

Wednesday, 23 November 2011

(10.30 am)

MR MALEK: My Lady, the next witness is Mr Buzuk. You will find his statement at F1, at tab 3 F1/03/95.

MRS JUSTICE GLOSTER: Thank you.

MR MALEK: Can I call Mr Buzuk.

MRS JUSTICE GLOSTER: Yes.

Is Mr Buzuk giving evidence in Russian?

MR MALEK: Yes, he is, my Lady.

MR MARK BUZUK (affirmed)

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

Examination-in-chief by MR MALEK

MR MALEK: Mr Buzuk, could you give the court your full name, please?

A. (Not interpreted) Just a second, I change the channel.

Q. Can you give the court your full name, please?

A. (Interpreted) Mark Buzuk.

Q. Can you confirm that you do not have a mobile phone on you?

A. I do not have a mobile phone on me.

Q. I understand that you wish to give your evidence in Russian although you have a good understanding of English, is that correct?

A. Yes, I would like to give evidence in Russian.

Q. Could Mr Buzuk please be provided with volume 1, tab 3,

opened up at page F1/03/95.

Do you have that in front of you, Mr Buzuk?

A. Yes, I can see the document.

Q. I understand there's one correction that you would like to make which you will find at F1/03 at page 131 F1/03/131, is that correct?

A. Yes, I cannot find this page. One second, please.

Yes, this amendment is correct.

MRS JUSTICE GLOSTER: Can we have the English, please?

MR MALEK: It's F1/03/131.

MRS JUSTICE GLOSTER: That's in Russian.

MR MALEK: Ah, the one I have is in --

MRS JUSTICE GLOSTER: My F1 only goes to 103 in the hard copy and I don't have a corrected version.

MR MALEK: Could I hand up my version?

MRS JUSTICE GLOSTER: Yes, please do.

(Handed)

Thank you.

MR MALEK: Mr Buzuk, could you now turn to F1/03/103.

A. Sorry, what page was that? 103?

Q. F1/03 at 103, do you have that in front of you?

A. Yes. Yes, this is correct.

Q. Can you confirm that that is your signature?

A. Yes, that is my signature, this is correct.

Q. Can you also confirm that you believe the facts stated

in your statement are true?

- A. I confirm that the facts stated in my statement are true.

Cross-examination by MR MASEFIELD

MR MASEFIELD: Good morning, Mr Buzuk. My name is Mr Masefield and I'm one of the counsel instructed by Mr Berezovsky.

Mr Buzuk, you tell us that you were closely involved in Mr Anisimov's aluminium business between 1997 and 2000, correct?

- A. Yes, this is correct.

Q. And you say you were closely involved in the sale of Mr Anisimov's aluminium assets in February 2000, yes?

- A. Yes, I had direct involvement in the sale of all of Mr Anisimov's aluminium assets.

Q. I'm sorry, I didn't hear that response.

THE INTERPRETER: "Yes, I had a direct involvement in Mr Anisimov's sale of all of his aluminium assets."

Q. I'm grateful.

Mr Anisimov's aluminium interests, which were sold in February 2000, were the KrAZ asset interests, that is to say Krasnoyarsk Aluminium Plant, Krasnoyarsk Smelter, Krasnoyarsk Hydroelectric Plant and the Achinsk Alumina Refinery, is that correct?

- A. Yes, this is correct.

Q. Mr Anisimov did not have any interests in the Bratsk aluminium plants, or at least none that were included in the February 2000 sale?

A. Mr Anisimov did not have a share in the Bratsk plant which all these shares were included in the sale -- well, it was a different seller that was selling Bratsk Aluminium Plant. That was not Mr Anisimov.

Q. I'm grateful.

And the people who held the interests in the Bratsk Aluminium Plant at that time, and who were also involved in the sale in February 2000, were essentially the Trans-World Group, weren't they, Mr Buzuk? That's to say the Reuben brothers and their partners?

A. Trans-World was selling their own share in Krasnoyarsk assets at the same time with us.

Q. And they were also the owners of the Bratsk Aluminium Plant at that time?

A. Yes, they were the owners of the plant.

Q. Now, at paragraphs 35 to 36 of your witness statement F1/03/103, Mr Buzuk, you explain why, in your view, the sale price of 125 million which Mr Anisimov received for his one third share of the KrAZ assets was a significant undervalue, and you also say what Mr Anisimov told you about his understanding with Mr Patarkatsishvili. Now, those issues arise in

relation to the Metalloinvest action which is going to be heard next year, Mr Buzuk. They are not, however, issues which the court needs to resolve in relation to the Abramovich action, which is why I'm not going to ask you any questions about that today. Do you understand?

A. Yes, I understand what you said.

Q. Now, at paragraphs 13 to 15 of your witness statement F1/03/97, Mr Buzuk, you explain how it was that the KrAZ assets had come under pressure in the late 1990s as various groups tried to obtain control of the KrAZ assets effectively by means of extortion. Is that right?

A. Sorry, could you please explain your question? How do you mean?

Q. At paragraphs 13 to 15 of your witness statement F1/03/97 you say that the KrAZ assets had come under pressure in the late 1990s, that's correct, isn't it?

A. KrAZ's business in the period before our sale indeed was under external pressure, this is correct.

Q. And you say as well that there were six different groups that were interested in the KrAZ assets, is that correct?

A. If I recall correctly, I am saying that there were at least six various groups that were interested in purchasing KrAZ assets.

Q. And you tell us that those groups tried to obtain control of the KrAZ assets effectively by means of extortion, is that also correct?

A. No, I'm saying there that also in some cases there were situations that were of criminal nature. That doesn't mean that all the groups that took part were involved in extortion.

Q. But some of them were; I think that's your evidence in the first sentence of paragraph 14 F1/03/98?

MRS JUSTICE GLOSTER: Mr Buzuk, could you face me, please, when you're giving your answers, not counsel.

A. I beg your pardon, I shall do.

MR MASEFIELD: I'm grateful. And the question I asked you -- I think actually we have the answer to that.

You explain at paragraph 15 of your witness statement F1/03/98 that aluminium production is a continuous process and that:

"... once ... production is stopped at [a] ... plant, it cannot be started again without incurring vast expense."

Is that correct?

A. Yes, this is correct and I'm saying that in paragraph 15.

Q. And you also tell us at paragraph 14 F1/03/98 that as a result in part of the actions of the local governor in

the Krasnoyarsk region, the supply of alumina to the Krasnoyarsk Aluminium Plant was put at risk, as was the supply of electricity, is that correct?

A. The situation with alumina supply and electricity supply was more complicated than simply the decisions of the local government, but certainly part of the decision of the local government, and Governor Mr Lebed, did -- were conducive to serious risk being posed for the KrAZ business.

Q. And you've just said in your answer that the local governor, who you're referring to in paragraph 14 at the time, was General Lebed, that's correct, isn't it?

A. Yes, that's correct.

Q. And the evidence that you give at paragraph 14 of your witness statement provides a clear example, does it not, Mr Buzuk, of why it was important to have good relations with the local governor, and the sort of spanner that could be thrown in the works if you were not in favour with the local governor, yes?

A. Sorry, could you please clarify the question? I do not quite understand how you mean.

Q. It was important to have good relations with the local governor, that's right, isn't it? Because otherwise the local governor could cause the sort of disruption that you have set out in paragraph 14?

- A. I'm not saying that it's important to have a good relationship.
- Q. Well, if you didn't have good relations with the local governor then, as we can see from paragraph 14, pressure could be brought to bear upon the plant?
- A. Yes, it could have been, but it doesn't have a direct causal -- cause and effect link. I simply cannot understand your assertion. From my point of view one does not follow from the other.
- Q. Let me ask you this, Mr Buzuk, were you aware at the time -- I'm talking about 1999 -- you may not have been aware, but were you aware at the time that Mr Berezovsky enjoyed good political relations with General Lebed?
- A. At that point in time I did not know that and I did not place any importance in that. I didn't know that he had some special good relationships with General Lebed.
- Q. Well, if you didn't know it you couldn't have placed any importance on it, but I think I can move on.

Now, at paragraphs 18 to 34 of your witness statement F1/03/99, Mr Buzuk, you deal with your recollection of the February 2000 sale of the aluminium assets, and you very fairly say at paragraph 20 of your witness statement that, as the events in question happened 11 years ago, you cannot recall precisely how many meetings took place and who attended each meeting.



Is that correct?

A. Yes, this is correct.

Q. And you also say at paragraph 7 of your witness statement F1/03/96 that at this distance in time you cannot remember all the details of the sale. Is that also correct?

A. Yes, I do say in paragraph 7 that I do not recall all the details of the sale.

MR MASEFIELD: Sorry, for some reason Madam Translator's answer isn't coming through. I can see it on the screen.

MRS JUSTICE GLOSTER: Are you on the right --

THE INTERPRETER: Sorry, yes. Can you hear me now? This is the interpreter.

MR MASEFIELD: Yes, I've got that now, thank you.

Would you also accept, Mr Buzuk, that you may not have been present at each and every single one of the meetings which culminated in the sale of the aluminium assets in February 2000?

A. Possibly I was not present at every meeting that led to the sale.

Q. I'm grateful for that. And to take an obvious example, you were more closely involved in the sale of Mr Anisimov's KrAZ assets, and you probably had little, if no, involvement with the sale of the Bratsk aluminium

assets that were being conducted by the Trans-World Group?

A. I was not involved with Bratsk sale because I had nothing to do with Bratsk and with Trans-World.

Q. And therefore you wouldn't have attended the meetings at which the sale of those assets were discussed?

A. Is that a supposition? I don't know what meetings they had. Did they have any other meetings? What is the question?

Q. I think we can move on.

Mr Buzuk, you tell us that you do recall a particular meeting which took place over dinner in the canteen at Sibneft, and you deal with this at paragraph 23 of your witness statement F1/03/100. You tell us there that you have a clear recollection of the meeting at which a number of people were present, including Mr Abramovich and Mr Patarkatsishvili as well as yourself. Is that right?

A. Yes, I am saying this in 23rd paragraph.

Q. And you say you:

"... clearly recall that after dinner Mr Abramovich asked Mr Patarkatsishvili why he should purchase the KrAZ assets and ... Mr Patarkatsishvili said something like 'I want you to buy'."

You clearly recall that, do you, Mr Buzuk?

- A. Yes, I recall that there was such a conversation after dinner.
- Q. And you also tell us that, following that meeting, yourself and Mr Streshinsky and Mr Abramovich's representatives worked around the clock and finalised the documentation for the sale of the KrAZ assets within around 48 hours, correct?
- A. Yes, that was, yes, about like this. We were working quite fast and we were preparing documentation quite fast.
- Q. Did you get the impression from that incident, Mr Buzuk, that it was Mr Patarkatsishvili rather than Mr Abramovich who was more eager to drive this deal forward?
- A. Well, whether he was eager more or less, I don't know about that. I knew that he wanted for the deal to happen and Abramovich first was -- had doubts, but then he made a decision and everything was propelled forward.
- Q. I'm grateful.

Now the main documentation in relation to the sale of the KrAZ assets was an agreement dated 10 February 2000, which you refer to in paragraph 26 of your witness statement F1/03100, and you refer to it as "the KrAZ Agreement".

Can we briefly turn that document up. Please can

you be given bundle H(A)17 and turn within that to page 38 if you want the Russian H(A)17/38, and page 33 if you want to see the translation in English H(A)17/33.

Do you have there the agreement of 10 February 2000 that you are referring to in paragraph 26 of your witness statement, Mr Buzuk?

A. Yes, I can see that.

Q. And you tell us that this document was a joint collaborative effort between Mr Anisimov's team and Mr Abramovich's team, is that correct?

A. Yes, this is correct.

Q. And you tell us that from your side the documentation was drafted by Mr Streshinsky and Mr Anisimov's in-house counsel, and then you reviewed it and provided comments on it, correct?

A. Yes, this is correct.

Q. And you say that you cannot now recall whether or not you were present at the final signing of this document, is that also correct?

A. I do not recall that. Yes, that's right, I do not recall that.

Q. And you say -- this is paragraph 33 of your witness statement, Mr Buzuk, if you want to look at it F1/03/102 -- that because you are aware of the

involvement of Mr Patarkatsishvili in the negotiations, and because Mr Abramovich, Mr Shvidler and Mr Patarkatsishvili were all recorded in this agreement as purchasers, you assumed that they were purchasing the KrAZ assets together. Is that right?

A. May I read paragraph 33?

MRS JUSTICE GLOSTER: Yes, please.

A. I'm not sure I am saying this the way it was spoken to me. (Pause)

MR MASEFIELD: What you say at paragraph 33, picking it up seven lines from the end of the paragraph:

"Consequently, I was aware that Mr Patarkatsishvili was involved with the sale of the KrAZ assets and, because Mr Abramovich, Mr Shvidler and Mr Patarkatsishvili were all recorded in the KrAZ Agreement as purchasers, I assumed that they were purchasing the KrAZ assets together."

A. Yes, this is correct. This is what I say in point 33.

Q. And you then go on to say:

"However, I did not know and was not provided with details of Mr Patarkatsishvili's role in relation to the sale of the KrAZ assets or details of the relationship between Mr Abramovich and Mr Patarkatsishvili."

It follows logically from that, does it not, Mr Buzuk, that none of Mr Abramovich's representatives

ever told you that Mr Patarkatsishvili was not in fact one of the purchasers?

MRS JUSTICE GLOSTER: Well, rather than asking him some question of logic -- just a second -- why don't you just put the question directly to him?

MR MASEFIELD: Yes.

None of Mr Abramovich's representatives ever told you that Mr Patarkatsishvili was not in fact one of the purchasers?

A. I never discussed with representatives of Mr Abramovich who physically and personally is the purchaser.

Q. So there was no discussion about Mr Patarkatsishvili's position, and there was no discussion also, do I take it, about Mr Shvidler's position?

A. Sorry, could you please clarify the question? Did I speak with Abramovich's people, who is the purchaser, who is purchasing?

Q. The question I had was: did they tell you that Mr Patarkatsishvili or Mr Shvidler were not in fact purchasers?

A. No, no one told me that, that someone was in fact a purchaser or was not in fact a purchaser. This was never discussed.

Q. I'm grateful.

Looking at the agreement that we have in

bundle H(A)17, you have the Russian at page 38 H(A)17/38 and the English at page 33 H(A)17/33, and focusing on the opening words, Mr Buzuk, do you see that it says:

"Roman Abramovich, Evgeniy Shvidler, Badri Patarkatsishvili and companies represented by them (hereinafter, 'Party 1') ..."

Do you see that wording?

- A. Yes, I can see that.
- Q. So certain companies were also included within the scope of party 1, that's what the definition says, correct?
- A. It rather says "represented by them". I am not sure that they were included within party 1.
- Q. That may be a matter of submission for her Ladyship, but let me ask you some questions about those companies, Mr Buzuk.

We know from the related share purchase and sale agreements that were also dated February 2000 that there were four such companies who we say were included within the scope of party 1 and who were the purchasers of the aluminium assets. Do you remember that there were four companies, Mr Buzuk? It may be that you don't at this distance in time.

- A. I do not recall the exact number of companies, but if you would show me some documents I will be able to tell

you whether it's the same share sale and purchase agreements or if there are any different sale and purchase agreements.

Q. I'm not sure we need go to the documents, but let me just tell you the company names, Mr Buzuk. The names of the companies that appear on the share purchase and sale agreements are Runicom Fort Limited, Palmtex Limited, Galinton Associated Limited and Dilcor International.

Do those names help trigger any recollection, Mr Buzuk?

A. Runicom certainly associates with Mr Abramovich, but with regard to any other company names I simply do not recall.

Q. And do you recall whether it was ever explained to you at the time which of the four companies Mr Abramovich was representing?

A. Sorry, could you please ask the question again?

Q. Do you recall --

A. We were given -- let me explain. This is a term sheet, this agreement is a term sheet. Based on the term sheet we have prepared agreements, and the practice that the sellers and the purchasers had several companies, it's a fairly standard practice, especially taking into account the details of anti-monopoly law of Russian Federation of that time not to get lots of licences and



to be able to split the share packages down and to be able to work further. This is how the process operated.

- Q. I'm not suggesting, Mr Buzuk, that it may have been unusual. I'm simply asking you a factual question, which is whether it was ever explained to you at the time which of the four companies Mr Abramovich was representing. If you can't recall or you don't know, you can say so.
- A. How do you mean Mr Abramovich represented? Maybe it's a matter of interpretation, because a director or a solicitor or a lawyer can represent a company. How do you mean Mr Abramovich represented a company?
- Q. I'm asking you quite a straightforward question. I'm not worried about the capacity in which he was representing them. Did you ever find out from Mr Abramovich's representatives which of the four companies he was representing? If you don't know, you can say so.
- A. (Not interpreted) Sorry, maybe a problem with translation. To own or to represent, what verb use?
- Q. To represent. I'm talking about control rather than ownership for the moment.
- A. (Interpreted) Could we please go back to Russian. Thank you.

In my understanding they have provided a set of

company -- as I understand, they have given their companies for the deal. I have never discussed with them the nature of relationship between us -- between them, between the companies, et cetera, and so on and so forth.

Q. Thank you for that answer, Mr Buzuk.

Were you ever told the identity of the ultimate beneficial owner or owners behind the four companies?

A. No.

MR MASEFIELD: Thank you very much, Mr Buzuk.

My Lady, I have no further questions.

MRS JUSTICE GLOSTER: Thank you very much.

MR MALEK: No re-examination, my Lady.

MRS JUSTICE GLOSTER: No one else has any questions?

MR SUMPTION: No.

MR ADKIN: No, my Lady.

MRS JUSTICE GLOSTER: Very well. Thank you very much,

Mr Buzuk, for coming to give your evidence. You may be released.

THE WITNESS: (Not interpreted) I can go?

(The witness withdrew)

MRS JUSTICE GLOSTER: Right, Mr Malek?

MR MALEK: The next witness is going to be on Monday,

Mr Streshinsky.

MRS JUSTICE GLOSTER: Yes.

MR MALEK: Your Ladyship will find his statement at F1,  
tab 2 F1/02/55.

MRS JUSTICE GLOSTER: Yes.

MR MALEK: We notice that there were a number of  
cross-references to the bundles that were omitted so  
we're loading it on to Magnum at the moment and we'll  
get an updated --

MRS JUSTICE GLOSTER: Can you let me have a hard copy,  
because with statements I do like to use them in hard  
copy.

MR MALEK: Yes, we'll get that to your Ladyship today.

The other matter I should mention in relation to  
Mr Streshinsky is that there is a visa problem and it  
seems likely to us that he will be giving his evidence  
from Moscow on Monday. That means, of course, that we  
have to make an application to your Ladyship on paper,  
which we will do today.

MRS JUSTICE GLOSTER: Can I not dispense with that or does  
there need to be some record? It's not enough if I just  
say in the transcript, provided there are no objections?

MR MALEK: There are some requirements so I think it's  
probably necessary for us to do so, but if we can check,  
but if we can satisfy --

MRS JUSTICE GLOSTER: What are the requirements, and you can  
tell me and I can decide whether they're satisfied or

not.

MR MALEK: If --

MRS JUSTICE GLOSTER: I've got a White Book here.

MR MALEK: Yes, if your Ladyship turns to the  
Commercial Court Guide, which is probably the best way  
to find the relevant passage. It's in --

MRS JUSTICE GLOSTER: Volume 2, page?

MR MALEK: It's H3, which deals with evidence by video-link,  
which is at page, bottom numbering of part 2 at 349.

MRS JUSTICE GLOSTER: So where do I find --

MR MALEK: H3.2 requires us to prepare a memorandum dealing  
with matters set out in the video conferencing guidance.

MRS JUSTICE GLOSTER: Let's look at annex --

MR MALEK: Then if we go to appendix 14 --

MRS JUSTICE GLOSTER: Yes, where's that?

Yes, I have it. It reproduces the annex 3, see  
volume 1, blah blah.

It just struck me that if you tell me why I can make  
an order now and you can simply draw it up.

MR MALEK: My Lady, I don't know whether -- I've actually  
got a hard copy of the Commercial Court Guide so  
I haven't got appendix -- the reference there. Has your  
Ladyship --

MRS JUSTICE GLOSTER: Yes, I'm just looking at -- it's  
sending me to 32PD.33, and if somebody will tell me

where that is.

MR MALEK: That would be in volume 1 at --

MR ADKIN: Page 974, my Lady.

MRS JUSTICE GLOSTER: Thank you.

Well, there's a whole lot of stuff here. What do I need to look at?

MR MALEK: The one that really matters is paragraph 4 which requires us to check that there can be no objection to evidence being taken from Russia in this way, and that's a point that we're checking at the moment. But subject to that point, in my respectful submission, your Ladyship can dispense -- we've had video conferencing here, it works very well. My understanding is that there is a bridge and we will work with the solicitors on this matter to deal with it.

MRS JUSTICE GLOSTER: And there's no objection?

MR RABINOWITZ: My Lady, if Mr Streshinsky can't get a visa then there's no objection. I should just mention this: it would be very helpful to know as soon as possible if this is going to happen because obviously we would need someone to go there and we would have to apply for a visa, but we will probably do it anyway just in case, but it would be helpful to know one way or the other as soon as possible.

MR MALEK: The latest indication we got this morning was

that we couldn't be given a guarantee that it would be done in time, so we're proceeding on the basis that on Monday it will be by video conference. If the position changes we will of course notify the court and the parties.

MRS JUSTICE GLOSTER: Yes, well, if Mr Rabinowitz's side has got to make arrangements for someone to be there ...

MR RABINOWITZ: I think we should do it in any event, just in case, on the same basis.

MRS JUSTICE GLOSTER: Okay, I will leave you to liaise about that. But in principle, the reason he can't obtain a visa is a time issue, there's no other reason?

MR MALEK: Yes, that's correct.

He's applied -- part of the process has been completed but there is a further part that needs to be done, and there is no guarantee that that will be done on Monday.

MRS JUSTICE GLOSTER: Okay. Well, subject to your being satisfied that there's no problem, so far as Russia is concerned, in having evidence taken on video-link for a foreign court I'm content to make an order.

MR MALEK: We're obliged to your Ladyship.

MRS JUSTICE GLOSTER: Yes.

MR RABINOWITZ: When your Ladyship rises, since we're not going to be here I think until Monday, we probably need

to fix a time for Monday, for Mr Streshinsky.

MRS JUSTICE GLOSTER: Oh, for Mr Streshinsky, yes.

MR MALEK: 10.15, my Lady.

MRS JUSTICE GLOSTER: And then thereafter on Monday?

MR SUMPTION: It's experts, my Lady, starting with the  
Russian law experts.

MRS JUSTICE GLOSTER: Yes, and we're starting with  
Dr Rachkov straightaway?

MR SUMPTION: Yes, and then Mr Rozenberg and then  
Professor Maggs. I understand that Professor Maggs is  
likely to be relatively short because my learned  
friend's understandable line is that he's not going to  
repeat to each witness, who says much the same thing,  
exactly the same as he said to the last one.

MR RABINOWITZ: My learned friend asked me this yesterday,  
and I can confirm it to your Ladyship, Dr Rachkov's  
evidence will be given in English, he's content to give  
his evidence in English. He does want and indeed he  
will have a transcript so he can just be sure that he  
understands things before he answers them. Again, as  
I understand, the same is true for Dr Rozenberg?

MR SUMPTION: Yes, it is.

MRS JUSTICE GLOSTER: So far I have looked at the experts,  
to the extent that I have looked at them, on Magnum.

MR RABINOWITZ: Bundle G.

MR SUMPTION: It's G(A)1, G(A)3 and G(A)6 that your Ladyship will need for the actual reports.

MRS JUSTICE GLOSTER: I'm just wondering whether I want them in hard copy. I don't think I've been given them in hard copy.

MR SUMPTION: Would your Ladyship like to be given them in hard copy?

MRS JUSTICE GLOSTER: I think probably I would actually. I just find working on the witness statements easier in the hard copy as compared to the documents.

MR SUMPTION: There are very voluminous exhibits, which are essentially authorities legislative and judicial. Does your Ladyship wish to have those in hard copy?

MRS JUSTICE GLOSTER: No, I would rather have those on Magnum.

MR SUMPTION: Very well. In that case your Ladyship will get G(A)1, G(A)3, G(A)5 and G(A)6, which are respectively Rachkov, Rozenberg, Maggs and joint memorandum.

MRS JUSTICE GLOSTER: Yes, that would be very helpful. The only thing that is sometimes difficult to look at on Magnum is where there are schedules in A3, or tables that are very extensive, and you have to scroll --

MR SUMPTION: From recollection, I don't think there are any of those.



MRS JUSTICE GLOSTER: Okay, if I could just have the witness statements in hard copy that would be very helpful.

MR SUMPTION: Yes.

MR ADKIN: My Lady you mentioned there was a question mark next to Maggs.

MRS JUSTICE GLOSTER: Yes, because I am very conscious that I haven't actually given you permission to call him yet.

MR ADKIN: I think you gave us permission, my Lady, subject to Mr Rabinowitz's right to object on grounds of admissibility or irrelevance or so on.

MRS JUSTICE GLOSTER: Or duplication.

MR ADKIN: Or duplication, possibly. He does not object so we do propose to call him, but we understand that your Ladyship is not going to want to hear any duplicative material.

There is one further point I should make about Professor Maggs which is that, as a result of the expansion of the overlap issues, your Ladyship will recall there's a new overlap issue, we have put in a second report of Professor Maggs which deals with that expanded -- the Russian law topics that arise out of that expanded overlap issue, and that is at G(A)5/2, and we'll make sure that your Ladyship has both of Professor Maggs' reports.

Going forward, there was also a question mark over

Professor Bean, who is our Russian contemporary history expert, for the same reasons. I also understand, again along the same lines, from Mr Rabinowitz, that that question mark can now be removed.

MR SUMPTION: My Lady, on the historical evidence, your Ladyship left that on the footing that the evidence could in principle be called without prejudice to the right of any party to say that it was inadmissible. We do believe that very large parts of it are in fact irrelevant and inadmissible, but it will take less time to deal with that by way of cross-examination than to make formal submissions on the point so that we --

MRS JUSTICE GLOSTER: Right. I don't want to be burdened by what I regard, or what either of the parties or any of the parties regard as irrelevant material, because I then waste my time reading it.

MR SUMPTION: Quite. I have to say we're going to be extremely selective in which parts we deal with. We're not going to cross-examine at length, or in most cases at all, on things that we regard as not mattering a row of beans. But it's only going to extend things unnecessarily if we start having an argument about admissibility and principle before the evidence as opposed to in final submissions.

MRS JUSTICE GLOSTER: Fine.

MR RABINOWITZ: My Lady, we are content with that approach.

We are also going to be selective. We are conscious of the fact that your Ladyship does not want to be burdened with things that don't or no longer matter.

MR ADKIN: My Lady, we take the same position as Mr Sumption.

MRS JUSTICE GLOSTER: Very well. Okay, well you'll let me have the statements but not the exhibits.

MR RABINOWITZ: Just on that, we talked, I think, your Ladyship, about the Russian law bundles. Your Ladyship's comment goes equally, presumably, for the history bundles, then, does it? You would like those in hard copy?

MR SUMPTION: Those exhibits are even more oppressive.

MRS JUSTICE GLOSTER: Yes, I don't need the exhibits to the history, thank you very much. Unless they're pictures of course.

MR RABINOWITZ: We can manage some pictures, we can even draw some pictures for your Ladyship.

MRS JUSTICE GLOSTER: Very well. 10.15 on Monday then. Thank you very much.

(11.12 am)

(The hearing adjourned until  
Monday, 28 November 2011 at 10.15 am)

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