through people like Mr Gorenichy, and we will come to other examples of it. And I don't resile from the point I've been making to Mr Abramovich. It's the first of the --

MRS JUSTICE GLOSTER: No. Well, I think -- just a second, Mr Rabinowitz, please. Then I think you should put that specific point to Mr Abramovich, namely that he is the sort of person who will go around collecting unreliable, concocted evidence.

MR RABINOWITZ: Well, I thought I had. I thought I had, but if I haven't, I'm very happy to put it again.

MRS JUSTICE GLOSTER: Well, that's the first point.

Now, what about the weapons book point?

MR RABINOWITZ: The weapons book, my Lady, I can show you

what it looks like if you go to 42T H(A)99/42T. It is completely --

MRS JUSTICE GLOSTER: Which bundle, please?

MR RABINOWITZ: In the bundle you're in. It is --

MRS JUSTICE GLOSTER: H(A)99?

MR RABINOWITZ: 99. It is completely --

MRS JUSTICE GLOSTER: In the translation or not in the translation?

MR RABINOWITZ: Well, that it will be -- it's in the translation.

MRS JUSTICE GLOSTER: H(A)99...?

MR RABINOWITZ: 42T.

MRS JUSTICE GLOSTER: Right. Just a second, please.

MR RABINOWITZ: It is completely incomprehensible.

MRS JUSTICE GLOSTER: No, just a second. Let me just get that, please. (Pause)

42T, yes?

MR RABINOWITZ: The reason I've gone to what Mr Romanov has extracted from this is because, in my respectful submission, it is incredibly difficult to read the record and if Mr Romanov is better based to read it, then in my respectful submission the easier way to deal with this with the witness is to show what Mr Romanov says.

MR SUMPTION: My Lady, the trouble about Mr Romanov's letter

is that it's inaccurate, as my learned friend, if he had bothered to read the weapons book instead of giving it up as incomprehensible -- we have had no difficulty in reading it. It contains dates, it contains precise amounts and times of equipment delivered, and if we compare that with Mr Romanov's letter, it is plain that Mr Romanov has made a number of mistakes.

Now, we didn't go into this in detail in our written submissions precisely because we conceded that the weapons book was itself not reliable evidence of Mr Abramovich's whereabouts. So that this seems both irrelevant and inappropriate, if I may say so, given that Mr Romanov's letter is not the primary evidence involved.

MRS JUSTICE GLOSTER: Right. Mr Rabinowitz, for my assistance, can you explain to me -- don't put it to the witness yet -- what the purpose of going to either the letter or the weapons book is if there isn't -- well, is this to establish that --

MR RABINOWITZ: It's to establish that the witness has consistently put forward evidence which he says supports this alibi which doesn't do it.

MRS JUSTICE GLOSTER: Right. Well, are we talking about the meeting in December or the meeting in November?

MR RABINOWITZ: As your Ladyship knows, Mr Abramovich's case



is that the meeting must have been in November because he couldn't have been at a meeting in December.

MRS JUSTICE GLOSTER: Right.

MR RABINOWITZ: And what he has done in seeking to establish this, whilst not disclosing certain documents which we talked about yesterday, is to rely first on photographs; second on evidence from Chukotka; third on this statement from the security people; and then on further evidence that we are going to come to.

MRS JUSTICE GLOSTER: Okay. Well, put this point -- I mean, for my part I'd rather look at the weapons book because I can understand the weapons book once I've got it in the right position, and if you're putting a point about a specific date, I think you should put a point about a specific date, because otherwise it's difficult, for me at any rate, to ascertain its relevance.

MR SUMPTION: My Lady, the relevant page for this date is in fact at page 26 and not on the page that is -- R(J)/06/26, rather than the page which is up on Magnum.

MRS JUSTICE GLOSTER: What, that's the page for the November date or for the December date?

MR SUMPTION: For the December date, 7 December.

MRS JUSTICE GLOSTER: Right.

Well, I don't want to take you out of your course,

Mr Rabinowitz, but I do need to be clear precisely what you're putting to the witness in relation to his alibi.

MR RABINOWITZ: Well, perhaps I can do it shortly and then come back to the weapons book.

MRS JUSTICE GLOSTER: Fine.

MR RABINOWITZ: Do you accept, Mr Abramovich, that the weapons book does not establish that you could not have been in Cap d'Antibes during the relevant period, by which I mean 7 to 9 December?

A. As far as I understand, I have no right to assert whether it does prove or it doesn't prove.

MR RABINOWITZ: Can I come back to that, my Lady, because I have to say I'm still struggling to read this weapons book in the way my learned friend says is easy. Can I move on to another category of evidence?

MRS JUSTICE GLOSTER: Yes, please do.

MR RABINOWITZ: Now, can I just ask you this about Centurion M, Mr Abramovich: is this a company with which you have a relationship? Is it connected to you in any way?

A. This company is directly linked to me.

Q. You didn't say that in your witness statement though, did you? You simply put this forward as if it were an independent company providing independent evidence.

A. I didn't say that. I don't know which way I own it.

Perhaps I own it. It's a small company that provides security services not just to me, perhaps to other people, but I'm sure it depends on me. Presumably through the payments I make to it, it is dependent on me, but I am not aware of the formal way it is owned. Perhaps I'm even a shareholder in this company, but to be quite honest I've no idea.

- Q. But what you were aware of is that it was a company connected to you and you were aware of that when you made your witness statement, were you not?
- A. I had no wish and there is no need to conceal the fact that Centurion is interested in my custom, in having me as a client. I have no idea, maybe I'm a shareholder; I cannot confirm or disprove. Maybe it belongs to me in its entirety. It's such a tiny service company that I can't really tell you anything about it.

Q. Now, the next way --

MRS JUSTICE GLOSTER: Sorry, Mr Rabinowitz, are you putting to the witness that he had the ability, because of his shareholder control, to dictate what the records say?

MR RABINOWITZ: I will put that. I'm suggesting that the witness ought to have explained in his evidence --

MRS JUSTICE GLOSTER: I appreciate that.

MR RABINOWITZ: Well, I'll put the point my Lady has.

Mr Abramovich, do you accept that you had the

ability, because of your connection, your shareholder control of this company, to affect the evidence that Centurion M was going to produce for the court?

- A. No, I don't agree. If we refer just to this book, to the record, this register, the arms register, is controlled by the Ministry of Interior. It's a very important accounting document and I cannot influence it at all. I wonder if that answers your question?

Now, if you are wondering whether the company is keen to have me as a client: of course it is. Am I the only client of this company? No, but I am the largest client. Perhaps the whole of our organisation is a client of this company; I have no idea. It is also possible that I am its shareholder; I simply don't know.

- Q. Now, the next way in which you've tried to establish that you could not have been in Cap d'Antibes at any time from and after 7 December is by producing documents relating to your air travel arrangements and I want to therefore ask you some questions about that.

It's your evidence, I think, that the only means of air transport that you would have used at this time to go from Russia to the south of France would be on a chartered plane. Is that right?

- A. At that time I think so, yes.

- Q. But --

- A. The question is whether I will take a scheduled flight and whether I will take a train? With almost 100 per cent certainty I would say: no, I wouldn't take a scheduled flight or a train.
- Q. And is it right that at this time -- and we're talking around December 2000 -- the people in your organisation with responsibility for arranging your travel arrangements included Mr Zhadovsky; is that right?
- A. Yes, Mr Zhadovsky.
- Q. Zhadovsky, I'm sorry. Ms Ivanova?
- A. Yes.
- Q. And was Ms Goncharova also involved in organising air transport for you?
- A. I think that she was involved in internal Russian air travel but not travel abroad. I think so. I'm not sure but I think she didn't deal with my travel abroad. She doesn't speak English.
- Q. Now, I'm not going to take you to the correspondence on this, Mr Abramovich, but you can take it from me that we've been provided with a list of individuals who were consulted from within your team in searching for relevant flight records and neither Mr Zhadovsky nor Ms Ivanova were on that list. Were you aware of that?
- A. No, I wasn't aware of that. I didn't take part in that correspondence.

Q. So you're not able to help us as to why those particular individuals were not asked to provide relevant records?

A. Mr Zhadovsky hasn't been working in our organisation for long time now. Maybe people approached him but he didn't want to provide any -- I just don't know.

MR RABINOWITZ: My Lady, I don't know when you want to take the break. I'm happy to carry on but...

MRS JUSTICE GLOSTER: Why don't you carry on for a bit because we didn't start until 10.30.

MR RABINOWITZ: I want to move on next to the flight records which have been disclosed.

It's right that you have produced a number of records from a company called Global Jet; you're aware of that?

A. Yes.

Q. But it's right also that Global Jet, although they have provided a quantity of records, have explained that they cannot say that their records for this period are exhaustive; are you aware of that?

A. Well, if they said so, then I suppose that's so. I have no knowledge of that.

Q. And so, even putting to one side any other private jet providers, one cannot be sure even that all Global Jet documents have been disclosed. Do you follow?

A. No. No, I don't. You mean that they have intentionally

concealed or withheld a number of documents or do you mean that their archive is just not complete?

MRS JUSTICE GLOSTER: I don't think this is a useful debate, is it? I mean, the position is as you've stated, Mr Rabinowitz. He can't comment on it.

MR RABINOWITZ: No, I'm just asking whether he follows; I didn't ask him to comment.

MRS JUSTICE GLOSTER: Right.

MR RABINOWITZ: So let's just put Global Jet to one side for the moment.

You don't dispute, I think, that you might have flown on a plane provided by a different jet provider to Global Jet?

- A. From my point of view it's not very likely because we had good relationship with Global Jet and I was satisfied with their service. But I cannot insist 100 per cent that this could not have happened; you're probably right. Apropos they continue maintaining and servicing all my aircraft. This is to this day the company that looks after all our aircraft.
- Q. Can I just, on this subject, ask you about this. One of your witnesses, Mr Gorodilov, has explained that Mr Zhadovsky flew to meet Mr Berezovsky in France and then to meet Mr Patarkatsishvili in Italy at the end of December 2000. The purpose of the flight was to obtain

signatures on the ORT sales document. Do you remember that?

A. Yes.

Q. And what Mr Gorodilov says is that Mr Zhadovsky flew from Moscow to France and then to Italy to get the documents and then came back to Moscow with the executed documents. Again, presumably you remember that?

A. Yes.

Q. And during this period Mr Zhadovsky, like you, would have been travelling on charters between Moscow and France when he was travelling on work-related matters; that's right, isn't it?

A. No.

Q. You think he would have been flying on standard planes, scheduled airlines?

A. I'm convinced that he flew normal airlines, scheduled flights. Mr Zhadovsky was not a high-ranking employee of the company who could afford each trip on a chartered jet. But because this was an important trip, he was allowed to use a plane. Perhaps it was the first time or a couple -- two times or three times he flew a chartered plane and us paying for it.

Q. Okay. But we can at least agree on this: that on this particular occasion he took a chartered flight?

A. Yes.



Q. Now, there has -- you may be aware of this, you may not -- been some investigation about Mr Zhadovsky's flights. People can see how he got from Moscow to Nice but it is unclear how he got back. Okay?

I just want to show you a document --

A. What happened, he disappeared? He disappeared?

Q. No, it's assumed that he got back but it's not clear how he got back. You can tell us that he got back: presumably you saw him?

A. Well, yes, I saw him.

Q. Can I show you, please --

MRS JUSTICE GLOSTER: Mr Rabinowitz, I'm assuming that there's some relevance in Mr Zhadovsky's travel arrangements.

MR RABINOWITZ: There is.

Can I ask you, please, to go to a document which you will find at R(H)1, tab 63, page 69 R(H)1/63/69. Now, this is a document that Skadden produced to assist in seeking to ascertain how Mr Zhadovsky travelled between Nice and Brescia and Brescia and Nice and we know that it comes from Global Jet.

If you look, you will see in the document there's a reference to flights between Nice and Brescia and then Brescia and Nice, do you see that, on the 29th of the 12th?

A. Yes.

Q. Then below that you will see "EX: RA02803" and then it says "JTT9605"; "ETA", which is presumably expected time of arrival, 1500 at Nice. Do you see that?

A. Yes.

Q. And "JTT" appears to correspond to a Russian company called Jet-2000 that has provided chartered jets since 1999. Are you aware of that? Are you aware of Jet-2000?

A. No, I don't know it.

Q. Perhaps I can hand up something from their website which explains that they've been providing charters since 1999. (Handed)

So you have two documents there. The first one says "Jet-2000 Business Jets", "About us", and they then explain they're an award-winning full-service business aviation provider, and in the second sentence of the first paragraph they explain that since 1999 they have been providing charter jets.

And then the second document that you have should look like that (indicates). You see towards the bottom of the document that it identifies "JTT" as the code for Jet-2000; do you see that?

So what this indicates, I suggest, Mr Abramovich, is that Mr Zhadovsky, when he flew from Moscow to Nice, was

put on a flight by Jet-2000. Do you see that? From the document at R(H)1/63, page 69 R(H)1/63/69.

A. Yes.

Q. And would you accept therefore that Jet-2000 appears therefore to be another jet provider that your business was using at this time, in late December 2000?

A. You can make this assumption. The question is what kind of quality jets they supplied and the year these aircraft was manufactured. Whether such a plane would have been chartered for myself, I'm convinced that it wouldn't have been. Was I willing to risk my life and fly to Nice for a chat? I doubt it.

MRS JUSTICE GLOSTER: Just a second, Mr Rabinowitz. How do we know from just looking at this page that the Jet-2000 aeroplane flew to Russia? I mean, all this is looking at is Nice-Brescia, Brescia-Nice.

MR RABINOWITZ: But he also explains that he was getting to Nice in order to get from Nice to Brescia. If your Ladyship looks below the Nice-Brescia, Brescia-Nice, your Ladyship sees an entry, "EX: RA02803", "JTT" -- this is the number of the plane, expected time of arrival in Nice. This is an aircraft which flies from Moscow to --

MRS JUSTICE GLOSTER: I thought Brescia was in Italy.

MR RABINOWITZ: Well, indeed. But what is happening was

Mr Zhadovsky was getting from Moscow to Nice, he was then having to get from Nice to Brescia, Brescia back to Nice. Global Jet were dealing with the Nice-Brescia, Brescia-Nice part of this, but Mr Zhadovsky had to get from Moscow to Nice.

And what this indicates -- and indeed this appears to be the view of Skadden themselves, they explain this in correspondence --

MRS JUSTICE GLOSTER: Well, it may be the view of Skadden.

I just don't see from this page that the reference to Jet-2000 is necessarily -- you say it arrives at 3 o'clock in the afternoon.

MR RABINOWITZ: In Nice.

MRS JUSTICE GLOSTER: I see. So you say that's from the Russian airline, I see.

MR RABINOWITZ: Well, that's where he was coming from. That's again not in dispute.

You see, Mr Abramovich, I suggest to you this was another airline which your business and indeed you might have been using at the time. You dispute that, do you?

A. Well, I'm not disputing that -- I'm not asserting that Global Jet was the only company we were using. From what I remember, Global Jet was the company I was using. For me, this particular aircraft would never have been chartered. I don't want to appear arrogant but it's

practically 100 per cent certain.

MR RABINOWITZ: My Lady, that may be a convenient moment.

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

(11.28 am)

(A short break)

(11.44 am)

MRS JUSTICE GLOSTER: Yes, Mr Rabinowitz.

MR RABINOWITZ: What I'd like to ask you about next,

Mr Abramovich, is the evidence that you have produced relating to passport stamps and whether this is a category of evidence that establishes that you could not have been in Cap d'Antibes at the beginning of December.

Now, you accept, I think, that you have no Russian exit stamps in your passport on 6 December 2000?

A. Yes, this is so. So have we finished with this, with the jets?

Q. Yes, we've finished with that, yes.

So this is an example, we can agree, I hope, of the possibility of leaving Russia without a passport stamp?

A. Yes. Yes, I agree. That is unusual, but such a thing happened so, yes, it is possible. But the usual practice is that it's not possible to cross the border just like that.

Q. And you accept also, I think, that it is equally

possible to enter Russia without getting a stamp?

A. Everything could happen but, from my perspective, it's also quite unlikely.

Q. Can I just ask you, please, to look at a document at L(2011), volume 26, page 181 in Russian L(2011)26/181, 182 in English L(2011)/26/182. It may be that it needs to come on to the screen for you, Mr Abramovich. I don't know if we've got the bundles in court.

This is a letter from a Mr Mochalov of the FSB Border Guard Service. Read through, if you would, the whole letter. I'd like to focus for the moment on the last sentence of the last paragraph of this letter.

(Pause)

A. Okay.

Q. So Mr Mochalov of the FSB Border Guard Service makes the point that it is possible that stamps were not applied, which I think reflects what you were saying; is that right?

A. Well, there is always a human factor, there is always a human error. It's always present. They have automated control system and they also have the passport stamps, as it said here. So he is saying that there could be an instance where a passport stamp is not applied, is not put in.

Q. You also accept that you have no French exit stamp in

your passport for 6 December 2000; you agree with that, don't you?

- A. That also happens if you stay within the area. If you don't leave the railway station, then they might not stamp it, or if you don't leave the airport. But that can not happen in Nice, that's for sure; there they don't have such an area.
- Q. You see, I suggest, just as a matter of common experience, whatever the rules may be in different countries, it's not uncommon for passport stamps to be omitted. Do you agree with that?
- A. Are you speaking about Russia or France?
- Q. France.
- A. If we are discussing whether France has a rule that when you exit the country you have a stamp in your passport -- are we talking about this or are we talking about entry stamp? For example, if you are exiting England, United Kingdom, there is no exit stamp. These are the rules. In the US, when you are exiting the country, also there is no stamp.
- However, Nice Airport, it's quite possible to -- it's impossible to leave Nice Airport without an exit stamp, and the same about entry. I think the rules are quite rigid. I think that's because of Monaco.
- Q. Do you accept that, as well as there being passport

stamps missing from your passport, there are also some pages of your passport that contain illegible passport stamps?

Perhaps I can take you to an instance of this. If you can be given bundle H(A)38, page 99.002 H(A)38/99.002.

Do you see on page 27 -- your passport's got the numbers 26 and 27. On page 27, the top stamp on page 27, you can see that it appears to have the words "ROISSY-LB", which presumably is Le Bourget. Do you see that?

A. I think that probably is an exercise for the experts, I wouldn't be able to help, I'm sorry.

MR SUMPTION: My Lady, Roissy is not Le Bourget; it is an airport north of Paris. Le Bourget is somewhere else.

MR RABINOWITZ: It is illegible; we can't really see any date for that at all, can we?

MRS JUSTICE GLOSTER: Well, I think that's a matter for me on the basis of what we read and what the forensic experts say. I don't know whether I'm going to be assisted by what Mr Abramovich is going to comment on this document.

MR RABINOWITZ: Okay.

I want to show you another document that you rely on in order to support your case that you didn't leave



Russia between 6 December and 2 January 2001 and that's a letter from the FSB guard service.

Before I do that, can I just ask you this: on 6 December, your then wife accompanied you to Le Bourget, didn't she?

A. Yes. She did.

Q. Did she stay with you in the airport?

A. I do not remember exactly. I'd completely forgotten that she was with me. I didn't remember that. I've made such conclusions based on her passport.

Q. You see, her passport also has no entry stamps for 6 December. I withdraw that question, actually.

I want to show you the border guard letter which you have relied on. It's at R(J) tab 4. The Russian is at page 8 R(J)/04/8 and the English starts at page 5 R(J)/04/5.

Now, the order of these letters is as follows. If you go to the English at page 7 R(J)/04/7 and the Russian at page 10 R(J)/04/10, you see a letter from a member of the Federation Council of Russia, Mr Malkin, dated 18 April 2011, and he writes to the head of the Border Guard Service of the FSB of Russia, Mr Pronichev. Do you see that?

Mr Malkin in his letter asks Mr Pronichev for an explanation of the procedure for crossing the Russian

Federation state border when exiting from the Russian Federation, as well as information on the crossing of the Russian Federation state border by you during the period from 1 December 2000 to 10 January 2001. Do you see that? Mr Malkin's request appears to have been made pursuant to some procedure which allows members of the Federation Council to ask questions of and for documents from organs of the Russian State.

So you had been asking Mr Malkin to make a request under the Federation law entitling members of the Federation Council to make such requests; is that right?

A. Sorry, I didn't understand. What was the question? Did I agree that Mr Malkin would contact the first deputy director? I agree. But with regard to the -- with regard to law, the member of the State Duma or the member of the Federation Council has -- is entitled to contact any state authority, any state body.

Q. Okay. Can we now look at the information which Mr Pronichev provided: that's at page 5 in the English R(J)/04/5 and page 8 in the Russian R(J)/04/8. Now, do, if you would, read this letter to yourself. (Pause)

You see then that he -- you see that you do see then that he says:

"Based on the available records and documents, the information sheet requested by you was prepared..."

And the information sheet is on the following page, if you could go to that, please: page 9 in the Russian R(J)/04/9, page 6 in the English R(J)/04/6.

Now, according to this information sheet, you left Russia on 6 December 2000. Do you see that?

A. Yes.

Q. So your passport didn't show any Russian exit stamp for 6 December 2000, did it? I think we've established that.

A. Yes, we've established that there is no mark in my passport. But upon the request whether they have any data in this regard, they have confirmed that they do have the data.

Q. Let's just look at that a little more carefully. We know that your passport doesn't have any stamp and that would suggest, would it not, that whatever the available records and documents were which were used to compile this information sheet, it could not have been your passport?

A. Sorry, and what is the question? Whether my passport is a document? Yes, it is a document. Was it in the list of these documents on the basis of which the conclusions could have been drawn? Yes. Sorry, I do not understand the question.

Q. The point is this: that whatever the available

information, whatever the documents and records were that Mr Pronichev says he was relying on, one thing we know for sure is that that couldn't have included stamps in your passport because there is no stamp in your passport showing a Russian exit on 6 December.

A. Indeed, my passport did not have any exit stamps for 6 December. We have discussed this.

Q. And so -- you may not know this but this led -- there was a discussion between the solicitors to try and ascertain what the available records and documents were that Mr Pronichev said that he was looking at.

Can I ask you, please, to go to bundle L(2011), volume 26, page 181 in the Russian L(2011)26/181, page 182 in the English L(2011)26/182. Now, if you're on page 182 of L(2011)26, do you see the third paragraph?

A. Is that my witness statement?

Q. No, it's a letter. You should be looking at it -- it's on the screen, sorry.

The third paragraph of this letter, which is from a Mr Mochalov, says:

"With respect to information concerning border crossings in 2000-2001, during this period, airports in Moscow and some other cities in the Russian Federation carried out an automated registration of persons

crossing the border (by surnames, first names and passport numbers)."

Mr Mochalov then goes on to say that:

"... we are not allowed to disclose either the means used to collect such information or the relevant registration records."

And he then says:

"Nonetheless, the automatic registration system employed during the period referred to above makes it possible to confirm the facts outlined in the previous letter to Mr Malkin of 23 April 2011 and the list attached thereto. These facts are also confirmed by the marks made in the document proving the identity of the citizen of the Russian Federation abroad."

Now, there are a number of things about this that I would like to ask you about. First, you see that we're not told anything about what the automatic registration system was or how it worked, and so obviously there is no way that the court would be able to assess the reliability of that system, since it's not told anything about that. Okay? I just want you to know that that's what I'm going to be submitting.

Do you want to comment on that?

MRS JUSTICE GLOSTER: Well, I don't see how his comment can be useful. It's a submission and a comment by you.

I don't see what Mr Abramovich can add to what you've said.

MR RABINOWITZ: Very well.

MRS JUSTICE GLOSTER: Or, if he does so, what relevance it will have.

MR RABINOWITZ: Let's look at the next thing.

You see that Mr Mochalov appears to be referring, when he says, "These facts are also confirmed by the marks made in the document proving the identity of the citizen of the Russian Federation abroad", to passport stamps: that appears to be what he's referring to, doesn't it?

A. Sorry, what is he referring to? He's saying -- he's referring to something they've got and also referring to the passport data as well.

Q. So he says that what he is saying is confirmed by the marks made in the passport. That's what he is saying, is it not?

A. No, it's not what he is saying. He's saying they've got the data, plus they've got the passport marks and also they've got the document -- that's what they call it, it's a foreign passport.

Q. Indeed. So what he is saying is that the data that he has given is confirmed by the passport stamps?

MRS JUSTICE GLOSTER: Mr Rabinowitz, at the end of the day

it's what I think this statement means that matters; not, with respect to him, what Mr Abramovich thinks.

MR RABINOWITZ: You see, there is a problem with this, Mr Abramovich, and it's this: if Mr Mochalov is referring to passport stamps, are you able to offer an explanation or try and offer an explanation of how he can say the data confirming that you left Russia on 6 December is confirmed by a Russian passport stamp? Because we've seen that there is no exit stamp on 6 December for you from Russia.

A. Here he is referring to the automatic system of data collection and registration and also to the passport. If to put this system to one side and only consider the passport, then perhaps your assertion would be correct. But Mr Mochalov, he said that -- he has written that they've got the data and moreover they've got the passport.

Q. Now, the --

MRS JUSTICE GLOSTER: Mr Rabinowitz, the marks that are referred to at the end of the last sentence of the penultimate paragraph of this letter are not necessarily stamps, are they? They could just be marks. Who knows?

MR RABINOWITZ: Who knows? But in a sense one isn't then helped by this at all because, in my respectful submission, it's difficult to see what other marks he

can be referring to; and if they are stamps, then this suggested this is unreliable evidence again because he cannot say that there was a stamp which confirmed the other evidence because there isn't a stamp.

MRS JUSTICE GLOSTER: But isn't this all submission on the basis of the forensic evidence for me rather than, as it were, you testing out the theory on the witness?

I mean, what can he say that can add to his credibility of lack of credibility on this point?

MR RABINOWITZ: My Lady, I want to put to him what I'm going to be submitting to your Ladyship. It will be said if I don't that I needed to put it to him.

MRS JUSTICE GLOSTER: Well, I'm not sure it will be. You put what you're going to be submitting.

MR RABINOWITZ: Well, I have now put it, so I don't need to take any more time on this.

MRS JUSTICE GLOSTER: Right.

MR RABINOWITZ: Mr Abramovich, in addition to what we have looked at, you have also given evidence on what you say is your recollection of meetings that you had in the first part of December and I want to ask you about some of those recollections, if I may.

MRS JUSTICE GLOSTER: Just before we go there, can you give me the reference again to the passport page that has the omission for 6 December or the passport pages you're



looking at that don't reflect exit from France or entry into Russia.

MR RABINOWITZ: Well, it's difficult to give you a page reference for something which isn't there, my Lady.

MRS JUSTICE GLOSTER: Well, precisely.

MR RABINOWITZ: But it's accepted --

MR SUMPTION: My Lady, they do in fact reflect entry into Russia; I think that's common ground.

MR RABINOWITZ: What is accepted is that there is no French exit stamp for 6 December.

MRS JUSTICE GLOSTER: What, from Le Bourget?

MR RABINOWITZ: That's right. And what is also accepted by Mr Abramovich is that there is no Russian exit stamp in his passport for 6 December: that's at E8, tab 8, page 104 E8/08/104, page 117 in Russian E8/08/117.

Now, my learned friend --

A. May I say something with this regard?

MRS JUSTICE GLOSTER: Yes.

A. In theory there should have been four stamps: exit from Russia, entry to France, exit from France and entry to Russia. I only have two stamps: entry to Russia and entry to France. In other words, I didn't have the stamp when I exited Russia, when I --

MRS JUSTICE GLOSTER: Yes. When you exited Russia --

THE INTERPRETER: I do apologise, that was too fast.

A. I flew out of Russia; I didn't have the stamp.

I arrived to France --

MRS JUSTICE GLOSTER: In the morning of 6 December and you went to Le Bourget.

A. I arrived to France and a stamp was put in my passport.

We were in the area, we didn't leave the airport territory; we had a conversation there and I got back to the plane. My passport wasn't stamped in France.

I arrived to Russia, I got a stamp in my passport.

It's the same set of stamps that my wife has in her passport. When I was giving evidence I didn't even know that she was with me, so I just simply didn't remember that.

MRS JUSTICE GLOSTER: Okay, thank you.

MR RABINOWITZ: Just before we leave passport stamps, on the question of Roissy and LB, in your witness evidence you refer to a document at H(A)38, page 99.001

H(A)38/99.001 as indicating that you arrived at

Le Bourget on 6 December 2000. Can I ask you just to take that up, please.

MRS JUSTICE GLOSTER: Roissy is Charles de Gaulle, isn't it?

MR RABINOWITZ: I'm not sure it is.

MRS JUSTICE GLOSTER: It is according to the internet.

I mean, whether that tells you anything or not --

MR RABINOWITZ: But if it's got "LB" after it -- it's an

area.

Mr Abramovich, can you look, please, if you have that, at the stamp just above the divide on the right-hand side.

MRS JUSTICE GLOSTER: Mr Rabinowitz, before we go there, whether the initials "LB" signify Le Bourget or not has to be a matter of record, doesn't it? I mean, somebody must be able to --

MR RABINOWITZ: What I'd like to ascertain is whether Mr Abramovich has been relying on "ROISSY-LB" to say that he arrived at Le Bourget.

MR SUMPTION: My Lady, I can accept, notwithstanding what I said earlier, that "ROISSY-LB" is the stamp that is applied at Le Bourget because --

MRS JUSTICE GLOSTER: So your evidence is wrong, Mr Sumption?

MR SUMPTION: What I said earlier was wrong; that's quite right. That must be so because when one looks at the 6 December stamp and everybody agrees that the entry was at Le Bourget -- indeed the arrival of his plane is actually recorded at the beginning of the tape -- one can see that "ROISSY-LB" --

MRS JUSTICE GLOSTER: Is Roissy-Le Bourget rather than Charles de Gaulle, yes.

MR SUMPTION: -- must be Le Bourget, even though it's not at

Roissy. I apologise.

MR RABINOWITZ: Which is, of course, precisely the point I was making.

MRS JUSTICE GLOSTER: Fine. Okay, well, I'm clear now anyway.

Mr Rabinowitz, it's clear that the stamp on page H(A)38/99.001, dated 6 December, is the entry stamp for Roissy-Le Bourget on 6 December 2000.

MR RABINOWITZ: I took your Ladyship to that simply to identify that "ROISSY-LB", contrary to what Mr Sumption suggested, is Le Bourget.

Now, I want to move to the final part of your evidence which seeks to establish that you could not have met Mr Abramovich in Cap d'Antibes in the period 7 to 9 December, and can we begin by looking at what you said about this period in your third witness statement. Can I ask you, please, to go to bundle E1 at tab 3, please, and go to page 216 in the Russian E1/03/216, 114 in the English E1/03/114.

At paragraph 261 you are dealing with the period 7 to 9 December and what you said here was that:

"... upon returning to Russia after the meeting at Le Bourget airport on 6 December, I remained in Russia for the entire period through to 2 January 2001. I was in Moscow from 7-9 December..."

And, as we see here, at this stage what you recall during this period, 7 to 9/10 December, is an official meeting with Mr Alexander Nazarov and President Putin around 9 or 10 December. Do you see that?

A. Yes. I said in the witness statement, "I think I had the meeting", but this is what Mr Nazarov was saying. I think I don't say this in other witness statements.

Q. What you say is:

"... (as I recall I was at an official meeting with Mr Alexander Nazarov and President Putin around 9 or 10 December)..."

So this statement was based, according to your witness statement, on your own recollection, Mr Abramovich.

A. No, it wasn't based on my recollection; it was based on what Mr Nazarov said to me. He remembered that we had a joint meeting together. He didn't remember what date it was; I think it was 9th or 10th. But if we look at other witness statements -- at my other witness statements, it might be described differently.

Q. Well, it is, and that's the point, Mr Abramovich.

I want to start by looking at what you said here.

At this stage you were saying that it was, as you recalled, a meeting with Mr Nazarov and President Putin. Was that simply wrong? Was it not a recollection of

yours?

- A. I said, "as it seemed to me"; I'm not saying that I'm asserting it. This is what I recall. Mr Nazarov said that we had a meeting and explained to me that was the 9th or the 10th and it turned out that it wasn't to be the case. And so in my other witness statements I've taken that into account and I've described it in more detail, more precisely.
- Q. Let's look, if we may, at your next witness statement to see how this deals with this: bundle E5, tab 11. It's at paragraph 106, please E5/11/45.

MRS JUSTICE GLOSTER: Page?

MR RABINOWITZ: Page 45, paragraph 106. Page 121 in the Russian E5/11/121. You say here:

"With the help of the members of my team who assisted me during the gubernatorial elections in Chukotka, I am now able to reconstruct in greater detail the events of December 2000."

You say that you're:

"... absolutely certain that [you] did not leave Russia during the period of 7 December... through 2 January 2001..."

And then if you go, please, to paragraph 108, you deal with the period of 7 to 10 December and you deal with this specifically. What you say again, as regards

this period, is:

"As I am reminded by Mr Alexander Nazarov ([who was the] former Governor of the Chukotka Autonomous District), the two of [you] met with President Putin on 9 or 10 December. That meeting was also attended by Mr Konstantin Pulikovsky who was at the time the authorised representative of the President of the Russian Federation for the Far Eastern Federal District. At that meeting we discussed the upcoming elections..."

So it's clear, first, that you identify only one meeting that you say you have in this period; that's correct, isn't it?

- A. In my subsequent witness statements I'm saying that Mr Nazarov was incorrect: that meeting didn't happen, it happened earlier. And this is based on Mr Nazarov's words, I read -- what I'm saying in this witness statement. It seemed to him that we met on the 9th or the 10th but that meeting didn't happen. And I was trying to ascertain the date and for every date I was trying to give maximum detail and everything that I knew I was trying to reflect in my witness statement.
- Q. So, just to be clear, having said there was this meeting in your first witness statement and that you recalled it, you then say you spoke to Mr Nazarov and he recalled more detail about it and that is what you then

identified as the only matter that you say you can rely upon for showing you in this period to be in Moscow, but you accept now that what is said at paragraph 108 is incorrect. Is that right?

A. I do not agree for a number of reasons. First, to do -- paragraph 261, you're saying that I was asserting in my witness statements. I didn't assert; as I said, it seemed to me.

And secondly, in my second witness statement I am saying that I am quoting Mr Nazarov; I myself do not recall it. In subsequent witness statements we are discussing that the meeting did happen; most likely it happened earlier. That meeting with Pulikovsky and Nazarov and the president did happen, but I cannot assert the date. It's most likely it was the end of November.

Q. Can you please just go to your commentary on Le Bourget at E6 -- well, you had better go to E7, tab 1, page 156 (sic). In E6 it's at E6, tab 1, page 62 E6/01/62. You see, in your commentary, E6, tab 1, page 62, in the English at box 159 --

A. Is it possible to show it to me in the Russian text, to quote the Russian text pagination?

MR RABINOWITZ: I did give that to you: it's at E7, page 156, I hope. We're looking at box 159.



Mr Abramovich, are you on page 56? I think I may have said 156 but you should be on page 56 of E7 E7/01/56. Yes?

Now, you see in your commentary to Le Bourget you talk about communication you had with President Putin on 9 or 10 December in Moscow.

A. Mm-hm.

Q. And this appears, does it not, to be a reference to the same meeting that you were referring to in your third and fourth witness statements?

A. Sorry, could the question be posed again? From my commentary it's clear that that meeting was on the 9th?

Q. This suggests, does it not, again that you were saying here that you met President Putin on the 9th or 10th?

A. Could I read it, please, and then I'll comment.

MRS JUSTICE GLOSTER: It's quite far down the commentary. In the English it's on about the fourth page of the commentary to box 159. (Pause)

A. Yes. Yes, I've read it. If I understand correctly, we were submitting Le Bourget transcript at the same point when the third witness statement was submitted, so everything I knew at that point in time, it's reflected either here or there. But this is based on what Mr Nazarov told me and he said he's got diaries and he shall find them, but he couldn't find anything and his

assistant also couldn't find any -- didn't find any records.

MRS JUSTICE GLOSTER: So you're telling the court now that you think you had the meeting with Putin at the end of November sometime?

A. This is only a reconstruction. I cannot assert the dates. If we interpolate all the schedules when I was in Moscow and when the president was in Moscow, then only 29 November would work, but I cannot say that I can recall the date for sure. It definitely was not the 9th or the 10th because the president wasn't in Moscow.

MRS JUSTICE GLOSTER: Yes, I see.

MR RABINOWITZ: But, Mr Abramovich, it's fairly clear from what you are saying that you do not have a clear recollection of who it was you met in this period, in early December 2000.

A. That's exactly what I'm saying: I do not recall. This is only based on the documents.

Q. And just on that, you were translated as answering the question from my Lady as saying that all of this is a reconstruction. You say:

"I cannot assert the dates. If we interpolate all the schedules when I was in Moscow..."

What were you referring to when you were referring here to "schedules" which showed when you were in Moscow

and when you weren't?

A. Sorry, that's the word I used. These are not schedules. Perhaps the word "schedule" or "chart" could be used. When I was in Moscow and when the president was in Moscow, if you can put these -- what would you call it? -- schedules, dates, if you put them together, then, yes, there would have been a theoretical possibility: only the 29th. It's just a figure of speech, the word "schedule".

Q. Now, more recently, as you've suggested, when I think it had become clear that you couldn't have met President Putin on the 9th or 10th because he was not in Moscow, you have now given evidence that in fact you saw certain other individuals, including Mr Davidovich, Mr Zurubov and Mr Adamov in Moscow and I'd like to ask you about that, if I may.

A. Yes, but again it's only based on reconstruction. I myself do not recall this.

Q. Okay. Let's just see what evidence you are relying on here and I appreciate you telling the court that you don't remember this.

Can you go, please, to your sixth witness statement and first go to paragraph 14: that's at bundle E8, tab 8, page 106 in the English E8/08/106 and page 119 in the Russian E8/08/119.

At paragraph 14 you say:

"[You've been] reminded by Mr David Davidovich that [you] met with him that day in Moscow to discuss the delivery of vehicles of the make 'Gazel' (which were vans to be used as transport) to Chukotka."

I think you accept that you have no recollection of this, but it's your evidence that Mr Davidovich remembers this from some 11 years ago; is that right?

A. I remembered the story with these Gazels because that was quite an unusual one. If I may, I can tell it, if it's important.

Q. Well, we will come to it shortly but I just want to ask you a few questions first about Mr Davidovich, if I may.

Mr Davidovich is a close associate of yours, is he not?

A. Yes, one could say that.

Q. Well, he is the executive director of Millhouse LLC; correct?

A. I think so.

Q. And it's right, is it not, that he's been sitting in court on a number of days during these proceedings?

A. Yes, and he is in the courtroom now as well, as we speak.

Q. And he is a close and trusted friend of yours?

A. Yes.

Q. Now, even assuming that Mr Davidovich was trying to be impartial about this, given how long ago it was, you would accept, I take it, that Mr Davidovich could be wrong about the date of the meeting?

A. I cannot accept it and, if I may, I shall explain.

MRS JUSTICE GLOSTER: Yes, you may explain.

A. There are two aspects to the story. I have asked to organise vehicles for Chukotka and any person who never visited Chukotka would think it was just some territory with a road network. And when the vehicles would be crossing the tundra and if there is snow or a snowstorm, we had big red crosses on them, on the vehicle roofs, so as to be seen from the helicopter in case anything happens from the vehicles. There is no road network in Chukotka; it's only helicopter transport. One can only move by car in small towns. Therefore that was just not necessary; that was an extra.

Mr Davidovich, having spoken to me, left for Nizhny Novgorod to work on these vehicles -- there was some mistake about these red crosses -- and he arrived there on the 7th, after our conversation with him. We'd spoken with him in the office and he arrived there and in the hotel it was -- he was checked in in the hotel. So basically it's only a reconstruction, of course I don't recall what date it was; and retroactively,

looking back, it works out that it was on the 7th. This is all I've got to say.

- Q. Well, can I ask you this. Let's proceed on the basis that Mr Davidovich is right that he went to -- I think he went to the Hotel Volna in Nizhny Novgorod from 7 December onwards.

It doesn't follow, Mr Abramovich, that your conversation with him had to have been on the 7th; it could have been on the 6th, it could have been on the 5th, just to give two examples. That's right, is it not?

- A. I disagree. Yes, one can make such an assumption. It's hard to speak about the 6th because I was in France. But overall in our organisation it was the following way: if I asked for something to be done and it's not done, that would have been unusual. I really needed these vehicles to reach Chukotka as fast as possible because there was no transport there whatsoever. So my assertion that he left on the same day as soon as I spoke to him, especially as the flight was only about 30 minutes long, this is what I assert.

- Q. But do you accept that you have no recollection about it?

MRS JUSTICE GLOSTER: Just a second. Sorry, what flight is only 30 minutes long?

A. The flight between Moscow and Nizhny Novgorod, where these vehicles are being manufactured. I indeed have no recollection in this regard and it would be wrong to say otherwise. This is pure reconstruction. I remember the story with the vehicles and I certainly do not remember the date.

MR RABINOWITZ: Mr Davidovich stayed at that hotel, didn't he, for six months?

A. Yes, he did, Mr Davidovich stayed there for six months. Moreover, he even started to work for them because after that we've bought it, bought the factory.

Q. He would have been making plans ahead for his visit to that hotel in Nizhny Novgorod; he wouldn't have made a reservation on the 7th and flown out on the 7th?

A. That is a factory hotel. He would not have -- it's not a city hotel. And Nizhny is not a very frequented town; it's an industrial town.

Q. Mr Abramovich, what I'm suggesting to you is that you have to accept that it must at least be possible that your conversation with Mr Davidovich before he left for Nizhny Novgorod could have been on 5 December and didn't have to be on 7 December.

A. I rule out this possibility based on my own knowledge and recollection, but if you think that that could be possible -- well, usually in our organisation the way

the organisation is built is that decisions are executed immediately, asap.

- Q. I want to ask you next about the meeting you suggest you had with Mr Adamov, the minister of atomic energy, which you deal with at paragraph 18 of your witness statement E8/08/106. This is a meeting you say you had on 8 December.

Now, again, you have no recollection of this meeting either, as I understand it?

- A. Yes, I remember that there was a meeting but I don't remember the date of the meeting.
- Q. But you say Mr Adamov has told you that you met him on the afternoon of 8 December to discuss questions relating to the Bilibino power station?
- A. Yes.
- Q. And you say that Adamov is certain that your meeting took place on 8 December because he apparently was not in Moscow on 9 December. Is that right?
- A. Yes, I agree. He left for Bishkek on 8 December to give a honours document to the Bishkek president from the president of Russia and there was some inauguration and he left in the evening.
- Q. So he left in the evening on the 8th. But, Mr Abramovich, you give no reason to explain why Mr Adamov is sure, some 11 years on, why the meeting



must have been on 8 December rather than, for example, on a date shortly before then.

A. Did I understand the question correctly: how can I assert that the meeting happened on 8 December and not before that?

Q. Yes.

A. I cannot confirm it myself. This is only based on his words. He went to the ministry, he went through the documents and that's what he was able to get out of -- fish out of there.

Q. Can we just look at what Mr Adamov in fact says. We have the letter from Mr Adamov at bundle L(2011), volume 29, page 253 in the English L(2011)29/253, 252 in the Russian L(2011)29/252. I think it will come on to your screen.

It hasn't yet come on to Mr Abramovich's screen.

(Pause)

So he says:

"I have received your request regarding meeting with Mr Abramovich on 8 December..."

Just pausing there, someone appears to have asked him about a meeting on 8 December. Can you explain how --

A. Would it be okay to see the whole letter, please?

MRS JUSTICE GLOSTER: There's a problem with the computer

display functionality. (Pause)

MR RABINOWITZ: What about getting it on the smaller screen?

MRS JUSTICE GLOSTER: I can get the Russian on my smaller screen: it's just one page back from the English.

MR RABINOWITZ: Can you just read that letter to yourself, please. (Pause)

You see that Mr Adamov explains that "[his] work diary at that time was maintained in Outlook", but he says that "no copies of any entries still exist". Do you see that?

A. Yes, I do.

Q. And he then says:

"... there are known dates of certain events which I remember very well."

And he identifies some of those things which he says he remembers very well: meeting the president of Kirgizia. Having said that, he just says:

"Prior to my departure to... (Kirgizia) Mr Abramovich asked me for a meeting, since he had to go to Chukotka himself. My recollection is that this meeting did actually take place on 8 December 2000."

So, again, Mr Abramovich, I suggest that one is none the wiser at all about what it is that Mr Adamov says he is relying upon in order to come up with a date of 8 December. He doesn't seem to suggest there's any

documents he's looked at at all.

A. These are his recollections. I cannot help you. If this is not enough, this is all I was able to do in this regard.

Q. You see, I suggest that Mr Adamov simply doesn't explain how, over 11 years ago, he can remember that the meeting was on 8 December as opposed to another date.

MRS JUSTICE GLOSTER: I think the witness has given his answer.

MR RABINOWITZ: I think he has.

MRS JUSTICE GLOSTER: He can't comment. And at the end of the day, it's a matter for me to address the validity or the value of this evidence, isn't it?

MR RABINOWITZ: Let's look at paragraph 20 of your witness statement: page 107 in English E8/08/107, page 121 in the Russian E8/08/121. Bundle E8 we're still in.

Here you are talking about having been reminded by Mr Zurabov that you met with him on 8 December and you specifically say that you had not remembered it, that is to say when the meeting took place. E8.

A. Yes, I did not remember it. Initially we thought to meet -- we were going to meet at the State Duma because he was going to speak at the Duma, but because there was a rumour that perhaps a terrorist act could be organised, an explosion, I went to sort it out. So the

meeting happened, as I can recall, in our offices after his speech.

Q. You see, in your witness statement, whilst you refer to Mr Zurabov reminding you of this, you give no reason at all why this meeting should have been on 8 December as opposed to some other date.

A. I already said that the meeting had to happen on the 8th, on the day when we were voting -- there was a state hymn issue on the agenda and Zurabov had to speak after lunch with the pension reform presentation and both of us were going to fly to Chukotka together and because it was delayed, we flew by different planes.

So we had to discuss it at some point and, from what I can recall, the meeting happened and, from what I can recall, that happened on the day when the Duma was voting on the state anthem.

MRS JUSTICE GLOSTER: What's the journey time from Moscow to Chukotka by private aeroplane, by private jet?

A. Usual flight -- there are two flight routes, the north and the south one: the north one takes nine hours and the southern one takes 11 hours.

MRS JUSTICE GLOSTER: And that's by private jet? You travelled in private jet, did you, to Chukotka?

A. To Chukotka, yes, we went by charter to Chukotka.

MR RABINOWITZ: Now, can I ask you about the suggestion you

make that on 8 December you voted in the Duma in Moscow.

It's right, isn't it, that in December 2000 you were a member of the State Duma of the Federal Assembly of the Russian Federation as the representative of Chukotka?

A. Yes.

Q. And the State Duma of the Federal Assembly sits in Moscow; that's right, isn't it?

A. Yes.

Q. Now --

A. This is the parliament.

THE INTERPRETER: Sorry, that might have been interpreter's mistake. It's not an assembly, it's a parliament.

MR RABINOWITZ: And the first time that you have claimed that you were in the Duma on 8 December to vote on draft laws about national anthem/flag/crest of Russia was one week before trial in your sixth witness statement; that's right, isn't it?

A. Yes, this is correct. The thing is that initially Mr Berezovsky was asserting that the meeting took place round about Christmastime and then obviously we were trying to focus to understand where I was at that point in time. And with regard to the 7th or the 9th, he changed his opinion not so long ago, so obviously later we started focusing on these dates.

Q. Now, can we just look at what you say at paragraph 17, please. You have it there: E8, tab 8 E8/08/106, in the Russian it's at page 120 E8/08/120. You say that you recall well attending the vote on 8 December and that you were recently reminded of the date of the vote by Ms Ponomareva.

Do you happen to know how Ms Ponomareva recalled this? Was she with you at this time, on 8 December?

A. I cannot say whether she was with me on 8 December but she was overseeing my work in the Duma. So that person was the person who would know, or maybe there was a second assistant: I mentioned her yesterday, I mentioned Ponomareva and Morozova.

Q. There is only one document you have disclosed relating to the Duma session of 8 December and that is the chronicle of the session of 8 December, which you can find at H(A)25, page 162, at 162.003 in the Russian H(A)25/162.003 and 003T in the English H(A)25/003T. H(A)25.

Now, I'm not inviting you to take a lot of time reading through this, but I can tell you that there is no reference in that document to you having been present in the Duma on 8 December.

A. Certainly there was no reference in that document but this is an official registration. I'm certain that it

should have been registered in the Duma and certainly this can be found somewhere, but I didn't recall on what date the voting was held. I remember that I was voting on the anthem and therefore my recollection that I voted and the date on which I voted, in my understanding, that gives us, if not an evidence, then something close to evidence, something close to proof.

Moreover, the story with the police dogs with the bomb, planted bomb in the Duma, also was quite a rare thing and I also recall that story -- or that's happened and I was in the hall when that was announced, when the announcement was made.

Q. Mr Abramovich, you do refer to the story with the police dogs and the bomb, but that is in fact a story which was publicised by way of the transcripts of the Duma session being published online; that's right, isn't it? The fact that that had happened was something that anyone looking at the internet could have discovered.

A. Is the question whether the story about the dogs was publicised, and about the voting on the anthem? Yes, certainly it was.

MRS JUSTICE GLOSTER: It's being put to you that you could have made up this story because the reference to the dogs and the bomb threat was on the website, so it would be easy for you to make up the story without actually

having been there in the Duma at the time.

That's right, Mr Rabinowitz; that's the suggestion that you're making?

MR RABINOWITZ: That's right.

MRS JUSTICE GLOSTER: What do you say about that?

A. I remember that I voted on the anthem, I remember that I was in the Duma and I remember the announcement about the dogs. I didn't know that that happened on the 8th. But if you put all the parts together, then one can make --

MRS JUSTICE GLOSTER: Sorry, you did know or you didn't know that happened on the 8th?

A. I did not know that that was the 8th. But when we started looking...

MRS JUSTICE GLOSTER: Yes.

MR RABINOWITZ: Sorry, you say "when [you] started looking": when you started looking for what?

A. We started looking for where I was on these dates. If I may, I will say a couple of words how this happened.

Q. Please.

A. I asked the secretaries to take their telephone book and ring all their acquaintances that someone -- everyone who knows or remembers something about that time. And bit by bit people started saying what they remember, what they recall; some might have some pictures, some



pictures might have been preserved; and thus we were able to recall these dates.

Q. Mr Abramovich, you voted in the Duma in Moscow on 14 and 20 December when you say you were in Chukotka; that's right, isn't it?

A. No, this is not right. My colleague Zubov voted for me. I passed my card to him. He is ex-governor of Krasnoyarsk Krai and he was sitting on my right.

Q. You gave a proxy card to Mr Zubov and on 14 and 20 December he exercised -- sorry, you gave your own card to Mr Zubov to use as a proxy and on the 14th and the 20th he voted for you; is that right?

A. Yes, that's right.

Q. And there is a record shown in the public records of you having voted in Moscow on 14 and 20 December; that's right, isn't it?

A. I don't know about this. Are you saying is there a record or whether I voted? I didn't vote because my colleague voted for me --

Q. There's a record --

A. -- and I cannot say whether there is a record or there isn't one.

Q. Well, take it from me: there is a record of your vote having been cast.

What we haven't been able to find, however, is any

record of any vote by you on 8 December 2000. Can you perhaps assist as to why that would be so?

A. I'm confident that if it was open vote, that there is registration, and I'm confident that maybe you're mixing things up.

Q. Mr Abramovich, I would just like to summarise our case on the Cap d'Antibes meeting to give you a final chance to comment on it.

First, we say that you originally admitted this meeting, before seeking to change your case. Do you dispute that?

A. No, I do not dispute that. I'm saying that there was a meeting in France, yes.

Q. Second, we say that your own recollection of events, whether or not prompted by a third party, is unreliable and that any evidence you do give is based entirely on reconstruction. Do you dispute that?

A. I'm sorry, I've missed it. What is it based on?

Q. Reconstruction.

A. Yes. Mainly everything is based on reconstruction.

I remember I didn't leave Russia, but everything else is reconstruction.

Q. Third, we say you have notably omitted to produce relevant materials, such as diaries and mobile phone records and credit card receipts, or indeed to ask

individuals to search for that -- I'll leave out the last bit, sorry.

You have notably omitted to produce relevant materials, diaries and mobile phone records and credit card receipts, for the relevant period. Do you dispute that?

A. Sorry, it might have been again an interpreter's error. It sounded like I deliberately didn't produce something. Did I understand the question correctly?

Q. You have failed, whether deliberately or otherwise, to produce these sources of evidence.

A. The evidence that Mr Rabinowitz is talking about, we simply couldn't find them because it looks like they were not preserved.

Q. And fourth, we suggest that the evidence that you have relied upon to try and establish that you could not have been in the Cap d'Antibes in December, and in particular in the period 7 and 9 December, simply doesn't establish that fact. Do you dispute that?

A. This is not for me to choose. I've done all I could in this regard, with regard to submitting evidence.

MRS JUSTICE GLOSTER: Is that a convenient moment?

MR RABINOWITZ: It is.

MRS JUSTICE GLOSTER: Before I rise, there may be a problem about tomorrow because of this demonstration. I'm just

going to have a meeting with the court staff to see what the impact of closing Fetter Lane is going to be, or might be, on all of us tomorrow. So could you come, as it were, prepared to deal with how we're going to get into the building if there's no vehicular access anywhere around. You may need to have to cope with that. That's all.

Okay. I'll let you know further at 2 o'clock.

(1.02 pm)

(The short adjournment)

(2.10 pm)

MRS JUSTICE GLOSTER: Mr Rabinowitz, Mr Sumption, the position for tomorrow is that at present the police are saying it's business as usual. The road will be closed to vehicles, however, from 10.30 am in the morning until the evening but this may change with little or no notice, but in the meantime we should continue business as usual.

The pavement will be open to the public. The march starts somewhere near the LSE around 12.00 noon and it's anticipated that the demonstrators will be coming up Fetter Lane from between 12.30 to 2.00 pm, depending on the numbers. Apparently the number of protesters will be in the region of 5,000 to 10,000. That's what's anticipated.

The problem will be therefore at its worst over lunch, so if any of you leave the building to go back to chambers or somewhere for lunch, there will be a risk that you may be delayed getting back in. Can you please make your own arrangements so that at least the participators who need to be here in the afternoon will be here and won't get lost in some demo. That particularly goes for Mr Abramovich, if he will still be in the witness box tomorrow, and Mr Rabinowitz and somebody at least from your team, Mr Sumption.

If you would like me to start at 10 o'clock, with a view to perhaps rising at 12 o'clock, I'm happy to do that; but it seems to me that that may make it worse, it may make it better.

MR RABINOWITZ: I think we can cope with arranging lunch.

MR SUMPTION: If your Ladyship starts at 10.15 as usual, I'm sure we will find a way. Mr Rabinowitz's armoured cars will then be able to arrive outside without let or hindrance.

MRS JUSTICE GLOSTER: Right. Well, if we start at 10.15, that should be all right and that should give you time to get away. But I think that there will be, as I said, a problem at lunchtime if anybody leaves the building.

Very well. Yes, Mr Rabinowitz.

MR RABINOWITZ: Mr Abramovich, you deny that you were at any

meeting at Cap d'Antibes in December 2000 but I'm going to give you a chance to comment on Mr Berezovsky's evidence as to what occurred at that meeting, should you wish to comment.

Mr Berezovsky says that you told him at this meeting that you were there as a messenger from the Kremlin. You dispute that, do you?

A. Yes, I dispute that. Should I comment after each of your statements or should I listen to the end of the sentence or the paragraph?

Q. It's probably better if you do it at the end of each sentence.

Mr Berezovsky also says you told him and Mr Patarkatsishvili that you were there at the specific request of President Putin and Mr Voloshin and that he and Mr Patarkatsishvili had to agree to sell their interests in ORT immediately. Do you accept that?

A. Are we discussing just the alleged meeting on 7 December, do I understand it correctly, or are we discussing a possible discussion?

Q. We're discussing what Mr Berezovsky said happened at Cap d'Antibes.

MRS JUSTICE GLOSTER: Can we be clear about the date. The date that Mr Berezovsky is putting forward is between the 7th --

MR RABINOWITZ: The 7th and the 8th, I think he said. He said the 7th or the 8th.

Do you want to comment on the second of those parts of the evidence?

A. On the 7th or the 8th, on either 7th or 8th December I was not in Cap d'Antibes, so everything that we discuss later will follow from this statement.

Q. All right. Perhaps then it will be quicker if I just read to you the remaining parts of what Mr Berezovsky says you told him --

MRS JUSTICE GLOSTER: Just a second. Mr Rabinowitz, in the agreed chronology that has been provided to the court recently, the dates upon which Mr Berezovsky alleges the meeting in Cap d'Antibes occurred were the 7th to the 16th. Has that been modified to just the 7th or the 8th?

MR RABINOWITZ: I think Mr Berezovsky's evidence was that it was the 7th, the 8th and perhaps he said the 9th as well, and it's on that basis --

MRS JUSTICE GLOSTER: Right, so I shall delete that. Only I need to be clear.

MR SUMPTION: My Lady, it's also been conceded in correspondence that it couldn't have occurred after the 10th.

MRS JUSTICE GLOSTER: So it could have occurred on the 10th?

MR SUMPTION: Well, the position in correspondence is that it could not have occurred after the 10th. The position on Mr Berezovsky's evidence is that he says that he believes that he recalls it occurring on the 7th but it could have happened on the 8th.

MRS JUSTICE GLOSTER: Yes, thank you.

Well, you heard that, Mr Abramovich: those are the possible dates that you're being asked to address.

MR RABINOWITZ: So it will be quicker, if your answer is simply going to be, "I wasn't there on the 7th or the 8th", if I can tell you everything he says and then you can just, if you want, comment on it.

He says you told him that if they did not sell their shares at the price you specified, then Mr Glushkov would be in prison for a very long time. He says also that you said that if he agreed to sell, Mr Glushkov would be released. And he says that you also said that if they did not sell the shares, President Putin would seize them in any event.

And finally Mr Berezovsky says that you told him that you would pay \$175 million but that you would deduct \$25 million for money you had spent on President Putin's campaign, so that while Mr Berezovsky had previously thought he would be getting \$175 million from you, you reduced this at the last minute to



\$150 million.

Now, there are two more bits and I'll read them and then you can comment.

Mr Berezovsky says that he had decided that he would be willing to hand over ORT, if this would secure Mr Glushkov's release, as soon as he heard of Mr Glushkov's imprisonment; but that at this meeting with you, he understood that he was being blackmailed and that the promise of Mr Glushkov's release was being held out in return for the sale. And Mr Berezovsky says that he said to you at the end of the meeting that he felt betrayed by you and that he never wanted to see you again.

- A. It was difficult for me to remember all of that. So, if I may, I'll concentrate on two statements that, in my view, are senseless, nonsense.

On the one hand, according to Mr Berezovsky, I asserted that if he sells me shares -- so I was ready to pay for the shares -- then Mr Glushkov would be released from custody. On the other hand, I was also saying, allegedly, that if he sells the shares to me -- sorry, if he doesn't sell the shares to me, they would be confiscated anyway.

In my view, this is not entirely logical. In other words, I wanted these shares for myself; but everything

we heard and everything we discussed in Le Bourget points to the fact that it wasn't my idea to get these shares for myself. This is my guess, my assumption; I don't want to assert it.

Apart from that, I wanted to say that everything that Mr Berezovsky alleges is not true on this point.

- Q. It wasn't your idea to get these shares for yourself; you were in fact doing it because President Putin and you discussed that you would get these shares from Mr Berezovsky. That's right, isn't it?
- A. I didn't quite understand the question. Is the question whether I discussed with President Putin that I would get these shares? Yes, I did discuss.

MRS JUSTICE GLOSTER: No, that's not the question.

MR RABINOWITZ: The reason you were acquiring ORT was because President Putin wanted Mr Berezovsky to give up the shares in ORT and you were assisting President Putin in achieving that end?

- A. President Putin didn't want the shares. It wasn't the shares that he wanted. He wanted Mr Berezovsky and Mr Patarkatsishvili to leave management of the company and relinquish control, stop influencing the content of the programmes. The papers in themselves weren't that necessary.

And in my evidence I'm explaining that ORT is

a rather bizarre organisation. The essence of the company is a licence, it's based on a licence. It was easy to take that licence and give it to any other organisation. The broadcasting licence did not belong to Mr Berezovsky. He held only 49 per cent of ORT.

So, in the end, the situation might have developed in the following way: the licence might have been transferred to another company and Mr Berezovsky might have kept the shares. So, to avoid that, Badri talked me into buying these shares.

MRS JUSTICE GLOSTER: So what do you say is the reason for your purchase of the shares in ORT? Because Badri asked you to do so? Because of President Putin's concern about Berezovsky? What do you say was your reason for buying the shares?

A. I had two reasons. Number one, I was associated closely with Mr Berezovsky, I was like a shadow of Mr Berezovsky, so if at some point he wouldn't calm down and if he didn't stop using ORT in his fight with the government, I would suffer personally and most importantly Sibneft as a company would not be stable.

Secondly, Badri understood that very well: he understood that sooner or later this would come to a sorry end. Badri understood that and he was persuading me, talking me into acquiring the shares;

then Boris would calm down and then we'll see what should be done with it. Initially, from the very first discussions, we discussed that I would acquire these shares, I would hold them for a while; and later, when it all settles down, he'll take them back. However, this option was forgotten very soon.

MR RABINOWITZ: Mr Abramovich, in answer to the previous question, you explained that:

"President Putin didn't want the shares. It wasn't the shares that he wanted. He wanted Mr Berezovsky and Mr Patarkatsishvili to leave management of the company and relinquish control..."

So President Putin didn't want the shares, but what he did want was for the shares to be taken away from Mr Berezovsky and Mr Patarkatsishvili; that is right, isn't it?

A. Well, "taken away", I don't quite understand this word. Do I have to confirm that I took them away? I didn't take them away; I paid for them.

Q. Well, allowing for the fact that you paid for them, President Putin did not want these shares in the hands of Mr Berezovsky and Mr Patarkatsishvili and that is why, at the behest of President Putin, you bought the shares from Mr Berezovsky and Mr Patarkatsishvili?

A. Mr Putin did not task me with buying the shares. You

can see it from Le Bourget transcript and I'm explaining it: he says, "It's your personal business, please don't bring me into that".

Q. Did President Putin think that you were associated with Mr Berezovsky?

A. From what I know, yes, he did.

Q. Why did President Putin think that you were associated with Mr Berezovsky?

A. Everybody knew that. Everybody knew I was linked to him. It was an absolutely obvious thing.

Q. Now, can we next just look at your third witness statement: bundle E1, tab 3, page 209 in the Russian E1/03/209, 107 in the English E1/03/107. It's paragraph 238. Can I ask you to read the first sentence of paragraph 238 to yourself, please. (Pause)

A. Perhaps I'm looking at a wrong paragraph. 238, third witness statement? It's not really about that.

Q. No, it's about the acquisition of the ORT shares. It should begin, "In the end, therefore"; yes?

A. Yes. (Pause)

I've read it.

Q. And so you say here that at Le Bourget you agreed that the shares in ORT would be sold for a minimal amount of \$10 million and you say that afterwards there would be a side payment of \$140 million and you say that you

added a further \$14 million as half of the so-called commission.

But, of course, although you were negotiating with Mr Berezovsky and Mr Patarkatsishvili, they did not themselves own all of the 49 per cent of ORT which was privately owned, did they?

A. Are you asking me whether the shares were registered in their names or what are you asking? I didn't quite catch it. What do you mean "they did not themselves own"? They were registered as held by companies that belonged to them, as far as I remember.

Q. It's common ground that immediately prior to the sale of ORT, Mr Berezovsky and Mr Patarkatsishvili owned 38 per cent of ORT through a company called ORT-KB; that's right, isn't it? I think we've seen this yesterday.

A. Yes, yes.

Q. And Logovaz owned a further 11 per cent; that's right as well, isn't it?

A. Yes.

Q. Can I ask you, please, just to look then at your fourth witness statement: bundle E5, tab 11, page 28 in the English E5/11/28 and the reference is 102 in the Russian but that sounds like it may be wrong E5/11/102.

MRS JUSTICE GLOSTER: What paragraph, please?

MR RABINOWITZ: Paragraph 59.

In this paragraph, Mr Abramovich, about eight lines from the end, you say that you recollect that you called Mr Dubov at the end of December 2000 and that you informed him that you and Mr Berezovsky and Mr Patarkatsishvili "were closing the ORT deal". Do you see that?

A. Yes.

Q. And you told him this because you thought he was still the general director of ORT? Sorry, of Logovaz, not ORT. The reason you informed Dr Dubov that you were acquiring these shares is because you thought he was still the general director of Logovaz, which held 11 per cent of the shares?

A. I cannot assert that at that time I thought that Mr Dubov was director of Logovaz. Mr Dubov was the only person I knew in Logovaz.

Q. And you thought he was in a position of authority at Logovaz?

A. Do I understand correctly that we're talking about his authority? I didn't know if he had any authority to sign documents or not. He was just the only contact I had in Logovaz. But it can be assumed that he had certain authority. Whether he was director general or

not at that time, I did not know.

Q. And this was the first time that you had discussed with Dr Dubov the sale of these shares; that's right, isn't it?

A. Yes.

Q. And he said to you that if you told him how much you wanted to pay for the shares, he would pass that on to Mr Frolov; that's right, isn't it?

A. I don't remember this. The thing is I don't know Mr Frolov, I've never seen him, and I don't remember this conversation at all. I do remember that I telephoned him but I can't say that he mentioned Mr Frolov; I could not assert that.

Q. But you could not dispute it either; is that right?

A. It's true, I can't. I can't dispute this either.

Q. You expected Logovaz to hand over the shares for nothing; is that right?

A. For nothing? That I was not going to pay anything? No, I didn't expect that. I think we agreed on nominal price.

Q. And the reason you expected Logovaz to hand these shares over for a nominal price is because you knew that Dr Dubov was also a friend of Mr Glushkov; that's right, isn't it?

A. That's absolutely not right. I had no idea that



Dr Dubov was a friend of Mr Glushkov.

Q. As for why you called Dr Dubov, that is explained in this paragraph of your witness statement: you called him because you had told President Putin that the agreement to acquire ORT would be finalised by the end of the year?

A. Yes, this is possible. Only I don't understand why I telephoned Dr Dubov and how that is connected.

Q. You telephoned Dr Dubov because 11 per cent of the shares were held by Logovaz and you needed those 11 per cent of the shares to be sold before the end of the year?

A. With all my respect to Dr Dubov, he certainly couldn't have taken such a decision himself in Logovaz. Rather his position was director general, I don't even know what his position was called at that time, but he could not have taken such a decision single-handedly. Badri had to instruct him.

If I just called him and asked him, and if you're asking me whether he could have taken that decision on his own, without seeking approval of the shareholders, the answer is: of course not.

Q. Do you say you told Dr Dubov of the importance to President Putin of having the sale completed by the New Year?

A. Of course not.

Q. You had promised President Putin to get the deal done by the end of the year; that's right, isn't it?

A. Even if I had promised, I would not have told Dr Dubov about the details of this conversation. So this is -- my main contention is this: that there's no link.

MRS JUSTICE GLOSTER: Well, did you promise?

A. I can't agree with the word "promised". Well, I promised that once the deal is closed, I would inform him. I don't remember if I told him that directly or via Mr Voloshin. But I did say: when I finish the deal, I will inform.

MRS JUSTICE GLOSTER: Did you tell President Putin or Mr Voloshin that you would close the deal by the end of the year?

A. My feeling is that I might have said that, I could have said that, but I cannot be completely certain that I said, "By the New Year I will close it". But it is possible. In fact, I must have given him a date, I must have given him the date that I'm planning to conclude it by that date; but whether it's linked to the New Year, perhaps.

MR RABINOWITZ: Well, in fact, Mr Abramovich, your evidence in paragraph 59 suggests that that is precisely what you had said to President Putin. You said you had "informed

[him] of the finalisation of the agreement to acquire [the] shares before the end of the year", and you wanted to ensure that it was in hand before you left Moscow before the end of the year.

MRS JUSTICE GLOSTER: Well, that's not quite the same, Mr Rabinowitz, as promising President Putin that he would conclude the deal by the end of the year.

MR RABINOWITZ: Well, I was picking up on your Ladyship's question, which was: did you tell President Putin that you would close the deal by the end of the year?

MRS JUSTICE GLOSTER: Right, okay.

MR RABINOWITZ: And that is why, because you had told President Putin that you would get this done by the end of the year, that you were pressing Dr Dubov to finalise the arrangements for the sale; that's right, isn't it?

A. I've already said that in my eyes, Mr Dubov, with all my respect to him, he's a very good man. He was not a party to negotiations so I could not have put pressure on him; there simply wasn't any reason for me to do so. Most importantly, however much pressure I might have put on him, he would not have done anything without instructions from Badri.

Q. Can we then turn to the question of what you did do with the 49 per cent of ORT after you acquired it.

It's your evidence that at no time did you cede

control over any part of your stake in ORT to the Russian government; that's right, isn't it?

A. Yes, that's right.

Q. In fact --

A. Did I understand the question: we're talking about the shares?

Q. The shares. But in fact, Mr Abramovich, the truth is that you allowed the Russian government to control ORT, so that it ceased to be an independent channel; that's right, isn't it?

A. No, we must understand what we're discussing. Are we discussing the shares or was I interfering with the content of the programmes? I never interfered with the content of the programmes and I never transferred or handed over any shares.

What is an independent channel? The controlling stake had always belonged to the government. The director general who was in that position prior to my acquiring the shares was the same after I acquired the shares; he's there to this day. The same director general was in fact, I think, employed by Mr Berezovsky at one time, or at least he was nominated to the president by Mr Berezovsky.

I don't understand how I was meant to demonstrate the independence of the channel.

Q. Mr Abramovich, your evidence earlier had been that what President Putin wanted was for Mr Berezovsky and Mr Patarkatsishvili to cease to control the channel and that is why you had got involved in acquiring their shares.

Once you had acquired the shares, you allowed the Russian government to control ORT, so that it ceased to be the independent channel it had been under Mr Berezovsky's control; that is right, is it not?

A. Of course not. Mr Berezovsky, through Mr Patarkatsishvili and directly, worked with the journalists, told them what should be broadcast, where to get material, et cetera et cetera. Naturally I never did that.

Besides, it was never my purpose. That's why I didn't really want the shares. They have no value to me and in my hands. That's why I didn't want to acquire them initially.

Q. You did not yourself appoint any representatives to the ORT board, did you?

A. I think for a while Badri was a representative there and then I think Yakov Rusin, the same -- I don't really remember very well, but I think exactly the same man who represented Mr Berezovsky. But later I think our lawyers were on the board; I don't remember.

But to be quite honest, I didn't care at all about it; I wasn't interested.

Q. In fact you made clear that you would not be taking any active part in the TV company's operations; that's right, isn't it?

A. Again, what do you mean by saying "TV company's operations"? Would I interfere in the content of political programmes? I have no opinion to express, I have no wish to express it. I had other things to do. So at that level of course I never interfered.

The question -- if you ask me whether I handed over the shares ever; no, I didn't. This is my property. Programme content, I am not interested in that.

Q. Let me show you some evidence on this so that you can have the opportunity to comment. Can you go, please, to bundle H(A)61 at page 70 H(A)61/70.

Now, it's a report -- as you can see, it's in English -- by the internationally respected Committee to Protect Journalists and it dates from 2001; you'll see that if you look at the reference from the internet. If you go to page 74 H(A)61/74, what is reported here is this -- I'll read it to you, it's not a very long extract -- just below the picture on page 74:

"The fate of the national television channels ORT and NTV should also be decided in the course of 2001.

In February 2001, Berezovsky sold his 49 percent stake in ORT to the Kremlin's new favourite oligarch, Roman Abramovich, who immediately announced that he would allow the Kremlin to name all 11 members of the ORT board. Immediately, the Kremlin announced it would appoint Lesin, Putin's chief of staff Vladislav Surkov, and three other senior officials to the board. In short, ORT has now joined RTR as a wholly state-controlled television network."

Do you wish to comment on that?

- A. I don't understand what it is that I'm expected to comment. Whether it became a state channel from the point of view of share ownership? No, the director general remained the same. As for the board of directors, if I remember correctly, 11 government officials were meant to be appointed and then they changed their mind and they appointed other people, public figures. The most important thing is that the state had always held 51 per cent.
- Q. It may have held 51 per cent but what had always worried President Putin was that Mr Berezovsky had, in effect, exercised control over this channel, but I don't think I'm going round that one again.

Now, why did you not want to appoint directors to the board of ORT to protect your investment?

A. At some point we did appoint some directors. In order to appoint someone, you need to put a list of nominees beforehand to the AGM. But to be quite honest I did not take part in any management matters and I said straightaway, and I repeat again, that this investment in terms of business was not of any to me at all. Doing this, I was saving my other business and I was helping Mr Berezovsky and Badri. ORT's shares themselves were of no interest to me at all and I never planned to acquire them.

Q. Can I ask you, please, to go to bundle H(A)29 at page 33 H(A)29/33. This is a report in the Moscow Times of 6 February 2001 and it refers to the fact that you had acquired the 49 per cent stake in ORT. There is a quote from someone saying that:

"'Roughly speaking... [you had] paid off Berezovsky on behalf of the Kremlin,' said the source close to Abramovich."

And then it has this halfway down:

"Last week, the government announced plans to nominate all 11 members of ORT's board. Interfax reported that Berezovsky's representatives -- including his long time proxy at ORT, Badri Patarkatsishvili, daughter Yekaterina and favourite anchor Sergei Dorenko -- will be replaced by Deputy Prime



Minister Valentina Matviyenko, Press Minister Mikhail Lesin, Culture Minister Mikhail Shvydkoi and President Vladimir Putin's deputy chief of staff, Vladislav Surkov."

That is an accurate report, is it not, as to what the government had announced?

A. I've already said at some point the government did indeed plan to appoint 11 of the 11 possible members of the board, but later they gave up that plan.

Q. Now, I want to leave ORT behind.

Mr Berezovsky says that after you had met in Cap d'Antibes in December 2000, he never spoke to you again until he served this claim on you. You're aware of that, I think?

A. Yes.

Q. You claim that there was a further meeting in Megeve in France on about 10 January 2001 where you met with Mr Berezovsky and Mr Patarkatsishvili; is that right?

A. Yes.

Q. Now, can we please just look at how your pleaded case has changed over time. Can you please take up bundle A1 and go to tab 3, page 57 in the English A1/03/57 and in the Russian it's at page 61R A1/03/61R. I want to look at paragraph D45.2, if I may.

Now, you'll see that there are some crossing-outs

and changings, and I can tell you that these were changes which were made in August of this year, so just shortly before the trial, and they reflected what you had said for the first time in your witness statement in May. Okay? So what is added are the underlined words and then it crosses out the parts that are not wanted.

Can you just look at paragraph 45.2. I want to just read it ignoring the additions and just including the words that were deleted, so that we can see what your case was until very recently. What you had been saying was this:

"It is, however, admitted that, at a meeting which, to the best of the Defendant's recollection, was at St Moritz Airport in January or February 2001 and prior to the meeting at Munich Airport referred to in paragraph D46 below, Mr Patarkatsishvili requested the defendant to pay Mr Berezovsky US\$1.3 billion."

Okay? And that wording --

THE INTERPRETER: Excuse me, sir, the interpreter apologises: we did not have the text on Magnum, we could not interpret at that rate. So if you would like the witness to hear it, please say it again slowly.

MR RABINOWITZ: I don't think that's necessary because Mr Abramovich has got his own Russian version in front of him.

A. I beg your pardon.

MR RABINOWITZ: Thank you.

And so that was the wording that was first in your defence and that was so from June 2008. The meeting, as you see, that you refer to is a single meeting in January or February 2001; do you see that?

A. Yes.

Q. And it was a meeting that you say was attended by Mr Patarkatsishvili and you make no reference to Mr Berezovsky at all being at this meeting; do you see that?

A. That's what I remembered.

Q. And it was also a meeting at which, so you had pleaded, Mr Patarkatsishvili had asked for \$1.3 billion; do you see that?

A. Yes.

Q. And if what you were saying here was true, one would expect that this would have been a very clear recollection given the unique circumstances, even for you, of someone asking you for over \$1 billion. Would you accept that?

A. Yes, that's quite unique, I agree. The question is what it is that I was meant to remember. I remember that we had a meeting, I remember more or less what we talked about, but the details I did not remember.

Q. Now, since May 2011 you in fact tell a very different story. You now say that your recollection is that in early January 2001 Mr Patarkatsishvili contacted you and asked you to meet, and you say you then met first in Courchevel on about 4 or 5 January 2001; is that right?

A. Yes.

Q. And you say that at this first meeting Mr Patarkatsishvili had proposed to end his and Mr Berezovsky's relationship with you with regard to Sibneft; that's right, isn't it?

A. Yes.

Q. And the proposal, you now say, had been that in return you would make what you describe as "one final huge payment" to Mr Patarkatsishvili and Mr Berezovsky; is that right?

A. Yes.

Q. And this conversation, on your evidence, would have been a very memorable conversation because it was at a time when you say you had been struggling with how you were going to deal with the increasingly unreasonable demands being made by Mr Berezovsky directly and via Mr Patarkatsishvili; is that correct?

A. Yes.

Q. And so, as far as you were concerned then, this demand for a huge payment would have been another demand from

Mr Berezovsky, even if it was Mr Patarkatsishvili who passed the demand on to you?

A. I didn't understand the question, "It would have been", et cetera.

Q. You say at the time of the meeting you were struggling with how you were going to deal with increasingly unreasonable demands being made by Mr Berezovsky, directly and via Mr Patarkatsishvili, for money; yes?

A. I don't understand, I was struggling.

MR RABINOWITZ: This is your evidence. If you go to --

MRS JUSTICE GLOSTER: Why don't you take him to his witness statements?

MR RABINOWITZ: Paragraph 269 of your third witness statement: E1, tab 3, it's at page 218 of the Russian E1/03/218 and 116 of the English E1/03/116.

So you say you were struggling with --

A. 269?

Q. 269.

A. Here I'm saying that it was difficult for me to understand what to do with unreasonably growing requirements. I'm not saying I didn't know how I would pay them.

Q. I wasn't suggesting that you were saying that.

You had these increasing demands from Mr Berezovsky; it was troubling you that he was making these increasing

demands. This is your evidence; yes?

A. Yes.

Q. And here you have Mr Patarkatsishvili coming along in January and asking for yet another huge payment; is that right?

A. Yes. Rather he said, "We need to sever our relationship and to finalise this. I would suggest you pay one last amount and that will be it". I'm not insisting that it had to be paid off as a lump sum. But he said, "Look, to finish our relationship you should pay a lot and that will be it then".

Q. Now, whereas previously you had said there's only one meeting, you now say there's a second meeting at Megeve in France; that's right, isn't it?

A. Yes. At the time when I was giving evidence to Paul Mitchard, I did not remember that there were two meetings then. Most importantly, the first meeting was not as important compared to the second, so they kind of merged into one in my memory.

Q. Yes. The second meeting you refer to is at paragraph 267 of your statement E1/03/116.

Do you see there's one other important change, Mr Abramovich, and that is that you now claim that Mr Berezovsky was also present at this meeting, don't you?

MRS JUSTICE GLOSTER: What, the meeting --

A. Yes, I do claim.

MR RABINOWITZ: In Megeve.

A. Yes.

Q. So it's not just a question of your saying, "Well, there were two meetings and in my mind it had merged into one". Not only have you gone from one to two meetings but whereas previously you hadn't suggested that Mr Berezovsky was at these meetings, in your evidence since May this year you are now suggesting that Mr Berezovsky was also there. That's right, isn't it?

A. Yes, I maintain that Berezovsky was there too.

MRS JUSTICE GLOSTER: At both the meeting in Courchevel and at Megeve?

A. No, just at the meeting in Megeve.

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

MR RABINOWITZ: And this recollection is really just another example of reconstruction by you, is it not?

A. Some parts are reconstruction. Some parts are what I recalled, remembered.

Q. You tell us that your personal assistant reminded you that you went to Megeve; that's right, isn't it?

A. Yes, you could say so. But I saw that from the documents as well.

Q. Well, from the documents that would plainly be

a reconstruction. But we have not only your looking at the documents but Mr Sponring, your personal assistant, telling you that you were there. But you have no recollection at all of this meeting, being in Megeve?

- A. From the very first day, when there was a half-day's interrogation, I explained there was a meeting in the Alps but I didn't remember the place. I remembered that I visited that place once and never went back there, and I also remember that Badri was spelling his holiday there. And what I had in my head was are the following: as far as I knew, Badri didn't ski; he often walked with a stick, in fact. So it must have been some kind of place -- as I envisaged it, as I imagined it, it must have been a luxury place, a chic place, where it is not necessary to just ski; where you can simply have a good time in the winter.

And I also know that I've never been to St Moritz.

So I decided perhaps it must have been St Moritz.

MRS JUSTICE GLOSTER: And in fact it was Megeve?

MR SUMPTION: I wonder if the translation may have gone wrong in that last --

- A. In fact it turned out to be Megeve.

MRS JUSTICE GLOSTER: Mr Abramovich, according to paragraph 267 of your statement, you met Mr Patarkatsishvili first in Courchevel.



A. Yes.

MRS JUSTICE GLOSTER: And you were staying in the same hotel there, were you?

A. No. He flew in to meet me -- perhaps he had other business, I don't know -- but he came to Courchevel to talk to me and we agreed, as I now know, that we will meet in Megeve. At that time I thought it was somewhere else, so initially I thought it was just one meeting.

The meeting in Courchevel actually did not stick in my memory. I thought that we'd only met in St Moritz but then gradually I reconstructed this meeting on the basis of the documents, on the basis of my own memories and on the basis of what Mr Sponring remembered.

MRS JUSTICE GLOSTER: So he flew in to your hotel in Courchevel, you say, for the purposes of having a meeting with you; is that right?

A. I didn't stay at a hotel at that time. We were renting a villa. We met in a hotel. If I remember, it was a Byblos hotel, if I remember correctly. We just met there.

MRS JUSTICE GLOSTER: Thank you.

Yes, Mr Rabinowitz.

MR RABINOWITZ: Now, Mr Sponring is your personal assistant, isn't he?

A. Yes.

- Q. And at the time he was your private personal live-in chef; is that right?
- A. Yes. Yes, if we understand the word "live-in" correctly.
- Q. I'm sure there's no misunderstanding about that, Mr Abramovich. But you say he was --
- A. No, no, I mean he didn't always live in our house.
- Q. Right. He didn't live in your house but in effect he, what, cooked for you in your home; is that it?
- A. Yes.
- Q. But you say he was with you at Megeve?
- A. Yes. If I remember correctly, he did not spend his nights in the house where we were living, if I remember correctly. Well, in Courchevel he didn't stay the night in the house where we were living, answering your previous question; and in Megeve, yes, he was with us.
- Q. The impression you give in your evidence is that you had entirely forgotten about this meeting in Megeve until Mr Sponring reminded you of it. Is that right?
- A. Not quite right. I remembered there was a meeting, I already explained that I remembered there was a meeting in the Alps, I remembered what it looked like, I remembered that we came by helicopter, I remembered the snow-covered helipad, but I didn't remember the location. And I forgot that Mr Berezovsky was there

too, I did indeed forget that.

Q. As for the contents of the Megeve meeting, you say that this was not a meeting like Le Bourget, where you had prepared a document with numbers on it to discuss; you were having a high-level meeting to discuss the principle of a pay-out. That's your evidence, isn't it?

A. High-level meeting and that we discussed the principles of the pay-out. Now, the level was exactly the same as in Le Bourget, so here the level hasn't changed if that's what we're comparing.

Q. So you don't say, for example, that there was any discussion about the \$1.3 billion figure for payment at all at this meeting?

A. Whether we were discussing 1.3 billion, I don't remember that. I'm not maintaining that. I think -- I think 1.5 was the figure I was suggested but I don't remember exactly when that took place.

Q. You see, if you look at your defence, what you had pleaded was that at this meeting Mr Patarkatsishvili requested you to pay Mr Berezovsky \$1.3 billion.

MRS JUSTICE GLOSTER: Paragraph?

MR RABINOWITZ: Paragraph D45.2 A1/03/57. You can pick it up in the new pleading. Perhaps it's easier to read at K4. You can read it in D45.2. Do you see -- you need to ignore everything in blue:

"... prior to the meeting... Mr Patarkatsishvili requested the Defendant to pay Mr Berezovsky US\$1.3 billion."

- A. Yes, I can see that, and there is a reference, "as much as the Defendant can remember". This is what I remembered at the time. Naturally, in my further statements and my further evidence on the basis of documents, on the basis of sitting there, trying to remember, discussing it with other people, I reconstructed this somehow in my memory and naturally my next witness statement was more detailed than what I could remember when I was interviewed for the first time.

MRS JUSTICE GLOSTER: Did you go to Megeve specifically for the purpose of meeting Mr Patarkatsishvili and Mr Berezovsky at the heliport or were you staying there for a holiday?

- A. I went to Megeve from Courchevel. We flew by helicopter from Courchevel to Megeve, talked at the helipad, and from there I went straight to the airport in Geneva. So this was -- I went there for the purpose of the meeting.

MRS JUSTICE GLOSTER: Yes, I see.

MR RABINOWITZ: Now, you say in your evidence -- this is at paragraph 271 E1/03/117 -- that you don't recall Mr Berezovsky saying anything at this meeting you say he

was at. Do you say then it was a meeting at which just the two of you, Mr Patarkatsishvili and yourself, talked a lot about details?

A. No, I don't assert that just the two of us were talking; mainly the two of us were talking. In terms of potential payment, the two of us talked. I'm not asserting that Mr Berezovsky was silent throughout; I just thought that for the purposes of these proceedings he didn't say anything. Of course I remember a little bit of what we discussed, but let me assure you: it has nothing to do with what we're discussing here. Just personal things.

Q. You actually --

A. I haven't finished yet, I'm sorry.

Q. Sorry, carry on.

A. Now, it looks, of course, a bit bizarre: three adults meet, the two of them are talking, the third one is silent. But if you look at the Le Bourget transcript, Berezovsky doesn't say much there either, although we were sitting there for two hours talking.

Q. Mr Abramovich, in fact what you say in your witness statement at paragraph 271 is that you do not recall Mr Berezovsky saying anything. Are you now trying to change that evidence?

A. I'm just trying to say that I don't remember

Mr Berezovsky saying anything that may be of relevance for these proceedings. I'm not saying that he was silent throughout.

Q. Because having Mr Berezovsky sitting silently throughout anything would be wholly out of character, wouldn't it?

A. Well, you can make your own conclusions about his character but if we look at the Le Bourget transcript, he -- now, if I hadn't read that, if I hadn't read the transcript in detail, I would have just remembered my own discussion with Badri; I wouldn't even have remembered that Mr Berezovsky was saying anything or discussing anything and at this meeting at Megeve it was like that.

What I remembered or what I might have remembered is what I talked about with Badri because Badri was leading in the meeting. But I can assure you Mr Berezovsky did not keep quiet; it's just that it was not relevant to these proceedings and to what we're discussing now.

Q. Mr Abramovich, the suggestion that you can draw a comparison with Le Bourget, I would suggest, is completely false. Mr Berezovsky was only quiet during discussions of matters of detail or the structuring of the proposed ORT transaction. Other than that, he, certainly made himself heard.

Do you want to comment on that?

A. Well, I don't know whether there is any point. It's not up to me whether there is any point to discuss this, but if you count the number of characters, how many were uttered by Berezovsky, by Badri, and how many were uttered by Berezovsky on the substance, then it can be discounted. In my point of view, I'm not insisting, but I think that's...

He didn't say anything significant that I would remember, any contribution that he would have made that I would have remembered. I really can't remember. And again, I'm just discussing any replicas by him that would have been relevant to these proceedings.

Q. In your description of the Megeve meeting you make no reference at all to any discussion about Nikolai Glushkov; that's right, isn't it?

A. That's right, I'm not mentioning Nikolai Glushkov. And why should I make a reference to Mr Glushkov every time?

Q. You see, on your case this was the very first time you had met Mr Berezovsky after the arrest of Mr Glushkov, isn't it?

A. Yes. That doesn't at all mean that each meeting with Mr Berezovsky started or ended with our discussing the arrest of Mr Glushkov.

Q. Mr Abramovich, it doesn't need to start or end with your discussing Mr Glushkov. Your evidence has it that

Mr Glushkov and the subject of his imprisonment was not even mentioned.

A. Indeed, I don't remember us discussing Mr Glushkov. It might have happened, but I don't remember it.

Q. If it had happened and you did remember it, you would surely have put it in here because you wouldn't suggest that the imprisonment of Mr Glushkov is a matter of irrelevance to this dispute, would you?

A. Sorry, I didn't get it. To which proceedings, to which process? To the cost -- to the price of Sibneft potentially? Which process? Which proceedings? I have lost your thought of what we're discussing here today. What are we talking about? Do it again.

Q. Mr Abramovich, Mr Glushkov and his imprisonment form a central part of the facts relating to this dispute; you wouldn't dispute that, would you?

A. I don't dispute that. I have a different idea of what is the central part of this case; but no, I don't contest it.

Q. Earlier in an answer you explained that all you were seeking to put into your witness statement were facts which were relevant to the issues in this dispute. Correct? Do you remember that?

A. Yes, I do.

Q. If it was therefore your evidence that Mr Glushkov and



his imprisonment was a subject that had come up at this meeting, that is something that you would surely have included in your description of what was discussed at this meeting?

A. If I'd remembered, I would of course have included that. Why would I conceal the fact that we discussed the fate of Mr Glushkov? I just don't remember it.

Q. You see, I suggest to you that if there really was this meeting, one of the things that Mr Berezovsky would plainly have wanted to discuss with you, even on your case, would have been the fact that Mr Glushkov had been imprisoned; but you make no mention of that having been discussed at all.

A. First of all, I don't remember it; and secondly, if I remember correctly, at some point I described that Badri had handed over a letter to me, maybe for me to give to Voloshin. If I remember correctly, Mr Voronoff, who was with Mr Berezovsky for a long time in Aspen, also says that they did not discuss Mr Glushkov much.

I would imagine that at that time Mr Berezovsky, notwithstanding the fact that he is disposed very well towards Mr Glushkov, he didn't start every meeting with discussing Mr Glushkov and his fate with any interlocutor he might have.

Q. You say at this meeting that Mr Berezovsky and

Mr Patarkatsishvili asked for some amount in excess of \$1 billion to be paid to them and that this -- well, let's just take this in stages or you'll -- I should break the question down.

You say at this meeting Mr Berezovsky and Mr Patarkatsishvili asked for some amount in excess of \$1 billion to be paid to them; that's right, isn't it?

A. Given the fact that we had a series of meetings, I don't remember what we discussed at which point exactly, but I -- from what I managed to remember, I understand that I left with the feeling that I would have to pay at least a billion and I think they had been left with the same feeling.

Q. Now, that would be an amount more than you had paid them in all the previous five years combined, would it not?

A. Yes, indeed. No doubt.

Q. It would be something like double everything that you had paid them, in your case, in the previous five years.

A. Well, if your task here is not to test my mental arithmetic ability, then perhaps I might say it's a bit greater. But we can sit down and calculate it if you wish.

Q. What I suggest to you, Mr Abramovich, is that if this meeting happened, it would have been a most memorable meeting. But your recollection, as we've seen and

heard, is remarkably indistinct, isn't it?

A. The question that my memory is indistinct; is that what I need to confirm? I have to judge myself that I have this indistinct recollection?

Q. Well, do you disagree with that?

MRS JUSTICE GLOSTER: What's being put to you, Mr Abramovich, is that this was a very significant meeting, if you're right, and surely if you were being asked to pay this huge sum, you'd remember the details of the Megeve meeting more clearly.

Can you comment on that, please?

A. It's hard for me to comment. But I could have remembered it better, but I told you everything I remember on that matter.

MRS JUSTICE GLOSTER: How long was the meeting with Mr Patarkatsishvili in Courchevel when you say he first raised the question of this payment?

A. In Courchevel I think the meeting was not long at all, 20/30 minutes.

MRS JUSTICE GLOSTER: What, you met in the hotel bar or something like that?

A. I think we met in the lobby. Well, it's a lobby and a bar all in one.

MRS JUSTICE GLOSTER: Thank you.

MR RABINOWITZ: How long do you say this meeting was,

Megeve?

A. Well, I don't know; 40 minutes, an hour perhaps, something like that.

Q. But again, you don't have any clear recollection of the length of the meeting either?

A. Well, I can't tell you exactly how long it was.

(Mobile phone rings)

MRS JUSTICE GLOSTER: Mobile phones are not to be switched on in court.

MR RABINOWITZ: You see, Mr Abramovich, I have to suggest to you that your account of this meeting is just not credible. Do you want to comment on that?

A. I told you everything I remember on the matter. It's difficult for me to say whether it's credible or not.

MRS JUSTICE GLOSTER: Well, that's a matter for me at the end of the day.

MR RABINOWITZ: My Lady, I don't know whether this is a convenient moment for you.

MRS JUSTICE GLOSTER: Yes, very well. I'll take ten minutes.

(3.20 pm)

(A short break)

(3.37 pm)

MRS JUSTICE GLOSTER: Yes, Mr Rabinowitz.

MR RABINOWITZ: Mr Abramovich, I just want to summarise

where we have got to on meetings in late 2000 and early 2001.

We all agree that you met with Mr Patarkatsishvili and Mr Berezovsky at Le Bourget Airport on 6 December 2000; that's right, isn't it?

A. Yes.

Q. And this was, you say, a candid and amiable meeting?

A. For the most part, yes. I had a strange feeling, but overall, yes. Badri usually asking detailed questions, so he would not usually do that in peaceful times, so to speak. But overall, yes.

Q. That's your evidence, in fact. If you go to bundle E5, tab 11, paragraph 98, page 42 in the English E5/11/42 and 117 in the Russian E5/11/117, that is what you say about it. You say:

"Looked at as a whole, the transcript... supports [your] recollection that it was a candid and amiable meeting."

Do you see the second line?

(Mobile phone rings)

MRS JUSTICE GLOSTER: Is that the phone that went off before? Is it the phone that went off before? If any phone goes off again, the person whose phone it is will be asked to leave the court.

Yes, continue, Mr Rabinowitz.

MR RABINOWITZ: So you have the meeting at Le Bourget, which is a candid and amiable meeting. Then we say that you met with Mr Berezovsky and Mr Patarkatsishvili a little later, but still in December 2000, but you deny that.

(Mobile phone rings)

MRS JUSTICE GLOSTER: Right. Could you leave the court, please. Somebody's phone just went off: could they please leave the court. If it was your phone, madam, could you please leave the court.

MEMBER OF THE PUBLIC: It wasn't my phone.

MRS JUSTICE GLOSTER: Well, whose phone was it? Could you leave the court, please. Thank you. Yes, could you just leave the court, please.

That's three times now a phone has gone off this afternoon. It just wastes everybody's time. Thank you very much.

MR RABINOWITZ: So again, Mr Abramovich, you have the meeting on 6 December, which was a candid and amiable meeting. Then we say that you met Mr Berezovsky and Mr Patarkatsishvili a little later, but still in early December 2000, but you deny that; that's right, isn't it?

A. Yes. If I don't have to comment point -- paragraph 98, then yes. I discuss this in more detail in other witness statements. But for the main part, yes.

Q. And of course we say that at the end of the Cap d'Antibes meeting, Mr Berezovsky had made clear that he never wanted to see you again; but again you deny that?

A. I deny this because I don't recall -- I don't remember that meeting.

Q. So, on your case, this difficult meeting never happened; that's right, isn't it?

THE INTERPRETER: I do apologise, the interpreter apologises, I think the witness said, "because that meeting didn't happen".

A. There was no meeting in December.

MR RABINOWITZ: And so you never, on your case, had a difficult meeting with Mr Berezovsky at this time; is that right? In early December.

A. I assert that there was no meeting in December at all, such difficult or that type of meeting.

Q. But you say that you then met Mr Berezovsky again in Megeve in early January 2001 -- we've talked about this -- and this was, you say, the first time the two of you had met since Le Bourget, which was, as we've seen, a cordial meeting; is that right?

A. Yes.

Q. And according to --

A. I -- sorry, I've missed -- whose assertion was it that

the meeting was cordial?

Q. Le Bourget I think people agree was a cordial meeting.

A. Mm-hm.

Q. According to you, the meeting that you say happened at Megeve in early January 2000 was also a cordial meeting. You can see that if you look at paragraph 105 of your fourth witness statement: bundle E5, tab 11, page 45 E5/11/45, in the Russian at page 120 E5/11/120. The second last line, paragraph 105.

A. (Untranslated)

Q. Something may have gone wrong; I'm not sure your answer was translated there.

THE INTERPRETER: Sorry, the witness said, "I've missed the paragraph number".

MR RABINOWITZ: Sorry. We're looking at paragraph --

THE INTERPRETER: If I've heard correctly.

MR RABINOWITZ: It's paragraph 105 of your fourth witness statement, so E5, in the Russian it's at page 120, I believe.

A. I have read this, yes.

Q. And so the meeting at Megeve you say was a cordial meeting. And if you look at paragraph 273 of your third witness statement, so that's back to E1, tab 3, in the English it's at page 117 E1/03/117 and in the Russian at page 219 E1/03/219, in the last line of that you



say:

"We left on very amicable terms."

Do you see that?

A. I see. Does it contradict?

Q. No, it's a similar way of saying it was a cordial meeting. I'm not suggesting those two are in contradistinction.

A. Sorry, the intonation in your question was that I've said something not quite right. So I didn't understand what the question was about.

Q. Well, I do suggest -- well, let me ask you the question.

You see, you accept that since these meetings, which you say were all cordial, since this time you have never again met up with or spoken to Mr Berezovsky, apart from one occasion where you say you exchanged a couple of words, where you bumped into each other in Israel.

That's your evidence, isn't it?

A. From what I can recall, yes.

Q. It's right, isn't it, that while you had been invited to all of Mr Berezovsky's parties since 1996, you were not invited to Mr Berezovsky's party at the end of January 2001?

A. I think not. Or maybe; I just simply do not recall.  
May I add, please?

Q. Well, can I ask a question, please.

Mr Abramovich, can you explain then why, if, as you say, you have these amiable meetings with Mr Berezovsky at this time, why there was the sudden ending of your relationship with Mr Berezovsky?

A. Is that a question how do we treat the friendship? How close this friendship is? We've never discussed this. Mr Berezovsky was at some of my birthday parties. When I was invited, I was attending; and again, that wasn't every time. But from what I can recall, in 2001 indeed I didn't attend Mr Berezovsky's birthday party. And the important thing: that in the circumstances and in the position that he's taken, I think even if he would have invited me, I probably would have not gone.

Q. Mr Abramovich, we have seen from your evidence that you say you were concerned about Mr Berezovsky and what was happening in relation to ORT, so that you were willing to fly over to talk to him about getting rid of ORT. You say everyone knew you were very close; President Putin knew you were very close. But after these two meetings, both of which you say were cordial, you have never had anything to do with Mr Berezovsky, save that on one occasion you bumped into each other in Israel, in a hotel lobby.

Are you able to offer any explanation as to why you and Mr Berezovsky broke off your relationship after

December 2000?

- A. I beg your pardon, the question was very long and that was at speed. I simply cannot -- I can't keep up with either remembering it or answering it. There was something --

MRS JUSTICE GLOSTER: Let me put the question, Mr Abramovich.

What is being asked of you is: why, if you had friendly meetings with Mr Berezovsky at Le Bourget and then at Megeve, why suddenly does your relationship break up and you never see each other again until the meeting in Israel, and then only accidentally? What is the explanation, if everything was so rosy in the garden at Megeve, for this break-up in your relationship?

- A. This is the question about the nature of our friendship. Our friendship was based on my pay-outs. That wasn't a friendship when -- as, for example, it's me, my friends, we are friends for many years and it doesn't matter for me what the position is, where they work; we simply are friends. And with Mr Berezovsky, our friendship was based on my pay-offs. Each time when he would invite me, obviously I would arrive, if I had such opportunity. But this word, the word "friendship" that we are discussing here, big friendship, strong friendship, friendship between men, this is not quite

the same.

Moreover, after the situation with Kursk submarine, I started looking at Mr Berezovsky in a completely different way. For me it was a turning point in our relationship. I think that he took a completely dishonourable position. It was a large tragedy for Russia and people who were in the submarine, they were still alive, everyone knew they could not be rescued from there; everyone understood that. That was the horror in the country. And he used that, you know, to demonstrate to the president who is boss, who has to be listened to, whose recommendations have to be adhered to. And from that moment on, I started treating him somewhat differently.

So I cannot say that our friendship stopped or our relationship ceased at a single point in time, that something was just switched off; it's not so. There was a gradual transition. Then with Badri I kept some relationship, I maintained relationship for a long time after this, and Badri was my main contact. So I think that would be all.

Moreover, if I may add, he broke off not just with me; he broke off, he stopped communicating not just with me, all people that communicated to him at that point, and Mr Yumashev and his big friend Mikhail Denisov and

all, everyone who we started with together, they all stopped communicating with him, socialising with him.

Q. Mr Abramovich, I'm not going to get into the question of your friendship again because we went through that on the first day of your evidence.

But on your evidence you had incredibly generously agreed that you would be paying Mr Berezovsky a sum or a half-sum of over \$1 billion. Why do you say Mr Berezovsky would never have invited you again to a party after this point in time?

A. Sorry, I don't understand the question: why he did not invite me or why did I pay that money? How does it fit together?

Q. Why did he not invite you? You see, on your evidence, Mr Berezovsky should have been very grateful to you; but you accept that you were not invited by Mr Berezovsky at any time thereafter to his birthday parties and indeed he had nothing to do with you.

Are you able to offer an explanation as to why that would have happened if, as you say, you had only had cordial meetings which ended in you agreeing to pay him a great deal of money?

A. Unfortunately I still do not understand the question. You're asking me about Mr Berezovsky and I have to explain why Mr Berezovsky didn't invite me to his party,

to his birthday party. And most importantly I don't understand the gist of the question because the question is not to me: why did he not invite me? I have explained my attitude to this and he explained his attitude to this and I don't know what I should add.

Moreover, I don't remember very well that I've been to many of his birthday parties. Perhaps I've been to two parties out of our joint parties over five, six, seven years. But to say that I was a regular fixture at his birthday parties, I cannot say that. Moreover, I don't remember that he was attending my birthday parties, if it helps in any way to clear the situation.

Our friendship was quite specific, it was a sort of a one-sided friendship, although we did indeed socialise a lot and it was very interesting for me.

- Q. And you went on holiday around eight times in about three years with your families; that's right, isn't it? We saw that on the first day of your evidence.
- A. Yes, certainly we went on holidays together, our wives were friends. And most importantly, talking about my wife, even people that I'm not necessarily friends with, if my wife is friends with, if our children communicated, were friends together, then we would still go on holiday together. I can't say that we didn't communicate. We had a good relationship.

MRS JUSTICE GLOSTER: Did you go on holiday with Mr Berezovsky's family in the summer of 2000?

A. I don't recall it. That could be, but I don't recall it.

MR RABINOWITZ: Ms Gorbunova gives evidence that you were in the same place on holiday and that you saw each other in the summer of 2000.

A. From what I can recall, during the interrogation a couple of days ago you said that I arrived to say that Mr Putin is concerned about what happened with Kursk submarine, the way it was presented in the media. But I didn't hear -- or maybe I just missed -- that I was on holiday together with them that summer. I doubt it very much, although I cannot assert it for sure.

The thing is that in Russia the vacation finishes in August and, as far as I recall, then the submarine has sunk on 9 or 12 August. So it would be very unlikely that we would have gone on holiday in September.

Q. You see, Mr Abramovich, I suggest to you that, as with your denial of the Cap d'Antibes meeting, your account of the Megeve meeting is simply untrue.

You did not meet with Mr Berezovsky in Megeve, did you?

A. To be honest, I didn't catch the connection between vacation, Cap d'Antibes and Megeve. Maybe the

interpretation was incorrect. Maybe we didn't finish with discussing the friendship or the vacation?

- Q. Let me tell you what the connection is then, Mr Abramovich. You see, Mr Berezovsky's case is that the last time you met was a very angry meeting in Cap d'Antibes in which he told you that he never wanted to see you again. Now, that fits in with what happened thereafter: that you never did see him again, except for this occasion in Israel.

Your evidence, however, is that you had a cordial, amiable meeting in Megeve in January 2001; but notwithstanding that, you never saw each other again except for this occasion in Israel. And I'm suggesting to you that it is clear from what happened afterwards that Mr Berezovsky's evidence as to when you last met is correct and that your evidence as to when you last met is false.

- A. I disagree with you. Do I need to comment or not?

Q. Not if you don't want to.

- A. I think that our friendship was quite specific, has a specific element, although it did exist: our relationships were based on pay-outs. So at that point when we agreed the final pay-out, I think the interest in me was gone. Therefore I don't know what else I could add on that matter.



Q. I want to turn to the question of the intimidation of Mr Berezovsky in 2001 but what I want to do first, by way of background, is to just go back in time for a moment to the circumstances surrounding the arrest of Mr Gusinsky in June 2001.

Now, Mr Gusinsky was in 2001 chairman of the board and majority --

MR SUMPTION: Does my learned friend mean 2000?

MR RABINOWITZ: 2000, sorry. Absolutely. I apologise.

I do mean 2000.

Mr Gusinsky was in 2000 chairman of the board and majority shareholder of Media Most, which owned NTV, a popular independent television channel in Russia; that's right, isn't it?

A. Yes.

Q. And in June 2000 Mr Gusinsky was arrested and criminal charges were brought against him; do you recall that?

A. I do not recall the date, but that was the story.

Q. And you will be aware, I think, that the European Court of Human Rights later -- that was in May 2004 -- concluded that there were facts that strongly indicated that during the course of his detention Mr Gusinsky had been subject to intimidation directed to getting him to dispose of his interests in Media Most. You're aware of that?

- A. Yes, I've heard about this.
- Q. And you will also be aware, I think, that Mr Lesin, who was at the time the acting minister for press and mass communications, was implicated in this suggested intimidation?
- A. Do I need to confirm this or what I've heard about it? What do I have to say? I really don't know what was happening there.
- Q. You can take it from me that Mr Lesin was involved. Do you have no recollection of that?
- A. I recall that there was a story with Gusinsky but with regard to detail, what followed what, I do not recall that exactly. Yes, I remember there was some story.
- Q. And Mr Lesin, who was involved, the minister, later became a board member of ORT; that's right, isn't it?
- A. Yes, possibly.
- Q. And what happened with Mr Gusinsky was that he was persuaded to sell his interests at a price determined by Gazprom, a State-owned company, in return for which it was agreed that all criminal charges that had been brought against him would be dropped; that's right, isn't it?
- A. From what I recall, this is right. The thing is, maybe I can start -- say a couple of words from memory, if I may, about the story.

MRS JUSTICE GLOSTER: Yes, go on.

A. Mr Gusinsky financed his company using Gazprom's money and I think that his debt was about \$600 million from various structural divisions of Gazprom, and at some point in time the market dropped and he couldn't return the debts. And this somehow was used and Lesin indeed had some bearing on that, had some relation; I don't know the details.

And then Mr Berezovsky spoke in the press and said that since NTV takes an anti-government stance and is financed by the government money, then this cannot be done because, he said, if I recall his interview correctly, the government would not allow to use its own money at the same time to fight the government. And initially he was siding, so to speak, with the government and then he changed his position.

MRS JUSTICE GLOSTER: Right. Go on, Mr Rabinowitz.

MR RABINOWITZ: For your Ladyship's note, the facts of Gusinsky's arrest and detention are a matter of public record. The ECHR report is in the authorities bundle at O2, tab 8.109 O2/8.109/1.

MRS JUSTICE GLOSTER: Yes.

MR RABINOWITZ: Now, I'm not going to ask you to comment on the detail of the case, Mr Abramovich, but do you accept that already by late 2000 the facts of the case were

widely known in Russia?

- A. Yes, I do. I don't know how detailed that was, but it was known.
- Q. And that included it being widely known that Mr Gusinsky had been persuaded to sign an agreement handing over Media Most in return for the criminal charges against him being dropped; that's right, isn't it?
- A. Yes, it is right.
- Q. And I suggest, Mr Abramovich, that if someone with close ties to the Kremlin had threatened another businessman at this time that state officials might be persuaded to use criminal proceedings for some illegitimate purpose, that would be a credible threat, would it not?
- A. I do apologise, could you please put the question again? That was -- I didn't quite follow what it was about. Was there a credible threat? Are we talking about Gusinsky or Mr Berezovsky or myself?
- Q. In light of what had happened with Mr Gusinsky and Media Most, if someone with close ties to the Kremlin had threatened another businessman at this time that state officials might be persuaded to use criminal proceedings for some illegitimate purpose, that would be a credible threat, would it not?
- A. I still cannot understand what you are trying to assert. At what point do we have the Kremlin officials, state

officials, they have to be convinced? I understand -- I understand that Gusinsky had problems. Yes, parallels could be drawn that Berezovsky could have similar problems. But at what point in time do we have state officials that could have been used?

Q. Given what had happened to Mr Gusinsky, if someone like yourself had said to another businessman, "If you don't sell your interests in a company at a reduced price, I will have you or a friend of yours imprisoned until such time as you agree to sell on the terms that I want to acquire", that would have been something that the person to whom it was being said could have believed to be true?

A. To be honest, I doubt it, but what can I say? You know -- if I may comment, please?

Q. Go ahead.

A. The story that I could have threatened Mr Berezovsky, this is not just false; this is concentrated falsehood that you could sell in pharmacies. This is a sample to be shown to students at university what is falsehood, what is a lie, that I was threatening Mr Berezovsky.

Q. Mr Abramovich, can I ask you, please, to go to bundle H(A)25 at page 162.001 in the Russian H(A)25/162.001 and at 162.001T in the English H(A)25/162.001T.

Now, again, just so you know what this is, it's a transcript of a radio interview with Mr Berezovsky which, if you look at the bottom of the page, you will see took place on Ekho Moskvyy on 7 December 2000. Do you see that?

A. I do apologise, it's impossible to understand anything in the Russian copy. If I may, I will try to hear it, if you read it out to me.

Q. All right. Can I first just ask you this: you would have learnt of this interview fairly shortly after it was given, would you not have, given that you had an interest in acquiring ORT?

A. To be honest, this business press, this press organ, I've never seen it, I've never heard of it. And then it's such a small print I can't even read the letters. Is it possible to bring it out on the screen?

Q. It is on the screen.

MRS JUSTICE GLOSTER: No, the English is on screen.

MR RABINOWITZ: Perhaps it can be brought on the screen in Russian.

MAGNUM OPERATOR: I could give him the iPad.

MRS JUSTICE GLOSTER: Yes, why don't you give him the iPad.

(Handed)

THE WITNESS: Thank you.

MR RABINOWITZ: Just perhaps to assist you as you try to

make out the small print, what the presenter begins by saying is that:

"There has been a new turn of events in the so-called 'AEROFLOT case'. Nikolai GLUSHKOV, the former first deputy general director of AEROFLOT, was taken into custody and placed in the LEFORTOVO pre-trial detention centre. The Prosecutor General's Office has confirmed that new charges have been filed against him. That is why, upon arriving at the Prosecutor's Office for routine questioning today, GLUSHKOV was promptly arrested. Sources at the Prosecutor's Office point out that new evidence of his guilt has recently surfaced, including documents provided by their Swiss colleagues. It is interesting that a similar charge was brought only yesterday against another person in the AEROFLOT case, Aleksandr Krasnenker. He is the company's former... director. When asked by ITAR-TASS why KRASNENKER was not arrested, his lawyer replied: 'They probably forgot'. According to the lawyer, Boris KUZNETSOV, the new charges are related to credit agreements between AEROFLOT and the companies ANDAVA and FORUS which date back to 1996. We are now trying to get well-known businessman Boris Berezovsky, who served as a witness in the AEROFLOT case, on the line, and if we manage to get through to him we will return to this topic."

So one sees, just pausing there, Mr Abramovich, that unlike Mr Glushkov, Mr Krasnenker, who was a friend of yours, had not been arrested. Is that correct?

A. Krasnenker wasn't arrested. But he's also a friend of Mr Berezovsky and, if I can understand correctly, he's a friend of Mr Glushkov. He had to sign a recognisance not to leave and he was also often called to attend the General Prosecutor's Office, but he was not arrested.

Q. Now, do you see Mr Berezovsky's first response when asked to comment on the arrest of Mr Glushkov, which contains his assessment of the position? What he says, he says he's only just heard about Krasnenker and he'd heard about Glushkov earlier. He says:

"The actions against KRASNENKER are absolutely consistent with the authorities' actions. My assessment is as follows. This is pure blackmail. Blackmail against me. And it is blackmail in the best KGB tradition, so to speak. In other words, the president said that he would bash my head with a cudgel. The cudgel turned out to be too short; he cannot reach me here. So he started hitting people close to me. In other words, it is in the very worst tradition: blackmailing someone by putting pressure on their relatives, their associates, their friends."

Do you see that?



A. Yes, I do.

Q. And the "cudgel" reference, of course, is to President Putin's direct and public threat against Mr Berezovsky from late October which used that metaphor; you'll remember that we saw that yesterday or last week. Do you remember that?

A. Yes, I do.

Q. Now, I'm not going to ask you whether Mr Berezovsky was right to perceive the arrest of Mr Glushkov as an attack on Mr Berezovsky by the state, but you knew that this was what Mr Berezovsky believed was happening, didn't you?

A. Yes, I did.

Q. And you would accept that Mr Glushkov's prospects of being released were connected to Mr Berezovsky's political campaigning; that's right, isn't it?

A. The question was: do I agree that Glushkov's problems were related, connected to Berezovsky? If to -- bear in mind that they're somehow siphoning money out of Aeroflot, the company that they owned, and then they were taking that money, then in that sense, yes, the answer is yes.

Q. My question to you in fact, Mr Abramovich, as you probably know, was to ask whether you would accept that Mr Glushkov's prospects of being released were connected

to Mr Berezovsky's political campaigning.

A. Yes, one can make that assumption. I think if Mr Berezovsky would stop publicly, if he would stop publicly put the blame on everyone, then surely Mr Glushkov's chances would increase. That was my feeling.

Q. And do you see, just looking at the fourth-from-last answer that Mr Berezovsky has given, that Mr Berezovsky also explained that he was concerned that other people should also not be made the target of attacks and because of that, he was abandoning his plan to transfer his shares to Teletrust?

Perhaps I can read it to you. Shall I read it?

It's the answer which --

A. If you could, please.

Q. You've got it? He says:

"You know, despite all the talk, all the speculation that I sold those shares, all 49% of those shares currently belong to me and my partner, Badra PATARKATSISHVILI, and in this situation I believe it makes absolutely no sense to struggle on against such risks -- not risks to me personally, but to my friends and family. Therefore I will decide within the next two..."

"Weeks", it says, but it should be "days" in the

Russian.

"... what to do with these shares."

The English translation has a mistranslation in that it says "two weeks" but it should say "days".

A. Sorry, and what was the question?

Q. Well, I'd asked whether you'd seen it, but I've now read it to you.

And what this suggests is that on this day, the very day of Mr Glushkov's arrest, Mr Berezovsky appears to abandon what had been his Teletrust plan. Do you see that?

A. Yes, but I knew that that happened much earlier.

Teletrust, so to speak, died before it was born. And the Teletrust idea was to pass on 49 per cent and for the government to pass on their 51 per cent; and of course the government didn't plan to do it at all. And the initial idea was that both the government and Mr Berezovsky would finance that. And the statutory fund, if I recall, should have been contributed into by the cultural figures and the representatives of Russian culture and there was such an amount that they would never be able to pay that sum in.

So it was pure fiction, Teletrust; it was just a discussion topic. And the first meetings with those representatives for culture didn't go beyond the first

point, didn't get very far.

- Q. Well, it is clear from this document that this is the point in time where Mr Berezovsky announced that he was abandoning it and that was the very day of Mr Glushkov's arrest.

What I suggest to you is that it is clear that his announcement of the fact that he was abandoning that plan was directly related to Mr Glushkov's arrest. That is clear, is it not?

- A. No, it's not clear because Mr Berezovsky lives in the media; he breathes its ether and he decides what he's interested in. It's only what's happening in the media. Importantly, every day he solves a different task. So if you would keep track of everything he is saying, you would never ever understand what is really happening. As he himself was telling here when he was giving his evidence, one day he was playing, next day he was telling the truth. And if to cite what he was saying to the media, there would be never ever any clarity.

Whether he was using the situation that formed around Mr Glushkov in order to announce this? Yes, he did. If you look at it in detail, it says the 9th; and in truth he announced, if I recall it correctly, on the 7th. Moreover, in the announcement, in the press release, it was said that he was giving an interview in

Paris and at that point in time he was, as he said himself, in Antibes, Cap d'Antibes. There is a lot of confusion here.

So to base my opinion in the press releases, I wouldn't do that. I don't think it should be the main source. This is just my feeling.

Q. Mr Abramovich, before we leave this document, you say you have not seen this or you didn't hear about it before, but this is a document which comes from your own disclosure. Are you aware of that? It's not a document from Mr Berezovsky.

A. Delovaya Pressa documents, this is a newspaper or a magazine or internet site, I just never seen it before. Indeed, Mr Berezovsky did give that interview on the 7th at Moscow radio station. Indeed, it does say that the interview was given in Paris at some hotel and Mr Berezovsky was asserting that was done in Cap d'Antibes when he found out about the arrest of Mr Glushkov. That's why I'm saying it's very hard to rely on all this, although possible.

MR RABINOWITZ: My Lady, I don't know whether you were proposing to sit --

MRS JUSTICE GLOSTER: Yes, I wasn't going to sit beyond half past, so if that's a convenient moment.

MR RABINOWITZ: Your Ladyship is asking whether this is

a convenient moment?

MRS JUSTICE GLOSTER: Yes, is this a --

MR RABINOWITZ: It is.

MRS JUSTICE GLOSTER: Very well. I'll sit at 10.15 then tomorrow and you'll take into account the difficulties that may be around tomorrow as a result of the demonstration. Very well.

(4.23 pm)

(The hearing adjourned until

Wednesday, 9 November 2011 at 10.15 am)

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