

# The Litvinenko Inquiry

Report into the death of  
Alexander Litvinenko

Chairman: Sir Robert Owen

Presented to Parliament pursuant to Section 26 of the Inquiries Act 2005  
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## Part 1: Preface

- 1.1 On 22 July 2014 the Secretary of State for Home Affairs, the Rt Hon Theresa May MP, announced, in a written statement laid before the House of Commons, that an Inquiry under the Inquiries Act 2005 was to be held into the death of Alexander Litvinenko. I was appointed to chair the Inquiry.
- 1.2 The Terms of Reference for the Inquiry, upon which I was consulted prior to my appointment, are to be found at Appendix 3 to this Report. I was invited by the Secretary of State to complete the Inquiry by December 2015. I opened the Inquiry on 31 July 2014. The oral hearings were completed on 31 July 2015, and my Report was duly delivered to the Secretary of State in January 2016.
- 1.3 The Inquiry has been completed substantially within the budget prepared by the secretariat, and adopted by the Secretary of State in setting a budget cap.
- 1.4 I am indebted to Counsel to the Inquiry, Robin Tam QC, Hugh Davies QC and Andrew O'Connor QC, and to the Solicitor to the Inquiry, Martin Smith, and his assistant, Abigail Scholefield, for their invaluable assistance in the collation, analysis and presentation of the evidence, and in the preparation of this Report.
- 1.5 I must also record my appreciation of the work of the Inquiry secretariat, Lee Hughes CBE, Secretary to the Inquiry, his deputy Frances Currie, Press Officer Mike Wicksteed and Paralegal Amy Nicholls. They have organised the administration of the Inquiry in a most efficient and professional manner.
- 1.6 I am indebted to the Commissioner of Police of the Metropolis, who authorised his officers to continue to provide the investigative and evidential services that had been provided to me as Assistant Coroner charged with the conduct of the inquest into the death of Alexander Litvinenko following the establishment of the Inquiry. I place on record my appreciation of the work of the officers of the Metropolitan Police Service (MPS) who carried out an exemplary investigation into the death of Mr Litvinenko, and who provided the greatest assistance to me in providing investigative and evidential services in the course of the Inquiry. I should in particular pay tribute to the work carried out by Commander Ball, Detective Inspector Craig Mascall, Detective Chief Inspector Mike Jolly and all members of the Operation Avocet team.
- 1.7 I was greatly assisted by Solicitors and Counsel for the Core Participants who took part in the Inquiry: Ben Emmerson QC, Adam Straw and Elena Tsirlina for Marina and Anatoly Litvinenko; Richard Horwell QC, Saba Naqshbandi, Jenny Leonard and Prit Mandair for the MPS; Neil Garnham QC, Robert Wastell, Paul Bishop and Catherine Turtle for the Secretary of State; and David Evans QC, Alasdair Henderson and Simon Ramsden for AWE plc.
- 1.8 My conclusions on the central issues in this Report are to be found at Parts 8, 9 and 10. Those Parts of the Report, and the conclusions they contain, are based on the totality of the evidence that I have heard – that is, both the 'open' and the 'closed' evidence. The conclusions are mine and mine alone.



## Part 2: Introduction

- 2.1 In August 2012, over three years ago, I was appointed to conduct what were then the inquest proceedings concerning the death of Alexander Litvinenko.
- 2.2 I have described the procedural history of both the inquest and this Inquiry in some detail at Appendix 1, but I propose shortly to summarise the position by way of introduction.
- 2.3 The inquest proceedings into Mr Litvinenko's death had been resumed by Dr Andrew Reid, the then Coroner for Inner North London, in late 2011. A considerable amount of work was undertaken in preparation for the inquest, both prior to and following my appointment. However, the inquest proceedings ran into difficulties. In the end, and at my request, the inquest was replaced by the Public Inquiry that I have now conducted. The preparatory work was not wasted – almost all of it was simply carried over to the Inquiry.
- 2.4 The difficulties with the inquest centred on the existence of sensitive government documents that were relevant to the investigation that I was conducting. More particularly, the documents raised an arguable case that the Russian State bore responsibility for Mr Litvinenko's death.
- 2.5 The law does not allow evidence to be taken in what are known as 'secret' or 'closed' sessions at an inquest. But the government material was so sensitive that it could not be adduced in any form of public or 'open' session. The material was therefore excluded from the inquest proceedings under the legal principle known as public interest immunity.
- 2.6 It has always been my view that the question of possible Russian State responsibility for Mr Litvinenko's death is one of the most important issues arising from his death. It was an issue that I had intended to investigate at the inquest, but it did not seem right to me to investigate this issue in the knowledge that government material that was of great relevance had been excluded – albeit that it had been excluded for a good reason.
- 2.7 I therefore asked the Home Secretary to establish a Public Inquiry to replace the inquest. The advantage of a Public Inquiry over the inquest was that the rules governing an inquiry allow for sensitive evidence to be heard in closed session.
- 2.8 The Home Secretary initially refused to establish a Public Inquiry. She subsequently agreed to do so after her refusal had been successfully challenged in the High Court by Mr Litvinenko's widow, Marina Litvinenko. I agreed to serve as the Chairman of the Inquiry.
- 2.9 The Inquiry was formally set up on 31 July 2014. I was at that time a serving High Court Judge; I retired from that post in September 2014.
- 2.10 The Inquiry's Terms of Reference are to be found at Appendix 2 to this Report. In broad terms, the issues that have been investigated by the Inquiry pursuant to the Terms of Reference replicate the matters that I would have investigated at the inquest. The issue of Russian State responsibility, in particular, has been fully examined. The sensitive government material that was excluded from the inquest on the ground of public interest immunity has been considered.

- 2.11** The Inquiry sat to conduct open hearings at the Royal Courts of Justice on 34 days in January, February, March and July 2015.
- 2.12** Closed hearings were also conducted.
- 2.13** As I trust the detail of this Report will demonstrate, I took evidence from a very wide range of sources. The witnesses who gave evidence to the Inquiry included not only Mr Litvinenko's family, friends and business associates, but also medical professionals, nuclear scientists, police officers and experts in fields as diverse as Russian history and polygraphy.
- 2.14** Transcripts of the open hearings, together with the very considerable volume of documentary evidence that I adduced, are available on the Inquiry website.
- 2.15** There were, however, several important witnesses from whom I did not hear.
- 2.16** Boris Berezovsky, who was a close friend of Mr Litvinenko and whom some have blamed for his death, died himself in 2013. I did, however, have access to a large quantity of documentary material – principally police witness statements and interview transcripts which contain detailed accounts given by Mr Berezovsky regarding the matters under investigation. I adduced all this material into evidence.
- 2.17** Andrey Lugovoy and Dmitri Kovtun, both of whom are wanted by the British authorities for the murder of Mr Litvinenko, declined my invitation to give evidence to the Inquiry. That is a matter of regret to me. Both men took some part in these proceedings. Mr Lugovoy was represented for a time during the preparations for the inquest, but declined to take any further part when the inquest was converted into an Inquiry. Mr Kovtun made contact with the Inquiry towards the end of the scheduled hearings and indicated that he wished to give evidence. He provided a witness statement and arrangements were made for him to give oral evidence by videolink from Moscow. In the end, however, he decided not to do so.
- 2.18** The decision was, of course, a matter for them. Since both men were out of the jurisdiction I could not compel them to attend the Inquiry and give evidence. Their decision not to give oral evidence means that I do not have the answers to the questions that they would have been asked, and I have noted in the course of the Report several points in the evidence that demand an explanation from them.
- 2.19** Finally on this point, I should emphasise that, in the end, the fact that Mr Lugovoy and Mr Kovtun did not give oral evidence does not undermine the findings that I have made about their involvement in Mr Litvinenko's death. The findings are clear. I am entirely confident in making them.
- 2.20** As I have explained at paragraphs 122-123 of Appendix 1, in making findings of fact I have adopted the 'flexible and variable' approach to the standard of proof that was formulated by Sir William Gage in the Baha Mousa Inquiry. I add that where in this Report I state that 'I am sure' I will have found a fact to the criminal standard. When I use such expressions as 'I find' or 'I am satisfied' the standard of proof will have been the ordinary civil standard of proof, namely the balance of probabilities. Where it is obvious that I have found a fact but I have not used one of these terms, the standard will have been the civil standard. All other expressions, such as a reference to a state of affairs being 'possible' will not be a finding of fact, but will indicate my state of mind in respect of the issue being considered.

- 2.21** References in the footnotes such as 'INQ123456' or 'HMG345678' are to documents that I have adduced in evidence and that can be found on the Inquiry website. A reference such as 'Mascall 30/83-92' is to the hearing transcript, which is also available on the website; that particular reference is to the evidence of Detective Inspector Mascall on Day 30 of the hearings, at pages 83 to 92 of that day's transcript.
- 2.22** The structure of this Report reflects the fact that I have received both open and closed evidence relating to the issues that I must determine.
- 2.23** **Part 3, Part 4, Part 5 and Part 6** contain an analysis of the open evidence that I have heard regarding Mr Litvinenko's life in the United Kingdom and Russia; theories and evidence as to who may have had a motive to kill him; the events of the final weeks of his life, including the so called 'polonium trail'; and the circumstances of his illness and death.
- 2.24** **Part 7** concerns the closed evidence that I have received. Because of the sensitivity of this evidence, I do not anticipate that any of this Part (other than the introductory section) will be published. This Part also contains the single recommendation that I have made. Because the recommendation relates to the closed material, I do not expect it to be published.
- 2.25** **Part 8** and **Part 9** contain my findings on the two linked questions of who killed Mr Litvinenko and who directed his killing. **Part 10** contains my final conclusions. The analysis and conclusions in these Parts are founded on the totality of the evidence that I have heard – that is, both the 'open' and the 'closed' evidence.
- 2.26** I have had the provisions of section 2 of the Inquiries Act 2005 very much in mind in formulating my conclusions in this matter. The core factual findings that I have made, which are summarised in Part 10, are those which I consider it necessary to make in order to discharge my responsibility under paragraph 1(ii) of the Terms of Reference to identify where responsibility for Mr Litvinenko's death lies. I have no power to determine any person's civil or criminal liability and I have not done so.



# Part 3: Alexander Litvinenko – his life in Russia and the United Kingdom, his illness and death

## Chapter 1: In Russia

- 3.1 I received detailed evidence regarding the history of Alexander Litvinenko's life in Russia before he left to travel to the United Kingdom (UK) with his family in November 2000. Very little of this evidence was contentious and much is already in the public domain. For example, a detailed account of Mr Litvinenko's life in Russia is to be found in Alex Goldfarb and Marina Litvinenko's book *Death of a Dissident*, and I am of course aware of other books that have been written about Mr Litvinenko's life, such as Martin Sixsmith's *The Litvinenko File* and Alan Cowell's *The Terminal Spy*.
- 3.2 Although many of these matters are well known, I have set them out here in outline as they are of considerable contextual significance to the questions that I have been charged with investigating. The events that took place during Mr Litvinenko's life in Russia, and in particular the last years before he left, cast a long shadow over his life in the UK. Many of those who played a part in the events of the final weeks and months of Mr Litvinenko's life in 2006 were old friends and adversaries from his days in Russia.

### Childhood

- 3.3 Alexander Litvinenko was born on 4 December 1962 in the Russian city of Voronezh. His parents, Walter and Nina Litvinenko, divorced when he was very young, and it appears that his childhood, in consequence, was not easy. I heard that as a young child Alexander spent periods of time living with his father and his father's parents in Nalchik in the North Caucasus, with his mother in Moscow and with an aunt in another city called Morozovsk. When he was about 12 he returned to Nalchik to live with his grandparents, with whom he spent the rest of his childhood.<sup>1</sup> Nalchik is located towards the south of the old USSR, in the foothills of the Caucasus Mountains. It is close to Chechnya. This region and its people would later play an important part in Mr Litvinenko's life.
- 3.4 Both Mr Litvinenko's parents remarried. His mother had a daughter, Svetlana, with her new husband. Mr Litvinenko's father, Walter, had three children with his new wife, of whom the youngest was a son named Maxim.<sup>2</sup> As we shall see, Maxim lived in Italy later in his life, where he spent some time with his older half-brother Alexander.
- 3.5 Mr Litvinenko finished his schooling in 1980 at the age of 17. The evidence of Marina Litvinenko (who of course had not yet met Mr Litvinenko at that time) was that he applied to go to university, but did not get a place,<sup>3</sup> and decided instead to go to military college. He took that decision in part because he would have been required to undertake military service at some point in any event. However, she said that he was also influenced, even at that young age, by a desire to serve and defend his country.

<sup>1</sup> [Marina Litvinenko 3/19-20; INQ017734](#) (page 2 paragraph 6)

<sup>2</sup> [Marina Litvinenko 3/20-23](#)

<sup>3</sup> [Marina Litvinenko 3/23-24](#)

She said that he regarded his grandfather, who had fought in the Second World War, as a model in this respect. I note this evidence because Mr Litvinenko's sense of duty to his country – initially to Russia and latterly also to the United Kingdom – is a strong theme of the evidence that I heard about him.

## Early military career

- 3.6 The military college that Mr Litvinenko attended was a training centre for Interior Ministry forces, located in a city in North Ossetia then called Ordzhonikidze (now called Vladikavkaz). It is about 80 miles from Nalchik – as Marina Litvinenko observed, not too far in Russian terms. Marina Litvinenko's evidence was that he spent five years training at Ordzhonikidze, graduating in or about 1985 as a lieutenant.
- 3.7 Mr Litvinenko then served in the Dzerzhinsky Division of the forces of the Interior Ministry between 1985 and 1988. His duties appear to have included intelligence work relating to the protection of trains carrying gold bullion. In 1988 Mr Litvinenko was recruited to join what was then still called the Committee for State Security (KGB). He underwent a period of intelligence training at a KGB facility in Siberia, and in 1991 was posted to KGB headquarters in Moscow.<sup>4</sup>
- 3.8 During this period, as well as securing professional advancement, Mr Litvinenko had started a family. He married his first wife, Natalia, whilst he was still a student. His first child, a son named Alexander, was born in January 1985.<sup>5</sup> His daughter Sonya was born in August 1991.

## KGB officer

- 3.9 These were times of considerable instability in Russia. 1991, the year in which Mr Litvinenko was posted to KGB headquarters in Moscow, saw the attempted coup against President Mikhail Gorbachev and the dissolution of the Soviet Union. The KGB was dismantled in November 1991. A series of successor organisations inherited much of its staff and took over responsibility for Russian internal security and counterintelligence. Mr Litvinenko worked for each of these organisations throughout this period. The last of these organisations, which was created in 1995 and which still exists, was the Federal Security Service (FSB).
- 3.10 In 1991 Mr Litvinenko was assigned to the Economic Security and Organised Crime Unit of what was then still the KGB. He continued to work in that department until about 1994, when he was transferred to the Anti-Terrorism Department of what had by then become the Federal Counterintelligence Service (FSK).<sup>6</sup>
- 3.11 The evidence I have heard is that one of the main focuses of Mr Litvinenko's work during this period was in combating organised crime. In her witness statement, Marina Litvinenko refers, by way of example, to Mr Litvinenko investigating crimes that were then being committed against wealthy Georgians who had moved to Moscow to escape the civil war in their newly independent country. She describes Mr Litvinenko's part in saving the life of a 19 year old boy who had been kidnapped and ransomed for

<sup>4</sup> [Marina Litvinenko 3/24-25; INQ017734](#) (page 3 paragraph 7); there are some small points of difference between this evidence and Mr Litvinenko's own account, given without an interpreter at the first session of his November 2006 police interviews – [INQ002076](#) (page 3)

<sup>5</sup> [Marina Litvinenko 3/15](#) lines 14-16

<sup>6</sup> [Marina Litvinenko 3/27-29; 4/80](#)

US\$1 million. She stated; “*I saw that Sasha gave himself to his job without reservation and helped people who found themselves in difficulties.*”<sup>7</sup>

- 3.12** I heard that it was whilst working for the Economic Security and Organised Crime Unit that Mr Litvinenko first began to investigate the activities of the Tambov criminal group. This was an organised crime group based in St Petersburg. It was led by Vladimir Kumarin, also known as Barsukov, and another man called Alexander Malyshev. In the course of his investigations, Mr Litvinenko discovered evidence that the Tambov group was engaged in smuggling heroin from Afghanistan via Uzbekistan and St Petersburg to Western Europe. Even more significantly, he became convinced that there was widespread collusion between the Tambov group and KGB officials, including both Vladimir Putin and Nikolai Patrushev.
- 3.13** This was the start of what was to become one of Mr Litvinenko’s abiding concerns. As we shall see, he continued to investigate and to seek to publicise links between the KGB/FSB and organised crime both before and after he left Russia. Following his arrival in the UK, he made these allegations in his book *The Gang from the Lubyanka*, and also in the shorter essay *The Uzbek File*.<sup>8</sup>

## Marriage to Marina Litvinenko

- 3.14** It was in June 1993, and as a result of another case on which he was working, that Mr Litvinenko met his future wife Marina.
- 3.15** Marina Litvinenko has been an interested person and a core participant throughout the life of, respectively, the inquest and Inquiry proceedings. As I have described at paragraphs 46 and 50 of Appendix 1, it was her action in bringing a judicial review against the Home Secretary (at considerable financial risk to herself) that resulted in this Inquiry being established. Marina Litvinenko’s legal team has engaged with both sets of proceedings in a most constructive manner, and I have been impressed throughout by the dignity and composure that she has shown during what must have been at times a deeply distressing process. Above all, she has demonstrated a quiet determination to establish the true facts of her husband’s death that is greatly to be commended. When she gave oral evidence before me, which she did over the course of two days at the Inquiry hearings, I found her to be an impressive witness who gave careful and considered responses to the questions that she was asked, many concerning events that took place ten years and more ago.
- 3.16** In 1993 Marina Litvinenko was a dance teacher living in Moscow. She had been born in Moscow in 1962 and had grown up and been educated there. She had studied at university for five and a half years, graduating as an engineer economist, but by the time that she graduated, she had already become heavily involved in dancing. On leaving university she became a professional dancer. She married her dance partner and for several years the couple took part in competitive ballroom dancing and also worked as dance teachers. The marriage ended in 1989. She stopped competitive dancing at that point, but carried on with her teaching job.<sup>9</sup>
- 3.17** Two of Marina Litvinenko’s friends from her dancing days, a couple, were receiving demands for money and threats of violence from a former business associate. They had reported the matter to the authorities and Mr Litvinenko was investigating the

<sup>7</sup> [INQ017734](#) (page 3 paragraph 8)

<sup>8</sup> [Goldfarb 26/28-35](#)

<sup>9</sup> [Marina Litvinenko 3/3-6](#)

case. The couple got on well with Mr Litvinenko and invited him to a dinner at Marina's flat to celebrate her birthday in June 1993. Mr Litvinenko was still married to Natalia at this time, but the marriage was in difficulties, and ended in divorce shortly thereafter.<sup>10</sup>

- 3.18** Mr Litvinenko and Marina began a relationship. Their son Anatoly was born in June 1994. Alexander and Marina Litvinenko married in October 1994.<sup>11</sup>

## Developing friendship with Boris Berezovsky

- 3.19** It was at about the same time – 1994 – that Mr Litvinenko first met and started to develop what was to become a close friendship with Boris Berezovsky. Mr Berezovsky is one of the key figures in the events that form the subject matter of this Inquiry, and it is appropriate to say a few words of introduction about him at this point.
- 3.20** Boris Berezovsky was born in Moscow in 1946. He was a mathematician by training. For the first part of his life he worked as a government scientist; he also conducted research and published academic articles. Mr Berezovsky became an extremely successful businessman during the liberalisation of Russia's internal market, first under President Gorbachev and then under President Yeltsin, with whom he had a close relationship. His first business, which he founded in the late 1980s, was a car dealership named *LogoVAZ*, but his business interests diversified into broadcasting, airlines and the oil industry.
- 3.21** During the 1990s Mr Berezovsky acquired both great wealth and considerable political influence. He was one of the foremost of the so called 'oligarchs' of that period. At the end of that decade, Mr Berezovsky apparently played a role in facilitating the rise to power of Vladimir Putin. However, he fell out with Mr Putin shortly after the latter's election as President in March 2000. He left Russia permanently at the end of 2000 and claimed asylum in the UK. Thereafter, Mr Berezovsky became a vociferous critic of Mr Putin. Repeated attempts by Russia to secure his extradition were unsuccessful, and Mr Berezovsky was granted asylum in the UK in 2003. He spent much of his wealth in opposing President Putin's regime, and in supporting others who did the same – one of whom, as we shall see, was Mr Litvinenko.
- 3.22** When the inquest into Mr Litvinenko's death was resumed in 2011, Mr Berezovsky was granted interested person status. He was entitled to such status not least because, as we shall see, allegations had been made that he had been involved in Mr Litvinenko's death. Those acting for Mr Berezovsky played a constructive part in the early stages of the inquest proceedings, making submissions at directions hearings and disclosing documentation. Mr Berezovsky's involvement in these proceedings was, however, cut short by his own death in March 2013.
- 3.23** Had Mr Berezovsky been alive at the time of the Inquiry hearings, he would undoubtedly have been an important witness. Although I was not able to hear Mr Berezovsky give oral evidence, I did adduce a substantial quantity of documentary evidence emanating from and relating to him.<sup>12</sup> It included statements given by Mr Berezovsky to the Metropolitan Police team investigating Mr Litvinenko's death and transcripts of interviews. In considering this documentary evidence, I have of course taken account of the fact that I did not have the benefit of hearing Mr Berezovsky's account being tested in oral evidence. I have also borne in mind the fact that Mrs Justice Gloster

<sup>10</sup> [INQ017734](#) (page 1 paragraph 1)

<sup>11</sup> [INQ017734](#) (page 2 paragraph 4)

<sup>12</sup> [Berezovsky 25/3-30](#)

found Mr Berezovsky to be a highly unreliable witness in the proceedings that he brought against Mr Roman Abramovich in the High Court in London.<sup>13</sup> In fact (and in contrast to the Abramovich case), a large proportion of Mr Berezovsky's account has been either uncontentious or well supported by the evidence of others. In reaching my conclusion on the question of Mr Berezovsky's alleged involvement in Mr Litvinenko's death (see Part 9), I have been able to rely on a considerably wider array of evidence than Mr Berezovsky's own (untested) denial.

- 3.24** Returning to Moscow in 1994, the account that Mr Berezovsky gave of his first meetings with Mr Litvinenko was in the following terms:

*"I first met Alexander Litvinenko, also known as Sasha Litvinenko, in 1994 when he was an FSB officer for the Russian security services (KGB). He came to my offices as he had orders to look into the workings of my company. It was not to investigate me personally, but an investigation into how my business was operating. This was because at the time the FSB were trying to establish how Russia was being transformed.*

*In June 1994 I was subject to a terror attack against me in Moscow. It was a car bomb. When I left my office the car exploded. My driver was killed, my bodyguard and I were both injured and I spent two weeks in hospital in Switzerland. This incident resulted in Litvinenko and I becoming close friends."*<sup>14</sup>

- 3.25** Marina Litvinenko had only known Mr Litvinenko for a year in June 1994, but in her oral evidence she recalled that he had been involved in investigating the assassination attempt against Mr Berezovsky, which she described as having been front page news at the time.<sup>15</sup> She also stated that Mr Litvinenko had been ordered at that time to (as she put it in her witness statement) "*maintain regular contact*" with Mr Berezovsky.<sup>16</sup> The precise scope and purpose of this duty was not clear – Marina Litvinenko did not think, for example, that he was acting as a bodyguard. It may be that this was simply a continuation of the attempts by the FSB (or FSK as it was at this time) to keep tabs on Mr Berezovsky, which he described in the first of the two paragraphs quoted from his statement above.

- 3.26** Marina Litvinenko recalled that at that time Mr Litvinenko had a number of meetings with Mr Berezovsky, and that he accompanied Mr Berezovsky on a trip to Switzerland in 1995. Her evidence was that Mr Litvinenko travelled on that occasion on a diplomatic passport provided by the FSB; so it would appear that the trip had the blessing of his superiors.

- 3.27** Putting the matter shortly, the evidence seems to support Mr Berezovsky's assertion that the assassination attempt in June 1994 was the start of the process by which he and Mr Litvinenko became close friends.

- 3.28** A second important incident in the development of the relationship between the two men took place in March 1995, following the murder in Moscow of a man named Vlad Listyev. Mr Listyev was at that time the most popular TV presenter in Russia; he was also the head of the independent television station ORT, which was controlled by Mr Berezovsky. Marina Litvinenko's account of this episode was that police came

<sup>13</sup> *Berezovsky v Abramovich* [2012] EWHC 2463 (Comm), paragraphs 97-112

<sup>14</sup> [Berezovsky 25/6-7](#)

<sup>15</sup> [Marina Litvinenko 3/35-36](#)

<sup>16</sup> [INQ017734](#) (page 3 paragraph 9)

to Mr Berezovsky's office to arrest him for Mr Listyev's murder; Mr Berezovsky got a message to Mr Litvinenko, who came to the office and prevented the police from taking Mr Berezovsky away. She explained that both Mr Berezovsky and Mr Litvinenko feared that Mr Berezovsky might be murdered in police custody had he been arrested. In Mr Berezovsky's account of this incident, he said that Mr Litvinenko had taken out his gun and said to the police, "*If you try to catch him now I'll kill you.*"<sup>17</sup> Marina Litvinenko emphasised that Mr Litvinenko's intervention on behalf of Mr Berezovsky had been authorised by at least one of his superiors, namely General Anatoly Trofimov, who was then the head of the Moscow regional directorate of the FSK.

- 3.29** I am clearly not in a position to make any findings regarding the rights and wrongs of this affair, including as to whether Mr Berezovsky was in fact involved in any way in Mr Listyev's death (a subject which I am aware remains controversial). Nor is the determination of such matters within the proper scope of this Inquiry. What I think can be said, which certainly is of relevance for present purposes, is that this episode marked a further stage in the developing friendship between Mr Litvinenko and Mr Berezovsky. More than that, it put Mr Berezovsky in Mr Litvinenko's debt. As Marina Litvinenko put it during her oral evidence, "*After that, Boris Berezovsky said many times Sasha saved his life, and he was very grateful.*"<sup>18</sup> The repayment of that debt is an important backdrop to the story of Mr Litvinenko's subsequent escape from Russia to the UK, and his life here.

## Involvement in the First Chechen War

- 3.30** The First Chechen War started at the end of 1994. By this time, Mr Litvinenko was attached to what Marina Litvinenko described as the Anti-Terrorist Centre of the FSK.
- 3.31** It would appear that he had considerable involvement in the Chechen conflict, although not for the main part in combat operations. Marina Litvinenko described Mr Litvinenko making frequent operational trips during this period to Nalchik, the city where he had grown up. Nalchik was situated close to but away from the fighting in Chechnya, and in her written evidence Marina Litvinenko stated that Mr Litvinenko, "*did analytical work and ran agents from the FSB headquarters in Nalchik.*" She added that he was well suited to that type of work, knowing as he did the customs and traditions of the region from his childhood.<sup>19</sup>
- 3.32** This account tallies well with the evidence received by the Inquiry from Akhmed Zakayev.
- 3.33** By the time of Mr Litvinenko's death in 2006, he and Mr Zakayev were neighbours in London and close friends. A decade earlier they had been on opposite sides of the conflict in Chechnya. Mr Zakayev's evidence was that he was at that time a senior official in the Republic of Ichkeria, as the breakaway Chechen republic was then known. Following the death of the Chechen President Ozhokhar Dudaev in April 1996, his widow left Chechnya and was then detained by Russian authorities in Nalchik. Mr Zakayev explained in his oral evidence to the Inquiry that the Chechen leadership had been concerned at that time to discover which FSB officer was interviewing Mrs Dudaev; he said that they had established through informants that she was being interrogated in Nalchik by Mr Litvinenko, who was using the pseudonym

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<sup>17</sup> [Berezovsky 25/7](#)

<sup>18</sup> [Marina Litvinenko 3/40](#) lines 24-25

<sup>19</sup> [INQ017734](#) (page 4 paragraph 12)

Alexander Volkov. Mr Zakayev added that when, years later, the two men met on friendly terms, Mr Litvinenko had confirmed to him that he had indeed interviewed Mrs Dudaev in Nalchik at that time.<sup>20</sup>

- 3.34** Mr Litvinenko's immediate superior in the anti-terrorist unit at this time was a man named Alexander Gusak. Marina Litvinenko remembered him well. She said that he and Mr Litvinenko had had "*a very turbulent relationship*". The difficulties between the two men appear to have arisen from their very different styles of work. Mr Litvinenko had, she said, a careful and precise approach to his work, whereas Mr Gusak, in Marina Litvinenko's words, "*was more like a hero man and fighting man, and he didn't like to do some job in a very precise and a very correct way*". Although they clashed at work, it appears that the two men got on well on a personal level – Mr Gusak attended Alexander and Marina Litvinenko's wedding in 1994 and in 1996/7 the two families built dachas close to each other, making them neighbours.<sup>21</sup> Mr Gusak was subsequently to play an important role in the events that led to Alexander and Marina Litvinenko's flight from Russia.
- 3.35** Although Mr Litvinenko's principal involvement in the hostilities in Chechnya appears to have consisted of conducting intelligence operations from FSB headquarters in Nalchik, the evidence is that there was at least one occasion when he took part in combat.
- 3.36** I am aware of allegations reported in at least two of the books that have been written about Mr Litvinenko's life and death to the effect that he physically mistreated prisoners whilst serving in Chechnya. It would appear that the source of those allegations was Mr Gusak, who, at least by the time he made them, had a declared animosity towards Mr Litvinenko. I have no further evidence one way or the other regarding these allegations.<sup>22</sup>
- 3.37** As I have said, the evidence is that Mr Litvinenko did spend at least some time on combat operations inside Chechnya. He was present at the siege of Pervomayskoye in January 1996. Marina Litvinenko recalled that Mr Litvinenko sustained frostbite to his hands and feet at this time. She also stated that Mr Litvinenko's experiences at Pervomayskoye caused him to start to change his views about the rights and wrongs of the Chechen War. She referred in particular to Mr Litvinenko interrogating a 17 year old Chechen prisoner and realising that all the pupils in the boy's class had taken up arms. She said that he began to compare the Chechen defence of their country with the heroic actions of the Russian army, including his grandfather, in the Second World War.<sup>23</sup> Mr Zakayev also recalled this incident, which he had discussed years later with Mr Litvinenko in London. He said that it was at this time that Mr Litvinenko, "*started to understand what the Chechen people wanted and what they're fighting for.*"<sup>24</sup>

## Department for the Investigation and Prevention of Organised Crime

- 3.38** In the summer of 1997, Mr Litvinenko was transferred within the FSB to the Department for the Investigation and Prevention of Organised Crime, known as URPO.

<sup>20</sup> [Zakayev 26/137-138; 26/140-141](#)

<sup>21</sup> [Marina Litvinenko 3/41-43](#)

<sup>22</sup> Sixsmith *The Litvinenko File* (pages 78-79); Cowell *The Terminal Spy* (pages 103-104)

<sup>23</sup> [Marina Litvinenko 3/31-35; INQ017734](#) (page 4 paragraph 13)

<sup>24</sup> [Zakayev 26/142](#) lines 9-11

- 3.39** The evidence that I have heard is that URPO was a secret unit. Its offices, for example, were not situated at the ‘Lubyanka’, the main FSB headquarters. In her witness statement, Marina Litvinenko stated that URPO members, “*were tasked with special operations, which were on the borderline of legality*”.<sup>25</sup> In his police interview Mr Litvinenko himself put the matter rather more directly. He described URPO as a “*top secret department of KGB*” whose role was, “*killing political and high business men... without verdict*.<sup>26</sup>”
- 3.40** When he moved to URPO, Mr Litvinenko was put in charge of a section of some eight or ten officers.<sup>27</sup> Some of these men, in particular Victor Shebalin and Andrei Ponkin, were to play an important role in the events that brought Mr Litvinenko’s career in the FSB to an end. Mr Litvinenko found that his immediate superior in his new unit was to be Alexander Gusak, with whom he had served in Chechnya. The head of URPO was a man named General Khokholkov, and his deputy was Captain Alexander Kamyshnikov. The overall head of the FSB at the time was Nikolay Kovalyev.<sup>28</sup>

## Order to kill Boris Berezovsky

- 3.41** Marina Litvinenko stated that, by the end of 1997, Mr Litvinenko had been tasked with the conduct of a number of URPO operations that he regarded as unlawful. This account is supported by claims that Mr Litvinenko himself made at the time.
- 3.42** Marina Litvinenko referred to three operations in particular.
- 3.43** The first concerned a former FSB officer named Mikhail Trepashkin. Mr Trepashkin was a critic of the FSB, as Mr Litvinenko was subsequently to become. In 1997 Mr Trepashkin had recently resigned from his post and had brought proceedings against the FSB. The evidence before me was that Mr Litvinenko and his URPO section were ordered to assault Mr Trepashkin, and to take his bag and his FSB identity card away from him.<sup>29</sup> Mr Trepashkin and Mr Litvinenko subsequently became friends, and I will refer to him further below.
- 3.44** The second of these operations concerned a man named Umar Dzhabrailov. Mr Dzhabrailov was a wealthy Chechen businessman living in Moscow. In his book *The Gang from the Lubyanka* Mr Litvinenko described his section being tasked: “*to kidnap a prominent businessman Umar Dzhabrailov [to get money] to pay ransom for our officers in Chechen captivity...*”.<sup>30</sup> The book went on to assert, and Marina Litvinenko also made this point in her oral evidence, that Mr Litvinenko and his section were authorised to shoot policemen who had been tasked with guarding Mr Dzhabrailov if it became necessary in the course of the kidnapping.<sup>31</sup>
- 3.45** The last, and most important, of these three operations related to Mr Berezovsky. In legal documents that he filed in Russia in 1998, Mr Litvinenko was very clear about what he had been told to do on this occasion. Referring to “*the order to assassinate B.A. Berezovsky*”, Mr Litvinenko stated: “*I was instructed by A.P. Kamyshnikov to physically exterminate Berezovsky and considered his words an order. I disobeyed the order only because it was an illegal order.*”<sup>32</sup>

<sup>25</sup> [INQ017734](#) (page 5 paragraph 15)

<sup>26</sup> [INQ002076](#) (page 4)

<sup>27</sup> [Marina Litvinenko 3/44](#) lines 19-20

<sup>28</sup> [Goldfarb 27/108](#) lines 8-15

<sup>29</sup> [Marina Litvinenko 3/47-50](#)

<sup>30</sup> [BLK000253](#) (page 3)

<sup>31</sup> [BLK000253](#) (page 4); [Marina Litvinenko 3/50-51](#)

<sup>32</sup> [HMG000115](#)

- 3.46** Marina Litvinenko's witness statement describes Mr Litvinenko being tasked with "*looking into the possibility of assassinating Berezovsky*"<sup>33</sup> and in her initial oral evidence before me she stated that she did not believe that Mr Kamyshnikov had given Mr Litvinenko a formal instruction to kill Mr Berezovsky; the substance of the exchange, in her view, was limited to Mr Kamyshnikov asking Mr Litvinenko whether he could kill Mr Berezovsky.<sup>34</sup> In later questioning, Marina Litvinenko took a firmer line, accepting the proposition from her counsel that Mr Litvinenko understood that he had received, "*an unequivocal instruction to commit an act of murder by his superior within the FSB in a secret, unaccountable unit*".<sup>35</sup>
- 3.47** I do not regard these distinctions as being of great importance. I am not in a position to make any findings about the precise terms in which Mr Kamyshnikov may have discussed the killing of Mr Berezovsky with Mr Litvinenko and his section in late 1997. And that issue, moreover, is not of central importance to this Inquiry. Of much greater importance for my purposes are the decision that Mr Litvinenko took to expose what he regarded as an FSB plot to murder Mr Berezovsky, and the events that were then triggered – events that, as we shall see, may have contributed to Mr Litvinenko's death in London nine years later.

## Whistleblower

- 3.48** The evidence I heard was that Mr Litvinenko and his colleagues, including Mr Gusak, were unhappy with the orders they had been given. They were particularly concerned about the orders relating to Mr Berezovsky. They took a number of steps in response, the culmination of which was the well known press conference on 17 November 1998, in which Mr Litvinenko and others publicly denounced the FSB in front of the world's media. Before dealing with the press conference, I will briefly outline the evidence that I have heard regarding the escalating events that led up to it.
- 3.49** Marina Litvinenko stated that Mr Litvinenko's first act, after considering what to do for several weeks, was to go to see Mr Berezovsky, and tell him about the orders that he had received. It seems that Mr Berezovsky did not initially take the matter seriously, but this changed when Mr Litvinenko went to see him again (in March 1998), accompanied by some of the officers in his section.<sup>36</sup>
- 3.50** Acting on Mr Berezovsky's advice, Mr Litvinenko and his colleagues raised their complaints with Evgeny Savostianov, who was at that time President Yeltsin's Deputy Chief of Staff. He referred the case to the Military Prosecution Service, and told them that they should file an official complaint.<sup>37</sup>
- 3.51** Mr Litvinenko and his colleagues were concerned at what steps might be taken against them. There were discussions as to what to do. The men decided to make a video record of their allegations, which could be released, as Marina Litvinenko put it in her oral evidence "*in case somebody will be arrested or, worse, somebody will be killed*".<sup>38</sup> Mr Berezovsky arranged for this to be done by means of a filmed interview conducted by Sergei Dorenko, who was a well known broadcaster at his television station ORT. The interview was filmed during the night of 19 April 1998 at Mr Berezovsky's dacha.

<sup>33</sup> [INQ017734](#) (page 6 paragraph 16(c))

<sup>34</sup> [Marina Litvinenko 3/53](#) lines 20-22; [3/55](#) lines 4-9

<sup>35</sup> [Marina Litvinenko 4/85](#) lines 10-14

<sup>36</sup> [Marina Litvinenko 3/55-56](#); [INQ017734](#) (page 6 paragraph 18)

<sup>37</sup> [INQ017734](#) (pages 6-7 paragraph 19)

<sup>38</sup> [Marina Litvinenko 3/69](#) lines 22-23

Marina Litvinenko was there. The interview (which featured Mr Litvinenko, Andrei Ponkin and Alexander Gusak) was not, in the event, broadcast until November 1998, shortly after the press conference.<sup>39</sup>

- 3.52** In his account in *The Gang from the Lubyanka*, Mr Litvinenko stated that by this stage both he and Mr Berezovsky had spoken separately to Mr Kovalyev, the head of the FSB, about the order to kill Mr Berezovsky. Mr Litvinenko recorded that after his meeting he heard from Mr Gusak that Mr Kovalyev was “*very unhappy*” that he had told Mr Berezovsky about the order: “*He said it was – a betrayal of the interests of the security services. To go and give everything to a stranger.*”<sup>40</sup>
- 3.53** On Marina Litvinenko’s account, Mr Kovalyev summoned Mr Litvinenko and all the URPO officers who supported his claims to his office on the day after the filming with Mr Dorenko had taken place. He demanded that they withdraw their allegations. They refused to do so.<sup>41</sup>
- 3.54** Mr Litvinenko next followed the advice of Mr Savostianov and filed an official complaint with the Military Prosecution Service. Some of the official papers relating to that complaint are in evidence before me. They show that Mr Litvinenko complained of having received illegal orders relating to Mr Trepashkin, Mr Dzhabrailov and Mr Berezovsky.<sup>42</sup> It would appear that at this stage both Mr Litvinenko and his colleagues and URPO commanders, including General Khokholkov, were suspended from the FSB. In May and June 1998 Mr Litvinenko gave evidence to the Military Prosecution Service.<sup>43</sup>
- 3.55** On 7 June 1998 President Yeltsin dismissed Mr Kovalyev as head of the FSB and replaced him with Vladimir Putin. Mr Berezovsky arranged for Mr Litvinenko to meet Mr Putin, in order that he could tell him what he knew about FSB corruption and unlawful conduct. The meeting between the two men took place in or about July 1998. Marina Litvinenko’s evidence was that Mr Litvinenko had not been confident that Mr Putin would be an agent of change within the FSB. His view, she said, was that Mr Putin was inexperienced, and also probably mixed up in criminal activity himself from his days in St Petersburg.<sup>44</sup>
- 3.56** Mr Litvinenko described his first and only meeting with Mr Putin in *The Gang from the Lubyanka*. He said:

*“He came out from behind the desk... to greet me. Apparently, he wanted to show an open, likeable personality. We, operatives, have a special style of behaviour. We do not bow to each other, do without pleasantries – and so everything is clear. Just look into each other’s eyes and it becomes clear, do you trust the person or not. And I immediately had the impression that he is not sincere. He looked not like an FSB director, but a person who played the director.”<sup>45</sup>*

- 3.57** The evidence was that in October 1998 the URPO investigation by the Military Prosecution Service was closed. The conclusion of the investigation was that no

<sup>39</sup> [INQ017734](#) (page 7 paragraphs 20-21)

<sup>40</sup> [BLK000253](#) (pages 7-8)

<sup>41</sup> [INQ017734](#) (pages 7-8 paragraph 23)

<sup>42</sup> [HMG000115](#)

<sup>43</sup> [INQ017734](#) (page 8 paragraph 24)

<sup>44</sup> [Marina Litvinenko 3/71-74; INQ017734](#) (pages 8-9 paragraphs 27-29)

<sup>45</sup> [BLK000253](#) (page 10)

crimes had been committed. Put shortly, as I understand it, the allegations made by Mr Litvinenko and the others had been rejected.<sup>46</sup>

**3.58** Although Marina Litvinenko did not recall this when giving oral evidence,<sup>47</sup> the documents before me indicate that Mr Litvinenko almost immediately made a formal application to have the investigation reopened.<sup>48</sup>

**3.59** On 13 November 1998 an open letter from Mr Berezovsky to Mr Putin was published in the Russian media. A copy of this letter is in evidence. The letter detailed the allegations made by Mr Litvinenko and the others and was critical of what it described as an attempted cover up. In the final paragraphs of the letter, Mr Berezovsky made a direct appeal to Mr Putin:

*"Vladimir Vladimirovich, no doubt, the legacy you received from your predecessors is not easy. Criminals and corrupted functionaries at different levels, even in your institution, are hitting those who do not want to go back to the pigsty. The wave of criminal terror is rising in the country. Mafia and the 'red-brown' elements are striving for power. They do not understand that there is no place for people like them in a free country where democracy is firmly secured by law.*

*I do not consider the facts and problems raised in my letter isolated, I see a tendency here and this tendency is mortally dangerous for Russia.*

*I am asking you to use the power vested on you to secure the constitutional order."*<sup>49</sup>

**3.60** Mr Berezovsky's open letter made a clearly worded request to Mr Putin to reform the FSB. A few days later, on 17 November 1998, Mr Litvinenko went public with his criticisms of the FSB at a press conference in Moscow that was attended by the world's media. It appears likely that the press conference was part of a larger reform strategy directed by Mr Berezovsky.

**3.61** The press conference was held at the RIA Novosti international news agency in Moscow. Mr Litvinenko appeared before the press without a mask and was the main speaker. Also present and unmasked was Mr Trepashkin, with whom Mr Litvinenko had by this time struck up a friendship.<sup>50</sup> Four of Mr Litvinenko's fellow officers from URPO, including Mr Shebalin and Mr Ponkin, also appeared, wearing either skiing masks or sunglasses. Marina Litvinenko described the press conference in the following terms:

*"Never in the history of the Russian security services has the FSB experienced such a public exposure. [Mr Litvinenko] and the others talked about corruption, criminalisation of the FSB and the fact that the system that was set up to protect people was turning into the system from which people needed to be protected. They also aired the details of extrajudicial acts that the FSB conspired to undertake against Trepashkin, Dzhabrailov and Berezovsky."*<sup>51</sup>

<sup>46</sup> [Marina Litvinenko 3/74-75; INQ017734](#) (page 9 paragraph 30)

<sup>47</sup> [Marina Litvinenko 3/75](#) lines 10-12

<sup>48</sup> [HMG000115](#)

<sup>49</sup> [BER002661](#)

<sup>50</sup> [INQ017734](#) (page 9 paragraph 30)

<sup>51</sup> [INQ017734](#) (page 10 paragraph 33)

- 3.62** The press conference received widespread publicity in the broadcast and print media.
- 3.63** At the time of the press conference, Yuri Felshtinsky was in Moscow, undertaking preparatory work on a biography of Boris Berezovsky. In his evidence he emphasised that Mr Berezovsky and Mr Putin were still friends at this point. He said that Mr Berezovsky was, “*hoping that he will use Putin in order to make major changes within the FSB*”. According to Mr Felshtinsky, it was Mr Berezovsky’s hope: “*that as a result of that press conference, all those old KGB generals would be fired from the FSB and the new generation, new people, like Litvinenko, would replace them.*”<sup>52</sup> Mr Putin’s reaction to the open letter and the press conference was not, however, as Mr Berezovsky had hoped.
- 3.64** Professor Robert Service was until 2014 Professor of Russian History at Oxford University; he gave expert evidence to the Inquiry on matters of Russian history (see below 9.41 – 9.43). He suggested that, far from seeing the press conference as a welcome step towards reform, Mr Putin probably regarded it as the first of a series of occasions on which Mr Litvinenko was guilty of breaching the FSB code of loyalty.<sup>53</sup> As we shall see, there were some in the FSB who certainly did take that view.

## Dismissal, arrest, prosecution, imprisonment

- 3.65** The period between the press conference in November 1998 and Mr Litvinenko’s decision to leave Russia for good in September 2000 saw his position gradually deteriorate.
- 3.66** In December 1998 Mr Litvinenko and all the officers involved in the press conference were dismissed from the FSB. Mr Berezovsky gave them jobs as consultants.
- 3.67** An official investigation was opened into Mr Litvinenko’s record. Marina Litvinenko recalled that he told her that the situation would develop in one of two ways, “*they will kill him, or he will be arrested*”.<sup>54</sup>
- 3.68** Mr Litvinenko was arrested on 25 March 1999. He was charged and detained in the FSB Lefortovo prison in Moscow. The charges against Mr Litvinenko were of exceeding his authority by assaulting a suspect. However, Mrs Litvinenko stated that the investigator, named Nikolay Barsukov, had told her that the charges had been brought in response to the press conference, and that; “*if they were unsuccessful in making the charges stick this time... they would come up with something else*”.<sup>55</sup> The events that followed certainly lend credence to this threat.
- 3.69** Mr Litvinenko spent eight months in detention at Lefortovo prison. Marina Litvinenko stated that Mr Berezovsky made representations to Mr Putin on Mr Litvinenko’s behalf, but without success. She also stated that Mr Litvinenko’s former colleagues were pressured to give false evidence against him, but refused to do so. When the trial eventually took place before the Moscow Regional Military Court on 26 November 1999, Mr Litvinenko was acquitted of all charges.<sup>56</sup>
- 3.70** That, however, was far from the end of Mr Litvinenko’s difficulties. As Mrs Litvinenko described, at the very moment that Mr Litvinenko was formally acquitted of the first

<sup>52</sup> [Felshtinsky 23/127](#) lines 11-17

<sup>53</sup> [INQ019146](#) (page 15 paragraph 46)

<sup>54</sup> [Marina Litvinenko 3/82-84](#); [INQ017734](#) (pages 10-11 paragraphs 35-36)

<sup>55</sup> [INQ017734](#) (page 11 paragraph 37)

<sup>56</sup> [INQ017734](#) (pages 10-11 paragraphs 36,39-40)

set of charges: "*immediately people came to this courtroom and they said they are from the FSB and they have another order against my husband, and they need to arrest him.*"<sup>57</sup>

- 3.71** Marina Litvinenko's evidence was that the new charges against Mr Litvinenko concerned allegations of mishandling suspects and stealing goods during an operation at a Moscow market in which he had been involved several years previously. The investigator was again Mr Barsukov. Mr Litvinenko was again detained, but in a different prison. He was released on bail in mid December 1999.<sup>58</sup>
- 3.72** The evidence before me was that these new proceedings collapsed before trial when Mr Litvinenko produced evidence that he had not been at the market on the day in question. A third set of proceedings was then brought against Mr Litvinenko, again at the instigation of Mr Barsukov. The charge on this occasion was that Mr Litvinenko had planted evidence on a suspect. Mr Litvinenko was not arrested but his passport was confiscated and he was told not to leave Moscow without permission.<sup>59</sup>
- 3.73** There is evidence that on this occasion as previously an associate of Mr Litvinenko was put under pressure to give false evidence against him.<sup>60</sup> I have also seen evidence that Mr Litvinenko's father, Walter, was complaining of being harassed by the Russian authorities at this time.<sup>61</sup>
- 3.74** This third set of proceedings was still in train when Mr Litvinenko left Russia in October 2000. Mr Litvinenko was ultimately convicted on those charges in 2002.<sup>62</sup>

<sup>57</sup> [Marina Litvinenko 3/87](#) lines 16-18

<sup>58</sup> [INQ017734](#) (page 12 paragraphs 40-41)

<sup>59</sup> [INQ017734](#) (page 12 paragraphs 42-43)

<sup>60</sup> [Marina Litvinenko 4/102-105](#); [HMG000122](#)

<sup>61</sup> [Marina Litvinenko 4/105-110](#); [BER002750](#); [HMG000120](#)

<sup>62</sup> [Marina Litvinenko 3/94](#) lines 9-18

## Chapter 2: Leaving Russia

- 3.75** The evidence I have received suggests that Mr Litvinenko became increasingly concerned for his safety and that of his family in Russia during 2000.
- 3.76** Mr Felshtinsky gave evidence about a meeting that he had with General Khokholkov, the former head of URPO, in Moscow in May 2000. According to Mr Felshtinsky, his purpose in speaking with General Khokholkov was to try to establish whether the authorities would let Mr Litvinenko leave Russia, in particular now that he had served nine months or so in prison. General Khokholkov's response, as reported by Mr Felshtinsky, was uncompromising:

*"He told me that nine months, or whatever, is nothing, that Litvinenko committed treason, that he is going to... prison anyway, and if he [i.e. Khokholkov] actually sees him by chance, you know, somewhere in a dark corner, he would kill him with his own hands."*

Mr Felshtinsky explained that General Kohkholkov had gestured with his hands as he had said this – he said that, *"Khokholkov hated Litvinenko very much, and... considered him... a person who committed treason, this is for sure."*<sup>63</sup>

- 3.77** Mr Felshtinsky immediately reported this conversation to Mr Litvinenko, and told him that he should consider leaving Russia.<sup>64</sup>
- 3.78** Nor was this the only threat that Mr Litvinenko received. Marina Litvinenko said that her husband had been approached by an FSB colonel who had said words to the following effect: *"We will not continue discussions with you, we will kill you, to be clear we will kill your six year old son... you are being prosecuted not for any crimes that you may have committed. Everybody knows that you did not commit them. You are being prosecuted for betraying the system and openly acting against the system."*<sup>65</sup>
- 3.79** Marina Litvinenko also gave evidence that when the third set of charges was brought against Mr Litvinenko in early 2000, they were told that the case would be heard not in Moscow, as with the first two sets of proceedings, but in Yaroslavl, some 300km from Moscow. They were also told that the trial would be closed to the press and the public. Their concern was that, away from the public attention that the earlier proceedings had received in Moscow, the authorities would be able to implement what Mr Litvinenko believed to have been the direct order to *"put him in prison and never let him... out"*.<sup>66</sup>
- 3.80** It would appear that it was a combination of all these fears that led Mr Litvinenko to decide to leave Russia for good. Mr Felshtinsky's evidence was that Mr Litvinenko had decided to leave Russia by the time of a meeting between the two men in Moscow on 24 September 2000, at which they discussed Mr Litvinenko's proposed escape.<sup>67</sup>
- 3.81** This was not, however, a decision that Mr Litvinenko initially shared with his wife or his son. Mrs Litvinenko's evidence was that in September 2000 (presumably in late September, after his meeting with Mr Felshtinsky), Mr Litvinenko suddenly left Moscow for Nalchik, saying that he was flying to Nalchik to visit relatives.<sup>68</sup>

<sup>63</sup> [Felshtinsky 23/141](#)

<sup>64</sup> [Felshtinsky 23/143](#) lines 14-17

<sup>65</sup> [INQ017734](#) (page 22 paragraph 76); [Marina Litvinenko 4/101](#)

<sup>66</sup> [INQ017734](#) (page 12 paragraph 43); [Marina Litvinenko 3/90-91](#)

<sup>67</sup> [Felshtinsky 23/143-144](#)

<sup>68</sup> [Marina Litvinenko 3/94-95; Felshtinsky 23/145](#) lines 13-16

- 3.82** Having arrived in Nalchik, Mr Litvinenko crossed into neighbouring Georgia. Once he had made his way to Tbilisi, Mr Litvinenko passed a message to Mr Berezovsky, who in turn contacted Mr Felshtinsky. Mr Felshtinsky then travelled from Boston to Tbilisi to meet Mr Litvinenko.<sup>69</sup>
- 3.83** Next Mr Litvinenko got a message to Marina Litvinenko instructing her to buy a new mobile phone. He then called her on the new phone and told her that she and Anatoly must go on holiday anywhere she liked as soon as possible – they decided on Malaga in Spain. Mrs Litvinenko explained that the suggestion of a holiday was unexpected and inconvenient; but she made the arrangements and they flew to Malaga on about 17 October 2000.<sup>70</sup>
- 3.84** Mr Felshtinsky recalled speaking to Marina Litvinenko from Tbilisi about her travel arrangements. He then flew from Tbilisi to Malaga and met Marina Litvinenko on her arrival there. He stayed with her for two days, and then flew back to join Mr Litvinenko in Tbilisi.<sup>71</sup>
- 3.85** I should mention at this point that the evidence I heard was that this entire exercise was funded by Mr Berezovsky. He paid for air flights and hotel accommodation. He also made his private jet available, for example for Mr Felshtinsky's flights between Tbilisi and Malaga.<sup>72</sup>
- 3.86** Marina Litvinenko's evidence to me was that she spoke to Mr Litvinenko at length whilst she was in Malaga. He explained that he was not in Nalchik but in Georgia, and that they now had to decide whether they would ever return to Russia. He said that if she wished to go back, he would go back with her, but he feared that if he did return he would be arrested, jailed and killed in prison. He was worried, she said, not only for his own safety in Russia but also for her and Anatoly, whom he would be unable to protect from the FSB. In the end, Marina Litvinenko explained, they decided not to return.<sup>73</sup>
- 3.87** Back in Tbilisi, Mr Felshtinsky and Mr Litvinenko were concerned for their safety. Mr Felshtinsky's evidence was that they had asked officials at the United States (US) embassy in Tbilisi to grant Mr Litvinenko political asylum, but without success (he also said that they had not, contrary to Mr Goldfarb's evidence, approached the British embassy in Tbilisi). They were worried that the FSB might have realised that Mr Litvinenko had left Moscow, and that they might have traced him to Georgia. By this stage, Mr Litvinenko had acquired a false Georgian passport. The two men travelled to Antalya in Turkey.<sup>74</sup>
- 3.88** Mr Felshtinsky then took Mr Berezovsky's plane back to Malaga, where he collected Marina and Anatoly Litvinenko and brought them back to Antalya.
- 3.89** At this stage Mr Felshtinsky returned to the US, but he was replaced by Mr Goldfarb, who flew from his home in New York to join the Litvinenko family at Mr Berezovsky's request. Mr Felshtinsky recalled that the two men had spoken by telephone whilst they were both in London on their respective journeys, although they did not have time to meet.<sup>75</sup>

<sup>69</sup> [Felshtinsky 23/145](#)

<sup>70</sup> [Marina Litvinenko 3/95-96](#)

<sup>71</sup> [Marina Litvinenko 3/97; Felshtinsky 23/145-146](#)

<sup>72</sup> [Felshtinsky 23/149](#) lines 15-19

<sup>73</sup> [Marina Litvinenko 3/98-101](#)

<sup>74</sup> [Felshtinsky 23/146-150](#)

<sup>75</sup> [Felshtinsky 23/150-151](#)

- 3.90 Mr Goldfarb described how, after his arrival in Turkey, he had travelled with the Litvinenko family to Ankara. He had arranged an approach to the US embassy there, and Mr and Mrs Litvinenko were interviewed separately by US officials.<sup>76</sup>
- 3.91 The American officials responded on the following day saying that they could not assist. By this time, the Litvinenko family and Mr Goldfarb were in Istanbul, having driven there overnight, again because they were concerned that they might be in danger from the FSB.
- 3.92 The group were now desperate to reach a place of safety. Mr Goldfarb's evidence was that Badri Patarkatsishvili, Mr Berezovsky's friend and business partner, suggested sending a boat to pick them up in Istanbul, but that was considered too dangerous. Mr Goldfarb researched which destinations could be reached by air without the need for a visa. The solution that they eventually hit upon was to fly to the UK by purchasing tickets from Istanbul to Tbilisi via London, a trip that did not require any transit visas. As had been the case throughout this period, Mr Berezovsky met the costs – Mr Goldfarb's evidence was that the costs that he had incurred amounted to US\$130,000.<sup>77</sup>
- 3.93 On 1 November 2000, Alexander, Marina and Anatoly Litvinenko flew to London with Mr Goldfarb on the first leg of their supposed journey to Tbilisi. Marina Litvinenko described in her evidence how, having landed at Heathrow Airport, Mr Litvinenko approached the first police officer that he saw in the transit area and said, "*I am KGB officer and I'm asking for political asylum*".<sup>78</sup>

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<sup>76</sup> [Goldfarb 5/92-95](#); [Marina Litvinenko 3/105-106](#)

<sup>77</sup> [Goldfarb 5/97-98](#)

<sup>78</sup> [Marina Litvinenko 3/108](#)

## Chapter 3: In the United Kingdom

**3.94** The Litvinenko family lived in the UK for six years before Mr Litvinenko's death on 23 November 2006. I heard a great deal of evidence about Mr Litvinenko's work and campaigning activities during this period, together with other aspects of his life that may have been connected to his death. I will address these matters in detail in due course. In this chapter I propose to give a brief outline of the evidence that I have heard about the family's life during those six years.

### Immigration status

**3.95** As I have indicated, Mr Litvinenko claimed asylum on behalf of himself and his family when they first arrived in the UK. Marina Litvinenko's evidence was that Mr Litvinenko was interviewed for a lengthy period by immigration officers at Heathrow on the day of their arrival. Thereafter he worked with George Menzies, the solicitor whom Mr Goldfarb had contacted whilst they were on their way to the UK, to prepare his claim. The Home Office granted the family's asylum claim in May 2001.<sup>79</sup>

**3.96** Marina Litvinenko gave evidence that when they were granted asylum, the family took up the option of changing their names. She took the name of Marie Anne Carter, Mr Litvinenko the name of Edwin Redwald Carter and Anatoly that of Anthony Carter.<sup>80</sup>

**3.97** In 2002 the family were issued with travel documents (in their new names), which enabled them to travel away from the UK. Marina Litvinenko said that the first holiday they took, in the summer of 2002, was back to the hotel in Spain where she and Anatoly had stayed in 2000, and where they had taken the decision to leave Russia permanently.<sup>81</sup>

**3.98** In 2006 the family became eligible for naturalisation as British citizens. They made an application and were granted citizenship at a ceremony at Haringey civic centre on 13 October 2006. One thing that is clear on the evidence that I have heard is that Mr Litvinenko was delighted to have become a British citizen. Marina Litvinenko said that he flew an English flag from their balcony during the World Cup in the summer of 2006 – he was, she said, “*very proud to be British, ... and he was very proud for his son to be British and having his future in England*”.<sup>82</sup> There was, of course, a darker side to this moment. As we shall see, one of the reasons that Mr Litvinenko was so pleased to be granted British citizenship was that it made him feel safer. Ironically, the ceremony took place only a few weeks before he was fatally poisoned.

### Accommodation

**3.99** I have already referred to the evidence that Mr Berezovsky funded the Litvinenko family's escape from Russia. Marina Litvinenko stated that, while she had been in Spain and trying to decide whether or not the family should leave everything behind them in Russia, she had spoken to Mr Berezovsky, who had promised that he would support them.<sup>83</sup> On the evidence that I have heard, this was a promise that, at least in broad terms, Mr Berezovsky fulfilled.

<sup>79</sup> [Marina Litvinenko 3/108-110](#)

<sup>80</sup> [Marina Litvinenko 3/110-111](#)

<sup>81</sup> [Marina Litvinenko 3/111-112](#)

<sup>82</sup> [Marina Litvinenko 3/112-113](#)

<sup>83</sup> [Marina Litvinenko 3/114](#)

- 3.100** Mr Berezovsky provided accommodation for the family. After a few days in a hotel and then an apartment, the family moved into a rented flat in Kensington that was paid for by Mr Berezovsky. They stayed there for two years. In about 2002 they moved to the house in Muswell Hill, 140 Osier Crescent, where they were living at the time of Mr Litvinenko's death. Marina Litvinenko's evidence was that this house was owned by one of Mr Berezovsky's companies. They did not pay any rent for the house, but they did pay all the bills.<sup>84</sup>
- 3.101** I also heard evidence that Mr Berezovsky employed Mr Litvinenko to work for him. Both Marina Litvinenko and Mr Goldfarb said that payments were made to Mr Litvinenko by way of regular grants from the International Foundation for Civil Liberties, which I have heard was funded by Mr Berezovsky and operated by Mr Goldfarb.<sup>85</sup> There was also some evidence that in due course Mr Berezovsky reduced the payments that he was making to Mr Litvinenko. It has been suggested that this led to a falling out between the two men. I will return to that issue below.

## Medical history

- 3.102** Mr Litvinenko was, according to the evidence that I have heard, an extremely healthy man. In contrast to many of his colleagues in the FSB, he did not drink or smoke. He took regular exercise. Marina Litvinenko said that she had registered the family with a local medical practice following their move to Muswell Hill in 2002, but she did not think that Mr Litvinenko had ever been to see the general practitioner (GP) in the subsequent years, although she did remember one occasion when a private doctor had come to see him about a lower back problem.<sup>86</sup>
- 3.103** A statement was read to the Inquiry from Dr Rebecca Hatjiosif, who is a GP at that practice. She produced Mr Litvinenko's medical notes, which I received in evidence.<sup>87</sup> Dr Hatjiosif stated that Mr Litvinenko had been registered with her practice in May 2003 and gave evidence which confirmed Marina Litvinenko's recollection that he had not thereafter had any contact with the surgery.<sup>88</sup>

## Work and school

- 3.104** Marina Litvinenko stated that both she and her husband attended language school in Kensington for the first two years that they were in London. By 2004, her English was good enough to enable her to secure a job as a dance teacher at a David Lloyd club in Finchley. She said that she also taught at a language school for Russian children.
- 3.105** All the evidence I have heard is that Mr Litvinenko's spoken English was markedly worse than his wife's, and that she was being over modest when she told me that her English was "*maybe... a little bit better*" than his.<sup>89</sup> When Dean Attew first met Mr Litvinenko in 2004, he found his English to be "*extremely limited*". Mr Attew did think that Mr Litvinenko's English had improved considerably by 2006, but he observed that:

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<sup>84</sup> [Marina Litvinenko 3/114-116](#)

<sup>85</sup> [INQ017734](#) (page 17 paragraph 59); [Goldfarb 5/102-107](#)

<sup>86</sup> [Marina Litvinenko 3/122-123](#)

<sup>87</sup> [INQ015541](#)

<sup>88</sup> [Hatjiosif 2/99-101](#)

<sup>89</sup> [Marina Litvinenko 3/121](#) lines 18-19

*"there was always, if I may say, a distinct difference between Marina who had clearly taken on board the English language and had progressed very quickly and Sasha, I think, took a little bit longer."*<sup>90</sup>

It appears from the evidence of other witnesses, for example Tim Reilly and Alexander Tabunov, that even in 2006 Mr Litvinenko was still in the habit of seeking out Russian speakers in order to talk in his mother tongue. And when Mr Litvinenko was interviewed by the Metropolitan Police Service when he was in hospital after the poisoning, it was necessary for him to be assisted by an interpreter.

- 3.106** Anatoly Litvinenko started school in London in 2001. Marina Litvinenko's evidence was that his school fees were met by Mr Berezovsky, although she added that there was a reduction in these payments after 2003.<sup>91</sup>

## Close friends

- 3.107** Mr Litvinenko had a number of friends and associates in London, including some, such as Mr Berezovsky and Mr Goldfarb, who have already featured in this narrative. I will refer to others in due course.
- 3.108** At this stage, I propose simply to introduce two men with whom Mr Litvinenko developed particularly strong friendships during this period.
- 3.109** The first of these men was Vladimir Bukovsky. Mr Bukovsky, who came to give evidence to the Inquiry, was a Russian dissident who had spent many years in detention in Soviet Russia before being released to the West in 1976 in exchange for the general secretary of the Chilean Communist Party. It seems that either Mr Goldfarb or Mr Berezovsky put Mr Litvinenko in touch with Mr Bukovsky shortly after the family's arrival in the UK. The evidence from both Marina Litvinenko and Mr Bukovsky himself was that, thereafter, the two developed a very strong friendship. Mrs Litvinenko described Mr Bukovsky as Mr Litvinenko's "*guru*", and the "*greatest contact*" that he had.<sup>92</sup> Mr Bukovsky said that he talked to Mr Litvinenko about the history of KGB repression during the twentieth century, of which Mr Litvinenko had previously been unaware. He said that Mr Litvinenko would sometimes telephone him "*20, 30 times a day, including the night time*" and that Mr Litvinenko also travelled to see him at his home.<sup>93</sup> It is clear to me that Mr Litvinenko's discussions with Mr Bukovsky were highly influential in the development of his political views.
- 3.110** The second of Mr Litvinenko's very close friends was Ahmed Zakayev. Mr Zakayev arrived in London in 2002 and claimed asylum. Like Mr Litvinenko, he was supported by Mr Berezovsky. Mr Zakayev was introduced to Mr Litvinenko by Mr Berezovsky, and Mr Zakayev subsequently chose to live with his family in a house very close to the Litvinenko's house in Muswell Hill. As Mr Zakayev put it in evidence, "*Chechen people first choose the neighbour and then they buy the house. That's exactly what I did.*" He said that the two families became "*very, very big friends, very close friends*", who would see each other almost every day.<sup>94</sup> Again, it is clear to me that his friendship with Mr Zakayev was an important influence on Mr Litvinenko's life in the years between 2002 and 2006. It was during this period, and no doubt a result of this friendship, that

<sup>90</sup> [Attew 13/15-16](#)

<sup>91</sup> [Marina Litvinenko 3/119-120](#)

<sup>92</sup> [Marina Litvinenko 3/142-143](#)

<sup>93</sup> [Bukovsky 26/87-88; 26/92-93](#)

<sup>94</sup> [Zakayev 26/143](#)

Mr Litvinenko became increasingly committed to the Chechen cause, a cause for which he campaigned publicly. On a more personal level, Mr Litvinenko decided at the end of his life to convert to Islam, a process that Mr Zakayev arranged for him on his deathbed.

## Chapter 4: Illness and death

- 3.111** Mr Litvinenko was taken ill during the night of 1 November 2006. After a few days he was admitted to Barnet Hospital. He spent two weeks there before being transferred to University College Hospital (UCH) on 17 November. His condition gradually deteriorated and he died on 23 November.
- 3.112** The purpose of this chapter is to record the evidence that I heard, much of it uncontentious, regarding the events, and the course of Mr Litvinenko's symptoms, between 1 November and his death some three weeks later.

### Onset of symptoms

- 3.113** Marina Litvinenko's evidence was that Mr Litvinenko fell ill suddenly and unexpectedly during the night of 1 November. I have referred above to the evidence that Mr Litvinenko was generally in very good health. Although he had been sick a fortnight or so earlier on the evening of 16 October (a subject to which I shall have to return in some detail below), it seems that he had recovered from that episode within a couple of days.<sup>95</sup> Mrs Litvinenko recalled that Mr Litvinenko had been "*absolutely normal*" on 31 October,<sup>96</sup> and was again "*absolutely fine*" on the evening of 1 November when he returned from meetings in central London.<sup>97</sup> Because it was the anniversary of their arrival in the UK, and their first such anniversary since acquiring British citizenship, Mrs Litvinenko cooked a special meal, which she and Mr Litvinenko ate together. Mr Litvinenko ate with a healthy appetite and suggested that they did not have a late night because he had promised to take one of Mr Zakayev's grandsons to school the next day, as well as having more meetings in London.<sup>98</sup>
- 3.114** Marina Litvinenko's evidence was that Mr Litvinenko started vomiting in the early hours of 2 November. He spent the rest of the night in the spare room, but carried on vomiting. Mrs Litvinenko recalled that when she went to check him the next morning he looked "*very exhausted*" and was vomiting "*again and again*".<sup>99</sup>
- 3.115** Mr Litvinenko's condition worsened during the day on 2 November. He could not keep any food or drink down. Mrs Litvinenko recalled telephoning a doctor in the local Russian community, a man called Yuri Prikazchikov, who recommended that Mr Litvinenko take salt and mineral solutions. She went to the chemist to buy the suggested treatments, but Mr Litvinenko simply vomited them back up again.<sup>100</sup>
- 3.116** By the middle of the next night, i.e. the early hours of 3 November, Mrs Litvinenko decided to call an ambulance. She recalled that the ambulance came and that the paramedics examined Mr Litvinenko, but that they said that he was probably suffering from a bug or flu, and advised him to stay at home.<sup>101</sup> Statements from the two members of the ambulance crew, which broadly confirmed this account, were read to the Inquiry.<sup>102</sup>

<sup>95</sup> [Marina Litvinenko 4/37](#) lines 11-16

<sup>96</sup> [Marina Litvinenko 4/45](#) line 9

<sup>97</sup> [Marina Litvinenko 4/48](#) line 17

<sup>98</sup> [Marina Litvinenko 4/48-49](#)

<sup>99</sup> [Marina Litvinenko 4/49-51](#)

<sup>100</sup> [Marina Litvinenko 4/50-53](#)

<sup>101</sup> [Marina Litvinenko 4/53-54](#)

<sup>102</sup> [Cole 17/119-122; Schofield 17/122-124](#)

**3.117** Mr Litvinenko was worse again on the following day, 3 November. He started to complain of pain, and to experience bloody diarrhoea.<sup>103</sup> Mrs Litvinenko's evidence was that it was on this day that she prevailed upon the Russian doctor to whom she had previously spoken on the phone to come and visit.<sup>104</sup> Mr Prikazchikov, who gave evidence to the Inquiry, thought that he had visited on the previous day, but in light of the chronology he is probably wrong about that. Mrs Litvinenko and Mr Prikazchikov were, though, agreed on what he said when he visited. He said that Mr Litvinenko was probably suffering from either food poisoning (no other form of poisoning was mentioned) or an infection, but that either way he ought to be taken straight to hospital.<sup>105</sup>

**3.118** Accordingly, Mrs Litvinenko again rang for an ambulance. The ambulance arrived just after 4.00pm on 3 November and, on this occasion, took Mr Litvinenko to Barnet Hospital, where he was immediately admitted.<sup>106</sup>

## Treatment in Barnet Hospital

**3.119** Dr Andres Virchis, a consultant haematologist at Barnet Hospital, gave evidence about Mr Litvinenko's care and treatment for the fortnight that he was a patient at that hospital.<sup>107</sup> I also admitted into evidence Mr Litvinenko's medical notes from Barnet Hospital.<sup>108</sup>

**3.120** The evidence that I received from such sources as to Mr Litvinenko's symptoms whilst in Barnet Hospital, about the care and treatment that he received, and in particular about the attempts made by the medical staff to diagnose the condition from which he was suffering, may be summarised as follows:

- a. Mr Litvinenko had been suffering from abdominal pain, profuse diarrhoea and vomiting for two days when he was taken to hospital.<sup>109</sup> An initial diagnosis of gastro-enteritis with mild dehydration was made;<sup>110</sup> and Mr Litvinenko underwent a wide range of tests over the following days to try to identify the cause of his symptoms. The results of the initial blood tests showed that although the platelet count was normal, both haemoglobin and the white blood cell count were high.<sup>111</sup> The blood test results also revealed that Mr Litvinenko had abnormally high levels of creatine and urea, indicating that he was dehydrated from the vomiting and diarrhoea.<sup>112</sup>
- b. On 4 November Mr Litvinenko was started on a course of Ciprofloxacin, a relatively strong broad spectrum antibiotic.<sup>113</sup> However, further samples of Mr Litvinenko's blood were analysed over the next few days; and doctors observed that the platelet count fell to an abnormal level and the red and white blood cell counts fell further. The continuing decline in blood cell count caused increasing levels of concern<sup>114</sup>

<sup>103</sup> [Marina Litvinenko 4/54](#) lines 22-23

<sup>104</sup> [Marina Litvinenko 4/54-55](#)

<sup>105</sup> [Prikazchikov 17/110-115](#)

<sup>106</sup> [Marina Litvinenko 4/55-56; Baxter 17/125-127](#)

<sup>107</sup> [Virchis 18/2-74](#)

<sup>108</sup> [INQ006741](#)

<sup>109</sup> [Virchis 18/6-7](#)

<sup>110</sup> [Virchis 18/13](#)

<sup>111</sup> [Virchis 18/19](#)

<sup>112</sup> [Virchis 18/20-21](#)

<sup>113</sup> [Virchis 18/16-17](#)

<sup>114</sup> [Virchis 18/20; 18/26-31](#)

- c. On or around 9 November, Marina Litvinenko asked Mr Litvinenko's consultant, Dr Dean Creer whether Mr Litvinenko's infection could have been the result of poisoning. She explained that her husband was usually extremely fit and healthy, but, "*he knew of dangerous people and a friend of theirs had been poisoned and killed by these people*", hence her anxiety. Dr Creer told her that the symptoms were common and that intentional infection/poisoning was not likely<sup>115</sup>
- d. Dr Virchis took over Mr Litvinenko's care on 13 November. He was aware of Mrs Litvinenko's previously expressed concerns about possible poisoning,<sup>116</sup> and he observed that Mr Litvinenko's condition did not fit with the previous evolving diagnosis of gastro-enteritis or of Ciprofloxacin toxicity.<sup>117</sup> Further attempts were made by medical staff to identify a cause for Mr Litvinenko's declining condition and various investigations were carried out involving toxicology colleagues at Guy's Hospital poisons unit<sup>118</sup>
- e. When considering the signs and symptoms with which Mr Litvinenko was presenting, it struck Dr Virchis that his presentation was similar to that of a patient suffering from acute leukaemia who had been treated with intensive chemotherapy and total body irradiation prior to a bone marrow transplant.<sup>119</sup> The clinical notes reveal that radiology was to be asked to, "*check radioactive sources of poisoning.*" Testing with a Geiger counter on 15 November did not detect radioactive emissions<sup>120</sup>
- f. On 16 November Dr Virchis spoke to Mr Ivan House at the poisons unit. Mr House stated that preliminary results showed that Mr Litvinenko's condition should be treated as "*suspicious thallium poisoning*"; and treatment with Prussian blue was started that evening<sup>121</sup>
- g. Dr Virchis was concerned that tests showed that Mr Litvinenko's bone marrow had degenerated and contained no discernible normal blood forming elements. He considered a bone marrow transplant to be the only means of restoring meaningful bone marrow function,<sup>122</sup> and discussed the possibility of such a transplant with staff at University College Hospital (UCH). Mr Litvinenko was transferred to UCH on 17 November<sup>123</sup>

## The hair sample

- 3.121** An incident of some importance to this Inquiry that took place whilst Mr Litvinenko was in Barnet Hospital was the collection of some hair from his head. He had begun to lose his hair a few days after his admission to hospital. Marina Litvinenko explained in evidence that he found it very uncomfortable when his hair started to fall out, and she asked a Russian friend, Valentina Michenina, to come to the hospital and shave his head.<sup>124</sup> Mrs Michenina gave oral evidence and had a clear memory of this incident.

<sup>115</sup> [Virchis 18/37-39](#)

<sup>116</sup> [Virchis 18/41-42](#)

<sup>117</sup> [Virchis 18/50; 18/52](#)

<sup>118</sup> [Virchis 18/51-53](#)

<sup>119</sup> [Virchis 18/55-58](#)

<sup>120</sup> [Virchis 18/59-60](#)

<sup>121</sup> [Virchis 18/67-68](#)

<sup>122</sup> [Virchis 18/70](#)

<sup>123</sup> [Virchis 18/72](#)

<sup>124</sup> [Marina Litvinenko 4/58-59](#)

Her recollection was that when she went to the hospital for this purpose, a doctor asked her to pull out some of Mr Litvinenko's hair for testing, and gave them a clear plastic bag to fill for this purpose. She remembered pulling out Mr Litvinenko's hair where she could and filling the bag, then shaving the rest of his head. She said she gave the bag to Mrs Litvinenko.<sup>125</sup> Mrs Litvinenko did not recall being directed by staff to fill the bag, but she did remember filling the bag with hair and putting it on Mr Litvinenko's bedside table with his other possessions.

- 3.122** To complete this part of the story, I also heard evidence from a nurse at UCH named Gemma Trout.<sup>126</sup> Ms Trout stated that she found a plastic bag of hair in the room on her ward that Mr Litvinenko had occupied before being moved to intensive care. She assumed that it was his. Her description of the bag broadly matched that given by Marina Litvinenko and Mrs Michenina. Ms Trout's evidence tallies with that of Marina Litvinenko, who remembered the bag of hair being transferred to UCH, and seeing it on Mr Litvinenko's bedside table there.<sup>127</sup> Ms Trout gave the bag to the police. Deoxyribonucleic acid (DNA) tests performed much later demonstrated to an extremely high degree of likelihood that the hair in the bag was Mr Litvinenko's.<sup>128</sup>
- 3.123** As we shall see, these hair samples were of some importance to the scientific investigations that were subsequently carried out.

## Visitors

- 3.124** Marina Litvinenko stated in evidence that she had visited Mr Litvinenko every day that he was in hospital, often taking Anatoly with her.<sup>129</sup> Mr Zakayev, too, said that he had visited every day.<sup>130</sup>
- 3.125** Both Mr Goldfarb and Mr Berezovsky were out of the country when Mr Litvinenko was taken ill. Mr Goldfarb stated that he had been in Paris since 9 November. He said that he returned to London on 13 November and first visited Mr Litvinenko on 15 November. He appears thereafter to have visited Mr Litvinenko on a more or less daily basis.<sup>131</sup>
- 3.126** Mr Berezovsky was in South Africa, having flown there (as we shall see) on the evening of 1 November. The evidence that he gave in his police witness statement was that he returned to the UK on 16 or 17 November and first visited Mr Litvinenko at Barnet Hospital on the day after he arrived back.<sup>132</sup> This account tallies with Marina Litvinenko's evidence. She remembered him visiting for the first time on 17 November.<sup>133</sup> Mr Berezovsky told the police that he then visited Mr Litvinenko daily.<sup>134</sup>

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<sup>125</sup> [Michenina 18/89-93](#)

<sup>126</sup> [Trout 18/75-83](#)

<sup>127</sup> [Marina Litvinenko 4/64-65](#)

<sup>128</sup> [Mascall 24/10-13](#)

<sup>129</sup> [Marina Litvinenko 4/56](#) lines 5-10

<sup>130</sup> [Zakayev 26/153](#) lines 10-11

<sup>131</sup> [Goldfarb 5/133-145](#)

<sup>132</sup> [Berezovsky 25/19](#)

<sup>133</sup> [Marina Litvinenko 4/60-61](#)

<sup>134</sup> [Berezovsky 25/19](#) lines 20-21

## Transfer to UCH and treatment there

**3.127** As noted above, Mr Litvinenko was transferred to UCH late at night on 17 November. He was an inpatient there for a little less than a week before his death on 23 November.

**3.128** I heard oral evidence about Mr Litvinenko's medical treatment at UCH from Dr Amit Nathwani, a consultant haematologist at that hospital.<sup>135</sup> As with Dr Virchis, I also admitted into evidence the relevant medical notes.<sup>136</sup>

**3.129** In summary:

- a. Following Mr Litvinenko's arrival at UCH, he seemed to be responding well to the treatment with Prussian blue and reported feeling much better since the treatment had started
- b. Professor John Henry, an internationally renowned toxicologist with an interest in rare poisons, became involved in advising on Mr Litvinenko's treatment. He died in 2007, but statements that he had given to the police were read into the record
- c. Professor Henry stated that he had received a telephone call from Mr Goldfarb on 17 November. They discussed Mr Litvinenko's case and Mr Goldfarb told Professor Henry that Mr Litvinenko had been poisoned by thallium.<sup>137</sup> Professor Henry visited Mr Litvinenko at UCH on 18 November and examined him with the agreement of the haematology team. Professor Henry stated that he agreed with the diagnosis of thallium poisoning<sup>138</sup> and Mr Litvinenko continued to be treated with Prussian blue
- d. Despite the early improvement in Mr Litvinenko's symptoms, he began to vomit blood; and Dr Nathwani thought that this might be an adverse reaction to one of the antibiotics with which he had been treated.<sup>139</sup> Medical staff were also concerned that Mr Litvinenko appeared to have an irregular heartbeat, his temperature was raised, he continued to vomit and he had abdominal pain.<sup>140</sup> An electrocardiogram (ECG) confirmed an irregular heartbeat.<sup>141</sup> Dr Nathwani felt that he and his colleagues were in "uncharted territory" with the suspected thallium poisoning. Dr Nathwani therefore wanted to monitor Mr Litvinenko closely and considered the possibility of transferring him to a high dependency or intensive care unit (ICU) where his heart rate could be monitored continuously<sup>142</sup>
- e. On 19 November, a bed became available for Mr Litvinenko on the ICU. The police expressed concerns as to security with regard to a transfer to the ICU. But Dr Nathwani decided that Mr Litvinenko should be moved for his own well being; he was transferred to the ICU later that evening<sup>143</sup>
- f. Dr Nathwani assessed Mr Litvinenko's condition again on 20 November. He was concerned about Mr Litvinenko's bone marrow failure and raised temperature

<sup>135</sup> [Nathwani 18/93-129](#)

<sup>136</sup> [INQ006652](#)

<sup>137</sup> [Henry 18/132](#)

<sup>138</sup> [Henry 18/137](#)

<sup>139</sup> [Nathwani 18/99-100](#)

<sup>140</sup> [Nathwani 18/101](#)

<sup>141</sup> [Nathwani 18/103](#)

<sup>142</sup> [Nathwani 18/103-105](#)

<sup>143</sup> [Nathwani 18/107-108](#)

and noted that his falling platelet count created a risk of bleeding. In order to maintain the platelet count, Mr Litvinenko was given a blood transfusion. Dr Nathwani noted that, although the level of thallium in Mr Litvinenko's blood had been abnormal before his transfer to UCH, it was not elevated to the level that would indicate that he had been poisoned. The clinical picture at that time was one of bone marrow failure together with mucosal gut damage and hair loss; and Dr Nathwani was surprised to note that, given such serious symptoms, Mr Litvinenko did not have any significant damage to his nerve endings and had relatively low thallium levels.<sup>144</sup> Fundamentally, Dr Nathwani remained puzzled by Mr Litvinenko's clinical presentation, and was concerned that it did not fit squarely with a diagnosis of thallium poisoning<sup>145</sup>

- g. Mr Litvinenko's renal function then began to deteriorate and his blood was artificially filtered to remove toxins. This further complication added to the puzzle but Dr Nathwani observed in evidence that it is not unusual for patients with a persistent infection and a high temperature that is unresponsive to antibiotics to present with a gradual deterioration of other organs; he added that this is quite common in patients with bone marrow failure. But he was more surprised to note that Mr Litvinenko's liver function was also decreasing<sup>146</sup>
- h. Dr Nathwani described fishing for diagnoses and further samples were taken in order to look for chromosomal changes.<sup>147</sup> His registrar, Dr Kim Ryland discussed Mr Litvinenko's condition with Dr Dargan at Guy's Hospital poisons unit. She noted her colleagues' concerns that, clinically, Mr Litvinenko was not behaving like a patient with thallium poisoning because of the absence of neurotoxicity and the profound pancytopenia (the absence of all types of blood cells). A further urine sample was sent to Guy's and the registrar at Guy's advised continuing with 'Berlin blue' (which Dr Nathwani explained is the same as Prussian blue) for seven to ten days and until urinary levels returned to normal, and that other causes of Mr Litvinenko's clinical presentation should be considered as thallium poisoning did not appear to be the primary cause<sup>148</sup> of his condition
- i. Dr Nathwani discussed Mr Litvinenko's condition again with Dr Dargan at Guy's poison unit on 21 November. Dr Dargan confirmed that they did not think Mr Litvinenko had thallium poisoning. Dr Dargan advised that Dr Nathwani investigate whether radioisotopes could be a potential cause, and gave Dr Nathwani the contact details for the Atomic Weapons Establishment (AWE). The poison unit's note of this conversation records the unit's view that there are only a few agents that would cause isolated mucositis and bone marrow failure<sup>149</sup>
- j. Mr Litvinenko's condition continued to deteriorate on 21 November and during that night, he suffered two cardiac arrests from which he was resuscitated.<sup>150</sup> On 22 November, doctors stopped treating Mr Litvinenko with Prussian blue as they were by then certain that he was not suffering from thallium poisoning

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<sup>144</sup> [Nathwani 18/109-110](#)

<sup>145</sup> [Nathwani 18/111](#)

<sup>146</sup> [Nathwani 18/111-112](#)

<sup>147</sup> [Nathwani 18/113](#)

<sup>148</sup> [Nathwani 18/114-117](#)

<sup>149</sup> [Nathwani 18/123-124](#)

<sup>150</sup> [Nathwani 18/127](#)

- k. Dr Nathwani recalled that it was on 21 November that the idea that chemotherapeutic agents or radioisotopes could have been used to poison Mr Litvinenko was first suggested by the pharmacist at UCH and colleagues at the poisons unit<sup>151</sup>
- l. On the same day, Professor Henry was interviewed by journalists outside UCH, after visiting Mr Litvinenko for a second time. During the televised interview, Professor Henry expressed the opinion that Mr Litvinenko had been poisoned with radioactive thallium.<sup>152</sup> Mr Clive Timmons (a Detective Superintendent in 2006) recalled speaking to DS Mike Jolly, who had seen Professor Henry's televised interview, later on 21 November. DS Jolly suggested to Mr Timmons that it would be useful to try to establish if radioactivity was affecting Mr Litvinenko. Consequently, samples of Mr Litvinenko's blood and urine were sent to AWE for testing<sup>153</sup>
- m. The blood and urine samples arrived at AWE in the early evening of 21 November. Tests were conducted overnight<sup>154</sup>
- n. A meeting between police officers, the forensic science service, AWE and Dr Nicholas Gent from Porton Down had been arranged for the following day, 22 November. During the meeting, the results of the urine tests at AWE, which revealed that polonium was present in Mr Litvinenko's urine, were discussed. However, it was thought that this reading was an anomaly caused by the plastic bottle in which the sample had been stored<sup>155</sup>
- o. Mr Timmons had requested that a 'living post mortem' be carried out on Mr Litvinenko in order to try to establish the cause of his condition. In the course of the meeting Dr Gent presented five causes that had been identified as possibly contributing to his condition.<sup>156</sup> One possibility, an internal radiation source, appeared to fit with the spike of polonium that had been identified in the tests at AWE. But those present at the meeting were of the view that this was an unlikely cause. It was decided that further investigation was needed. At AWE's request, a further sample of one litre of Mr Litvinenko's urine was sent to AWE for further testing<sup>157</sup>
- p. The further urine sample arrived at AWE in the early afternoon of 23 November. Further testing was conducted. The results, which confirmed polonium contamination, were communicated to the police between about 3.00pm and 5.00pm<sup>158</sup>
- q. At 8.51pm on Thursday 23 November, Mr Litvinenko suffered a third cardiac arrest. Mr James Down, ICU consultant, was on duty at the time and attempted to resuscitate Mr Litvinenko. But it became clear to him that Mr Litvinenko was not going to regain spontaneous cardiac output. The attempts to resuscitate were terminated; at 9.21pm Mr Down pronounced life extinct. He confirmed that Mr Litvinenko died from multiple organ failure including progressive heart failure<sup>159</sup>

<sup>151</sup> [Nathwani 18/124](#)

<sup>152</sup> [Henry 18/139-140](#)

<sup>153</sup> [Timmons 22/7; INQ022258](#)

<sup>154</sup> [INQ022258](#)

<sup>155</sup> [Timmons 22/7](#)

<sup>156</sup> [Timmons 22/8](#)

<sup>157</sup> [Timmons 22/9-10; INQ022258](#)

<sup>158</sup> [Timmons 22/10; INQ022258](#)

<sup>159</sup> [Down 18/144](#)

## Police interviews

- 3.130** The Metropolitan Police Service conducted lengthy interviews with Mr Litvinenko for the first three days that he was at UCH. The interviews took place in four sessions. The first session was very early in the morning on 18 November – from midnight until 2.45am; this would have been only a few hours after Mr Litvinenko arrived at UCH. The second session took place at the end of the same day, from 7.24pm to 11.49pm. The third and fourth sessions took place in the late afternoon and evening of 19 and 20 November respectively.
- 3.131** The senior of the two interviewing officers, Detective Inspector (DI) Hyatt, gave oral evidence to the Inquiry.<sup>160</sup>
- 3.132** The interviews were transcribed and I adduced the entirety of the transcripts into evidence. It is, to put it mildly, unusual when inquiring into a death to have available lengthy transcripts of interviews with the deceased conducted shortly before his death. I regard these transcripts as being of great value to this Inquiry.

## Mr Litvinenko's own explanation for his illness

- 3.133** It would appear that Mr Litvinenko was alive to the possibility that he had been deliberately poisoned from the first days of his illness. Mr Prikazchikov recalled that Marina Litvinenko asked him whether Mr Litvinenko might have been poisoned when he visited the house, probably on 3 November.<sup>161</sup> Mr Zakayev recalled discussing with Mr Litvinenko the possibility that he had been poisoned on either 4 or 5 November.<sup>162</sup>
- 3.134** Who did Mr Litvinenko think might have poisoned him? At the first of his police interviews, in the early hours of 18 November, Mr Litvinenko told DI Hyatt that one of three people must have been the poisoner.<sup>163</sup> The three men that he named were Mario Scaramella, with whom he had eaten at itsu during the early afternoon of 1 November, and Andrey Lugovy and Dmitri Kovtun, whom he had met later that day in the Pine Bar at the Millennium Hotel. Mr Litvinenko told DI Hyatt something else. He said that, although he had spoken publicly about his meeting with Mr Scaramella on 1 November, he had deliberately not said anything in public about his meeting with Mr Lugovoy and Mr Kovtun.<sup>164</sup> His explanation to DI Hyatt, put shortly, was that he hoped that Mr Lugovoy and Mr Kovtun might be sufficiently confident that they were not suspects to return to London, where they could be arrested. In his oral evidence to me Mr Zakayev stated that this was a strategy that he and Mr Litvinenko had devised together.<sup>165</sup>
- 3.135** Shortly before Mr Litvinenko left Barnet Hospital, probably on 17 November, he gave an interview to the journalist David Leppard. Mr Leppard wrote an article on the basis of the interview which appeared in the *Sunday Times* on Sunday 19 November. I admitted both a transcript of the interview and a copy of the article into evidence.<sup>166</sup> It is apparent from those documents that Mr Litvinenko implied to Mr Leppard that he thought he had been poisoned by Mr Scaramella; he did not mention Mr Lugovoy or Mr Kovtun at all. The strategy that Mr Litvinenko described to DI Hyatt in his subsequent interview would appear to explain what would otherwise be a puzzling omission.

<sup>160</sup> [Hyatt 4/137-170; 5/1-55](#)

<sup>161</sup> [Prikazchikov 17/114](#) lines 16-20

<sup>162</sup> [Zakayev 26/153](#)

<sup>163</sup> [INQ002470](#) (page 14)

<sup>164</sup> [INQ002470](#) (pages 12-13)

<sup>165</sup> [Zakayev 26/154-155](#)

<sup>166</sup> [INQ016789; INQ018413](#)

**3.136** There is, however, a further related point. It was a recurring feature of the evidence that I heard from a number of Mr Litvinenko's friends and associates that during the time that he was in hospital he told them that he believed that Mr Scaramella had poisoned him on 1 November, and that he either delayed in telling them, or did not tell them at all, about his meeting with Mr Lugovoy and Mr Kovtun on the same day. Evidence to this effect was given by Yuri Shvets,<sup>167</sup> Vladimir Bukovsky<sup>168</sup> and Akhmed Zakayev;<sup>169</sup> and Boris Berezovsky's witness statement is to a similar effect.<sup>170</sup>

**3.137** The reluctance on the part of Mr Litvinenko to tell his friends about his meeting with Mr Lugovoy and Mr Kovtun on the day that he became ill cannot be explained by his strategy to try to lure the two men back into the jurisdiction, since these were private conversations with trusted friends. The answer seems to lie in what Mr Shvets described as Mr Litvinenko's "*wounded professional pride*". He said:

*"He was agonised by the understanding that as a professional he failed. ... He was always saying that I can identify my enemy a mile away, ... that I am a professional. But this particular case when it comes to his own life he badly failed."*<sup>171</sup>

Mr Zakayev, in a similar vein, explained that Mr Litvinenko, as a former FSB officer, had advised him on his personal security and had warned him that; "*they might send a person from my past to me, someone who I'd had good relations with... it [was] that person that the threat would come from*". He said that Mr Litvinenko was "*embarrassed*" that, "*exactly this scenario... was turned against him.*"<sup>172</sup>

**3.138** These insights are, in my view, convincing. They are also valuable, because they suggest that Mr Litvinenko's accounts of his meetings with Mr Lugovoy and Mr Kovtun – in particular, perhaps, his description of their meeting on 1 November – must be approached with some caution. It may be that these accounts contain some infelicities, added by Mr Litvinenko in an attempt to salve his wounded pride.

**3.139** If the contemporaneous documents give rise to some uncertainty as to whom Mr Litvinenko believed had poisoned him, there is no ambiguity as to whom he thought bore ultimate responsibility. Mr Berezovsky recalled that when he visited him in hospital Mr Litvinenko "*insisted that it was a direct order of Putin*", although at that stage Mr Berezovsky disagreed with him.<sup>173</sup> Several days later, towards the end of his interviews with DI Hyatt, Mr Litvinenko stated:

*"I have no doubt whatsoever that this was done by the Russian Secret Services. Having knowledge of the system I know that the order about such a killing of a citizen of another country on its territory, especially if it [is] something to do with Great Britain could have been given by only one person."*

When DI Hyatt asked who that person was, Mr Litvinenko replied, "*That person is the President of the Russian Federation Vladimir Putin*".<sup>174</sup> A few days later, as we shall see, Mr Litvinenko was to make a similar accusation in his final statement, which was published and widely circulated after his death.

<sup>167</sup> [Shvets 24/89-93](#)

<sup>168</sup> [Bukovsky 26/100-101](#)

<sup>169</sup> [Zakayev 26/153-154](#)

<sup>170</sup> [Berezovsky 25/20-21](#)

<sup>171</sup> [Shvets 24/92-93](#)

<sup>172</sup> [Zakayev 26/156-157](#)

<sup>173</sup> [Berezovsky 25/19-20](#)

<sup>174</sup> [INQ016642](#) (page 5)

## The photo and the deathbed statement

- 3.140** On Tuesday 21 November 2006, a photographer visited UCH and took the photograph of Mr Litvinenko lying in his bed that became the iconic image of this case.<sup>175</sup> I heard some evidence about the circumstances in which the photograph was taken.
- 3.141** Mr Goldfarb said that the idea for the photograph was his. He said that there had been a “crowd” of press outside UCH following the publication of Mr Leppard’s article on Sunday 19 November, and he thought that a photograph would be a way of creating extra interest in the story. He said that Mr Litvinenko was “adamant” about, “*letting the world know that he has been poisoned by the Kremlin*”, and that he approved the idea of the photograph.<sup>176</sup> Marina Litvinenko stated that she was against the idea because at that time she still hoped that Mr Litvinenko would survive, but she confirmed that Mr Litvinenko agreed both to the photograph being taken and to it being published.<sup>177</sup> Lord Bell, whose agency arranged for the photograph to be taken, gave evidence before me. He recalled that Mr Litvinenko had been “*particularly keen that people should see what had happened to him*”, and that, to that end, he had pulled his hospital gown to one side when the photograph was taken so that all the medical equipment was visible.<sup>178</sup>
- 3.142** It was on the same day, 21 November, that Mr Litvinenko signed what has become known as his deathbed statement. On the day after Mr Litvinenko’s death, the statement was read to the media by Mr Goldfarb at a press conference held outside UCH, and was thereafter published widely.
- 3.143** The statement was short, and was in the following terms:<sup>179</sup>

*“I would like to thank many people. My doctors, nurses and hospital staff who are doing all they can for me; the British Police who are pursuing my case with rigour and professionalism and are watching over me and my family. I would like to thank the British Government for taking me under their care. I am honoured to be a British citizen.*

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

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

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

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

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

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<sup>175</sup> [INQ019299](#)

<sup>176</sup> [Goldfarb 5/155-156](#)

<sup>177</sup> [Marina Litvinenko 4/66-67](#)

<sup>178</sup> [Bell 6/22](#)

<sup>179</sup> [INQ017399](#)

*You have shown yourself to be unworthy of your office, to be unworthy of the trust of civilised men and women.*

*You may succeed in silencing one man but the howl of protest from around the world will reverberate, Mr Putin, in your ears for the rest of your life. May God forgive you for what you have done, not only to me but to beloved Russia and its people.”*

The statement was signed in manuscript by Mr Litvinenko, and dated 21 November 2006.

**3.144** Doubts have been expressed as to the authenticity of this statement, or at least as to the extent to which it represented Mr Litvinenko’s views. I therefore took detailed evidence on this subject. The key witnesses, who all gave oral evidence, were George Menzies, who was Mr Litvinenko’s solicitor,<sup>180</sup> Mr Goldfarb,<sup>181</sup> Marina Litvinenko<sup>182</sup> and Lord Bell.<sup>183</sup>

**3.145** My conclusions regarding the so called deathbed statement are as follows:

- a. The witnesses were agreed that the idea of the statement did not originate from Mr Litvinenko. Mr Menzies recalled the idea being suggested to him by a press consultant (not Lord Bell); Mr Goldfarb thought that the idea had emerged, “*between me and George Menzies and Sasha*”
- b. Mr Goldfarb emphasised that the idea had emerged “*naturally*” because Mr Litvinenko “*was so adamant in trying to get across the message that the Kremlin and Putin poisoned him*”. This is certainly consistent with other evidence that I have heard about Mr Litvinenko’s thinking at this time
- c. Marina Litvinenko was opposed to the idea of the statement because, as with the photograph, she still believed that Mr Litvinenko would survive – she said that preparing the statement was like giving up
- d. Mr Menzies drafted the statement. The draft was prepared in English; there was never a Russian version. Mr Menzies dictated the statement and had it typed by his secretary. He had not discussed the statement in terms with Mr Litvinenko at that point, but he had visited him in hospital and discussed the possible causes of his illness, and the content of the draft statement reflected Mr Menzies’ understanding of Mr Litvinenko’s state of mind
- e. Mr Menzies and Mr Goldfarb initially took the statement to Lord Bell. He was against the idea of the statement because he felt it read like a deathbed statement, and he still hoped that Mr Litvinenko would recover
- f. Mr Goldfarb and Mr Menzies took the statement to UCH on 21 November. They showed it to Marina Litvinenko, who approved it and agreed that it should be shown to Mr Litvinenko
- g. All three then went into Mr Litvinenko’s room. Mr Goldfarb read the statement to him in Russian. Mr Litvinenko then asked for a pen and signed the statement

<sup>180</sup> [Menzies 6/6-17](#)

<sup>181</sup> [Goldfarb 5/148-155](#)

<sup>182</sup> [Marina Litvinenko 4/67-69](#)

<sup>183</sup> [Bell 6/23-25](#)

Mr Menzies, Mr Goldfarb and Marina Litvinenko all told me that they were satisfied that Mr Litvinenko agreed with the content of the statement. I would add in this regard that the statement is consistent with views expressed by Mr Litvinenko to others at around this time, notably in his police interviews

## Alexander Litvinenko's death

- 3.146** Tuesday 21 November and Wednesday 22 November were the last days that Mr Litvinenko was conscious. He had lost consciousness by Thursday 23 November and died that evening.
- 3.147** At some point during this period Mr Zakayev brought an imam to Mr Litvinenko's bedside. The evidence of both Marina Litvinenko<sup>184</sup> and Mr Zakayev<sup>185</sup> was that Mr Litvinenko, who had been baptised into the Russian Orthodox church, had expressed a desire to convert to Islam after talking with Mr Zakayev about his faith whilst he was still in Barnet Hospital. Mr Zakayev spoke the shahada with Mr Litvinenko, and later arranged the visit of the imam to UCH, with Marina Litvinenko's consent. Mr Zakayev's evidence to me was that he believed Mr Litvinenko died as a Muslim.
- 3.148** Mr Litvinenko's father, Walter, travelled from Russia and arrived at the hospital on 21 November.
- 3.149** As Marina Litvinenko was leaving Mr Litvinenko's bedside on the evening of 22 November, he told her that he loved her.<sup>186</sup> Those proved to be the last words that he spoke to her. He remained unconscious throughout the next day.
- 3.150** Mr Litvinenko suffered a fatal cardiac arrest at 8.51pm on 23 November. The evidence of Mr Down, an intensive care consultant on duty at UCH that evening, was that cardiopulmonary resuscitation (CPR) was commenced but was terminated when it became clear that Mr Litvinenko would not regain spontaneous cardiac output. Mr Down pronounced life extinct at 9.21pm that evening. He confirmed that Mr Litvinenko died from multiple organ failure including progressive heart failure.<sup>187</sup>

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<sup>184</sup> [Marina Litvinenko 4/69-71](#)

<sup>185</sup> [Zakayev 26/157-159](#)

<sup>186</sup> [Marina Litvinenko 4/73](#)

<sup>187</sup> [Down 18/144](#)

## Chapter 5: Scientific examination of Alexander Litvinenko's body

- 3.151** Many scientific investigations and tests have been conducted on Mr Litvinenko's body, and on samples taken from it. This process started before Mr Litvinenko's death with the array of tests that were commissioned by the treating clinicians. At the same time, frequent observations were taken and recorded in Mr Litvinenko's medical notes. I have referred to some of the tests and observations above. I have also referred to the tests conducted on samples of Mr Litvinenko's blood and urine at AWE, which revealed for the first time excess levels of polonium in his body.
- 3.152** The process of testing and investigation continued after Mr Litvinenko's death, first with a post mortem examination and thereafter with a series of tests on samples taken from his body. This process has generated a considerable quantity of data, which has been set out and analysed in a series of statements and reports written by a variety of experts. All this material has been in evidence before me.
- 3.153** This scientific material has not been put into the public domain prior to these proceedings (although some of it was used as the basis for a paper published in a scientific journal in 2007).<sup>188</sup>
- 3.154** I am aware that some commentators have suggested that there may be something sinister about the fact that this material has not so far been presented publicly – for example, that it may be part of a cover up orchestrated by the British government. I would simply observe that it is normal in this jurisdiction for medical and scientific reports and records of this type not to be made public until they have been used in court proceedings relating to the death. In Mr Litvinenko's case, this Inquiry is the first substantive set of proceedings that has taken place with regard to his death. I would not therefore have expected this material to have been published prior to my Inquiry. I should add that my team and I have studied thousands of government documents that relate to Mr Litvinenko's death. They do not contain anything to suggest that there has been deliberate concealment of relevant material. The fact that this material has not hitherto been put into the public domain is simply a consequence of normal procedures being followed, albeit that in this case – given its exceptional features – it has taken longer than normal for those procedures to run their course.
- 3.155** Further and in any event, all this material has now been published by the Inquiry. Anyone who wishes to refer to the detail of the scientific investigation that has taken place may now access the underlying documents by means of the Inquiry website. The key documents are tabulated at Appendix 8.
- 3.156** What I propose to do in the remainder of this section of the Report is to identify the more important conclusions that the scientists have reached as a result of their analysis, and to consider the evidence that I received in respect of those conclusions.

### The raised levels of polonium 210 in Mr Litvinenko's body

- 3.157** As I have already noted, the first tests that identified raised levels of polonium 210 in Mr Litvinenko's body were the tests conducted at the AWE in Aldermaston on 21 and 22 November 2006 – i.e. very shortly before Mr Litvinenko's death.<sup>189</sup>

<sup>188</sup> "Polonium-210 as a poison" by Harrison et al – Journal of Radiological Protection 27, 17-40; 2007 [INQ017269](#)

<sup>189</sup> [INQ022258](#)

- 3.158** Following Mr Litvinenko's death, measurements of polonium 210 were taken using tissue samples from Mr Litvinenko's lung, spleen, kidneys and liver, using gamma ray spectrometry. These tests showed raised levels in each of the organs, with the highest result (49,000Bq per g of tissue) in the kidney sample and the lowest (3,500Bq per g of tissue) in the lung sample. These findings are recorded in Dr Harrison's statement dated 26 April 2007.<sup>190</sup>
- 3.159** In a further statement dated 27 October 2010,<sup>191</sup> Dr Harrison reported the results of similar gamma spectrometry tests on other samples taken from Mr Litvinenko's body after his death, namely samples of mesentery, testicle, muscle, brain, bile, heart, skin and blood. The results of these tests appear to have been consistent with those of the earlier tests.

## The total intake of polonium 210

- 3.160** Dr Harrison used the results of the gamma ray spectrometry tests on tissue samples to estimate Mr Litvinenko's likely total intake of polonium 210. He described his calculations, and the assumptions that he made in performing this exercise, in his statement of 26 April 2007.<sup>192</sup> He stated that the best estimate of intake was 4.4Gbq of polonium 210.
- 3.161** The further testing reported in 2010 broadly supported the earlier estimate, although the test on the blood sample indicated that the intake might have been slightly lower at 4.1Gbq.
- 3.162** This analysis is also discussed at paragraphs 5 to 9 of the experts' joint report dated February 2014.<sup>193</sup>

## The route of intake: ingestion or inhalation?

- 3.163** I have already referred to the fact that Dr Harrison's gamma ray spectrometry testing in 2007 indicated a relatively low concentration of polonium 210 in lung tissue. Dr Harrison calculated that, given these values, only about 5 per cent of the total amount of polonium 210 in Mr Litvinenko's body could have been inhaled.
- 3.164** On this basis, Dr Harrison explained that he, "*dismissed inhalation as a route of intake and concentrated on ingestion as a route of intake.*"<sup>194</sup> The fact that polonium 210 was discovered in the lung tissue, albeit in relatively low quantities, did not require a conclusion that any polonium had been inhaled: the finding was equally consistent with polonium being distributed through blood following ingestion.<sup>195</sup>
- 3.165** The formal conclusion expressed by Dr Harrison on this point in his report dated 26 April 2007 was that, "*The low concentration of polonium-210 in lung tissue is consistent with inhalation being a minor route of intake.*" He then proceeded to calculate the likely total intake on the basis of intake solely by ingestion. In his oral evidence, Dr Harrison stated that the low value for retention in lung tissue, "*indicates that inhalation wasn't an important route of intake*".<sup>196</sup>

<sup>190</sup> [INQ007633](#)

<sup>191</sup> [INQ007656](#)

<sup>192</sup> [INQ007633](#)

<sup>193</sup> [INQ016745](#) (pages 3-5)

<sup>194</sup> [Harrison 19/26](#)

<sup>195</sup> [Harrison 19/34](#)

<sup>196</sup> [Harrison 19/34](#)

- 3.166 As I understand Dr Harrison's evidence on this point, his view is that in this case there was certainly a major intake of polonium 210 by ingestion. There may have been an additional, but minor, intake by inhalation, or there may in fact have been no intake by inhalation at all.
- 3.167 I also note in this regard an observation made in the course of oral evidence by Dr Swift, one of the two pathologists who conducted the post mortem. He stated that, whilst it was not possible to state with certainty the route by which the polonium 210 had entered Mr Litvinenko's body; "*given the clinically recognised severe pharyngeal, so the back of the throat, and oesophageal, the food pipe or gullet, inflammation, it has most likely entered the body through oral means.*"<sup>197</sup>
- 3.168 The conclusion that most if not all of the polonium 210 found in Mr Litvinenko's body had been ingested rather than inhaled is relevant, amongst other things, to the question of whether Mr Litvinenko's death could have been an accident. Put shortly, it seems less likely that he could have accidentally eaten something than that he accidentally inhaled something. I shall return to this point in due course.

## The medical cause of Mr Litvinenko's death

- 3.169 The evidence on this issue comprised two lines of scientific investigation and analysis, which were, to an extent at least, interdependent.

### The pathologists

- 3.170 First, there was the evidence of the two pathologists, Dr Cary and Dr Swift, who conducted Mr Litvinenko's post mortem.<sup>198</sup> The post mortem took place at the Royal London Hospital on 1 December 2006. Special safety precautions were taken because of the radioactivity that was then still present in Mr Litvinenko's body. Even so, Dr Cary stated that the procedure had been: "*one of the most dangerous post-mortem examinations ever undertaken in the Western world*".<sup>199</sup>
- 3.171 Dr Cary summarised his findings in the form of six conclusions, with which Dr Swift agreed. I shall record those conclusions here.
- 3.172 First, Dr Cary stated that:

*"the changes in the internal organs are typical of those seen at the end stage of multi-organ failure in an intensive care setting. There is no macroscopic evidence, and by that I mean to the naked eye, of any underlying natural disease process that would have preceded the presentation with an acute illness on 3 November 2006."*<sup>200</sup>

- 3.173 Second, Dr Cary noted that due to the hazardous nature of the tissue samples that he had taken from Mr Litvinenko's body, he was unable to follow what would otherwise have been the routine procedure of examining these samples under the microscope to try to obtain further information about the cause of death. That said, Dr Cary observed that the medical records from Mr Litvinenko's time in hospital provided useful information in this regard – there was clear documentation, for example, of

<sup>197</sup> [Swift 2/90-91](#)

<sup>198</sup> [INQ003002](#); [Cary 2/17-82](#); [INQ003187](#); [Swift 2/82-99](#)

<sup>199</sup> [Cary 2/42](#)

<sup>200</sup> [Cary 2/64](#)

bone marrow failure, multi-organ failure and the development of alopecia. Dr Cary stated; “when you look at all these together, they provide clinical corroboration for the fact that the deceased suffered acute radiation exposure due to ingestion of polonium 210”.<sup>201</sup>

**3.174** Third, Dr Cary noted the findings, made through analysis of samples taken both before and after Mr Litvinenko’s death, that he had ingested a quantity of polonium 210.<sup>202</sup>

**3.175** Fourth, Dr Cary noted the findings of Dr Harrison and his colleagues (to which I shall refer further below), to the effect that Mr Litvinenko had ingested a quantity of polonium 210 that was far in excess of known survivability limits.

**3.176** Fifth, Dr Cary concluded:

*“I am entirely satisfied that on the basis of both the calculated exposure of the internal organs to radiation and the deceased’s downhill clinical course a cause of death of acute radiation syndrome may be recorded.”<sup>203</sup>*

**3.177** Sixth, Dr Cary listed a number of possibilities in relation to the final mode of death, namely:

- (i) *Due to bone marrow failure there was a final episode of sepsis, including as a possibility due to fungal infection with this sepsis resulting in cardiorespiratory arrest.*
- (ii) *Due to metabolic consequences of organ failure (particularly the liver and kidney) cardiorespiratory arrest occurred.*
- (iii) *Due to primary effects of radiation on the heart itself an ultimately fatal heart rhythm disturbance developed resulting in cardiorespiratory arrest.*
- (iv) *A combination of some or all of the above.”<sup>204</sup>*

### Dr Harrison and his colleagues

**3.178** In one of his written reports, Dr Harrison explained the mechanism by which the alpha particles emitted by polonium 210 cause damage within the human body. He said:

*“Ionizing radiations, including gamma rays and alpha particles can kill cells by damaging biological molecules within them, including DNA. Alpha particles are particularly effective at killing cells because, although they only travel short distances (a few cell widths), they deposit a lot of energy along their paths. They can be thought of as atomic bullets, capable of killing at a cellular level. Enough alpha particles will kill enough cells to cause gross tissue damage, organ failure and death.”<sup>205</sup>*

**3.179** Having ascertained (see above) that Mr Litvinenko had ingested approximately 4.4Gbq of polonium 210, Dr Harrison was able to calculate the quantity of radiation that would have been generated within Mr Litvinenko’s body, and to compare those figures with

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<sup>201</sup> [Cary 2/64-66](#)

<sup>202</sup> [Cary 2/66](#)

<sup>203</sup> [INQ003002](#) (page 7); [Cary 2/67](#)

<sup>204</sup> [INQ003002](#) (page 7); [Cary 2/67-68](#)

<sup>205</sup> [INQ007633](#) (page 5)

scientific tables giving expected survival periods following exposure to radiation. Dr Harrison explained this analysis in detail in both his written and oral evidence.<sup>206</sup>

**3.180** The conclusion that Dr Harrison drew from this analysis was clear. He stated:

*"Death is the inevitable outcome of the radiation doses estimated to have been received by Mr Litvinenko's red bone marrow, kidneys and liver. Bone marrow failure is likely to be an important contributory cause of death occurring within a few weeks of intake, as a component of multiple organ failure."*<sup>207</sup>

**3.181** The experts' joint statement comments, at paragraph 25:<sup>208</sup>

*"It can be stated with certainty that Mr Litvinenko died as a consequence of an intake of polonium 210."*

## The number and timing of the doses of polonium 210 ingested by Mr Litvinenko

**3.182** Scientific analysis of samples of Mr Litvinenko's hair was consistent with there having been more than one intake of polonium 210. The hair analysis suggested that there had been two intakes, the earlier being about a hundred times smaller than the later.<sup>209</sup>

**3.183** The scientific evidence did not produce a definitive timing for the second and larger intake of polonium. That said, I heard that Mr Litvinenko's medical records, and in particular the rise in levels of circulating neutrophils (white blood cells) recorded on 3 November and 5 November, were consistent with the fatal intake having taken place on 1 November.<sup>210</sup> As we shall see, there is independent evidence which strongly indicates that that is when the second intake occurred.

**3.184** As to the timing of the earlier intake, the scientific evidence may be summarised as follows:

- a. It was common ground that it was not possible to determine the precise date upon which the earlier intake had occurred. As the experts put it in their joint report:

*"[the] evidence does not enable precise interpretation in terms of relative times of intake because of uncertainties over the rate of hair growth and the possible effect of radiation exposure on hair growth."*

- b. Accordingly, the scientists estimated a period during which the earlier intake had taken place, assuming that the later intake had occurred on 1 November
- c. Dr Harrison, Dr Gent and A1 concluded that the earlier intake had probably taken place between 18 October and 23 October<sup>211</sup>
- d. Dr Black, who conducted his analysis on a different basis, estimated that the earlier intake had taken place between 14 and 18 October<sup>212</sup>

<sup>206</sup> [INQ007633](#); [Harrison 19/32-67](#)

<sup>207</sup> [INQ007633](#) (page 7)

<sup>208</sup> [INQ016745](#) (page 9)

<sup>209</sup> [INQ016745](#) (page 10)

<sup>210</sup> [INQ007633](#) (page 7)

<sup>211</sup> [INQ016745](#) (page 10)

<sup>212</sup> [INQ014291](#) (page 8)

- e. The evidence that Mr Litvinenko vomited and was feeling unwell on the evening of 16 October should not be taken as a strong indication that the first intake of polonium had occurred on that day. The scientists were cautious as to whether the similar 'prodromal' symptoms that Mr Litvinenko suffered on the evening of 1 November had been caused by the very much higher intake of polonium on that day.<sup>213</sup> The symptoms that Mr Litvinenko suffered on 16 October must, therefore, be an even less reliable indicator of a postulated weaker intake of polonium on that day

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<sup>213</sup> [INQ016745](#) (page 9)

## Part 4: Why would anyone wish to kill Alexander Litvinenko?

### Chapter 1: Introduction

- 4.1 On the evidence that I have heard, Alexander Litvinenko lived a most eventful life in the United Kingdom (UK) between 2000 and 2006. He involved himself in a wide range of activities, many, as before, focused on challenging corruption in the Federal Security Service (FSB) and on combating organised crime. He also had to try to find a way of making a living in the UK using the skills and contacts that he had acquired as an FSB officer in Russia. The evidence suggests that, in the course of such activities, and just as he had in Russia, Mr Litvinenko may have made some dangerous enemies.
- 4.2 The purpose of this Part of the Report is to review the evidence that I have heard, both as to what Mr Litvinenko was doing during this period, and as to whom his activities might have upset. The question that underpins this exercise, and that I will come to address later in this Report, is simple: could any of Mr Litvinenko's activities during this period have provided a motive for murder?

## Chapter 2: Enemy of the Russian State?

- 4.3 On 24 November 2006, the day after Mr Litvinenko's death, Sergey Abeltsev, a member of the Russian State Duma, made a speech on the floor of the Duma in which he said:

*"Last night Alexander Litvinenko died in a London hospital. The deserved punishment reached the traitor. I am confident that this terrible death will be a serious warning to traitors of all colours wherever they are located. In Russia, they do not pardon treachery."<sup>1</sup>*

- 4.4 On the same day, President Putin made comments to the media about Mr Litvinenko's death with what Professor Service described as, *"a verbal levity that border[ed] on the macabre"*. For example, President Putin observed that, *"the people that have done this are not God, and Mr Litvinenko is, unfortunately, not Lazarus."*<sup>2</sup>
- 4.5 Mr Abeltsev is a member of the Liberal Democratic Party in Russia. The leader of that party, Vladimir Zhirnovsky, described Mr Litvinenko following his death as a "scoundrel" and a "traitor" and suggested that he had been killed by MI6 on behalf of the FSB.<sup>3</sup>
- 4.6 During a radio interview in February 2007, Mr Gusak, Mr Litvinenko's former colleague in the FSB, expressed the view that Mr Litvinenko had deserved to be executed.<sup>4</sup>
- 4.7 The language that I have quoted in these paragraphs is couched in the strongest terms. But it appears that, although extreme, such language does not misrepresent the way in which a section, at least, of the Russian people and government regarded Mr Litvinenko. Professor Service, who approached his analysis of these matters with commendable caution, gave oral evidence to the effect that, by the time of his death, Mr Litvinenko had come to be regarded as an enemy of the Russian State.<sup>5</sup>
- 4.8 What was it that Mr Litvinenko had done to earn such posthumous opprobrium?

### Perceived betrayal of the FSB

- 4.9 There is strong evidence that Mr Litvinenko was regarded by those within the FSB as someone who had betrayed that organisation.
- 4.10 The starting point is the sequence of events that culminated in the November 1998 press conference. As I have described above, (see paragraph 3.60 – 3.62) Mr Litvinenko's escalating protest against what he regarded as the unlawful orders that he and his colleagues in the Department for the Investigation and Prevention of Organised Crime (URPO) had been given, was challenged at every stage by his superiors. There is evidence that Mr Kovalyev, the Head of the FSB, regarded Mr Litvinenko's actions in telling Mr Berezovsky of the order that he claimed to have received to kill him as a, *"betrayal of the interests of the security services"* (see paragraph 3.52 above). I also heard evidence that Mr Putin, Mr Kovalyev's successor as head of the FSB, publicly criticised Mr Litvinenko and his colleagues for going public with their allegations at the

<sup>1</sup> Goldfarb 26/123; Emmerson 1/147

<sup>2</sup> INQ019146 (page 14-15 paragraph 45)

<sup>3</sup> HMG000358 (page 3)

<sup>4</sup> HMG000353

<sup>5</sup> Service 28/71 lines 1-4

November 1998 press conference,<sup>6</sup> and that the prosecutor, Mr Barsukov, told Marina Litvinenko that the charges he was bringing against Mr Litvinenko were a response to the press conference (see paragraph 3.68 above).

- 4.11** Marina Litvinenko's evidence was that the decision that she and her husband made to leave Russia was based in part on a fear that the FSB retribution against Mr Litvinenko for what it regarded as his act of betrayal would end either in his indefinite detention or, worse, in his death. I have referred to Mr Felshtinsky's evidence that General Kokholkhov told him in May 2000 that if he came across Mr Litvinenko in a dark corner, "*he would kill him with his own hands*" (see paragraph 3.76 above).
- 4.12** The evidence suggests that Mr Litvinenko's flight from Russia did not soften in any way the FSB's view of him. During the course of his interviews with Detective Inspector (DI) Hyatt, Mr Litvinenko described a phone call that he had received on his mobile telephone from his former URPO colleague Mr Ponkin. He said that he had received the call in April or May 2001 (i.e. a few months after his arrival in the UK), whilst visiting Mr Bukovsky at his home. Mr Litvinenko recalled that Mr Ponkin had said that he had just been questioned at the Military Prosecutor's Office by Mr Barsukov. He told DI Hyatt:

*"Ponkin said that Barsukov asked him to give me a message that I should as soon as possible return to my country by myself, and then nothing will happen to me. And if you do not return yourself then you will either be brought back in a body bag, or you will be pushed under the train. And he also asked to tell me that... my wife Marina shouldn't be afraid of anything and she could travel freely, no one will touch her. I replied to Ponkin that this is very nice offer but I refuse it... that conversation I straight away re-told to Mr Bukovsky."*<sup>7</sup>

- 4.13** When he gave oral evidence to me, Mr Bukovsky recalled what sounded very much like the same incident. He described Mr Litvinenko receiving a call from "some former colleague from Lubyanka" whilst visiting him at his home in around 2002 "very soon after... his escape." He said that Mr Litvinenko had become "rather gloomy" as the call went on, and he had inferred from hearing one side of the conversation that Mr Litvinenko was being threatened. He recalled that, when the telephone conversation had finished, Mr Litvinenko recounted to him the substance of the call in the following terms, "*do you feel safe, secure in Britain; come on, remember Trotsky*".<sup>8</sup>
- 4.14** A continuing interest in Mr Litvinenko on the part of the Russian authorities may also perhaps be evidenced by the continuation (indeed, it appears the escalation) of the criminal proceedings against him in Russia following his departure. I admitted into evidence a letter dated 3 May 2002 sent by Mr Litvinenko's Russian lawyer, named Mr Marov, to Mr Menzies, the British lawyer assisting Mr Litvinenko with his asylum claim.<sup>9</sup> Mr Marov's letter indicated that a further (i.e. a fourth) set of proceedings had been instituted against Mr Litvinenko, and that the prosecutor wished to proceed with a trial in Mr Litvinenko's absence. The letter also cited a number of what were said to be instances of lack of due process on the part of the prosecutor. I am aware that the ongoing proceedings against Mr Litvinenko in Russia gave rise to at least one attempt on the part of the Russian authorities to secure his extradition. Unsurprisingly given Mr Litvinenko's successful asylum claim, the request was not granted. Mrs Litvinenko

<sup>6</sup> [INQ017734](#) (page 10, paragraph 34); [Marina Litvinenko 3/137](#) lines 4-11

<sup>7</sup> [INQ016642](#) (page 7)

<sup>8</sup> [Bukovsky 26/95-96](#)

<sup>9</sup> [HMG000078](#)

gave evidence that Mr Litvinenko was convicted on one of the extant sets of proceedings against him in Russia during 2002.<sup>10</sup>

- 4.15** Just as the evidence suggests that the FSB's anger at what some at least of its members appear to have regarded as Mr Litvinenko's betrayal of his old organisation did not diminish on his departure from Russia, so it is reasonable to speculate that such feelings of betrayal in fact increased over the following years. As I shall describe below, Mr Litvinenko wrote books that accused the FSB of corruption and also of responsibility for the mass murder of hundreds of Russian citizens in the so-called 'apartment bombings' of 1999. Further, there was certainly a belief amongst some FSB officers and others that Mr Litvinenko had started to work for MI6 following his arrival in the UK.
- 4.16** It is therefore at least possible that Mr Litvinenko's profile amongst members of the FSB (and also perhaps amongst the wider military establishment) as an insider who had betrayed his own organisation did not decline following the press conference and Mr Litvinenko's departure from Russia, but in fact increased between 2000 and 2006.
- 4.17** There is one striking piece of evidence that seems to corroborate this point. I saw video evidence of Russian soldiers using targets featuring Mr Litvinenko's face for target practice.<sup>11</sup> Mrs Litvinenko gave oral evidence about this.<sup>12</sup> She said that both she and Mr Litvinenko had heard that this was going on at some point in 2006, certainly before his death. Police enquiries suggested that the video footage was taken at the Vityaz special forces training centre in Balashikha.<sup>13</sup> Mrs Litvinenko said that Mr Litvinenko had been a member of the Vityaz force in his early career before joining the FSB.

## Membership of Boris Berezovsky's circle

- 4.18** I have referred several times to the close relationship between Mr Litvinenko and Boris Berezovsky. It began in the mid 1990s when Mr Litvinenko was assigned to investigate an attempted assassination of Mr Berezovsky. Mr Litvinenko subsequently earned Mr Berezovsky's gratitude when he protected him from arrest in connection with the murder of Mr Listyev. I have explained in Part 3 above the role that Mr Berezovsky played in the whistleblowing saga, and in particular his attempts to support Mr Litvinenko's demands for reform of the FSB.
- 4.19** At the time of those events, Mr Berezovsky enjoyed considerable political influence as a close associate of President Yeltsin. As I indicated above, at the time of the November 1998 press conference, Mr Berezovsky regarded himself as a friend of Mr Putin, who had replaced Mr Kovalyev as head of the FSB. Moreover, as Mr Felshtinsky explained in evidence, Mr Berezovsky appears to have had (or at least claimed to have had) a role in the events that led to Mr Putin being elected President in 2000.<sup>14</sup>
- 4.20** This friendship, however, did not last. As Professor Service has explained:

*"Tension between Putin and Berezovski started almost as soon as Yeltsin resigned the Presidency in December 1999. Berezovski relished the reputation of king-maker. He claimed responsibility for Putin's rise to the Presidency, and no doubt his*

<sup>10</sup> [Marina Litvinenko 3/94](#); [COM00002001](#); [COM00003001](#)

<sup>11</sup> [INQ017680](#) [video]

<sup>12</sup> [Marina Litvinenko 4/31-32](#); [4/41](#); [4/112-114](#)

<sup>13</sup> [Marina Litvinenko 4/113](#); [INQ016447](#)

<sup>14</sup> [Felshtinsky 23/128-131](#)

*bouncy condescension grated upon Putin. When Putin took decisions that clashed with Berezovski's interests, Berezovski instructed the national TV station under his control to criticise Putin. Berezovski quickly lost the contest. Putin told him directly that no businessman, however high and mighty, was going to determine public policy any longer.”<sup>15</sup>*

- 4.21** Mr Berezovsky left Russia at the end of 2000 and became a political exile in London, where he claimed, and was ultimately granted, asylum. I heard evidence from Professor Service, Mr Goldfarb and others that, following his arrival in London, Mr Berezovsky used his great wealth to become a vocal critic of President Putin, and to fund others to do likewise. It was also clear that Mr Litvinenko played a leading role in this respect – as Professor Service put it, “*Berezovski encouraged and financed emigres who shared his hostility to Putin, and Litvinenko was the most prominent and ebullient of them.*”<sup>16</sup> Another of this group of emigres in Mr Berezovsky’s circle was the Chechen leader Akhmed Zakayev. As I have mentioned above, Mr Litvinenko and Mr Zakayev became very close friends, and their two families lived so close to each other that they regarded themselves as neighbours.
- 4.22** I will turn shortly to consider the various activities upon which Mr Litvinenko became engaged during this period, and the causes that he espoused. Before doing so, however, it is worth noting a point that Mr Goldfarb made in evidence, namely that Mr Litvinenko was putting himself at risk simply by associating with two men who were, as he put it, “*demonised by Russian propaganda as arch enemies.*” Extradition requests in respect of both Mr Berezovsky and Mr Zakayev were vigorously pursued by the Russian government. Mr Zakayev was, in Mr Goldfarb’s words, “*characterised by [the] Russian foreign minister as [the] Russian Osama Bin Laden and accused of gross terrorism,*” while Mr Berezovsky was, “*depicted by the Russian propaganda as somebody who sponsors terrorism.*” Mr Goldfarb said that, “*an association with Boris and with Zakayev ... was [a] kind of kiss of death, if you want.*”<sup>17</sup>
- 4.23** I note, of course, that this is no more than a contextual matter, and that Mr Goldfarb is not (and would not, I think, claim to be) a neutral commentator on these events. But the point that he makes has a resonance with a point made by Professor Service in the expert report that he prepared:
- “Some kind of action by the FSB against Berezovski and his associates, especially Litvinenko, was made likely by their sustained media campaign against the Putin administration. The form of such action could not be predicted.”<sup>18</sup>*
- 4.24** I also note that, on the evidence I have heard, there appear to have been at least two occasions during this period on which Mr Litvinenko became involved in potentially dangerous incidents as a consequence of his connection with Mr Berezovsky.
- 4.25** First, in 2003, Mr Litvinenko was one of those in Mr Berezovsky’s entourage who became involved with a man named Mr Terluk. Mr Litvinenko made a lengthy contemporaneous statement about these events for the purposes of Mr Berezovsky’s asylum appeal, which I have admitted into evidence.<sup>19</sup> According to that statement, Mr Terluk claimed in 2003 to have been instructed by an official from the Russian Embassy in London

<sup>15</sup> [INQ019146](#) (page 24 paragraph 75)

<sup>16</sup> [INQ019146](#) (page 25 paragraph 77)

<sup>17</sup> [Goldfarb 26/122](#)

<sup>18</sup> [INQ019146](#) (page 25 paragraph 79)

<sup>19</sup> [BER000167](#)

to conduct what appeared to have been some form of reconnaissance exercise for a possible attempt to assassinate Mr Berezovsky, perhaps by poisoning him. I am aware that, in more recent years, Mr Terluk has given a very different version of these events, which was the subject of contested defamation proceedings in the High Court in London.<sup>20</sup> I should make it clear that, whilst I have read and taken into account the findings of Mr Justice Eady in the defamation proceedings, I have not sought to investigate the true facts of this episode, which are highly contentious and of only peripheral importance to my Terms of Reference.

- 4.26** The second incident that I have in mind took place in October 2004, when the houses of both Mr Litvinenko and Mr Zakayev were firebombed, apparently by two Chechen men who were in dispute with Mr Berezovsky. The evidence that I have about this episode, which is limited, suggests that the dispute had arisen over a payment that one of the Chechen men claimed he was owed for a trip to Paris, which he said he had made at Mr Berezovsky's request, in connection with a deal relating to the plans for a 'nuclear suitcase bomb'. Prior to the firebombing of his house, Mr Litvinenko had been attempting to mediate on Mr Berezovsky's behalf.<sup>21</sup>
- 4.27** As with the Terluk episode, I am not in a position to make any findings as to the rights and wrongs of this episode, which took place more than ten years ago. I refer to the two incidents because they do perhaps give a flavour of the life that Mr Litvinenko was living, and the risks that he was running, as a member of Mr Berezovsky's entourage during this period.

## Criticism of President Putin and his regime

- 4.28** It is clear on the evidence that the profile that Mr Litvinenko established during the time that he lived in London was considerably greater than simply as a member of Mr Berezovsky's circle. He had a reputation of his own as a campaigner and commentator, and an outspoken one at that. I have already referred to Professor Service's characterisation of Mr Litvinenko as the "*most prominent and ebullient*" of the critics of President Putin around Mr Berezovsky. Professor Service added that "*Litvinenko's denunciations were fierce*".<sup>22</sup>
- 4.29** I heard from a number of witnesses, including Marina Litvinenko, Mr Goldfarb and Mr Bukovsky, about the way in which Mr Litvinenko's political understanding and convictions developed following his arrival in London. It was, of course, such convictions that underpinned his campaigning activities. Mr Bukovsky, in particular, gave compelling evidence regarding the new understanding of Russian history in general and the history of the KGB/FSB in particular that Mr Litvinenko developed after he arrived in this country.<sup>23</sup>
- 4.30** Perhaps the most significant pieces of Mr Litvinenko's campaigning work were the two books that he co-authored during his early years in London. The first, published in Russian in 2001, was subsequently published in English as *Blowing Up Russia*. The second, which Mr Litvinenko wrote in 2001 and 2002, was never published in English, but its Russian title translates as *The Gang from the Lubyanka*.

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<sup>20</sup> Berezovsky v RTR & Terluk [2010] EWHC 476 (QB); Terluk v Berezovsky [2011] EWCA Civ 1534

<sup>21</sup> [Knuckey 7/38-44](#); see also Mr Knuckey's report and timeline relating to this incident: [INQ019304](#); [INQ019301](#)

<sup>22</sup> [INQ019146](#) (page 25 paragraph 77)

<sup>23</sup> [Bukovsky 26/86-90; 26/109-110](#)

- 4.31 Mr Litvinenko researched and wrote *Blowing Up Russia* with Mr Felshtinsky, who had helped him and his family escape from Russia. The subject of the book was the apartment bombings that had taken place in Russia in September 1999. Enormous bombs had exploded, several days apart, in four apartment blocks. Nearly 300 people had been killed, and many more injured. The blame for the bombings had been officially attributed to Chechen separatists; this formed an important part of the context for the start of the Second Chechen War shortly thereafter. Mr Putin was Prime Minister at the time of the apartment bombings, having been promoted from his position as Head of the FSB in August 1999. The reaction to the bombings and public support for the war was one of the factors that assisted his political rise in the following months, culminating in his election as President in March 2000.
- 4.32 The theory that Mr Litvinenko and Mr Felshtinsky proposed in their book was that the apartment bombings had not been the work of Chechen terrorists at all. They asserted, rather, that the bombings had been the work of the FSB, designed to provide a justification for war in Chechnya and, ultimately, to boost Mr Putin's political prospects.
- 4.33 On the evidence I heard, the book was more than a political tract – it was the product of careful research. Professor Service's view was that the two men had "*credibly investigated*" the issue and, although their contentions about it had not been "*proved 100 per cent*," he considered they were more likely than not to be accurate. He said that: "*the Felshtinsky and Litvinenko book piled up the evidence pointing a very damaging finger at the FSB and its involvement in those explosions*".<sup>24</sup>
- 4.34 Mr Felshtinsky described in oral evidence how he and Mr Litvinenko had first discussed the apartment bombings when they were together in Moscow in September 2000, at about the time that Mr Litvinenko was deciding to leave Russia forever. They subsequently worked on the book together after Mr Litvinenko's arrival in London (although the evidence was to the effect that Mr Felshtinsky took the leading role).<sup>25</sup> The evidence was that the funding for the work that both men did in writing the book was provided by Mr Berezovsky.<sup>26</sup>
- 4.35 Mr Felshtinsky gave evidence that the book was first published in August 2001 as a special edition of the journal *Novaya Gazeta*, which Mr Felshtinsky described as "*a major oppositionist newspaper in Russia*".<sup>27</sup> One of the journalists who wrote for *Novaya Gazeta* was Anna Politkovskaya, to whom I shall return. Mr Felshtinsky said that the book's publication: "*was a big deal because the newspaper printed ... 100,000 copies and they selected the best chapters for publication, so, yes, this was a big deal*".<sup>28</sup>
- 4.36 The publication of the book did not, however, mark the end of Mr Litvinenko's campaigning work on this issue.
- 4.37 As I understood Mr Goldfarb's evidence, the publication of the book was only one part of a larger strategy, supported and funded by Mr Berezovsky, to publicise the allegations regarding the FSB's responsibility for the apartment bombings. Apart from producing and promoting the book, Mr Berezovsky also funded the making of a film

<sup>24</sup> [Service 28/30-31; 28/69-70; Felshtinsky 23/175-177](#)

<sup>25</sup> [Goldfarb 27/109-110](#)

<sup>26</sup> [Felshtinsky 23/135-137; Goldfarb 5/113-114](#)

<sup>27</sup> [Felshtinsky 23/136-137](#)

<sup>28</sup> [Felshtinsky 23/175](#) lines 14-17

that rehearsed the allegations – which he arranged to be shown (with some fanfare, it would seem) in March 2002 at the Royal United Services Institute in London.<sup>29</sup> Mr Berezovsky commissioned Mr Felshtinsky and Mr Litvinenko to try to gather further evidence about what had happened in 1999. In Moscow, Mr Berezovsky encouraged and supported the establishment of a Commission to conduct a public investigation into the allegations. I heard that the Commission had about 15 members, including politicians, lawyers and journalists, as well as the daughter of one of the victims of the bombings. The Commission was founded jointly by a Member of Parliament (MP) and “old-time Russian dissident”<sup>30</sup> named Sergei Kovalyov and another MP named Sergei Yushenkov. Another of its members was Yuri Shchekochikhin, a journalist who had written for *Novaya Gazeta* about corruption in URPO at the time of Mr Litvinenko’s press conference.<sup>31</sup>

- 4.38** The evidence shows that Mr Litvinenko was very much involved in this activity. I summarise. He helped to promote the film. He undertook further investigations with Mr Felshtinsky, including travelling with him to Georgia to try to interview a Chechen named Ahmed Gochiyaev, who was said by the Russian authorities to have been the mastermind behind the bombings.<sup>32</sup> He publicly supported the Commission in Moscow by appearing at its hearings via videolink. He drew his friend Mr Trepashkin into working with Mr Yushenkov; Mr Trepashkin undertook his own investigations in Moscow and discovered, for example, evidence that Mr Gochiyaev had been framed.<sup>33</sup> Mr Litvinenko also made initial enquiries into separate allegations that the FSB might have been involved in perpetrating the Moscow theatre siege in October 2002, another mass casualty event that had been blamed by the Russian authorities on Chechen terrorists. Mr Litvinenko’s enquiries into this matter involved trying to trace a Chechen named Mr Terkibayev; I heard that these enquiries were subsequently pursued by Mr Yushenkov, and later by Ms Politkovskaya.<sup>34</sup>
- 4.39** It appears that not only was Mr Litvinenko deeply involved in these interrelated activities, but that he became something of a public figurehead for the whole enterprise. Mr Goldfarb referred, in this context, to: “*an understanding in our circle that Sasha would be essentially the face of the campaign to inform the public opinion and the powers that be that the FSB might have been involved in the apartment bombings.*”<sup>35</sup>
- 4.40** I heard that Mr Litvinenko’s second book was written between 2001 and 2002. It was written in Russian and, although subsequently translated into Polish and Bulgarian, an English translation has never been produced.<sup>36</sup> Its title translates as *The Gang from the Lubyanka*. Like *Blowing Up Russia*, this book was also funded by Mr Berezovsky. I heard from Marina Litvinenko and from Mr Goldfarb that the book took the form of transcripts of interviews between Mr Litvinenko and a Russian journalist named Akram Murtazaev, which had been edited by Mr Goldfarb. The book contained a record of Mr Litvinenko’s own experiences in Russia in the years before he had left, as well as allegations of corruption and other criminality on behalf of the FSB in general and Mr Putin in particular.<sup>37</sup> The book was published in early 2002 by a company that

<sup>29</sup> [Goldfarb 26/17; Bell 6/18](#)

<sup>30</sup> [Goldfarb 5/122](#)

<sup>31</sup> [Goldfarb 5/122-123; 26/17-18; 26/26](#)

<sup>32</sup> [Goldfarb 26/19-21; Felshtinsky 23/153-157](#)

<sup>33</sup> [Goldfarb 26/20-21](#)

<sup>34</sup> [Goldfarb 5/128; 26/23-25](#)

<sup>35</sup> [Goldfarb 27/110](#)

<sup>36</sup> [Marina Litvinenko 3/133](#)

<sup>37</sup> [Marina Litvinenko 3/133-134; Goldfarb 5/77-79](#)

Mr Goldfarb, financed by Mr Berezovsky, had set up for the purpose. It was printed in New York and also in Latvia, in the latter case with the intention of transporting the books into Russia.<sup>38</sup> I will return below to what happened when this was attempted.

- 4.41 I should add that I heard that Mr Litvinenko, with assistance from Mr Goldfarb, subsequently wrote an extended essay that was described as, “*a distilled version of what he had said on The Gang from the Lubyanka.*”<sup>39</sup> That document, which was never published, was titled *The Uzbek File*, and I have admitted a translated copy into evidence.<sup>40</sup>
- 4.42 Unsurprisingly, these activities on the part of Mr Litvinenko and others do not appear to have gone unnoticed by the authorities in Moscow.
- 4.43 I have referred above (at paragraphs 4.12 – 4.13) to the threat from Mr Barsukov that Mr Litvinenko received whilst visiting Mr Bukovsky in about May 2001, by way of a phone call from his former subordinate, Mr Ponkin. In a witness statement dated 10 October 2003, Mr Litvinenko suggested that he had in fact received a number of calls from Mr Ponkin at around that time, and that Mr Ponkin had conveyed warnings about Mr Litvinenko’s activities in the UK. In his statement Mr Litvinenko said that: “*Ponkin passed on to me threats made by the FSB to kill me and warnings not to write books or to speak out against various matters.*”<sup>41</sup> There were other similar incidents.
- 4.44 Mrs Litvinenko described an incident when an official from the Russian Embassy in London came to the door of her flat demanding to see Mr Litvinenko.<sup>42</sup> This evidence appears to correspond with a letter, dated 22 March 2002, written by Mr Menzies, Mr Litvinenko’s solicitor, to the Home Office. The letter refers to “*repeated visits*” being made by an official from the Embassy, whose manner was described as “*persistent and harassing.*”<sup>43</sup>
- 4.45 Later in 2001, on 12 October, Mr Litvinenko received an email from his friend Mr Trepashkin in Moscow. The email gave news of a more explicit threat that Mr Trepashkin said he had heard from Victor Shebalin, another of Mr Litvinenko’s former colleagues from URPO days. The first paragraph of the email made a direct reference to Mr Litvinenko’s book *The Gang from the Lubyanka*. It went on (in translation):

*“I had a meeting today with Victor Shebalin, who has wide contacts with the FSB employees as a former colonel of the FSB. During our conversation he stated, that you are ‘sentenced’ to extrajudicial elimination, meaning that you definitely will be killed after publication of your last book. He also asked to stress that he will not going to do anything with his murder [sic]. He repeated this several times. Shebalin did not say who exactly is going to eliminate you, but he hinted that such persons do exist. (So, you can write your last will in advance.)”*<sup>44</sup>

Amongst the documentary evidence there is a further letter from Mr Menzies to the Home Office about this email. That letter recorded Mr Litvinenko’s response to the email, namely that he, “*does not consider that there is likely to be any substance*

<sup>38</sup> [Goldfarb 5/79-80](#)

<sup>39</sup> [Goldfarb 26/28-30](#)

<sup>40</sup> [INQ017384](#)

<sup>41</sup> [INQ014928](#)

<sup>42</sup> [Marina Litvinenko 4/18-20](#)

<sup>43</sup> [HMG000307](#)

<sup>44</sup> [INQ015366](#)

*behind this threat.*<sup>45</sup> Subsequent events may have proved him wrong. That is one of the matters that I have to decide.

- 4.46** I heard evidence from Marina Litvinenko that the FSB may have gone a step beyond issuing threats to Mr Litvinenko, and may have tried to implicate him in a crime in London. She recounted how, in early 2003, Mr Ponkin came to London and tried to involve Mr Litvinenko in a plot to kill President Putin. She said that Mr Litvinenko quickly came to the view that this was a provocation orchestrated by the FSB, and reported the matter to the British police. Mr Ponkin and another man with whom he was travelling were deported.<sup>46</sup> If Mr Litvinenko was right about what Mr Ponkin was trying to achieve, it would seem to suggest that Mr Litvinenko was a sufficiently important target for the FSB that they were prepared to take action against him overseas.
- 4.47** I referred above to the arrangements that were made to print copies of *The Gang from the Lubyanka* in Latvia. Mr Goldfarb described in his oral evidence how the first batch of these books was successfully smuggled into Russia in mid 2002:<sup>47</sup>

*“...we designed an elaborate scheme to have this truck with books go by land from Riga to Moscow, and somehow we managed to get it through customs as printed material without – nobody looked. And then it was met by Mr Trepashkin in Moscow who arranged for warehousing, and for several kiosks in the centre of Moscow to sell it, and I think even in the State Duma. So it was a total surprise to the authorities when it suddenly appeared.”*

Mr Goldfarb went on, however, to describe how the second shipment in early 2003, which contained copies of both Mr Litvinenko's books, was stopped on the highway by the FSB, with all the books being confiscated.

- 4.48** In a similar vein, I heard that attempts to distribute and show Mr Berezovsky's film about the apartment bombings in Russia, which were led by Mr Yushenkov, were also disrupted. As Mr Goldfarb put it in his oral evidence, *“people got beaten up and theatres were closed, and that created more scandals.”*<sup>48</sup>
- 4.49** I also heard evidence that these interrelated campaigns, in which Mr Litvinenko played a key role, were disrupted by more than the seizing of books or the breaking up of film screenings. Both Mr Yushenkov and Mr Shchekochikhin lost their lives in 2003; Mr Yushenkov was shot dead in a Moscow street<sup>49</sup> and Mr Shchekochikhin died in suspicious circumstances, suspected to have been poisoned<sup>50</sup> (I shall return to this later). In December 2003, Mr Trepashkin, in Russia, was arrested for illegal possession of a weapon (Mr Goldfarb suggested that the weapon had been planted by the FSB) shortly before he was due to represent two Muslims accused of involvement in the apartment bombings.<sup>51</sup> When Mr Litvinenko and Mr Felshtinsky visited Georgia in an attempt to meet Mr Gochiyaev, their driver was killed and they were told to leave the country immediately for their own safety. Mr Terkibayev was killed in a car accident shortly after Ms Politkovskaya had published an interview with him in *Novaya Gazeta* in which he had implicated the FSB in the Moscow theatre siege.<sup>52</sup> Ms Politkovskaya,

<sup>45</sup> [HMG000308](#)

<sup>46</sup> [INQ017734](#) (pages 24-55 paragraphs 82-85); [Marina Litvinenko 4/26-27](#)

<sup>47</sup> [Goldfarb 5/81-82](#)

<sup>48</sup> [Goldfarb 5/120; 26/19](#)

<sup>49</sup> [Goldfarb 5/123](#)

<sup>50</sup> [Goldfarb 5/123; 26/26](#)

<sup>51</sup> [Goldfarb 5/125; 26/21-22](#)

<sup>52</sup> [Goldfarb 26/25](#)

as we shall hear, was herself murdered outside her Moscow flat only a few weeks before Mr Litvinenko himself was killed.

- 4.50 I heard evidence about a number of other strands to Mr Litvinenko's campaigning activity during the time that he lived in London. There are two of these to which I shall briefly refer.
- 4.51 First, there was clear evidence that Mr Litvinenko had a role, although not a central one, in a project to transcribe and publicise what are sometimes referred to as the Kuchma tapes. Put shortly, I heard that these were tapes of conversations between Leonid Kuchma, who was then President of Ukraine and various other people. The tapes had been secretly recorded by a member of President Kuchma's security staff named Nikolai Melnychenko. Mr Berezovsky became involved as one of the funders of a project to transcribe the tapes. It appears that for a time in 2002 and again in 2005 work on the transcription was carried out in London. Although Mr Litvinenko was not involved in the actual transcription, he met and became friendly with Mr Melnychenko and also a man named Yuri Shvets, who had come to London from his home in the USA for this purpose. Mr Felshtinsky also said that he was himself involved.<sup>53</sup> We will hear more of Mr Shvets in due course.
- 4.52 As Mr Goldfarb explained in his oral evidence, the particular reason for Mr Litvinenko's involvement in this project was the possibility that, "*something could be found on those tapes which relate[d] to the Russian situation*".<sup>54</sup> The evidence was to the effect that some of the content of the tapes was indeed thought relevant to "*the Russian situation*". In particular, there were passages on the tapes that suggested links between President Putin and organised crime, in particular Semion Mogilevich and a company named the St Petersburg Real Estate Holding Company (SPAG), believed to be a front company for the Tambov Group.<sup>55</sup>
- 4.53 Of particular importance for present purposes, I heard evidence that Mr Litvinenko made no secret either of his involvement in this process, or of his view of what the transcripts showed. When Mr Goldfarb was asked whether Mr Litvinenko's involvement with the tapes was open knowledge, he replied, "*I think so because he was giving interviews about that, particularly about SPAG and Mogilevich, I think.*"<sup>56</sup>
- 4.54 The other strand of Mr Litvinenko's activism that deserves mention at this stage is his involvement with the Chechen cause.
- 4.55 I have referred to Mr Litvinenko's growing sympathy for the Chechen cause, which appears to have started with his experiences in the First Chechen War, and developed as a result of his friendship with Mr Zakayev following his arrival in London. The evidence is that he took up issues related to Chechen independence and the conduct of the Russian authorities in resisting it, and indeed much of his campaigning work from London was done via the medium of the *Chechenpress* website.<sup>57</sup>
- 4.56 Beyond that, Mr Zakayev gave evidence that, at his request, both Mr Litvinenko and Ms Politkovskaya served on a War Crimes Commission that had been established under his chairmanship in 2004 by Chechnya's President Maskhadov. Mr Zakayev explained that both took an active part in the Committee's work of attempting to

<sup>53</sup> [Marina Litvinenko 4/28-31; Goldfarb 26/35-37; Shvets 24/49-54; Felshtinsky 23/160](#)

<sup>54</sup> [Goldfarb 26/37](#)

<sup>55</sup> [Goldfarb 26/38-50](#)

<sup>56</sup> [Goldfarb 26/50](#)

<sup>57</sup> [Marina Litvinenko 3/135-136](#)

gather evidence of Russian war crimes in Chechnya. Mr Zakayev's evidence was that the fact that Mr Litvinenko and Ms Politkovskaya were serving on the Committee was public knowledge, and that, in his view, the Russian military and FSB would have been "*afraid*" that they might have faced charges in an international war crimes tribunal as a result of the Committee's work.<sup>58</sup>

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<sup>58</sup> [Zakayev 26/144-146](#)

## Chapter 3: Work for UK intelligence agencies

- 4.57** Ever since Mr Litvinenko died, there has been speculation that he may have worked for the UK intelligence agencies. MI6 is the agency most commonly suggested. As we shall see, such speculation was in part the result of public comments made by Mr Lugovoy. I heard evidence on this topic from a number of witnesses.
- 4.58** Before turning to that evidence, I observe that the questions this issue raises with regard to the matters that I am investigating are more complex than the binary question of whether or not Mr Litvinenko was working for the agencies. In terms of the risks that Mr Litvinenko may have faced, the detail is critical. If Mr Litvinenko did work for the agencies, what type of work did he undertake? What information may he have passed? What (and whose) secrets may he have betrayed? What may have been the consequences? More fundamentally, the question of what Mr Litvinenko was or was not actually doing may be less important than that of what his enemies thought he was doing. For if there was a distinction between the two, Mr Litvinenko was unlikely to have received the benefit of it.
- 4.59** Marina Litvinenko answered questions about this issue in her oral evidence.<sup>59</sup> Her evidence can be summarised as follows:
- a. She knew that Mr Litvinenko undertook work for one of the agencies – she was unsure whether it was MI5 or MI6. Mr Litvinenko had told her about this work. She was also aware of monthly payments being made into their joint bank account that she understood was payment for Mr Litvinenko's work with the agencies
  - b. This work had started after Mr Litvinenko's arrival in the UK. She did not believe that Mr Litvinenko had had any involvement with UK agencies while he was still living in Russia
  - c. She stated that Mr Litvinenko had shared with her some of the information he was supplying to British intelligence, "*but not the details*". She believed that the information Mr Litvinenko gave to the agencies related to Russian organised crime, including its presence in the UK. But, as I have said, she did not know the details of what Mr Litvinenko had been doing. She had no idea, for example, as to the accuracy or otherwise of an allegation that he had passed the names of Russian sleeper agents in the UK to UK intelligence agencies
  - d. Mr Litvinenko received a payment of £2,000 per month for this work. The payments had started in about 2004 and were made into the joint bank account that Mr and Mrs Litvinenko shared
  - e. Her understanding was that Mr Litvinenko had worked for the agencies on a consulting basis, as opposed to being one of their employees or agents (terms that she regarded as synonymous). To her, this was an important distinction. This was the explanation for a statement that she had given to the press in 2007 asserting that Mr Litvinenko, "*was never an agent for MI6*" – she did not believe that he had been an 'agent', as opposed to a consultant. As she put it, "*I knew Sasha did work for MI6, or MI5, but he has never been an agent of MI6.*" She had earlier explained that she understood the term 'agent' to mean: "*work[ing] with the Security Service and doing undercover job, doing something abroad under position of agent of MI6... But more important it's be employed, employed.*"

<sup>59</sup> [Marina Litvinenko 3/146-155; 4/119-120](#)

- 4.60 The evidence of others who were close to Mr Litvinenko was to a similar effect.
- 4.61 Mr Goldfarb stated that Mr Litvinenko had told him sometime in early 2003 that he was working for MI6; he added that, *“he introduced me to one of them.”* He said that Mr Litvinenko had told him that he was consulting for MI6 on Russian organised crime in Europe and travelling to various countries in the EU to assist their law enforcement.<sup>60</sup>
- 4.62 Mr Berezovsky told the Metropolitan Police Service that Mr Litvinenko had worked for what he described as *“the intelligence service”* and *“the security services”* (terms that he appears to have used interchangeably), but added that he did not know any details of his relations with them. He stated that:
- “After he stopped working for me I understand he just kept working for the security services. They paid him money to support himself and his family. ... he later said that he was disappointed with his working arrangements with the intelligence service.”*<sup>61</sup>
- 4.63 There were others of Mr Litvinenko’s associates who appear to have been unaware, prior to his death, that he had any possible connection with UK intelligence agencies. Mr Reilly<sup>62</sup> and Mr Bukovsky<sup>63</sup> fall into this category.
- 4.64 I note that none of the witnesses from whom I heard and who knew Mr Litvinenko during his life expressed the firm view that he did not have a relationship with UK intelligence agencies.
- 4.65 The Home Secretary was a core participant in the Inquiry, acting in a representative capacity for Her Majesty’s Government generally, as well as in her own right. Since the factual issue was whether or not Mr Litvinenko worked for, or with, a government agency, it would have been open to the Home Secretary to provide evidence answering the point one way or another. No such evidence was provided in the open session, and it was made clear that the Home Secretary neither confirmed nor denied this allegation. Mr Garnham QC, who appeared on behalf of the Home Secretary, explained the position in his opening statement, in the following terms:

*“The very nature of the work of the agencies requires secrecy if it is to be effective, and there is obvious and widely recognised need to preserve that effectiveness. It has been, therefore, the policy of successive governments to neither confirm nor deny (to NCND, in the jargon) assertions, allegations, or speculation in relation to the security and intelligence agencies.*

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

*In order to be effective, the NCND principle must be applied consistently, including when no activity has taken place and a denial could be made perfectly properly. If the government were prepared to deny a particular activity in one instance, the inference might well be drawn that the absence of a denial in another amounted to*

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<sup>60</sup> [Goldfarb 5/128-129](#)

<sup>61</sup> [Berezovsky 25/10; 25/12](#)

<sup>62</sup> [Reilly 10/196](#)

<sup>63</sup> [Bukovsky 26/94](#)

*confirmation of the alleged activity. If the government were forced to depart from the NCND principle in one case, it would create a clear risk of serious harm to essential UK national security interests. It could, furthermore, potentially put lives at risk.”<sup>64</sup>*

Later in the opening statement, Mr Garnham quoted a passage from the judgment of Lord Carswell in the *Scappaticci* case:<sup>65</sup>

*“To state that a person is an agent would be likely to place him in immediate danger from terrorist organisations. To deny that he is an agent may in some cases endanger another person who may be under suspicion from terrorists. Most significant, once the government confirms in the case of one person that he is not an agent, a refusal to comment in the case of another person would then give rise to an immediate suspicion that the latter was in fact an agent, so possibly placing his life in grave danger.*

*... If the government were to deny in all cases that persons named were agents, the denials would become meaningless and would carry no weight. Moreover, if agents became uneasy about the risk to themselves being increased through the effect of government statements, their willingness to give information and the supply of intelligence vital to the war against terrorism could be gravely reduced. There is in my judgment substantial force in these propositions and they form powerful reasons for maintaining the NCND policy.”<sup>66</sup>*

Mr Garnham concluded the statement by emphasising the consequence of the NCND approach that the Home Secretary was taking:

*“All that, sir, has an immediate consequence in the circumstances of these open hearings. The failure of the government either to confirm or deny an assertion or a suggestion about events under consideration in this Inquiry tells you precisely nothing about the truth or otherwise of that assertion or suggestion. It means, sir, you must look elsewhere to determine the truth or falsity of such allegations.”<sup>67</sup>*

- 4.66** So much for the question of what relationship Mr Litvinenko may actually have had with the agencies, and what his family and friends understood to be the position at the time. As I indicated above, for the purposes of this Inquiry it is at least as important, perhaps more important, to assess what Mr Litvinenko’s enemies thought he was doing. Did, for example, the FSB believe that Mr Litvinenko was or may have been working with the UK intelligence agencies?
- 4.67** There is some evidence before me to suggest that that is precisely what the FSB believed. The source of that evidence is Mr Lugovoy.
- 4.68** In public statements and interviews that post-dated Mr Litvinenko’s death, Mr Lugovoy stated firmly not only that Mr Litvinenko had told him that he was working with MI6, but that Mr Litvinenko had tried to recruit him as an MI6 agent. For example, at the press conference that Mr Lugovoy gave (with Mr Kovtun) in Moscow on 31 May 2007, he stated that, during meetings that he had held in London during 2006, Mr Litvinenko had been involved in an attempt, “*to try and recruit me openly as an agent for British Intelligence.*” Mr Lugovoy went on to describe what it was that, as he understood it,

<sup>64</sup> [Garnham 1/172-173](#)

<sup>65</sup> (2003) NIQB 56

<sup>66</sup> [Garnham 1/174-175](#)

<sup>67</sup> [Garnham 1/178-179](#)

he was being recruited to do. On Mr Lugovoy's account, the intention was that he would take part in an operation to gather incriminating information about President Putin and his family – he stated that one element of this plan was that a Russian state official would be lured to London and then blackmailed into disclosing incriminating information about Mr Putin. Mr Lugovoy said that he had rejected the approach. Mr Litvinenko, he said, “*was enraged that I declined the offer to work for British secret services.*”<sup>68</sup>

- 4.69 Mr Lugovoy returned to this theme in an interview with the Spanish newspaper *El País* in 2008. On that occasion, he repeated his claim that Mr Litvinenko had been involved in an attempt to recruit him on behalf of British intelligence. He also claimed in this interview that Mr Litvinenko had encouraged him to join him in work that he was conducting with the Spanish secret services against the Russian mafia operating in Spain – a subject to which I shall return below. The particular significance of this interview for present purposes lies in what Mr Lugovoy said he did in response to Mr Litvinenko's attempt to recruit him for British intelligence. As to this, Mr Lugovoy stated that: “*when the British agents started to approach me, one of the first things that I did was to inform the FSB so that they wouldn't accuse me of being a traitor or a spy.*”<sup>69</sup>
- 4.70 If these accounts are true (and I will address the subject of Mr Lugovoy's credibility below), the FSB received directly from Mr Lugovoy not only information that Mr Litvinenko was working with UK intelligence agencies, but also some idea of the type of work he was conducting.
- 4.71 It may not take much imagination to consider how the FSB would have reacted to a report that one of its own former officers was working with British intelligence, especially if, as Mr Lugovoy claimed, that former officer was involved in an operation targeting President Putin.
- 4.72 It may be that comments made by Mr Lugovoy and Mr Gusak after Mr Litvinenko's death provide an indication of the FSB's likely reaction to a report that Mr Litvinenko was working with UK intelligence agencies.
- 4.73 Lugovoy himself, as we shall see, was never an FSB officer. But he came from a military background and served in the KGB before it was broken up, and thereafter in the Federal Protection Service. He gave his view of Mr Litvinenko's conduct in acting for British intelligence in the *El País* interview that is referred to above, which is printed as a question and answer session:
- “A. ... [The British] believed that Lugovoy killed Litvinenko because Litvinenko criticised Putin and the FSB.
- Q. *But the FSB believes that Litvinenko was a traitor.*
- A. *And I think so as well. But so what? That doesn't mean that a traitor has to be immediately killed?*
- Q. *Do you think that someone could have killed Litvinenko in the interests of the Russian state?*

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<sup>68</sup> [INQ001886](#) (pages 2-3)

<sup>69</sup> [INQ017684](#)

- A. *If you're talking about the interests of the Russian state in the purest sense of the word, I myself would have given that order. I'm not talking about Litvinenko, but about any person who causes serious damage. For example, if I had been president, I would have ordered the assassination of Saakashvili.*
- Q. *Saakashvili isn't a Russian citizen, he's president of the Republic of Georgia.*
- A. *Well, there is another person, Oleg Gordievsky (colonel of the KGB), a friend of Litvinenko's, who fled to the UK (in 1985) and was sentenced to death by the Supreme Court of the USSR. I think that this punishment should be enacted. If he is caught, he must be brought here and locked up for life. And if someone has caused the Russian state serious damage, they should be exterminated. This is my firm belief and the belief of any normal Russian.*
- 4.74** In February 2007, before either Mr Lugovoy's press conference or his interview with *El País*, Mr Gusak, Mr Litvinenko's former friend and superior officer had given an interview to the *Ekho Moskvy* radio station.<sup>70</sup> The interview appears to have been a follow up to an earlier interview that he had given to the British Broadcasting Corporation (BBC). The interviewer asked Mr Gusak: “*Tell us, please, you have described Litvinenko as a traitor and said that he did indeed inflict serious damage on our country, he revealed his sources of information, and even betrayed several [undercover] agents. Is that so?*” Mr Gusak responded: “*The thing is, when Aleksandr Valterovich [Litvinenko] defected abroad, he naturally handed over the undercover agents who had been his contacts.*” Later in the same interview, Mr Gusak was asked, “*But you believe that under Soviet laws Litvinenko deserved to be executed, right?*” Mr Gusak replied “*Well, he did, yes.*”

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<sup>70</sup> [HMG000353](#)

## Chapter 4: Work for the Mitrokhin Commission in Italy

- 4.75** Vasili Mitrokhin was a senior KGB archivist who defected to the UK in 1992. He brought with him a very large collection of handwritten notes of KGB records that he had made over many years. Much of the material contained in what became known as the Mitrokhin Archive has subsequently been published in books jointly written by Mr Mitrokhin and the British historian Professor Christopher Andrew.
- 4.76** The Mitrokhin Archive contained details of historic KGB operations throughout the world. It included details of such operations in Italy. In 2002 the Italian Parliament established a Commission to investigate matters arising from the Mitrokhin Archive. It was known as the Mitrokhin Commission. Mr Litvinenko took part in its enquiries. Could anything that Mr Litvinenko did in relation to the Mitrokhin Commission have had a connection with his death?
- 4.77** Before considering the evidence available to the Inquiry that bears on that question, it is important that I enter a number of caveats. It is apparent even from the limited evidence that I have heard about it that the Mitrokhin Commission was and remains highly controversial, both in Italy and beyond. It seems that there are many who have questioned both the legitimacy of its work and the value of its findings. I must make it clear at the outset that it is no part of my function to investigate, far less to make any findings, in relation to those controversies. The scope of this Inquiry's interest in the Mitrokhin Commission is sharply limited. Put simply, it is to investigate what it was that Alexander Litvinenko did for and in connection with the Commission, and whether there could have been any link between those matters and his death.
- 4.78** I heard oral evidence from two witnesses who had a direct connection with the Mitrokhin Commission, and with the work that Mr Litvinenko undertook for it.
- 4.79** First, I heard from Mario Scaramella. Mr Scaramella is an Italian lawyer who has held a number of posts during his career. He was a consultant to the Mitrokhin Commission and conducted certain investigations on its behalf. It was in this capacity that he was introduced to Mr Litvinenko; and Mr Litvinenko subsequently assisted Mr Scaramella by providing him with information. The two men became friends. Mr Scaramella also has a second part to play in the narrative because he met Mr Litvinenko in London on 1 November 2006, shortly before Mr Litvinenko's meeting with Mr Lugovoy and Mr Kovtun at the Pine Bar; I will return to his evidence about events on that day at a later stage of the Report (see paragraphs 6.293 – 6.300 below).
- 4.80** The second witness was Paolo Guzzanti. At the time of the events in question, Mr Guzzanti was a member of the Italian Senate, having previously spent many years as a journalist, including a lengthy period as editor in chief of the newspaper *La Repubblica*. Mr Guzzanti was the Chairman of the Mitrokhin Commission.
- 4.81** I am aware that both these two men have been caught up in the controversies surrounding the Mitrokhin Commission (to which I referred above), and that in that context questions have been raised in the public domain about their conduct and their credibility. Although the oral and written evidence that Mr Guzzanti and (in particular) Mr Scaramella have provided to the Inquiry has extended to cover a range of issues, the evidence that they have given that is of central relevance to this Inquiry – i.e. their evidence concerning their dealings with Mr Litvinenko and his dealings with the

Mitrokhin Commission – is of a much narrower compass. Both men gave evidence to the Inquiry voluntarily – since they both live out of the jurisdiction, I could not have compelled them to give evidence. I accept that what they have said about the core issues to which I have referred was reliable. It is unnecessary for me to make any findings regarding their evidence as to wider matters.

- 4.82** There is also in evidence an Affidavit sworn by Mr Litvinenko in 2006 that provides an outline account of his dealings with the Mitrokhin Commission.<sup>71</sup>

## Factual context

- 4.83** The evidence that I have heard enables me to make some outline findings regarding the Mitrokhin Commission and Mr Litvinenko's involvement with it. I will set out those findings below:

- a. The Mitrokhin Commission was established by the Italian Parliament in 2002<sup>72</sup>
- b. The Commission had 40 members – 20 from the lower house of the Italian Parliament and 20 from the Senate. Mr Guzzanti, a senator, was elected as Chairman of the Commission<sup>73</sup>
- c. The Commission was initially tasked with investigating how the Italian secret service had dealt with papers and information from the Mitrokhin Archive after it had received them from the authorities in the UK. The Commission's report on that matter was completed in April 2004. However, the Commission then decided to widen the scope of its enquiries to cover all possible KGB activities in Italy – it continued investigating these broader issues until it was wound up in 2006<sup>74</sup>
- d. Mr Scaramella was not a member of the Commission. He was hired by the Commission in 2003 as a consultant to conduct investigations on its behalf. The scope of the investigations that Mr Scaramella conducted in this capacity appears to have been very broad; Mr Guzzanti told me that they covered matters such as the illegal financing of the Communist Party of Italy by the Soviet Union, the links between Russian secret services and organised crime and terrorism in Italy, and the KGB's power to manipulate Western media<sup>75</sup>
- e. Mr Scaramella was introduced to Mr Litvinenko in late 2003 by a mutual acquaintance, Victor Rezun, also known as Victor Suvorov. Mr Scaramella asked for Mr Litvinenko's help in the enquiries that he was conducting for the Mitrokhin Commission, and Mr Litvinenko agreed<sup>76</sup>
- f. Mr Litvinenko assisted Mr Scaramella by providing him with information. Their first meeting took place in Naples in January 2004 and lasted about five days.<sup>77</sup> Mr Scaramella told me that they had a number of subsequent meetings at which Mr Litvinenko provided him with information. He thought that they met on three or four occasions in Italy and also on three or four occasions in London.<sup>78</sup>

<sup>71</sup> [INQ015669](#)

<sup>72</sup> [Guzzanti 29/10](#)

<sup>73</sup> [Guzzanti 29/10; 29/14](#)

<sup>74</sup> [Guzzanti 29/9-18; Scaramella 27/30-32](#)

<sup>75</sup> [Guzzanti 29/18-20](#)

<sup>76</sup> [Scaramella 15/93-94](#)

<sup>77</sup> [INQ015669](#)

<sup>78</sup> [Scaramella 27/57-58](#)

Mr Litvinenko never met Mr Guzzanti, although they did once speak briefly on the phone<sup>79</sup>

- g. Mr Scaramella arranged for Mr Litvinenko's expenses to be paid, but Mr Litvinenko did not receive any further remuneration for his assistance<sup>80</sup>
- h. Mr Litvinenko introduced Mr Scaramella to Mr Limarev. Mr Litvinenko told Mr Scaramella that Mr Limarev knew more than he did about Russian organised crime. This introduction appears to have taken place in January 2004. Thereafter Mr Limarev became a further source of information for Mr Scaramella. The two corresponded regularly by email<sup>81</sup>
- i. The Mitrokhin Commission was wound up in April 2006. Mr Scaramella and Mr Litvinenko ended their regular contact at that time<sup>82</sup>

**4.84** It is apparent from the evidence that I have heard and seen that Mr Litvinenko provided Mr Scaramella with a very large volume of information. There is a transcript of Mr Litvinenko's first meeting with Mr Scaramella, which runs to well over 100 pages and covers a wide range of topics.<sup>83</sup>

**4.85** The information that Mr Litvinenko gave to Mr Scaramella included some on what might be thought to have been particularly sensitive topics. I will give two examples.

**4.86** First, Mr Litvinenko made various claims to Mr Scaramella about a man called Semion Mogilevich. The written closing submissions served on behalf of Marina Litvinenko describe Mr Mogilevich as: "*one of Russia's most notorious [Organised Crime Group] leaders. ... It is said he is responsible for contract killings and smuggling weapons.*"<sup>84</sup> Mr Mogilevich was, at least at one stage, one of the FBI's most wanted men.<sup>85</sup> I have seen the text of a speech given by the US Attorney General in 2008 in which Mr Mogilevich is said to have, "*exert[ed] influence over large portions of the natural gas industry in parts of what used to be the Soviet Union.*"<sup>86</sup>

**4.87** Mr Litvinenko passed on to Mr Scaramella information about Mr Mogilevich that he said had emerged from the transcription of the Kuchma tapes. Mr Litvinenko told Mr Scaramella that Mr Mogilevich (whom he described as a "*well known criminal-terrorist*") was. "*in a good relationship with Russian President Putin and most senior officials of the Russian Federation*"; that Mr Mogilevich and President Putin had, "*a common cause, in my understanding a criminal cause*"; that Mr Mogilevich was an arms dealer who was selling weapons to Al-Qaeda; and that he knew: "*beyond doubt that Mogilevich is FSB's long-standing agent and all his actions including the contacts with Al-Qaeda are controlled by FSB ... For this very reason the FSB is hiding Mogilevich from FBI.*" These allegations were contained in a written statement that Mr Litvinenko sent by fax to the offices of the Mitrokhin Commission.<sup>87</sup>

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<sup>79</sup> [Guzzanti 29/22](#)

<sup>80</sup> [Scaramella 27/72-73](#); [Guzzanti 29/23](#)

<sup>81</sup> [Scaramella 15/94-95](#)

<sup>82</sup> [Scaramella 15/100-101](#)

<sup>83</sup> [INQ019473](#); [Scaramella 27/60-73](#)

<sup>84</sup> [Marina Litvinenko written closing submissions](#), page 46 paragraph 142

<sup>85</sup> [Mascall 29/84](#)

<sup>86</sup> [BLK000241](#) (page 4)

<sup>87</sup> [INQ018922](#) (page 3); [Scaramella 27/73-79](#)

- 4.88** Second, in the course of his discussions with Mr Scaramella, Mr Litvinenko claimed to have evidence that Romano Prodi, the senior Italian politician, was a KGB agent. Mr Scaramella said that: *"Litvinenko presented this information as the most important information in his hands."*<sup>88</sup>
- 4.89** Information of this character was clearly highly sensitive. It is possible to imagine that, if it became known that Mr Litvinenko was making this type of allegation to a formal body such as the Mitrokhin Commission, attempts may have been made to silence him. Mr Scaramella gave evidence that the files containing the information that Mr Litvinenko had given him were locked away, but that on at least one occasion there was a security breach and unauthorised copies were made of the files.<sup>89</sup>
- 4.90** Another person whom Mr Litvinenko discussed with Mr Scaramella was a man named Alexander Talik. Mr Talik was a Russian living in Naples in or about 2005. Mr Scaramella said that he knew him, indeed that he had employed him to do some work for his organisation, the Environmental Crime Prevention Programme (ECPP). Precisely what took place between Mr Talik, Mr Scaramella and Mr Litvinenko is not at all clear on the evidence. I would add that these matters have also been the subject of proceedings in the Italian courts.
- 4.91** Mr Scaramella told me that he understood that Mr Talik was a former FSB officer; he also appeared to believe that Mr Talik was connected to an incident when he (Mr Scaramella) had been shot at in Naples by hooded men. There is evidence that Mr Litvinenko also believed that Mr Talik had links with the FSB, and that he told Mr Scaramella this. I also heard evidence about a consignment of arms, which Mr Litvinenko thought may have been destined for Mr Talik, being intercepted in Italy.<sup>90</sup>

<sup>88</sup> [Scaramella 27/97-99; LUG000092](#)

<sup>89</sup> [Scaramella 27/94-97](#)

<sup>90</sup> [Scaramella 27/78-93; INQ018922](#)

## Chapter 5: Work for the Spanish security services

- 4.92 I have made reference at paragraph 4.69 above to the assertion made by Mr Lugovoy to the effect that Mr Litvinenko told him that he was working with the Spanish secret services against the Russian mafia operating in Spain, and moreover that Mr Litvinenko suggested to Mr Lugovoy that he join him in this work.
- 4.93 This account was corroborated by evidence that I heard from Marina Litvinenko and others during the oral hearings.
- 4.94 Marina Litvinenko said that she believed Mr Litvinenko's work with the Spanish authorities had started in 2005 or at the end of 2004. She had been aware that he was making trips to Spain for that purpose, and also that at least one payment in respect of this work had been made into their joint account. She knew, too, that Mr Litvinenko was helping the Spanish authorities in combating Russian organised crime in Spain. She also knew that Mr Lugovoy had become involved in this exercise, because she knew that he had been due to accompany Mr Litvinenko on a trip to Spain on 10 November 2006. But Mrs Litvinenko was not aware of the detail of the work that Mr Litvinenko was doing in Spain – she said that, "*Sasha didn't tell me a lot because he tried to save me.*"<sup>91</sup>
- 4.95 It would appear from a witness statement that Mr Berezovsky gave to the Metropolitan Police Service in December 2006 that Mr Litvinenko had shared at least some of these details with Mr Berezovsky. The statement included the following passage:

*"I know that he [i.e. Mr Litvinenko] also collected some money from cooperation with the Spanish intelligence service. He was helping them regarding the Russian mafia. I understand his wife also received some money.*

*Twice in September 2006, he told me that he had helped the Spanish intelligence agency to arrest a top Russian mafia boss operating in Spain called Shakuro. He also told me that he was working on some intelligence relating to Roman Abramovich. This was likely to see him arrested in Spain for money laundering and buying land illegally. This also involves Putin."*<sup>92</sup>

- 4.96 Mr Goldfarb gave evidence that he had had two conversations with Mr Litvinenko about the work that the latter said that he was undertaking with the Spanish security services. First, Mr Goldfarb said that in 2005 Mr Litvinenko had suggested that Mr Trepashkin, who had briefly been released from prison, might leave Russia and go to live in Spain, where he would be able to arrange work for him with the Spanish authorities.<sup>93</sup> The second conversation that Mr Goldfarb recalled took place in 2006. The notable feature of that conversation was that Mr Litvinenko told Mr Goldfarb that one day he would give evidence in court about Mr Putin's links to the mafia.<sup>94</sup>
- 4.97 The evidence that Mr Litvinenko may have been assisting the Spanish authorities with operations against Russian organised crime figures in Spain, and in particular Mr Goldfarb's recollection that he was anticipating giving evidence in court about

<sup>91</sup> [Marina Litvinenko 3/155-157; 4/120](#)

<sup>92</sup> [Berezovsky 25/13](#)

<sup>93</sup> [Goldfarb 5/129; 26/58-59](#)

<sup>94</sup> [Goldfarb 26/59-60](#)

these matters, is also consistent with a number of documents that I admitted into evidence. Mr Goldfarb referred to the contents of these documents when giving oral evidence.<sup>95</sup>

- 4.98** A US diplomatic cable dated 31 August 2009 published on the *Wikileaks* website<sup>96</sup> described two operations, codenamed Avispa and Troika, that the Spanish authorities carried out against members of Russian organised crime groups in or about 2005 and 2006. The cable referred to allegations made in the Spanish press that Mr Litvinenko had; *“tipped off Spanish security officials on the location, roles and activities of several ‘Russian’ mafia figures with ties to Spain.”* The cable went on to assert that Mr Litvinenko *“allegedly provided information on Izguilov, Zakhar Kalashov and Tariel Oniani to GOS [Government of Spain] officials during a May 2006 meeting.”*
- 4.99** A further US cable published on *Wikileaks* appears to provide further support to the idea that Mr Litvinenko was assisting Spanish authorities in their investigations into Russian organised crime. This cable, dated 8 February 2010,<sup>97</sup> refers to the Spanish prosecutor heading the investigation, named Jose Grinda Gonzales, quoting what he described as a “thesis” by Mr Litvinenko. The ‘thesis’ was that: *“the Russian intelligence and security services … the FSB, the SVR and the GRU – control organised crime in Russia.”* The cable further records Mr Grinda as having stated that he himself, *“believes this thesis is accurate”*.
- 4.100** If Mr Litvinenko did provide the type of assistance to the Spanish authorities that was described in the evidence that I have summarised above – and in particular if it is true that he was due to give evidence about these matters in court – the question that arises for the purposes of this Inquiry is whether there could have been any connection between those matters and his death. Is it possible, for example, that Mr Litvinenko was killed in order either to punish him for assisting the Spanish authorities, or to prevent him offering any further assistance, including perhaps giving evidence in court? I shall return to this issue below.

<sup>95</sup> [Goldfarb 26/61-67](#)

<sup>96</sup> [BLK000049](#)

<sup>97</sup> [INQ015639](#)

## Chapter 6: Private security work

- 4.101** Mr Litvinenko was not, on the evidence that I have heard, readily employable following his arrival in the UK. His English was poor and the skills that he had developed over 20 years in the FSB and before that the KGB were highly specialised. In the early years, it would appear that Mr Berezovsky funded the family more or less entirely. He provided accommodation, paid for Anatoly's school fees and made regular payments to Mr Litvinenko, for example, for his work on the two books. Mr Berezovsky was, however, keen that Mr Litvinenko should become more self sufficient. As we shall hear, he encouraged Mr Litvinenko to try to obtain other work. He also cut the level of payments that he made to the Litvinenko family.
- 4.102** I shall return to this point in due course because it relates to the question of whether there was a falling out between the two men in mid 2006, and if so whether this could be relevant in any way to Mr Litvinenko's death.
- 4.103** The important point for present purposes is that in 2005 and 2006, in part no doubt due to Mr Berezovsky's encouragement and the reducing payments, Mr Litvinenko appears to have started undertaking more work in what might loosely be described as the private security field.
- 4.104** Some of the work that Mr Litvinenko undertook in this field involved the preparation of so called 'due diligence' reports. I heard that these reports were at the time (and, no doubt, continue to be) routinely commissioned by one company or businessman seeking to find out more information about another company or businessman. Such reports were often obtained at an early stage of a proposed transaction. I heard that such reports might be sought because of a genuine wish to find out more information about the target, but might also serve a more formal compliance purpose. Either way, a negative report might lead to a proposed transaction being cancelled.
- 4.105** The evidence I heard was that in the period 2005-6, there was a strong demand in London for 'due diligence' reports to be prepared on Russian targets. As we shall see, Mr Litvinenko sought to establish himself as someone who could provide such reports, using both his own knowledge and his contacts in their preparation.
- 4.106** Could it be that Mr Litvinenko's death was connected in some way to the work that he undertook in this sphere? Is it possible that a disgruntled subject of a negative report prepared by Mr Litvinenko might have wished to punish him? Or might Mr Litvinenko's need to establish a network of sources in order to assist with this work have drawn him into the company of people who wished him ill for other reasons?
- 4.107** I heard evidence that there were three private security companies with which Mr Litvinenko became involved in this period. They were RISC Management Limited, Titon International Limited and Erinys UK Limited. I propose to review the evidence relating to each in turn.

### RISC

- 4.108** RISC Management Limited (RISC) was a private security company that had grown out of an earlier business named ISC Global. I heard evidence from Keith Hunter, who was CEO of RISC in the period 2005-6.<sup>98</sup> He explained that ISC had been set up in

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<sup>98</sup> [Hunter 11/1-47](#)

2000 by Stephen Curtis and Nigel Brown. Mr Curtis was a lawyer with a large network of high net worth clients, whom he introduced to ISC. Mr Curtis' clients included the so called oligarchs Mr Berezovsky, Mikhail Khodorkovsky and Vladimir Gusinsky. Mr Curtis was killed in a helicopter crash in 2004. As I understood the evidence, the business of ISC was thereafter split between Mr Brown, who went to work in Israel, and Mr Hunter, who set up RISC in London.<sup>99</sup>

- 4.109** Mr Hunter's evidence was that he first met Mr Litvinenko in 2001 or 2002, when introduced to him by Mr Berezovsky. He recalled that Mr Berezovsky thought that Mr Litvinenko might be useful to his business. He remembered meeting Mr Litvinenko on subsequent occasions, such as at other meetings with Mr Berezovsky. He appears to have formed a fairly low opinion of Mr Litvinenko's value as a possible source of intelligence – his view was that Mr Litvinenko's sources were likely to be historic and also that the views he offered might contain a political slant.<sup>100</sup>
- 4.110** There was evidence from others that Mr Litvinenko did undertake some work for RISC in 2005 and 2006. Mr Hunter said that he had not been directly involved in such work, and that it would have been handled by Mr Knuckey, RISC's managing director, and by Gary Evans and Daniel Quirke, the investigators who were, successively, the people at RISC with whom Mr Litvinenko dealt on a day to day basis.
- 4.111** Written evidence of Mr Knuckey was read to the Inquiry. He recalled first meeting Mr Litvinenko in the summer of 2004, when he conducted an investigation into the firebombing attack against the houses of Mr Litvinenko and Mr Zakayev (see above at paragraph 4.26). He added, "*I believe he was known by the CEO Keith Hunter before then.*"<sup>101</sup>
- 4.112** Later in the same statement, Mr Knuckey stated that, "*during 2005 our company decided to use [Mr Litvinenko] as a source*".<sup>102</sup> He said that he asked a member of his staff, Mr Evans, to manage Mr Litvinenko, and that when Mr Evans left RISC in February 2006, he "*passed the management of Litvinenko to Dan Quirke*",<sup>103</sup> another member of staff at RISC.
- 4.113** Mr Evans gave oral evidence to the Inquiry, and his evidence was broadly consistent with that of Mr Knuckey. He recalled being introduced to Mr Litvinenko by either Mr Hunter or Mr Knuckey, or both, in about the middle of 2005.<sup>104</sup> Although he was told that he would be working with Mr Litvinenko, and the two met at the RISC offices in London about seven or eight times over the next few months, it does not appear that Mr Litvinenko was actually engaged to conduct any enquiries for RISC during the time that Mr Evans was managing him. Mr Evans said that when the two met they spent time discussing Russian politics. Mr Evans thought that Mr Litvinenko was keeping himself occupied, and also trying to build a relationship with RISC.<sup>105</sup> There must have been some substance to the relationship between RISC and Mr Litvinenko, because Mr Evans remembered giving Mr Litvinenko two mobile phones and SIM cards at the latter's request – Mr Evans assumed they were to help him keep in touch with his "*network of contacts*".<sup>106</sup> Mr Knuckey's evidence was that RISC had gone further and

<sup>99</sup> [Hunter 11/4-9](#)

<sup>100</sup> [Hunter 11/25-29](#)

<sup>101</sup> [Knuckey 7/36](#)

<sup>102</sup> [Knuckey 7/45](#)

<sup>103</sup> [Knuckey 7/45-46](#)

<sup>104</sup> [Evans 7/20](#)

<sup>105</sup> [Evans 7/33](#)

<sup>106</sup> [Evans 7/26](#)

paid Mr Litvinenko £1,000 in cash to mark the start of their relationship. He said that Mr Evans would have made the payment, but, whilst Mr Evans did have a “vague recollection” of paying Mr Litvinenko a much smaller amount for expenses, he had no memory of this.<sup>107</sup> The other notable feature of Mr Evans’ evidence was that he remembered meeting Mr Lugovoy, with Mr Litvinenko, at the RISC offices in London at some stage in the last quarter of 2005.<sup>108</sup>

- 4.114 Mr Quirke also gave oral evidence to the Inquiry. He said that he was introduced to Mr Litvinenko in February or March 2006, shortly before Mr Evans left the company, and took over as Mr Litvinenko’s handler from that time.<sup>109</sup> His understanding was that Mr Litvinenko was:

*“... trying to establish a business, he was working hard, I think he was short of money. I think monies that he’d previously got from – as like a retainer from Mr Berezovsky had ceased and that left a hole in his finances.”<sup>110</sup>*

- 4.115 Mr Quirke said that he met Mr Litvinenko five or six times after the handover meeting. The last of those meetings was on 17 October 2006, a meeting to which I shall return in due course.

- 4.116 The evidence I heard was that Mr Litvinenko was formally tasked with his first piece of investigative work for RISC at around the time of the handover from Mr Evans to Mr Quirke. Mr Knuckey asserted in his statement that he gave Mr Litvinenko this piece of work at some point in the first quarter of 2006.<sup>111</sup> Mr Quirke’s evidence was broadly consistent – he thought that the tasking had commenced shortly before he took over from Mr Evans.<sup>112</sup> The case on which Mr Litvinenko was tasked was a long-running case in which RISC acted for Stolichnaya vodka. Mr Quirke explained that RISC were undertaking investigations on behalf of Stolichnaya into what he described as a scheme sponsored by the Russian government to put the company out of business by, as he put it, “*flood[ing] the market with knockoff versions of the brand.*” The task that Mr Litvinenko was given, apparently by Mr Knuckey, was to make enquiries into the Russian agriculture minister, named Mr Gordeyev.<sup>113</sup>

- 4.117 Mr Litvinenko did not conduct this investigation alone. Rather, he enlisted the assistance of Mr Lugovoy. The evidence of both Mr Knuckey and Mr Quirke was that Mr Litvinenko and Mr Lugovoy attended a meeting at RISC’s offices in London in about April or May 2006 when they presented the fruits of their investigation. Mr Knuckey and Mr Quirke were not impressed. Mr Quirke explained that the information, “*was not up to the standard we expected ... [it] appeared to have been culled from Russian internet sites.*” Mr Lugovoy demanded US\$10,000 for the information – Mr Quirke said that Mr Knuckey agreed to make a payment of US\$7,500 to an account operated by Mr Lugovoy in Cyprus, in part because, “*We wanted to cultivate and build this relationship.*”<sup>114</sup>

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<sup>107</sup> [Knuckey 7/45-46](#); [Evans 7/26-27](#)

<sup>108</sup> [Evans 7/31](#)

<sup>109</sup> [Quirke 11/60](#)

<sup>110</sup> [Quirke 11/68](#)

<sup>111</sup> [Knuckey 7/49](#)

<sup>112</sup> [Quirke 11/73](#)

<sup>113</sup> [Quirke 11/70-74](#)

<sup>114</sup> [Quirke 11/82](#); [Knuckey 7/46-49](#); [Hunter 11/45-46](#)

**4.118** As we shall see, this would not be the last occasion on which Mr Lugovoy would provide Mr Litvinenko with substandard material when purportedly assisting him in making enquiries into Russian targets.

**4.119** Mr Quirke's evidence was that he had one further formal meeting with Mr Litvinenko and Mr Lugovoy. That meeting took place on 17 October 2006.<sup>115</sup> Also present on that occasion was Mr Kovtun. I shall return to that meeting in due course.

## Erinys/Titon

**4.120** The other two London private security companies with which Mr Litvinenko became involved in the last year of his life were linked to each other. The two companies shared a director and also a suite of offices in Mayfair – offices that were to play an important part in the events that led to Mr Litvinenko's death.

**4.121** Mr John Holmes, who gave oral evidence to the Inquiry, was a director of a large multinational security company named Erinys International. He operated its UK subsidiary, Erinys UK. He was assisted in doing so by Mr Tim Reilly, who was employed by Erinys UK as a consultant. The major business of both Erinys companies was the provision of physical security services to the oil industry.<sup>116</sup>

**4.122** Mr Holmes was also a co-director of an investigative due diligence business called Titon International Limited. The other director, who managed the day to day work of the company, was called Mr Dean Attew.

**4.123** Both companies were based in offices at 25 Grosvenor Street, Mayfair.

**4.124** Mr Attew's evidence was that he first met Mr Litvinenko in 2004; thereafter the two men became close personal friends and, latterly, business associates.<sup>117</sup> Mr Attew stated that he saw Mr Litvinenko from time to time after they first met, and they became friends, but that they did not start to work together until about six months before Mr Litvinenko died – that is, about May 2006. It is clear that during those six months the two men became even closer – Mr Attew said that Mr Litvinenko would often pop into the Mayfair offices for a short chat – something that he sometimes did several times a week.<sup>118</sup>

**4.125** Mr Attew described how another investigator for whom he sometimes worked needed some enquiries conducted on Russian targets, and that he asked Mr Litvinenko to undertake the work. He said that he probably requested the first of these reports from Mr Litvinenko in August 2006. Mr Attew's evidence was that Mr Litvinenko produced a total of four due diligence reports.<sup>119</sup> It was apparent from the evidence of Mr Attew and others that, as with the work that he did for Mr Quirke relating to Mr Gordeyev, Mr Litvinenko obtained assistance from others in preparing these reports. For the first draft of one of the reports, Mr Litvinenko sought assistance from Mr Lugovoy. For the second draft of that report, and for all the others, Mr Litvinenko was assisted by Yuri Shvets.<sup>120</sup>

<sup>115</sup> [Quirke 11/86-87](#)

<sup>116</sup> [Holmes 7/50-53](#)

<sup>117</sup> [Attew 13/15-17](#)

<sup>118</sup> [Attew 13/17-22](#)

<sup>119</sup> [Attew 13/25-26; 13/28-32](#). (There was a small degree of inconsistency between the evidence of Mr Attew and that of Mr Shvets as to the subjects of the reports, but I did not consider this inconsistency to be material.)

<sup>120</sup> [Attew 13/28-30](#)

- 4.126** Mr Shvets was a former member of the Committee for State Security (KGB) who emigrated to the United States (US) in 1993. From there, he wrote and published a book that was highly critical of what he described as the Russian “system”, which, he told me, he regarded as “*more dangerous to the country than any external enemy*”. He received threats following the publication of the book and he subsequently claimed and was granted asylum in the US.<sup>121</sup> As I have described at paragraph 4.51 above, Mr Litvinenko and Mr Shvets had met and become friends in 2002 when they were both involved in the project relating to the so called ‘Kuchma tapes’.
- 4.127** Mr Shvets told me that he had a telephone conversation with Mr Litvinenko in about July 2006. Mr Shvets was already producing due diligence reports and he suggested to Mr Litvinenko that he should try and find customers for the reports in London. He said that he would pay Mr Litvinenko 20% of the fee for each report.<sup>122</sup>
- 4.128** One of the reports that Mr Attew commissioned Mr Litvinenko to provide is of particular interest to this Inquiry. That was the report of which Mr Lugovoy prepared the first draft and Mr Shvets the second. The target of that report was a senior Russian politician named Victor Ivanov. Mr Attew explained that Mr Litvinenko had introduced him to Mr Lugovoy prior to the report being commissioned, and he had disliked him.
- 4.129** The view of Mr Attew and others was that the reports prepared by Mr Shvets were of very high quality. Mr Litvinenko appears to have been paid thousands of pounds for each report,<sup>123</sup> although the evidence was that the larger part of that money was sent by Mr Litvinenko to Mr Shvets.
- 4.130** Mr Reilly, who was employed by Mr Holmes as a consultant to Erinys UK, was a specialist in oil and gas and a Russian speaker. His evidence was that Mr Attew introduced him to Mr Litvinenko at some point during the early summer of 2006 in the offices that the two companies shared. They spoke together in Russian and subsequently Mr Litvinenko would often drop by his office so that they could talk in Russian. Mr Reilly thought that he was one of the few people whom Mr Litvinenko knew who could speak Russian but was not a member of the Russian community in London. He estimated that he saw Mr Litvinenko between 20 and 30 times in 2006, between the early summer and November when Mr Litvinenko was taken ill.<sup>124</sup>
- 4.131** Mr Reilly’s role at Erinys UK at the time was to attempt to secure contracts for the Erinys companies in the Russian oil and gas fields, and in particular was attempting to cultivate contacts that he had made in the security department at Gazprom. According to Mr Reilly, Mr Litvinenko told him that he had a Russian friend who might be able to help, and that he should meet him. He put it in this way:

“[Mr Litvinenko] mentioned he had a friend from his time in Russia who was also ex-KGB who had contacts in the security world and indeed had a security company himself amongst other businesses that he had, and that it would be useful perhaps to meet this guy who may be able to introduce me to Russian oil and gas industry in terms of its security departments.”<sup>125</sup>

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<sup>121</sup> [Shvets 24/44-47](#)

<sup>122</sup> [Shvets 24/58-59](#)

<sup>123</sup> [Holmes 7/63-64](#)

<sup>124</sup> [Reilly 10/11-13](#)

<sup>125</sup> [Reilly 10/61-62](#)

- 4.132 Mr Lugovoy duly came to the Mayfair offices with Mr Litvinenko to meet Mr Reilly. Mr Reilly said that the first of these meetings took place in June or July 2006.<sup>126</sup> The next meeting, at which Mr Lugovoy was accompanied by Mr Kovtun, took place on 16 October 2006; that is a meeting to which I shall return.
- 4.133 Mr Reilly's evidence was that, although the question of money was never discussed between him and Mr Litvinenko and Mr Lugovoy, it was understood that they would be paid if, and only if, Erinys won a contract.<sup>127</sup>

## Might this work have been linked to Mr Litvinenko's death?

- 4.134 As I suggested at the beginning of this Part, Mr Litvinenko's apparent keenness to develop his work with private security companies in the period 2005-6 may well be explained by a desire, and/or a need, to establish sources of income that were independent of Mr Berezovsky. I heard evidence that Mr Litvinenko was exploring other similar ventures – for example, he asked for Mr Reilly's advice about a project to import ethanol from the Ukraine,<sup>128</sup> and also discussed a possible deal involving copper trading with Mr Attew.<sup>129</sup>
- 4.135 Mr Litvinenko's life, then, was starting to move in a new direction. He was meeting and doing business with people outside the close circle around Mr Berezovsky. He was investigating people, often influential people, in Russia, and seeking to sell the fruits of those investigations to their business partners and rivals.
- 4.136 The question that I must address is whether, in taking these steps, Mr Litvinenko was placing himself at risk. In particular, I must consider whether the new work that Mr Litvinenko was undertaking was in any way connected with his death.
- 4.137 The first point to make is that I heard clear evidence that those who commissioned due diligence type work from Mr Litvinenko took careful steps to preserve his anonymity as the source of information that they then relayed to their clients. Mr Quirke stated that the names of sources were kept confidential even within the office, and that Mr Litvinenko's name would not have been written on any report or mentioned orally to any of their clients.<sup>130</sup> Mr Evans<sup>131</sup> and Mr Hunter<sup>132</sup> gave evidence to similar effect, and the same basic principle was implicit in Mr Attew's evidence.
- 4.138 It follows that, at least as regards most of the reports that Mr Litvinenko was involved in preparing, there is no particular reason to think that his role in providing what may have been damaging information ever became known to anyone affected by it. One exception to this is the Ivanov report that I have referred to above. There is reason to think that this report might have found its way back to Mr Ivanov and others in the Kremlin, together with the fact that Mr Litvinenko had been responsible for preparing it. I will return to this particular report in the next Part (see below, Part 5, chapter 4).

<sup>126</sup> [Reilly 10/67-68](#)

<sup>127</sup> [Reilly 10/78-79](#)

<sup>128</sup> [Reilly 10/50-58](#)

<sup>129</sup> [Attew 13/64](#)

<sup>130</sup> [Quirke 11/54-59](#)

<sup>131</sup> [Evans 7/18-19](#)

<sup>132</sup> [Hunter 11/46](#)

**4.139** Moving on, the question that I posed at paragraph 4.106 above was whether Mr Litvinenko's need to establish a network of sources to assist him in this investigative work may have led him to associate with people who wished him harm.

**4.140** The summary of the evidence relating to Mr Litvinenko's private security work that I have set out above contains references to Mr Litvinenko seeking to involve Mr Lugovoy in a number of different projects. Mr Litvinenko and Mr Lugovoy were old acquaintances; but the evidence is clear that it was this work that led to them becoming closer in the period 2005.

## Andrey Lugovoy

**4.141** Mr Lugovoy is a central figure in the issues to which this Inquiry give rise. Although he did not give oral evidence, I heard a good deal of oral evidence about him. I also admitted into evidence a number of the accounts that he has given about the events in question. It will be convenient to say a little by way of introduction about him at this point.

**4.142** I heard that Mr Lugovoy was born in Baku in the Union of Soviet Socialist Republics (USSR) in 1966, which made him four years younger than Mr Litvinenko.<sup>133</sup> Not unlike Mr Litvinenko, Mr Lugovoy was born into a family that was proud of its military history and its record of service to Russia. At a press conference in May 2007, Mr Lugovoy said this about his family:

*"I was born into a family of a military person. My grandad fought in the Russo-Japanese war of 1904. He was awarded a St George's Cross, one of the highest military honours of the Russian empire. My other grandad took part in the storming of Berlin. My father served in the army for 39 years. My brother is a steersman on an atomic submarine and I am a professional military man by training. I was brought up in the tradition of a real Russian officer. I am proud that for the last few years in my opinion Russia started to gain its place in the world as a stage of geopolitical importance, which has always influenced politics and I hope will influence politics. It was so before the October revolution, and after it. There was a small period of time when nobody took Russia into account for ten years. Now, gentlemen, you will have to take Russia into account."*<sup>134</sup>

**4.143** In the passage that I have quoted Mr Lugovoy said that he was a military man by training, and I heard some further evidence on that subject. I heard that he attended military college, and then joined the Ninth Directorate of the KGB, which was responsible for providing protection for senior state officials. Like Mr Litvinenko, on the break-up of the KGB Mr Lugovoy continued to undertake the same work, albeit for a differently named organisation. In Mr Lugovoy's case, he was a member of the Federal Protection Service (FPS), which was the successor organisation to the Ninth Directorate.<sup>135</sup> It appears that Mr Lugovoy was never a member of the FSB.<sup>136</sup>

**4.144** I heard that in 1996 Mr Lugovoy resigned from the FPS to become Head of Security at ORT, the television station that was run at that time by Mr Berezovsky and his business partner Mr Patarkatsishvili. Mr Lugovoy remained in that job until 2001, when he was required to leave the company. It will be recalled that that was at about

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<sup>133</sup> [Mascall 8/14-16](#)

<sup>134</sup> [INQ001886](#) (page 21)

<sup>135</sup> [Mascall 8/17-19](#)

<sup>136</sup> [Mascall 8/25](#)

the time when Mr Berezovsky left Russia and gave up control of ORT, having fallen out with President Putin. I heard that Mr Lugovoy's explanation for his departure from ORT at this time was that he was required to leave the company because he was perceived to be one of Mr Berezovsky's associates.<sup>137</sup>

**4.145** Unlike Mr Berezovsky, Mr Lugovoy did not leave Russia. Rather, he developed various successful business interests, including a security company named Ninth Wave.<sup>138</sup>

**4.146** I also heard evidence about an event in Mr Lugovoy's life that took place shortly after his departure from ORT, and which is of considerable potential significance to the issues that arise in this Inquiry. The evidence I heard was that Mr Lugovoy was arrested and convicted in 2001 of attempting to assist another of Mr Berezovsky's associates, named Mr Glushkov, to escape from prison. The evidence was that he was released in 2002, after 15 months' imprisonment.<sup>139</sup>

**4.147** As we shall see, questions have been asked about this chapter of Mr Lugovoy's story. The underlying theme of these questions has been the possibility that Mr Lugovoy was, or became, an FSB agent tasked to act against Mr Berezovsky and his associates. It has been suggested that Mr Lugovoy's conviction and imprisonment were fabricated in order to add to his credibility with Mr Berezovsky. Mr Glushkov, for example, stated that Mr Lugovoy had never been seen in the Lefortovo prison during the time that he was supposedly detained there.<sup>140</sup> Another suggestion has been that Mr Lugovoy may have been recruited by the FSB whilst in prison. One focus of speculation in this regard has been Mr Lugovoy's successful business career following his release from prison, in particular in the security business, which was closely monitored by the FSB. I heard evidence that Andrei Vasiliev, the editor of the Russian newspaper *Kommersant*, had put the matter in this way:

*"There is a saying 'there is no such thing as a former KGB man' ... I find Lugovoy's story a little strange. He was in prison, had a criminal record and suddenly he is okay, is allowed to do business, still having contact with Berezovsky. It raises questions."*<sup>141</sup>

**4.148** As I have described, both Mr Litvinenko and Mr Lugovoy were associates of Mr Berezovsky in Moscow during the late 1990s, and both gave an account of having met occasionally at that time.<sup>142</sup> They also gave consistent accounts of not having had any contact with each other for some years following Mr Litvinenko's departure from Moscow, and of then meeting again in London in 2004 or 2005. However, their accounts differ in what may be significant respects as to the timing and circumstances of their first meeting in London.

**4.149** As to the timing of their first meeting in London, Mr Litvinenko said twice during the course of his interviews with DI Hyatt that the meeting had taken place in 2004. He also said that Mr Lugovoy had been in London at the time to watch either CSKA Moscow or Spartak play Chelsea.<sup>143</sup> Mr Lugovoy's account (in the witness statement that he gave in the *Terluk* litigation) was that the meeting had taken place in October

<sup>137</sup> [Mascall 8/26-30](#)

<sup>138</sup> [Mascall 8/31-32](#)

<sup>139</sup> A number of different dates were given for Mr Lugovoy's imprisonment. The 2001-2 dates seem most likely, since they coincide with the evidence given by Mr Glushkov: [Mascall 8/44-48](#)

<sup>140</sup> [Glushkov 17/46-48](#)

<sup>141</sup> [Mascall 8/47-48](#)

<sup>142</sup> [Mascall 8/49; INQ016593](#) (page 10)

<sup>143</sup> [INQ002470](#) (pages 2-3); [INQ016593](#) (pages 10-11)

2005, but he also said that the meeting had coincided with his trip to London to watch CSKA Moscow play Chelsea.<sup>144</sup> There is evidence before the Inquiry that CSKA Moscow played Chelsea in London on 20 October 2004; there were no matches between the two teams in 2005 – nor were there any matches between Chelsea and Spartak in either year.<sup>145</sup> It therefore appears very likely that Mr Litvinenko's account was accurate and that the two men first met in London in October 2004.

- 4.150** There is also a divergence between the accounts of the two men as to how the meeting was arranged. Mr Litvinenko told DI Hyatt that Mr Lugovoy contacted him and suggested that they meet. Mr Lugovoy, on the other hand, stated in the witness statement to which I have referred above that Mr Litvinenko had contacted him and asked to meet. Since this was the occasion on which the relationship between the two men was renewed, the question of who initiated the process is of some importance. I will return to this question in Part 9 below.
- 4.151** Following that meeting Mr Litvinenko drew Mr Lugovoy into his business activities, often describing him as his 'Moscow contact'. On the evidence that I have heard, the first occasion on which Mr Litvinenko took Mr Lugovoy to a business meeting in London was the meeting with Mr Evans in late 2005. That was followed by the meeting with Mr Quirke and Mr Knuckey in April/May 2006, then the meetings with Mr Attew and Mr Reilly, and the further meeting with Mr Quirke, later in the year. Marina Litvinenko gave evidence that she recalled meeting Mr Lugovoy at Mr Berezovsky's 60th birthday party, held at Blenheim Palace in January 2006. She also recalled that Mr Lugovoy and his wife had visited Mr Litvinenko at their home in north London during July 2006, whilst she and Anatoly were away on holiday.<sup>146</sup>
- 4.152** As I have explained above, neither Mr Knuckey and Mr Quirke, nor Mr Attew, were at all impressed by the due diligence reports compiled by Mr Lugovoy. Mr Attew also stated that he took a strong personal dislike to Mr Lugovoy when he met him with Mr Litvinenko at Heathrow Airport in June 2006. Mr Attew's evidence was that, on meeting Mr Lugovoy, he disliked and distrusted him. He added:

*"I have met many different people from many different countries, and you on occasions meet people that worry you, concern you, scare you, and in this instance, there was something I would describe as cold, scarily cold about Lugovoy. It wasn't that I felt frightened; it wasn't that I felt in harm's way in any way. I just didn't like the characteristics of the individual or the profile that was sitting in front of me."*<sup>147</sup>

Mr Attew also stated that he returned to the Erinys/Titon offices after meeting Mr Lugovoy and recounted his experience to Mr Holmes and Mr Reilly. He also advised his colleagues that they should not allow Mr Lugovoy into the offices and, more importantly, that they should not do any business with him.<sup>148</sup> As I have explained, Mr Reilly ignored both pieces of advice.

- 4.153** But it is striking that Mr Litvinenko appears to have had a very different opinion of Mr Lugovoy to that of Mr Attew. Mr Attew told me that Mr Litvinenko described Mr Lugovoy to him as "*a good friend*".<sup>149</sup> Mr Quirke's evidence was that Mr Litvinenko described Mr Lugovoy to him as "*someone... that he trusted and who was in Russia*

<sup>144</sup> [INQ001788](#) (page 15 paragraph 86)

<sup>145</sup> [INQ022396](#); [INQ022397](#)

<sup>146</sup> [Marina Litvinenko 4/14-17](#)

<sup>147</sup> [Attew 13/85-86](#)

<sup>148</sup> [Attew 13/47](#)

<sup>149</sup> [Attew 13/45](#)

*and could help us*”,<sup>150</sup> and Mr Reilly’s impression of Mr Litvinenko and Mr Lugovoy’s relationship was that they were, “*fairly frank and open with each other, very comfortable in each other’s presence*”.<sup>151</sup>

- 4.154** Mr Shvets also told me that Mr Litvinenko trusted Mr Lugovoy. He recalled that he and Mr Litvinenko discussed whether Mr Lugovoy could be trusted after Mr Litvinenko told him that he had given a copy of the Ivanov report that Mr Shvets had drafted to Mr Lugovoy. The conversation, as Mr Shvets recounted it, is a telling one:

*“Then it was dangerous, because I didn’t know who that guy was, this Russian guy was, and basically it was dangerous for – it could be dangerous for my network. And this is why I said: Sasha, do you understand what you are doing, because it may be dangerous for us both. And this is when I started asking questions, do you really know this guy, and he told me what he could tell me about him. Basically he told me that he had known him for more years than he knew me. He said that don’t worry, I trust this guy entirely, because – and basically he told me his four criteria. First, this Russian guy, Sasha said, he had worked with the KGB, as we did, all right, so we are from the same league. Then he said that, like I, that’s Sasha, and this guy, we worked with the Russian security agencies. Okay. Third criteria, he said that this guy, like Sasha, worked for Boris Berezovsky. And the fourth criteria was that this guy, he had served time in jail for his association with Boris Berezovsky, like Sasha did. So for Sasha, these two last criteria, they were essential for him to trust this guy entirely. Sasha said, like, you know, this guy, he is like me, he has served time in jail for Boris Berezovsky, I trust him entirely. I said: okay, it’s your choice, you did it, but let’s see what happens next.”<sup>152</sup>*

- 4.155** Whether Mr Litvinenko was right to trust Mr Lugovoy, and whether Mr Lugovoy was connected to what did “*happen next*” to Mr Litvinenko, are issues that lie at the heart of this Inquiry.

<sup>150</sup> [Quirke 11/80](#)

<sup>151</sup> [Reilly 10/65](#)

<sup>152</sup> [Shvets 24/74-75](#)



## Part: 5 Alexander Litvinenko's final months

### Chapter 1: Introduction

- 5.1** The summer and early autumn of 2006 saw a number of developments in the themes that I have set out above, developments that I will consider before turning in the next Part to the events that immediately preceded Mr Litvinenko's death.

## Chapter 2: The 2006 Russian laws

- 5.2 Two laws passed through the Russian legislative process in the first part of 2006, to which I shall refer as ‘the 2006 laws’. At the time, some perceived the 2006 laws as a means by which President Putin might take action against the dissident community outside Russia, including in the UK. It is necessary to consider whether such fears may have been justified, and whether their enactment is a factor of any significance in the death of Mr Litvinenko.
- 5.3 I heard oral evidence on these matters from a number of witnesses. Following the conclusion of the hearings, I instructed Drew Holiner, an expert in Russian law, to prepare a report on the meaning and effect of the 2006 laws. He produced a report dated 4 August 2015, which I have adduced into evidence.<sup>1</sup>

### The 2006 laws

- 5.4 The first of the 2006 laws was Federal Law no.35-FZ of 2006 – On Counteraction of Terrorism (hereafter ‘the Terrorism Law’).<sup>2</sup> It was adopted by the State Duma on 26 February 2006, endorsed by the Federation Council on 1 March 2006 and signed into law by President Putin on 6 March 2006. The Terrorism Law runs to some 17 pages and reads as a code providing for anti-terrorism measures to be taken by Russian forces. One of the striking features of the Terrorism Law is that it makes provision for Russian forces to take action against terrorism beyond the borders of the Russian Federation.
- 5.5 The Terrorism Law contemplates anti-terrorism action being taken both by Russia’s *armed forces*, and also by the “*federal security service*” – i.e. the FSB. I shall return below to address questions as to the roles that each was intended to play under the legislation, and the limits on their statutory functions.
- 5.6 The second of the 2006 laws was not, like the first, a piece of freestanding legislation but was an amendment to the Federal Law of 25 July 2002 On Counteracting Extremist Activity. The bill containing the amendment was approved by the State Duma on 8 July 2006 and by the Federation Council on 14 July 2006. It received Presidential approval on 27 July 2006. I shall refer to this amendment as ‘the Extremism Law’.
- 5.7 The Extremism Law contained an expansive list of activity that was to constitute *extremism* for the purposes of the statute. The list is set out in full in Appendix C to Mr Holiner’s report<sup>3</sup> (an abbreviated version of the list is included in Professor Service’s first report). The list includes:

*“(a) the activity of public and religious associations or other organisations, or the editorial board of a medium of mass communication, or physical persons as to the planning, organising, preparation and implementation of acts directed at:*

*Violent change to the constitutional order and territorial integrity of the Russian Federation;*

*Undermining of the security of the Russian Federation;*

<sup>1</sup> [INQ022399](#)

<sup>2</sup> A translated copy of the law provided to the Solicitor to the Inquiry by the Russian Embassy in London is at [INQ018962](#)

<sup>3</sup> [INQ022399](#) (pages 23-24)

*Seizure or arrogation of [governmental] authority;*

*Creation of illegal armed formations;*

*Conduct of terrorist activity or the public justification of terrorism;*

*Excitation of racist, national or religious strife (roznya) as well as social strife accompanied by force or calls for the use of force;*

*Insulting (unizhenie) national dignity;*

*Realisation of mass disorders, hooligan actions and acts of vandalism with motives of ideological, political, racial, national or religious hostility or hatred, as well as that motivated by hatred or enmity toward some social group;*

*Propaganda of the exceptionalism, superiority or inferiority of citizens on the basis of their attitude towards religion, social, racial, national, religious or linguistic affiliation;*

*Obstruction of the legal activity of organs of state power and election commissions, as well as the lawful activities of the officials of such organs and commissions;*

*Public slander of anyone filling a state post of the Russian Federation or a state office of a constituent region of the Russian Federation during the exercise of his official duties or in connection with their exercise, accompanied by an accusation that the person has committed acts identified in this article, on the condition that such slander has been established in court proceedings;*

...

*Production and (or) dissemination of printed, audio, audio-visual and other materials for public use that contain even one of the above-mentioned features;*

*(b) ...*

*(c) Public appeals to engage in such activity, as well as public calls and addresses encouraging engagement in such activity and supporting or justifying the commission of acts identified in this article;*

*(d) Financing such activities or any co-operation in planning, organisation, preparation and implementation of such actions, including by means of providing funds, immovable property, educational, printing material and technical support, telephone, fax or other means of communication, informational services or other material and technical means."*

**5.8** Professor Service commented on this provision in trenchant terms. He said:

*"The amendment is a mere listing of categories rather than a careful legislative definition. The language is extravagantly vague, and more than one category allows for unfettered repressive activity by the authorities. The item on the slandering of holders of public office is remarkable for the room it gives to treat any strident critique of the President or other leading officials as extremism. The wording is so expansive as to enable the authorities, if such were to be their desire, to act*

*against every kind of unfair criticism – or indeed any criticism that they deem to be unfair.”<sup>4</sup>*

## The perceived threat

- 5.9** There is no doubt that Mr Litvinenko and the circle around him perceived the 2006 laws as representing a threat to their safety. On 11 July 2006 (three days after the second law had been passed by the Duma), *The Times* published a letter written by Vladimir Bukovsky and Oleg Gordievsky. It was short and to the point. It read as follows:

*“Sir, As the seven leaders of the world’s most industrially developed democracies are packing their suitcases in order to go to St Petersburg for the G8 meeting, their would-be host, Former KGB Lieutenant-Colonel Vladimir Putin, has rushed through the state Duma two new pieces of legislation.*

*First, a new law enabling him to use his secret services as ‘death squads’ to eliminate ‘extremists’ anywhere abroad (including in this country).*

*Second, an amendment to existing law on fighting ‘extremism’, providing a much broader definition of that ‘crime’ which, among other things, will include now any ‘libellous’ statements about his Administration.*

*Thus, the stage is set for any critic of Putin’s regime here, especially those campaigning against Russian genocide in Chechnya, to have an appointment with a poison-tipped umbrella. According to the statement by the Russian Defence Minister Sergei Ivanov, the black list of potential targets is already compiled.*

*In keeping with the best traditions of the Soviet-era foreign policy, which always strived to make the world an unwitting accomplice of their crimes, this masterpiece is delivered precisely to coincide with the G8 meeting, which will serve to provide a semblance of approval, or at least of acceptance, by the world of this new development in the ‘common fight with terrorism’.*

*Needless to say, this is an extremely dangerous development. Unless the Western leaders are prepared to share responsibility for murders, like the one committed in Qatar by Russian agents, they must cancel their meeting, or, at the very least, should protest loudly against such abuse of the G8 chairmanship.”<sup>5</sup>*

- 5.10** In an interview conducted by the Metropolitan Police Service in March 2007, Boris Berezovsky explained the extent of the concerns that Mr Litvinenko himself had had regarding the new legislation. He said:

*“And of course he was always worried of the security especially after, in July 2006, Putin signed a law which allowed Russian special services without any investigation or court hearing, to kill people who Russian authorities considered to be enemies of then Russian state. Sasha mentioned loads of times that this legislation of course was designed in the first place to get rid of us – him, Zakayev and myself. Moreover, he said that most probably they would try to poison us. Today this sounds amazing but unfortunately this proved to be true, true prediction.”<sup>6</sup>*

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<sup>4</sup> INQ019146 (page 22 paragraph 67)

<sup>5</sup> INQ019194

<sup>6</sup> Berezovsky 25/26 lines 9-20

**5.11** Marina Litvinenko's evidence was to a similar effect – she said that Mr Litvinenko "viewed these laws as a personal threat".<sup>7</sup>

## Did the 2006 laws represent a real threat?

**5.12** This is an issue that is best addressed in two stages.

**5.13** First, it is necessary to consider whether the terms of the legislative provisions themselves bear out the type of concerns expressed above. That is an exercise that requires me to determine the meaning and effect of the 2006 laws. Although Professor Service addressed the point, it is not strictly within his expertise. Mr Holiner, on the other hand, is an expert on Russian law and I will refer principally to his evidence in addressing this first question.

**5.14** The second stage is to assess whether the laws could have operated at a more general level in increasing the threat to Mr Litvinenko and those around him. That is an area within Professor Service's expertise, and I found his evidence of assistance in this regard.

### The strict meaning of the 2006 laws

**5.15** The question here is whether the text of the 2006 laws themselves bears out the concerns held and expressed by Mr Bukovsky, Mr Gordievsky and Mr Litvinenko, and which would appear to have been shared by others.

**5.16** As I have said, both Professor Service and Mr Holiner addressed these matters. I also received helpful representations on this point made in March 2013 to the Solicitor to the Inquiry (then the Solicitor to the Inquest) by Mr Batmanov, the then Head of the Consular Department of the Russian Embassy in London.<sup>8</sup>

**5.17** I agree with the observation made by Professor Service in his report that there is "some confusion" as to the meaning and content of the two pieces of legislation, "even in some of the well-informed secondary literature".<sup>9</sup>

**5.18** I would make the following points regarding the content and strict meaning of the two laws:

- a. It appears to me that the effect of the Extremism Law was to create a very wide definition of the term 'extremism'. Moreover, the new definition included conduct of which Mr Litvinenko and those around him could be accused – most obviously, "*Public slander of anyone filling a state post of the Russian Federation.*" I note the statutory requirement under that limb of the statutory definition that "*such slander has been established in court proceedings*"
- b. It follows that steps might well have been taken against Mr Litvinenko under the On Countering Extremist Activity law as amended, had he been in Russia in 2006. However, he was of course outside the jurisdiction by that time, and the anti-extremist law contained no provisions for extra-territorial enforcement
- c. The Terrorism Law, by contrast, did contain such provisions

<sup>7</sup> [INQ017734](#) (page 23 paragraph 80)

<sup>8</sup> [INQ018943](#)

<sup>9</sup> [INQ019146](#) (page 22 paragraph 68)

- d. Mr Holiner confirmed the distinction at paragraph 25 of his report:<sup>10</sup>

*"In sum, the Counterterrorism Law permits the Federal Security Service, upon obtaining authority from the President of the Russian Federation, to engage in counterterrorist activities abroad aimed at eliminating terrorist threats, including through the use of lethal force... The Counter-Extremism Law confers no similar authority to act in respect of persons defined as extremists."*

- e. Professor Service made a similar point at paragraph 68 of his report—the 2006 anti-extremism amendment, he said, “*contained no permission for the assassination of ‘extremists’ who were not terrorists*”<sup>11</sup>
- f. The only legal route to extra-territorial action against Mr Litvinenko was therefore under the Terrorism Law. However, action could only have been taken against Mr Litvinenko under this law had he been involved in, or no doubt suspected of involvement in, some form of terrorist activity. Article 3 of the Terrorism Law contains definitions of terrorism and terrorist acts that are broadly conventional, and certainly not as expansive as the definition of ‘extremism’ in the second of the 2006 laws. Mr Batmanov’s letter (above) states that, “*Alexander Litvinenko did not make part of a terrorist organization and was not accused by Russian law enforcement bodies of having committed a terrorist crime.*” That accords with my understanding of the evidence

- 5.19** On the basis of the evidence currently before me, and in light of the considerations set out above, I am therefore not persuaded that any action could have been taken by the FSB against Mr Litvinenko in 2006 under the terms of either of the 2006 laws.
- 5.20** For completeness, I should add that the letter from Mr Batmanov made a further suggestion, to the effect that the Terrorism Law only established a legal basis for Russia’s armed forces to take international action against terrorism, and that it did not create any similar legal basis for international action by the FSB. Mr Holiner disputed this analysis. His view was that the Terrorism Law did indeed authorise international action of this sort by the FSB, and that this was also clear from the relevant terms of the Federal Security Service Law.
- 5.21** I find Mr Holiner’s reasoning on this point compelling, but in the end it is unnecessary for me to reach a conclusion on it. There is a simple factual reason why the terms of the 2006 laws did not permit any Russian forces to take action against Mr Litvinenko in the UK, namely that he had not been involved in terrorist activities.

## Wider considerations

- 5.22** But as I have already indicated, that is not the end of the matter. Professor Service, rightly in my view, identified a further consideration. Even if the strict terms of the 2006 laws could not be brought to bear against Mr Litvinenko, can it be said that they had a subtler, less formal effect of encouraging, or emboldening, or even licensing the FSB to take action against Mr Litvinenko and others like him?
- 5.23** Professor Service helpfully put the 2006 laws into their historical context. He referred in particular to the public outrage in Russia following the killing of five Russian diplomats by a Chechen supporting terrorist group in Iraq, and also to FSB claims in July 2006

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<sup>10</sup> [INQ022399](#) (page 11 paragraph 25)

<sup>11</sup> [INQ019146](#) (page 22 paragraph 68)

that it had been responsible for the explosion in Ingushetia that had killed Shamil Basayev, a leading Chechen terrorist.

- 5.24** Against this backdrop, Professor Service expressed the view that the 2006 amendment to the anti-extremist law had an influence going beyond the scope of its black letter provisions. In his report he put the matter in this way:

*"The amendment did, however, have a political consequence of importance by broadening the spectrum of targets to be pursued by the security agencies. Not only out-and-out terrorists were mentioned but 'extremists' in general, and extremism itself was described only in relation to imprecisely delineated categories of activity. The door was left open to brand a large swathe of opponents of Putin and his administration as extremists who needed to be eliminated. And terrorism and extremism were frequently mentioned in the same breath by Putin and his ministers. There was little attempt to make an official distinction between the two phenomena that the legislation was directed against. To that extent, there was an implicit licensing package for FSB operations abroad as well as in Russia."*<sup>12</sup>

- 5.25** Professor Service expanded on this reasoning in giving oral evidence. When asked whether it was his view that the 2006 laws had more of a political than a legal effect, he stated:

*"Yes, I think that's a fair summary. In legal terms, only one of them related to legal encouragement for taking physical action abroad, but generally taking the two together, the political effect was to engender an environment within the FSB and within public opinion that there was little difference between acting against extremism and acting against terrorism... legally speaking, there is a distinction, but it's hard to avoid the conclusion that the authorities wanted to fudge that distinction and just create a new feeling for the FSB to feel free to act without constraint."*<sup>13</sup>

He continued:

*"We don't have definite documentation about exactly why President Putin introduced these two legal changes in 2006, but we do know that they were introduced to the maximum of publicity, so that it is inconceivable that they were not thought to be important elements in reinforcing support in public opinion for what the authorities wanted to do."*<sup>14</sup>

And further:

*"We simply don't know the extent to which those two amendments affected the operational activity of the FSB. It seems a strong possibility that those amendments opened a channel for the FSB that wasn't as wide beforehand."*<sup>15</sup>

<sup>12</sup> [INQ019146](#) (page 22 paragraph 69)

<sup>13</sup> [Service 28/47](#) lines 4-14

<sup>14</sup> [Service 28/48](#) lines 3-9

<sup>15</sup> [Service 28/51](#) lines 2-6

## Chapter 3: Continued opposition to President Putin

**5.26** The evidence shows that Mr Litvinenko's political campaigning work, and in particular his vocal criticism of President Putin, continued until his final illness. There does not appear to have been any let up – either through concern at what the new Russian laws might herald, or because of his increasing security work. Mr Goldfarb did observe, however, that the balance of Mr Litvinenko's campaigning work in the later years was more towards writing, for example on the *Chechenpress* website, than on the public appearances that had been a feature of his first few years in the UK.<sup>16</sup>

**5.27** It was, in fact, in July 2006 that Mr Litvinenko published an article on the *Chechenpress* website that Professor Service referred to as the “climax” of Mr Litvinenko’s attacks on President Putin.<sup>17</sup> The article, which is in evidence before me, accused President Putin of paedophilia.<sup>18</sup> It read as follows:

*“A few days ago, Russian President Vladimir Putin walked from the Big Kremlin Palace to his Residence. At one of the Kremlin squares, the president stopped to chat with the tourists. Among them was a boy aged 4 or 5.*

*‘What is your name?’ Putin asked.*

*‘Nikita,’ the boy replied.*

*Putin knee[le]d, lifted the boy’s T-shirt and kissed his stomach.*

*The world public is shocked. Nobody can understand why the Russian president did such a strange thing as kissing the stomach of an unfamiliar small boy.*

*The explanation may be found if we look carefully at the so-called ‘blank spots’ in Putin’s biography.*

*After graduating from the Andropov Institute, which prepares officers for the KGB intelligence service, Putin was not accepted into the foreign intelligence. Instead, he was sent to a junior position in KGB Leningrad Directorate. This was a very unusual twist for a career of an Andropov Institute’s graduate with fluent German. Why did that happen with Putin?*

*Because, shortly before his graduation, his bosses learned that Putin was a pedophile [sic]. So say some people who knew Putin as a student at the Institute.*

*The Institute officials feared to report this to their own superiors, which would cause an unpleasant investigation. They decided it was easier just to avoid sending Putin abroad under some pretext. Such a solution is not unusual for the secret services.*

*Many years later, when Putin became the FSB director and was preparing for the presidency, he began to seek and destroy any compromising materials collected against him by the secret services over earlier years. It was not difficult, provided he himself was the FSB director. Among other things, Putin found videotapes in*

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<sup>16</sup> [Goldfarb 26/56-57](#)

<sup>17</sup> [INQ019146](#) (page 25 paragraph 77)

<sup>18</sup> [BLK000134](#)

*the FSB Internal Security directorate, which showed him making sex with some underage boys.*

*Interestingly, the video was recorded in the same conspiratorial flat in Polyanka Street in Moscow where Russian Prosecutor-General Yuri Skuratov was secretly video-taped with two prostitutes. Later, in the famous scandal, Putin (on Roman Abramovich's instructions) blackmailed Skuratov with these tapes and tried to persuade the Prosecutor-General to resign. In that conversation, Putin mentioned to Skuratov that he himself was also secretly video-taped making sex at the same bed. (But of course, he did not tell it was pedophilia [sic] rather than normal sex.) Later, Skuratov wrote about this in his book *Variant Drakona* (pp.153-154)."*

- 5.28** It hardly needs saying that the allegations made by Mr Litvinenko against President Putin in this article were of the most serious nature. Could they have had any connection with his death?
- 5.29** Nor were these the last public allegations that Mr Litvinenko made against President Putin. Only a matter of days before he fell ill, Mr Litvinenko publicly accused President Putin of responsibility for the murder of Anna Politkovskaya (see paragraphs 5.67 – 5.77 below). And, as I have already described, in the statement that he signed on his deathbed, he accused the Russian President of responsibility for another murder – his own.

## Chapter 4: Did Alexander Litvinenko fall out with and/or attempt to blackmail Boris Berezovsky?

- 5.30** Item 17 of the Inquiry's List of Issues refers to the "*possible involvement of Boris Berezovsky in Alexander Litvinenko's death*".
- 5.31** This issue arises from allegations that have been made principally, but not solely, by Andrey Lugovoy. Put very shortly, the allegation is that Mr Litvinenko fell out with Mr Berezovsky about money in the months before he died, that he then tried to blackmail Mr Berezovsky, and that as a result Mr Berezovsky ordered his killing.
- 5.32** This allegation was advanced by Mr Lugovoy at the press conference that he held in Moscow on 31 May 2007. He told the press that he had three explanations for Mr Litvinenko's death. The first two were that Mr Litvinenko had been killed by UK agencies or by the Russian mafia. His third explanation, which he said seemed to him to be "*the most plausible*", was as follows:

*"I am talking about Berezovsky who is known as an outstanding master of political intrigue. Litvinenko told me, that Berezovsky in fact sacked him by decreasing his salary threefold. Lately both Sasha and Berezovsky thought that the Office of the Russian Federation Procurator General and the British will come to an understanding and Berezovsky will be extradited to Russia.*

*In this connection I would like to tell you what Sasha had told Dmitry Kovtun not long before his death, when we met together in October of last year. During our dinner at one of the Chinatown restaurants in London, Litvinenko, enlarging on the subject of ways to make money, touched upon the resumed negotiations between Russia and the UK regarding Berezovsky's extradition. Lamenting the fact that Berezovsky did not appreciate the services rendered to him by Litvinenko, who allegedly saved his life more than once, Litvinenko told Kovtun, that he had the most important materials of a compromising nature, regarding the illegal activity of Berezovsky on the UK territory. If any part of the documents pertaining to the circumstances of his obtaining the refugee status were to be made public, then he (Berezovsky) would have huge problems. Litvinenko hinted to Dima, that especially now, when Russia raised an issue with the UK of extraditing Berezovsky, it would be very opportune to let Berezovsky know that such materials exist, and to put a value of several million dollars on them. Still being financially dependent on Berezovsky – Berezovsky was paying his son's tuition fees and the family's accommodation in London – Litvinenko asked Kovtun to find a reliable person, whom he would introduce to Berezovsky, which person would be able to familiarise Berezovsky with the materials, compromising him. Litvinenko was absolutely sure of the success of this enterprise, referring to the explosive nature and authenticity of the compromising materials that he possessed. Since the conversation took place when I left the table, Litvinenko asked Kovtun to keep that conversation between them, fearing that I, as a person who could contact Berezovsky at any point, would expose Litvinenko's idea to him.*

*Not willing to participate in all that even indirectly, not taking Litvinenko seriously, Kovtun and I decided it prudent to forget this conversation as soon as possible. However recalling now the details of my meetings with Litvinenko, his conviction*

*that the compromising materials he possessed could have fundamentally changed his (Litvinenko's) reduced financial circumstances, I can suppose that he did not abandon the idea of blackmailing Berezovsky which could have led to such lamentable consequences for him.”<sup>19</sup>*

- 5.33** There is evidence that Mr Lugovoy, Mr Kovtun and Mr Litvinenko had dinner together in a restaurant in Chinatown on 17 October 2006, and it would appear to have been that evening to which Mr Lugovoy was referring in his speech at the press conference.
- 5.34** About four years later, in a statement dated March 2011, Mr Lugovoy gave a slightly different account of this episode. He said this:<sup>20</sup>

*“We, that is Mr Litvinenko, Mr Kovtun and I, had a meeting at 18.00 with RISC on 17 October 2007 [this is clearly a typo for 2006]. After the meeting at RISC, when we were walking back to the hotel, Mr Litvinenko was walking next to Mr Kovtun some distance ahead of me. I was speaking on my mobile phone. Whilst we were walking I could not hear what Mr Litvinenko was saying to Mr Kovtun. However, later that day Mr Kovtun told me that Mr Litvinenko resumed his complaint that Mr Berezovsky was not treating him fairly and that he simply could not survive on the money that Mr Berezovsky was paying to him. He said that he knew information regarding Mr Berezovsky that was worth a great deal of money. He said that he needed to find someone substantial and trustworthy who could sell this information without the source of the information coming back to himself.*

*I do not know why Mr Litvinenko said this to Mr Kovtun. One possibility may be that Mr Litvinenko thought that Mr Kovtun would tell me the content of this conversation and that perhaps I would tell Mr Berezovsky or Mr Patarkatsishvili (who would tell Mr Berezovsky) with the end result being that Mr Berezovsky would recognise the value/threat of the information held by Mr Litvinenko and therefore reward him accordingly (and return his monthly salary to its previous level of £5,000 and perhaps even increase it).”*

- 5.35** I will have to make findings as to whether Mr Litvinenko did have a conversation along these lines with Mr Kovtun on 17 October 2006 – either over dinner in Chinatown or as they walked away from the meeting at RISC. More importantly, I will have to make a finding as to whether Mr Berezovsky had any involvement in Mr Litvinenko's death. Those are matters that I will address in due course.
- 5.36** The accounts that Mr Lugovoy has given raise a straightforward factual issue upon which, at least to an extent, his broader allegations of blackmail and complicity in murder all rest. That factual issue concerns Mr Litvinenko's reaction to the reduction in the payments that Mr Berezovsky was making to him that, as we have already seen, took place in early or mid 2006. What was Mr Litvinenko's reaction to the reduction in payments? Did the two men argue? Was Mr Litvinenko upset, and if so was he sufficiently upset to contemplate blackmailing his old friend?
- 5.37** I heard oral evidence from a number of those who were close to one or other of the two men, and who were well placed to report on the state of relations between them. Their evidence can be summarised as follows.

<sup>19</sup> [INQ001886](#) (pages 5-6)

<sup>20</sup> [INQ001788](#) (pages 21-22 paragraphs 127-128)

**5.38** Marina Litvinenko said that she had seen the reduction in Mr Berezovsky's payments in 2006 as an opportunity for their family to reduce its dependence on him. She said that Mr Litvinenko had been "*a little bit sad, emotional*," but her view was that Mr Litvinenko was upset at the thought that Mr Berezovsky did not need him anymore, rather than financial issues. She was very clear that the underlying friendship between her husband and Mr Berezovsky had not been broken.<sup>21</sup> She agreed with the proposition that Mr Litvinenko and Mr Berezovsky were close friends until Mr Litvinenko's death and added, "*I knew these two people have been very special to each other.*"<sup>22</sup> When asked whether she knew anything about Mr Litvinenko blackmailing Mr Berezovsky in October 2006, she said:

*"I don't believe it because I have no evidence during this time Sasha did like to blackmail Boris Berezovsky because particularly in October 2006, I didn't feel Sasha struggling about money and had any emotional problem at all."*<sup>23</sup>

**5.39** Mr Goldfarb's evidence on this issue was broadly consistent with that of Marina Litvinenko. On the first occasion that he gave evidence, he said that he had not been aware of any rift between the two men. While Mr Litvinenko had been "*a little grouchy*" about the reduction in payments, he would not have described him as upset. He added that he would have expected Mr Litvinenko to have told him, "*if he was really upset and thought it was unfair*", but that he had never done so.<sup>24</sup>

**5.40** When Mr Goldfarb returned to give evidence, he said that he did not even suspect that Mr Berezovsky might have been responsible for Mr Litvinenko's death. Regarding the relationship between the two men, he said:

*"There was, and it cannot be denied, some sort of a cooling off between them for a short period before Sasha was killed which was related to the reduction of his support, but... the support was reduced only marginally because Boris continued to pay for schooling and for the... house. And Sasha was naturally upset when his amount – the amount of money was reduced, but of course he expected that he would... be getting more money elsewhere, and he did not, so he was a little bit – financial strait, but it never, ever, would even occur to him to kind of confront Boris about that or accuse him of something, not to mention blackmail, no. So it's totally inconceivable."*<sup>25</sup>

**5.41** Mr Reilly's evidence on this issue was rather different. He recalled that there had been "*a big row*" between Mr Litvinenko and Mr Berezovsky in the late summer of 2006, which had resulted in them not speaking to each other for a time. However, he said that the row was not about money, but about Mr Berezovsky's failure to follow some advice that Mr Litvinenko had given him (and about which Mr Litvinenko had subsequently been proved correct). He also said that the two men had been reconciled by October 2006 (that being the time at which Mr Lugovoy claimed that Mr Litvinenko was planning to blackmail Mr Berezovsky).<sup>26</sup>

**5.42** Given the allegation of blackmail, it is also noteworthy that Mr Reilly immediately went on to describe Mr Litvinenko in the following terms:

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<sup>21</sup> [Marina Litvinenko 3/125-129](#)

<sup>22</sup> [Marina Litvinenko 4/110-111](#)

<sup>23</sup> [Marina Litvinenko 4/11](#) lines 11-15

<sup>24</sup> [Goldfarb 5/102-107](#)

<sup>25</sup> [Goldfarb 26/2-8](#)

<sup>26</sup> [Reilly 10/23-26](#)

*"I don't think naturally as a man he was particularly acquisitive at all, really. I think sufficiency was... the way he was. He... was never expressing views about buying Ferraris or Rolex watches or anything like that but I would imagine, though, that that... may have been affected simply by the Western world.... He was beginning to understand, unfortunately, the importance of money in a Western economy, but he was not avaricious and he was not spending money will-nilly."*<sup>27</sup>

- 5.43** Like Mr Reilly, Mr Attew understood that Mr Litvinenko had fallen out with Mr Berezovsky and then made up with him again in the period September to October 2006.<sup>28</sup>
- 5.44** Mr Tabunov, an acquaintance whom Mr Litvinenko met occasionally in central London, had a slightly different understanding of the position. He remembered Mr Litvinenko telling him that he had had enough of Mr Berezovsky and no longer wanted anything to do with him. His memory was that Mr Litvinenko had said that he no longer wanted or needed any payments from Mr Berezovsky, he did not want to be dependent on him, and was frustrated because there were always too many people around Mr Berezovsky to talk in private. In contrast to the evidence given by Mr Attew and Mr Reilly, Mr Tabunov did not remember Mr Litvinenko mentioning a reconciliation; but the two met relatively rarely, and Mr Tabunov indicated that Mr Berezovsky was not in any event a regular topic of conversation.<sup>29</sup>
- 5.45** Mr Shvets' evidence was that Mr Litvinenko had called him in June or July 2006 and told him that he had been "*fired*" by Mr Berezovsky, "*because of some intrigues*." Mr Shvets recalled Mr Litvinenko saying that he had had a stand up row with Mr Berezovsky, although he added that Litvinenko was an "*emotional person*" who would "*explode immediately and start yelling at anybody... but then cool down five minutes later*," and that he had been laughing when he recounted the episode to Mr Shvets. Although Mr Shvets said that Mr Litvinenko was not in the habit of bearing grudges for very long, he did not remember Mr Litvinenko ever telling him about any subsequent meetings or communications with Mr Berezovsky. He added, though, that he could not imagine Mr Litvinenko ever threatening Mr Berezovsky. He said, "*They were so closely connected for many years that I can't imagine Sasha threatening Boris Berezovsky with anything.*"<sup>30</sup>
- 5.46** Mr Bukovsky's memory was that Mr Litvinenko argued over politics and also practical matters, in particular Mr Berezovsky's failure to accept Mr Litvinenko's advice on security matters. But he said that there had been no personal quarrel between the two men, and that the friendship between them had remained intact throughout.<sup>31</sup>
- 5.47** I also heard evidence on this point from two of Mr Berezovsky's employees – Mr Voronkov, his office manager, and Mr Cotlick, Mr Berezovsky's personal assistant.
- 5.48** Mr Cotlick had been aware from discussions with Mr Litvinenko that his regular payments had been cut, but said that this was not the type of matter that he would expect Mr Berezovsky to tell him about. As to Mr Litvinenko's reaction, he said: "*I can't say that he was pleased with the fact that his salary was reduced, but nobody would probably. At the same time I have never heard from him a bad word about Mr Berezovsky.*" He said that neither Mr Berezovsky nor Mr Litvinenko had ever said

<sup>27</sup> [Reilly 10/27-28](#)

<sup>28</sup> [Attew 13/23](#)

<sup>29</sup> [Tabunov 13/130-132](#)

<sup>30</sup> [Shvets 24/56-58](#)

<sup>31</sup> [Bukovsky 26/91-92](#)

anything to him about blackmail, nor was he aware of any other evidence to support the allegation against Mr Litvinenko. In his mind, the matter amounted to no more than press speculation.<sup>32</sup>

**5.49** Mr Voronkov was unaware of any dispute between Mr Berezovsky and Mr Litvinenko, although he said that he would not have expected Mr Berezovsky to discuss such matters with him. What he was able to say was that he did not notice any change in the way that the two men behaved towards one another during this period.<sup>33</sup>

**5.50** In summary, I heard evidence on this issue from a wide range of those who were close to Mr Litvinenko and Mr Berezovsky during the second half of 2006. It seems clear that the level of the regular payments to Mr Litvinenko was reduced, and there is good evidence that he was unhappy about this. There is also good evidence that there was some sort of row between the two men during this period, but much less evidence that the row was about the reduction in payments. Some of those who thought there had been a row also thought there had been a reconciliation. There was strong evidence that whatever row may have taken place, it had not affected the underlying friendship between Mr Litvinenko and Mr Berezovsky. None of the witnesses offered any support to the allegation that Mr Litvinenko either had been blackmailing Mr Berezovsky, or had been planning to do so.

**5.51** I would add that both Mr Litvinenko and Mr Berezovsky left substantial quantities of written evidence in the form of various witness statements and transcripts of interviews. None of this material supports the suggestion that there had been a serious rift between the two men in the months before Mr Litvinenko's death, or indeed at any time. For example, in a statement given to the Metropolitan Police Service after Mr Litvinenko's death, Mr Berezovsky stated that the two men had "*continue[d] to have good relations*" after Mr Litvinenko had stopped working for him.<sup>34</sup> And there is nothing in the transcripts of Mr Litvinenko's interviews with Detective Inspector Hyatt to suggest that there had been a serious rift between him and Mr Berezovsky.

**5.52** This brings me to the evidence of Julia Svetlichnaya.

**5.53** The essential facts about Dr Svetlichnaya's contact with Mr Litvinenko are, I think, uncontroversial. The evidence that Dr Svetlichnaya gave in this regard may be summarised as follows:

- a. In 2006, Dr Svetlichnaya was a research student at the Centre for the Study of Democracy at Westminster University
- b. One of the subjects of Dr Svetlichnaya's research was the issue of Chechen identity. She wished in that connection to interview Akhmed Zakayev
- c. In order to arrange such an interview, Dr Svetlichnaya contacted Mr Berezovsky, whose phone number she had been given by a journalist. Mr Berezovsky said that he could not introduce her to Mr Zakayev, but he gave her contact details for Mr Litvinenko – who, he said, might introduce her to Mr Zakayev. Dr Svetlichnaya formed the impression that the intention was that Mr Litvinenko would vet her in order for a decision to be taken as to whether she should be allowed to interview Mr Zakayev

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<sup>32</sup> [Cotlick 25/41-47](#)

<sup>33</sup> [Voronkov 16/193-194](#)

<sup>34</sup> [INQ002895](#) (page 6)

d. Dr Svetlichnaya made contact with Mr Litvinenko in late March or early April 2006. They subsequently met six or seven times between the end of April and the end of May. The meetings took place in various locations, including itsu in Piccadilly, Hyde Park, Mr Litvinenko's house and the Park Lane Hilton Hotel. Mr Zakayev was present at the last meeting<sup>35</sup>

**5.54** There is one particular element of Dr Svetlichnaya's evidence that is of potential relevance to the issue of blackmail. Dr Svetlichnya was taken through this part of her evidence with some care when she gave oral testimony at the Inquiry. What she told me, in summary, was that during the course of her meetings with Mr Litvinenko, he said that he had plans to take action against a group of wealthy Russians. The intention that he expressed appeared to be to obtain secret files relating to these individuals and then to blackmail them. Dr Svetlichnaya told me that this was a recurring theme of their conversations.<sup>36</sup> She said that the expression used by Mr Litvinenko was that he would "*force them to share*", meaning their money – she also said that he mentioned blackmail, and that he also talked of selling sensitive information.<sup>37</sup> She said Mr Litvinenko talked of his intention to demand payment of US\$10,000 from each individual. Dr Svetlichnaya was asked what Mr Litvinenko had said about his intended targets and she replied, "*I can just quote him: bastards, bastards from the Kremlin, bastards like Abramovich. That kind of person.*"<sup>38</sup>

**5.55** I emphasise at this stage that I have taken into account only the evidence that Dr Svetlichnaya gave to me orally. Although there are a number of newspaper articles in evidence that purport to give her account of her meetings with Mr Litvinenko, I have disregarded them as it became clear when she gave evidence before me that those articles misrepresent her account in significant respects.

**5.56** The view that I have taken is that Dr Svetlichnaya's evidence does not assist me in reaching my conclusions about Mr Litvinenko's death. I have taken that view for the following reasons.

**5.57** First, the principal allegation that has been raised – by Mr Lugovoy – is that Mr Litvinenko may have been blackmailing Mr Berezovsky. Dr Svetlichnaya did not say that Mr Litvinenko mentioned Mr Berezovsky as one of the intended targets of his "*force to share*" plans, and moreover the description of his intended targets that he did give to Dr Svetlichnaya – "*bastards from the Kremlin*" – would not appear to have included Mr Berezovsky.

**5.58** Second, although on Dr Svetlichnaya's account Mr Litvinenko was clearly describing some sort of blackmail plans, those plans would appear still to have been at an early stage only weeks before he became ill. Dr Svetlichnaya did not suggest that Mr Litvinenko told her that he had actually implemented any of these plans, or that he had even started to implement them.

<sup>35</sup> [Svetlichnaya 25/82-98](#)

<sup>36</sup> [Svetlichnaya 25/105](#)

<sup>37</sup> [Svetlichnaya 25/102-104; 25/116](#)

<sup>38</sup> [Svetlichnaya 25/103-104](#)

## Chapter 5: The Ivanov report

- 5.59** I observed at paragraphs 4.137 and 4.138 above that there was no particular reason to think that Mr Litvinenko's role in providing sensitive and damaging information in due diligence reports ever became known either to those who received the reports or to those who were affected by them. That was because it was standard practice in the security industry to preserve the anonymity of sources such as Mr Litvinenko. It followed that – again, in general terms – there was no reason to think that the due diligence reports that Mr Litvinenko provided for the security companies in 2006 played any part in his death.
- 5.60** On the evidence that I have heard, however, there was one of Mr Litvinenko's reports to which this reasoning did not, or at least did not necessarily, apply.
- 5.61** The report in question was one of the reports that Mr Litvinenko and Mr Shvets prepared for Mr Attew. The subject of the report was a Russian politician and close ally of Mr Putin named Viktor Ivanov.
- 5.62** The basic facts relating to this report appear, from the evidence before me, to be as follows:
- a. The Ivanov report was one of a series of reports commissioned from Mr Litvinenko by Mr Attew in about August or September 2006. Mr Attew was unable to remember whether or not the report was the first that he had commissioned from Mr Litvinenko<sup>39</sup>
  - b. Mr Litvinenko initially gave Mr Attew a report on Mr Ivanov that was only a third of a page long. Mr Attew considered the report to be far below the standard he expected, and told Mr Litvinenko so. Mr Litvinenko told Mr Attew that the report had been drafted for him by Mr Lugovoy<sup>40</sup>
  - c. Mr Litvinenko then asked Mr Shvets to draft a report on Mr Ivanov. In response, Mr Shvets drafted an eight-page report. Some of the content of the report was information that Mr Shvets had been told by Mr Litvinenko<sup>41</sup>
  - d. Mr Shvets completed the report and emailed it to Mr Litvinenko on 19 September 2006<sup>42</sup>
  - e. A copy of the report is in evidence before me.<sup>43</sup> The report contains detailed and serious criticism both of Mr Ivanov and (as Mr Shvets observed) of Mr Putin.<sup>44</sup> Mr Attew described the report as "*extremely damaging*".<sup>45</sup> In summary:
    - (i) The report details Mr Ivanov's early career in the Committee for State Security (KGB). It notes that he served in Afghanistan and in the human resources department, and asserts that these postings indicate that he was considered to be an underachiever and a "*failure*"

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<sup>39</sup> [Attew 13/25-27](#)

<sup>40</sup> [Attew 13/27-28](#)

<sup>41</sup> [Shvets 24/65](#)

<sup>42</sup> [Shvets 24/72](#)

<sup>43</sup> [INQ006481](#)

<sup>44</sup> [Shvets 24/81-82](#)

<sup>45</sup> [Attew 13/37](#)

- (ii) The report asserts that, whilst posted in St Petersburg (then Leningrad), Mr Ivanov set up businesses and deceived his KGB superiors that they were for operational purposes, whereas he was in fact running them as private ventures
- (iii) The report alleges that, during his time in St Petersburg, Mr Ivanov developed close links with the Tambovskaya criminal group and its leader Vladimir Kumarin. It asserts that, as a result of this "*murky business association*", Mr Ivanov acquired an interest in the St Petersburg seaport, which, it claimed, he still held at the date of the report
- (iv) The report asserts that Mr Ivanov was a protégé of Mr Putin, and that the careers of the two men were very closely connected. It asserts that Mr Putin was complicit in Mr Ivanov's dealings with "*gangsters*" in St Petersburg, and also that Mr Putin himself was involved in assisting a Colombian drugs cartel in a money laundering scheme
- e. On about 21 September, Mr Litvinenko told Mr Shvets that he had passed the report to the client, whom we know was Mr Attew<sup>46</sup>
- f. Mr Attew was very pleased with the second version of the report. He told me that he regarded it as being of "*exceptional*" quality, and he passed it to his clients<sup>47</sup>
- g. A few days later – Mr Shvets thought it was probably between 21 September and 30 September – Mr Litvinenko told Mr Shvets that a 'Russian source' of his had also produced a report on Mr Ivanov which the client had said was "*trash*". He added that he had passed a copy of Mr Shvets' report to the Russian source to show him how he should write his reports in future<sup>48</sup>
- h. Although Mr Litvinenko did not tell Mr Shvets, either at the time or at any time before his death, that this 'Russian source' was Mr Lugovoy,<sup>49</sup> there is very strong evidence to that effect. Mr Litvinenko did tell Mr Shvets that the Russian source had worked for Mr Berezovsky and had been imprisoned – that fits with Mr Lugovoy. He also, as I have said above, told Mr Shvets that this other source had prepared a report on Mr Ivanov that Mr Attew had rejected – that also fits with Mr Lugovoy, and Mr Attew stated in terms that he only received two Ivanov reports<sup>50</sup> – there is, in other words, no other candidate to whom Mr Litvinenko might have been referring. Finally, Mr Litvinenko told Mr Shvets that he had met the Russian source shortly before being taken ill.<sup>51</sup> Marina Litvinenko also gave evidence that she believed that Mr Litvinenko had shown the Shvets Ivanov report to Mr Lugovoy<sup>52</sup>
- i. Mr Attew's evidence was that the Shvets due diligence report on Mr Ivanov caused the collapse of the deal that his clients had been considering. He assumed that, as

<sup>46</sup> [Shvets 24/73](#)

<sup>47</sup> [Attew 13/41; 13/112](#)

<sup>48</sup> [Shvets 24/73](#)

<sup>49</sup> [Shvets 24/100](#)

<sup>50</sup> [Attew 13/104](#)

<sup>51</sup> [Shvets 24/102](#)

<sup>52</sup> [Marina Litvinenko 4/6](#)

a result, Mr Ivanov would have suffered significant financial losses.<sup>53</sup> Mr Shvets gave evidence to a similar effect<sup>54</sup>

- 5.63** The possibility that the Ivanov report may have found its way to the Kremlin via Mr Lugovoy, and that this may have been linked to Mr Litvinenko's death, was first aired in public by Mr Shvets in an interview broadcast by BBC Radio 4 in December 2006. A transcript of the interview is in evidence before me.<sup>55</sup> In the course of that interview, Mr Shvets described Mr Litvinenko giving the Ivanov report to Mr Lugovoy as having "*triggered the entire assassination of Sasha.*"
- 5.64** A similar theory was subsequently proposed in an article in the *Novaya Gazeta* dated 24 May 2007. That article suggested that the Ivanov report had come to the attention of the authorities in Russia after it had been found in Mr Lugovoy's possession when he was stopped and searched at Sheremetyevo Airport on his return to Moscow from London.<sup>56</sup>
- 5.65** Is it possible that the Ivanov report triggered Mr Litvinenko's killing, or at least had some connection with it? One obvious difficulty with this theory is that, on Mr Shvets' evidence, Mr Lugovoy only received the report a few weeks before what appears to have been the first attempt to poison Mr Litvinenko. Mr Shvets was asked about this, but was not shaken from his "*positive*" belief that the Ivanov report triggered an operation to murder Mr Litvinenko. His reasoning, as he explained it to me, was that such an operation could have been mounted quickly since the Russian security agencies already had access to, and experience in the use of, polonium, as well as inside knowledge of Mr Berezovsky's office, and Mr Lugovoy had easy access to Mr Litvinenko. He believed it to be credible, therefore, that the planning for Mr Litvinenko's poisoning had not started until September (and presumably, on his reasoning, the end of September) 2006.<sup>57</sup> He concluded:

*"... look, before Sasha was poisoned, he had lived in London for several years, and over this period, he was consistent in making statements, critical statements, against Putin... some of this criticism was very insulting, very personal, and still Sasha was alive. Nothing happened. He was alive and well. And suddenly he was poisoned. So it leads me to believe that we should be looking for something which happened shortly before he was poisoned. Something changed in his life-style shortly before he was poisoned, and what changes? It was the fact that he was fired by Boris Berezovsky, it was the fact that he got involved in other business activities, which leads to the report, et cetera."*<sup>58</sup>

- 5.66** In his oral closing submissions on behalf of Marina Litvinenko, Mr Emmerson QC described Mr Litvinenko's action in giving a copy of the Shvets Ivanov report to Mr Lugovoy as "*a fatal mistake*". Mr Emmerson suggested that a similar significance could be placed on the fact that Mr Lugovoy knew from his dealings at RISC that Mr Litvinenko had been tasked with investigating Mr Gordeyev, who was, in his words, "*a high-ranking official in the Russian government*". Mr Emmerson submitted that from the moment Mr Litvinenko gave Mr Lugovoy a copy of the Ivanov report:<sup>59</sup>

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<sup>53</sup> [Attew 13/112-113](#)

<sup>54</sup> [Shvets 24/79-80](#)

<sup>55</sup> [HMG000513](#)

<sup>56</sup> [INQ015674](#)

<sup>57</sup> [Shvets 24/82-84](#)

<sup>58</sup> [Shvets 24/84-85](#)

<sup>59</sup> [Emmerson 34/54; 34/59-60](#)

*"Lugovoy not only knew that Litvinenko had been tasked to produce a devastating report on Alexei Gordeyev, and that he had been tasked to produce a devastating report which implicated both Ivanov and Putin directly in organised crime, but he had a copy of the report in his hands. It can hardly be a coincidence... that two months later it was Lugovoy who was chosen to be the man to kill Mr Litvinenko. The direct and immediate link to Putin and the Kremlin is just too obvious to ignore."*

## Chapter 6: The murder of Anna Politkovskaya

- 5.67** Anna Politkovskaya was a Russian journalist on the *Novaya Gazeta* newspaper. She was a critic of President Putin – Professor Service described her as, “*a regular harrier of both Putin and Chechnya’s brutal ruler Ramzan Kadyrov*”.<sup>60</sup> I have already mentioned her on several occasions, for example in the reference to her investigations into the Moscow theatre siege (paragraph 4.38 above) and to her work on the War Crimes Commission established by Mr Zakayev (paragraph 4.56 above).
- 5.68** On the evidence that I have heard, Anna Politkovskaya and Mr Litvinenko were both campaigners who shared a cause and were also close friends.
- 5.69** It appears that Mr Litvinenko and Ms Politkovskaya first met in 2003 at court hearings in London relating to Mr Zakayev’s extradition.<sup>61</sup> Marina Litvinenko said that the two became friends, and that Ms Politkovskaya subsequently visited them “*once or twice*” in London.<sup>62</sup> Mr Goldfarb, who was himself a friend of Ms Politkovskaya, thought that the two had been “*very close*”; he said that they had “*a natural kinship as converts*”, Mr Litvinenko having been a KGB officer and Ms Politkovskaya’s father having been a senior Russian diplomat.<sup>63</sup>
- 5.70** I should add in this connection that I am aware of suggestions that have been made that Ms Politkovskaya did not trust Mr Litvinenko because of his FSB past (see *Putin’s Labyrinth* by Steve Levine, page 125). None of the witnesses who gave evidence before me mentioned this, but that does not of course mean that it is not true.
- 5.71** The relationship between the two was not purely social. I heard that they collaborated on investigative work, one example being their work together with regard to possible FSB involvement in the Moscow theatre siege.<sup>64</sup>
- 5.72** I also heard that Mr Litvinenko became very concerned for Ms Politkovskaya’s safety. Marina Litvinenko told me that Mr Litvinenko had urged Ms Politkovskaya to take advantage of her American citizenship and to “*go and write [her] articles in America*”; but she had refused. Mr Litvinenko had also given her personal security advice, “*how to feel safe if you went to your apartment, how to check if nobody is staying in a corner*”. In the end, Marina Litvinenko reflected, this advice had been insufficient, “*unfortunately, he couldn’t save her*”.<sup>65</sup>
- 5.73** Anna Politkovskaya was murdered by gunmen outside her Moscow apartment on 7 October 2006.
- 5.74** All of those who gave evidence to me on this subject were agreed that Mr Litvinenko was deeply affected by Ms Politkovskaya’s death. Marina Litvinenko recalled giving him the news, and said that, “*he was just broken down because for him it was absolutely devastating news*”.<sup>66</sup> Mr Quirke said that Mr Litvinenko had mentioned Ms Politkovskaya’s death to him, and that he had been upset about it, as well as

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<sup>60</sup> [INQ019146](#) (page 23 paragraph 73)

<sup>61</sup> [Marina Litvinenko 3/145](#); [Goldfarb 27/112](#)

<sup>62</sup> [Marina Litvinenko 3/145](#)

<sup>63</sup> [Goldfarb 5/127](#); [27/112](#)

<sup>64</sup> [Goldfarb 5/128](#)

<sup>65</sup> [Marina Litvinenko 3/146](#)

<sup>66</sup> [Marina Litvinenko 4/33](#)

being worried that “he could be next.”<sup>67</sup> Mr Attew told me that Mr Litvinenko had been “outraged” at Ms Politkovskaya’s death.<sup>68</sup>

- 5.75** Mr Litvinenko attended two events in London held in response to Ms Politkovskaya’s murder. The first was a memorial meeting held at Westminster on the afternoon of 13 October 2006; I will return to that meeting shortly.
- 5.76** The second of these events was a meeting at the Front Line Club in London on the evening of 19 October 2006. Marina Litvinenko said that she had been aware of the meeting at the time, but that she had not accompanied Mr Litvinenko to it.<sup>69</sup> Mr Zakayev told me that he had taken Mr Litvinenko to the meeting as his guest. He was one of the platform speakers. During the meeting, Mr Litvinenko made a short speech from the floor publicly accusing President Putin of being responsible for Anna Politkovskaya’s murder. A video recording of that speech was made, which was played to the Inquiry.<sup>70</sup> Mr Zakayev said that he “absolutely” agreed with what Mr Litvinenko had said, although he had not said so expressly in his own speech at the Front Line Club that evening because of the post that he then held as Minister of Foreign Affairs in the exiled Chechen government.
- 5.77** When Mr Zakayev was asked whether he thought that Mr Litvinenko’s outspokenness about Ms Politkovskaya’s death was linked in any way to his own death, Mr Zakayev replied; “We were on the same list, Anna Politkovskaya, Litvinenko and myself.”<sup>71</sup>

<sup>67</sup> [Quirke 11/64-66](#)

<sup>68</sup> [Attew 13/20](#)

<sup>69</sup> [Marina Litvinenko 4/38-42](#)

<sup>70</sup> [INQ017681](#) [video]

<sup>71</sup> [Zakayev 26/160-161](#)

## Chapter 7: British citizenship

- 5.78** I have referred above (at paragraph 3.98) to the strong sense of attachment that Mr Litvinenko demonstrated to his adopted nation. I mentioned Marina Litvinenko's evidence about her husband flying the flag of St George during the 2006 World Cup.
- 5.79** Mrs Litvinenko explained in evidence that the family became eligible for naturalisation as British citizens in 2006, and that they had submitted their applications during the summer of that year. The applications were granted and all three then attended a citizenship ceremony at Haringey Civic Centre. The ceremony took place on 13 October 2006.<sup>72</sup>
- 5.80** Several witnesses referred to Mr Litvinenko's delight at being granted British citizenship. Mr Attew, for example, recalled that Mr Litvinenko had come to his office "*elated at the fact that he was holding a British passport. He was British... he was extremely proud.*" He added that Mr Litvinenko ran next door to see Mr Reilly.<sup>73</sup> Mr Reilly described what was clearly the same occasion:

*"... he ran in one day when he was given his British passport, he just absolutely ran in, and threw it down on the desk and... wanted to go for a drink... He was delighted, he was over the moon, he was ecstatic, he was literally jumping up in my office, I was calming him down, I only had coffee to give him."*<sup>74</sup>

- 5.81** Mr Litvinenko himself expressed his feelings about his British citizenship towards the end of the last of his interviews with DI Hyatt. The relevant section of the transcript reads as follows:

*"I wouldn't like you to think that this is some, some kind of pompous political statement, but since all this happened I would like you to know very clearly what my position regarding this matter is. As you understand last month I was granted British Citizenship and I very much love this country, and its people, although unfortunately I haven't learnt the English language completely yet. I am proud to be able to say that I'm a British Citizen. Yes they did try to kill me and possibly I may die, but I will die, as a free person, and my son and wife are free people. And Britain is a great country. When after we were given asylum here I took my son to the Tower and I showed him the British crown, and I told him, 'Sonny, you must defend this country in future until the last drop of your blood,' and he said, 'Yes Dad'. I told him, 'Remember for the rest of your life this country saved us, and do everything whatever you might be able to do in order to defend this country.'"*<sup>75</sup>

- 5.82** When Anatoly Litvinenko gave evidence before me, he frankly admitted that although he could remember visiting the Tower with his father, he did not recall what his father had said to him on that occasion. But he confirmed that the words that I have quoted above were entirely consistent with what he knew of his father's feelings. He said:

*"... he would always go on about the integrity of this nation... the honesty and transparency with which judicial processes were carried out as well as the honesty*

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<sup>72</sup> [Marina Litvinenko 3/112-113](#)

<sup>73</sup> [Attew 13/21](#)

<sup>74</sup> [Reilly 10/21; Tabunov 13/128; Berezovsky 25/13-14](#)

<sup>75</sup> [INQ016652](#) (page 8)

*of the police and how deeply [this] contrasted with the regime under which he grew up and the system in which he served.*<sup>76</sup>

- 5.83** By coincidence, the British citizenship ceremony that the Litvinenko family attended at Haringey Civic Centre took place on the same day as the memorial meeting for Anna Politkovskaya at Westminster. Marina Litvinenko told me that she had gone home after the citizenship ceremony, but Mr Litvinenko had gone to the memorial at Westminster, taking Anatoly with him. She explained that Mr Litvinenko had felt it to be very important that he should go and pay tribute to Ms Politkovskaya.<sup>77</sup>
- 5.84** Mr Bukovsky and Mr Felshtinsky were also at Westminster for the memorial that afternoon. The evidence that they gave me about what Mr Litvinenko said to them there illuminates at least one of the reasons why he was so pleased with his British citizenship: it made him feel safer.
- 5.85** Mr Felshtinsky recalled that Mr Litvinenko said to him, “*I just received my citizenship, now they will not be able to touch me.*”<sup>78</sup>
- 5.86** Mr Bukovsky’s memory of that day was that Mr Litvinenko was, “*very pleased with getting British citizenship*”. He also remembered that Mr Litvinenko had asked him, “*it makes me more secure, doesn’t it, it protects me?*” Mr Bukovsky told me, “*I had to smile and say: well, not much, not really.*”<sup>79</sup>

<sup>76</sup> [Anatoly Litvinenko 4/134](#)

<sup>77</sup> [Marina Litvinenko 4/34](#)

<sup>78</sup> [Felshtinsky 23/169](#)

<sup>79</sup> [Bukovsky 26/99](#)

## Chapter 8: Alexander Litvinenko's state of mind in October 2006

- 5.87** I have already touched on some of the evidence that I received regarding Mr Litvinenko's state of mind in the weeks before he was taken ill. He was delighted, and excited, at having received his British citizenship. He was shocked and outraged at the murder of Anna Politkovskaya. At least in the view of some of those around him, her death had made him more anxious for his own safety,<sup>80</sup> perhaps compounding fears that he already entertained regarding the 2006 laws. That said, as Mr Bukovsky observed, Mr Litvinenko had become used to living with risk, "*he definitely was aware [of risk] all the time*".<sup>81</sup>
- 5.88** It has been suggested that Mr Litvinenko may have taken his own life. This raises a host of questions, which I will address when I come to reach my overall conclusions. One issue that is obviously raised, however, and on which I heard evidence, is whether Mr Litvinenko was suicidal in the days and weeks before 1 November 2006. The evidence I heard on this issue was entirely consistent. He was not.
- 5.89** Marina Litvinenko gave evidence that her husband was busy and active during this period. He was not depressed. In all the time that they had been together, she had not known him to be suicidal for a single day. She told me that she was absolutely sure that Mr Litvinenko had never thought of committing suicide.<sup>82</sup>
- 5.90** Mr Reilly said that the idea that Mr Litvinenko may have committed suicide was "*utter nonsense*". He explained this view in the following terms:
- "Everything to live for, happy marriage, very fond of his son, British citizenship, he'd made the leap from [Russia]. Opportunities ahead of him. And although he'd had a row with Berezovsky, that seemed to have resolved itself. I think the state of Russia genuinely upset him, and the corruption and the rest of it... So he was still quite, I have to say bitter about that, but I would say quite the opposite of committing suicide; it was to stay alive long enough to nail some people, if he could, legitimately."*<sup>83</sup>

- 5.91** Mr Goldfarb, Mr Attew and Mr Tabunov expressed views to a similar effect.<sup>84</sup>
- 5.92** I will, as I have said, address the issue of possible suicide when I come to reach my final conclusions. But it can be said that none of Mr Litvinenko's friends and family who gave evidence provided any support at all for this theory. They were the ones who knew him, who were around him during the days and weeks before he fell ill, and none of them gave any credence to this idea.

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<sup>80</sup> [Quirke 11/65-66](#)

<sup>81</sup> [Bukovsky 26/99](#)

<sup>82</sup> [Marina Litvinenko 4/45-46; 4/78-79](#)

<sup>83</sup> [Reilly 10/29-30](#)

<sup>84</sup> [Goldfarb 5/132; Attew 13/22; Tabunov 13/139-140](#)

## Part 6: The polonium trail – events in October and November 2006

### Chapter 1: Introduction

- 6.1 The police officers investigating Alexander Litvinenko's death painstakingly pieced together the last weeks of his life. In doing so, they employed standard techniques such as interviewing Mr Litvinenko's friends and associates, investigating the movements of persons of interest, interrogating telephone records and seizing and viewing closed circuit television (CCTV) footage. The material obtained in this way has all been made available to me, and a large amount of it has been put in evidence.
- 6.2 One task that the police undertook was to compile a schedule of all telephone calls made to and from individuals considered to be of relevance to this Inquiry during the period June to November 2006. I adduced this (lengthy) document into evidence, and will refer to it hereafter as '*the telephone schedule*'.<sup>1</sup>
- 6.3 But in addition to such conventional sources of evidence, it became apparent that there was a highly unusual, in fact unprecedented, line of inquiry to be followed.
- 6.4 Forensic scientists were sent to conduct tests for alpha radiation at a series of locations across London and, subsequently, beyond. The results demonstrated widespread radioactive contamination at locations that had been linked to Mr Lugovoy, Mr Kovtun and Mr Litvinenko in a period of a little over two weeks from mid October until the onset of Mr Litvinenko's fatal illness in early November.
- 6.5 In this Part of the Report, I propose to set out the narrative of events during that period. In doing so I shall refer not only to the extensive witness and documentary evidence that has been adduced, but also to the body of evidence arising from the testing for radioactive contamination – the evidence that has become popularly known as 'the polonium trail'.

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<sup>1</sup> In fact, there are two versions of the telephone schedule in evidence: the original schedule, [INQ017809](#); and a subsequent slightly more detailed schedule covering only the dates 31 October 2006 to 3 November 2006, [INQ020044](#)

## Chapter 2: Introduction to the scientific evidence

- 6.6** I have referred above to the discovery of traces of polonium 210 in Mr Litvinenko's urine shortly before he died, and the subsequent tests that were carried out on his body after his death, which indicated that he had died as a result of ingesting polonium some weeks before his death.
- 6.7** This Part of the Report is concerned with a different series of tests – tests that were conducted not on Mr Litvinenko's body, but at a series of locations. Some were associated with Mr Litvinenko, others with Mr Lugovoy and Mr Kovtun. Some of the most significant results were found at locations associated with all three.
- 6.8** The monitoring of the scenes for contamination was a highly complex task. As various sites were identified as having been contaminated in the days and weeks following Mr Litvinenko's death – hotel rooms, restaurants, aircraft, offices – the police were faced with competing requirements, on the one hand to clean up the sites in the interests of public safety, but, on the other hand, to obtain forensic evidence of the contamination for the purposes of their investigation. Detective Inspector (DI) Mascall said that the task that faced the police and the forensic scientists in this respect was unprecedented, certainly in the United Kingdom (UK). In the course of his evidence he explained the system of sequential testing that was adopted involving the police, scientists from the Atomic Weapons Establishment (AWE) and scientists from the Health Protection Agency (HPA).<sup>2</sup>
- 6.9** Witness A1 was one of the principal scientific experts who gave evidence to the Inquiry. She is an expert in nuclear physics who spent 34 years working for the AWE in Aldermaston; she now works for another nuclear establishment in the UK. Of particular relevance to the Inquiry, A1 recently held the post of Manager of Nuclear Forensics at AWE. As will become apparent, A1 provided detailed and lengthy written evidence for the Inquiry (including the 'contamination schedule' to which I refer below), and also attended to give oral evidence on two occasions. I am most grateful for the assistance that A1 has provided to the Inquiry.<sup>3</sup>
- 6.10** A1 gave evidence as to the means by which the testing was undertaken. Tests in the field were conducted using alpha detectors. This equipment had the advantage of being portable and was capable of detecting the presence and, where present, the approximate strength of alpha radiation. Where significant findings were made, swabs were taken with filter papers, which were then sent to the laboratory to be analysed using more sophisticated spectrometry equipment.<sup>4</sup>
- 6.11** The first and most basic question was whether the alpha radiation found at the various scenes had indeed been caused by contamination with polonium 210, as opposed to any other radionuclide (for example, uranium 232, which has an alpha output indistinguishable from that of polonium 210). A1 stated that in the light of laboratory tests using both alpha and gamma spectrometry, she was absolutely confident in the conclusion that the alpha radiation discovered at the multiple scenes had been caused by polonium 210.<sup>5</sup>

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<sup>2</sup> Mascall 9/68-70

<sup>3</sup> A fuller description of A1's CV is at [2/101-104](#)

<sup>4</sup> A1 2/114

<sup>5</sup> A1 2/114-115

- 6.12** Beyond that finding, the principal questions that arose were, first, the level of each of the findings and, second, the inferences that could be drawn from the results.
- 6.13** In order to provide an evidential basis for assessing these questions, a schedule was compiled containing all the results of all the testing that had been conducted at the scenes that were relevant to the investigation. I admitted this document – which was referred to during the course of the hearings as “*the contamination schedule*” into evidence.<sup>6</sup> It is an extremely long document, running to over 260 pages. In common with almost all the documents that I have admitted into evidence, the contamination schedule is available on the Inquiry website. The schedule contains very much more detail regarding the testing results than is included in this Report; those wishing to analyse this part of the evidence in more depth will find it an invaluable tool.
- 6.14** A1 gave oral evidence twice: on Day 2 and Day 20. On the second occasion she was asked to express an opinion as to inferences that could be drawn from each of the readings, in particular those in the higher range. Broadly speaking, A1 divided the readings into two categories.
- 6.15** A1 categorised a small number of the very highest readings as indicating a site of primary contamination, a term that she defined for these purposes as, “*the contamination that has come from the main source of material*”. In practical terms, A1 agreed that the term referred to the first point of contamination – for example, where a solution containing polonium 210 had been directly applied to a surface.<sup>7</sup>
- 6.16** The other category, referred to during the hearings as secondary or transferred contamination, comprised sites where the contamination had been caused not as a result of exposure to the main source of material – i.e. polonium 210 – but rather as a result of the transfer of contamination, either directly or indirectly from a site of primary contamination. A1 explained that there was: “*a range of ways in which the contamination from the original source can be transferred so that could potentially be on somebody’s hand, by somebody’s foot, et cetera*”.<sup>8</sup> She also stated that:
- “*... the transfer of polonium from primary contamination areas to other areas is dependent upon the physical and chemical properties of polonium and the surface of the materials on which it is deposited. The amount of contamination transferred is dependent upon the amount of original activity present on each successive surface to which it is transferred.*”<sup>9</sup>
- 6.17** One important feature of the forensic testing in this case was that it was conducted some weeks after the dates on which the contamination appears to have taken place. As will be seen from the contamination schedule, most of the testing was undertaken during December 2006. On the assumption that the contamination occurred in late October and early November 2006, in each case there was a gap of several weeks between the date of contamination and the date of testing.
- 6.18** A1 explained that this delay caused the readings to be lower than they would have been at the time of contamination. First, in each case the level of alpha radiation being emitted will have decreased during the intervening period as a result of the rapid radioactive decay that is characteristic of polonium. Second, in some cases

<sup>6</sup> INQ017934

<sup>7</sup> A1 2/149-150

<sup>8</sup> A1 2/150

<sup>9</sup> A1 2/149

environmental conditions such as the cleaning of surfaces or (in the case of sinks, drains, etc) the effect of running water will have further reduced the readings, a point to which I shall return.

- 6.19** Finally for the purpose of this introduction, it should be noted that different considerations flow from positive and negative findings of contamination.
- 6.20** In the instances where contamination was detected in relation to a place or an object, there is a positive finding that calls for explanation. The existence of that positive finding is not affected by the fact that, for the reasons discussed above, the original level of contamination is likely to have been higher than that found.
- 6.21** The position is somewhat different where a location was tested without any positive findings of contamination being made. As we shall see, there were a number of these 'negative findings' during the course of the investigation. They included buses on which Mr Lugovoy and Mr Kovtun travelled, and also other buses on which Mr Litvinenko had travelled.
- 6.22** One explanation for such findings is that the person of interest was not contaminated at the time that he travelled on the bus. This is the counterpart to the conclusion drawn in the case of positive findings of contamination, i.e. that the person of interest was contaminated at the relevant time.
- 6.23** In the case of negative findings, however, there are other possibilities. One is that the person of interest was contaminated at the time, but that he did not contaminate the bus, perhaps because the journey was too short, and/or he did not sit down or touch anything. Another possibility is that the person of interest was contaminated at the time of travel and did contaminate the bus, but the contamination was no longer present at the time of testing, as a result of decay and/or environmental factors such as cleaning.
- 6.24** I therefore consider that the negative findings must be approached with caution. Given the different possible explanations for these test results, and without any means of determining which is the accurate explanation in any particular case, these results must generally be treated as being neutral. There is one possible exception to this general approach, to which I shall return below.

## Chapter 3: Dmitri Kovtun

- 6.25** Before commencing on this stage of the narrative, it is necessary to introduce another of the key figures in the events surrounding Mr Litvinenko's death – Dmitri Kovtun.
- 6.26** Mr Kovtun is, with Mr Lugovoy, wanted by the British authorities on suspicion of the murder of Mr Litvinenko. In common with Mr Lugovoy, a warrant has been issued for his arrest. Unsuccessful attempts have been made to extradite both men to the UK.
- 6.27** Mr Kovtun did not initially show any interest in taking part in these proceedings (unlike Mr Lugovoy, who was for a time represented as an interested person in the inquest). The attempts made by the Inquiry to contact Mr Kovtun in Russia and to seek his participation were met with silence. However, at the very end of the Inquiry's open hearings, Mr Kovtun wrote to the Solicitor to the Inquiry and said that he wished to give evidence. In keeping with my desire for this Inquiry to be as full as possible, arrangements were made to enable Mr Kovtun to give evidence. Closing submissions were put back, further hearings were arranged and video link facilities in Moscow were established. One of the requirements that I set for Mr Kovtun giving evidence was that he provide the Inquiry with a detailed written witness statement. He complied with this requirement. In the end, however, Mr Kovtun did not give oral evidence on the days that had been set aside for this purpose. The events leading to Mr Kovtun's decision not to give evidence were complicated, and I do not propose to go into them here. They are set out in observations that I made at the time.<sup>10</sup>
- 6.28** Although Mr Kovtun did not in the end give oral evidence and submit himself to questioning, there is a range of evidence available to me about his background and about his involvement in the events that led to Mr Litvinenko's death. Mr Kovtun has given his own account in a number of press interviews and also, as I have mentioned, in the statement that he provided to the Inquiry. And there are also other witnesses who have given evidence about Mr Kovtun.
- 6.29** Mr Kovtun was born in Moscow in 1965.<sup>11</sup> I received evidence from a number of sources that Mr Kovtun's father, like Mr Lugovoy's, had been a senior officer in the Russian military, and that the two men had known each other as children as a result of this connection. For example, in his June 2015 witness statement, Mr Kovtun stated:

*"I have known A.K. Lugovoy since 1978 or 1979. We lived in the same building where my family and his family were given flats at the same time. Our fathers were friends and worked together at the Army General HQ of the USSR Armed Forces. We were pupils at different schools – I am actually 1 year older than Lugovoy – but we spent a great deal of time together as children, visited each other, exchanged books, etc."*<sup>12</sup>

- 6.30** Mr Kovtun's statement goes on to assert that he attended the same military school as Mr Lugovoy for several years. He left in 1986 and joined the Russian army. He was posted first to Czechoslovakia and then to Parchim in what was then East Germany.
- 6.31** In 1991, while he was still posted in Parchim, Mr Kovtun married his first wife, who is now called Inna Hohne. Ms Hohne lives in Germany and did not respond to requests

<sup>10</sup> [Chairman 32/4-19](#)

<sup>11</sup> Mr Kovtun states that he is one year older than Mr Lugovoy in his 2 June 2015 witness statement [INQ021208](#) (page 6). There is evidence that Mr Lugovoy was born in 1966.

<sup>12</sup> [INQ021208](#) (page 6)

to give oral evidence to the Inquiry. I was able, however, to hear evidence about information that she provided to the German police in the course of their criminal investigations related to Mr Litvinenko's death.

- 6.32** Ms Hohne explained during those interviews that only a few months after she and Mr Kovtun had married, Mr Kovtun had discovered that his unit was being transferred to Chechnya. Ms Hohne did not wish to leave Germany and Mr Kovtun did not wish to leave her, or to go to fight in Chechnya. They therefore decided that Mr Kovtun would desert from the army and that they would go to West Germany and claim asylum. They implemented this plan in early 1992, secretly leaving the army base in Parchim and travelling together to Hamburg, where they claimed asylum.<sup>13</sup>
- 6.33** It would appear that life in Hamburg was not all that Mr Kovtun and Ms Hohne had hoped that it might be. Ms Hohne's evidence was that they were accommodated in a hostel for asylum seekers, and that shortly afterwards she and Mr Kovtun separated – she told the German investigators that, *"the reason amongst others was his escalating drunkenness."*<sup>14</sup>
- 6.34** Mr Kovtun stayed in Hamburg and in 1994 met Marina Wall, whom he married in 1996. I had available to me the transcripts of interviews that German investigators conducted following Mr Litvinenko's death with both Marina Wall and also with her mother, Dr Elenora Wall. As in the case of Ms Hohne, neither Ms Wall nor her mother responded to requests to appear before the Inquiry as a live witness (and, like Ms Hohne, I could not compel them to do so because they are out of the jurisdiction), but I did adduce in evidence the accounts that they had given when they were interviewed in Germany.
- 6.35** In the account that she gave to German investigators, Marina Wall described how Mr Kovtun lived with her in Hamburg from the time of their marriage in 1996 until he moved back to Moscow in 2003. She said that they had in fact separated in the previous year; 2002.<sup>15</sup> The evidence was that Mr Kovtun did not have any stable employment during the entire ten years or so that he was in Hamburg. He lived off social benefits, with occasional work as a waiter, washing dishes and as a refuse collector.<sup>16</sup> One of the restaurants where Mr Kovtun worked in Hamburg was called Il Porto. As I shall come to describe, Mr Kovtun was in contact with some of the men with whom he had worked at that restaurant in the days before he met Mr Litvinenko in the Pine Bar of the Millennium Hotel.
- 6.36** As I have mentioned, Inna Hohne and Marina Wall were interviewed by German investigators in the aftermath of Mr Litvinenko's death. By the time of the interviews, media reports had already raised the possibility that Mr Kovtun, who was described in some of the reports as a businessman in the oil and gas industry, may have had a hand in Mr Litvinenko's death.
- 6.37** The evidence that Mr Kovtun's two former wives gave to the German investigators about his character, and about his possible involvement in a murder, was remarkably consistent.
- 6.38** However, if the evidence of Inna Hohne and Marina Wall about Mr Kovtun's personality was remarkably similar, there was a striking dissonance between, on the one hand,

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<sup>13</sup> [Hohne 32/50-54; Marina Wall 32/56](#)

<sup>14</sup> [Hohne 32/51](#)

<sup>15</sup> [Marina Wall 32/55](#)

<sup>16</sup> [Mascall 8/78](#)

their joint evidence about him, and, on the other hand, the evidence – to which I shall come – suggesting that by the latter part of 2006 Mr Kovtun was both a successful businessman and a cold blooded killer. This was a tension that both women recognised.

**6.39** The following passages are taken from Inna Hohne's evidence:

*"Dmitry wanted to be a porno star. He never said anything about any brokerage deals or sales. I have now read his interview in Spiegel and have read that there was trade in gas and oil. I can only say that this has absolutely nothing to do with Dmitry."*<sup>17</sup>

*"Dmitry is not particularly down to earth, more a man about town. He had all sorts of dreams and plans, none of which he realised, however."*<sup>18</sup>

*"He drank a lot, which was eventually the reason for our separation. ... I only lived together with him for a very short time. I do not know a great deal about him. I cannot imagine how Dmitry got involved in this affair. He is not really the type for this, not the sort of person who does big deals or is suited in any way to this. I know Dmitry really as not a particularly reliable person. That is all I can say about this"*<sup>19</sup>

**6.40** Marina Wall said the following:

*"Every woman finds Dmitry charming. It is just he does not fancy working and he is not a family man. He is more of a man about town. That is why we were not suited..."*<sup>20</sup>

*"I looked on the internet and found out Litvinenko is supposed to have been poisoned with thallium. I then read that Litvinenko had met two businessmen in a hotel. They are said to have been Lugovoy and Dmitry. My first thought was that I found this ridiculous and absurd. When I read that an agent was involved and then my husband, I could never imagine that. I mainly took care of our living expenses and dealt with all financial matters. He didn't even have an account."*<sup>21</sup>

When asked whether Mr Kovtun was skilled technically, for example with regard to computers, Marina Wall stated:

*"I had to do everything. I had to set up the letters on the computer. He was not able to do this. Dmitry was no handyman. He could not even bang a nail into the wall. Finally, I would like to say that it is beyond my power of imagination that Dmitry is an agent or a member of the secret service. I really cannot believe that for the life of me."*<sup>22</sup>

**6.41** Following the discovery of radioactive contamination in her flat, Marina Wall was also asked whether she could, "conceive that Dmitry brought any dangerous substances into your flat", and gave a very clear answer:

*"I really cannot imagine that he would put my children in danger. I am more inclined to believe that he was already ill himself or didn't know that."*<sup>23</sup>

<sup>17</sup> [Mascall 8/75](#)

<sup>18</sup> [Mascall 8/76](#)

<sup>19</sup> [Mascall 8/77](#)

<sup>20</sup> [Marina Wall 32/58](#)

<sup>21</sup> [Marina Wall 32/63](#)

<sup>22</sup> [Marina Wall 32/75](#)

<sup>23</sup> [Marina Wall 32/66-67](#)

If Mr Kovtun was handling or carrying polonium 210 at around this time, it does not of course follow that he knew precisely what the substance was, or about its qualities. It may be that he had not been told. A similar question arises with regard to Mr Lugovoy. I will return to this matter in due course.

- 6.42** The account given to German investigators by Marina Wall's mother, Elenora Wall, was to a similar effect. It appears that she remained close to Mr Kovtun after his return to Moscow in 2003. She said that still in 2006, Mr Kovtun was:

*"... always very modest. He only had a few clothes. Money and he did not go together. That is how we know him... Dmitry is not the person who takes a step forward in order to carry out big deals."*<sup>24</sup>

She added:

*"Dmitry is not a brutal person who kills people. No member of the KGB would have put poison in Dmitry's hands. He is a very soft person. He isn't a businessman, he is a philosopher. I do not believe that he knew when he visited us that he was giving off radioactivity. He was just as he always was. He would not have come if he had known that."*<sup>25</sup>

- 6.43** Finally, Elenora Wall also said something about what Mr Kovtun told her when he had become ill following Mr Litvinenko's death. She said:

*"He told me that he had probably got some of the poison which killed Litvinenko. He said word for word, 'Those arseholes have probably poisoned us all'."*<sup>26</sup>

She added that he had not explained the identity of the "arseholes" to whom he had referred.

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<sup>24</sup> [Elenora Wall 32/77](#)

<sup>25</sup> [Elenora Wall 32/79-80](#)

<sup>26</sup> [Elenora Wall 32/81](#)

## Chapter 4: Visa applications

- 6.44** The first of the journeys to London with which this Part is concerned was that made by Mr Lugovoy and Mr Kovtun between 16 and 18 October 2006. This was to be Mr Kovtun's first trip to the UK, and he therefore needed to apply for a visa. As I have mentioned, Mr Lugovoy had made several visits to London in the preceding months and years. As it happened, his previous UK visa had expired earlier in 2006 and he applied for a further visa in May 2006.
- 6.45** Both Mr Lugovoy and Mr Kovtun made their applications in writing to the British Embassy in Moscow. The applications were considered by two different British entry clearance officers posted to the Embassy. I heard oral evidence from both.

### Visa application by Mr Lugovoy

- 6.46** Mr Lugovoy's visa application form was dated 23 May 2006.<sup>27</sup> Evidence about the form (which was completed in Russian) and the procedure by which the application was considered was given by Mr Nigel Moughton, who was at the time in question an entry clearance officer at the British Embassy in Moscow.<sup>28</sup>
- 6.47** Mr Moughton explained that Mr Lugovoy's application was for a tourist visa (section 5.3 of the form); the form further stated that Mr Lugovoy wished to travel to the UK on 31 May for eight days. Evidence of the booking at the hotel in London at which Mr Lugovoy intended to stay on this trip was attached to the form.
- 6.48** Mr Moughton gave evidence about the checks that would have been undertaken in relation to the application after it had arrived at the Embassy. He said that Mr Lugovoy's name would have been checked against a 'Warnings Index' to make sure, as he put it, "*that the person is not of interest to a multitude of government agencies*".<sup>29</sup> This check was completed on this occasion, and the result recorded was that Mr Lugovoy had 'No Trace' on the Warnings Index.
- 6.49** Mr Moughton stated that the form was then subject to a number of further checks by local staff. It was at this stage that a query was raised by an entry clearance officer other than Mr Moughton in respect of Mr Lugovoy's application, namely that Mr Lugovoy had travelled on eight occasions under his previous six month visa. Mr Moughton explained that he had not been involved at this stage; his understanding was that the volume of Mr Lugovoy's previous travel was considered to be unusual and to require an explanation.
- 6.50** Mr Lugovoy was accordingly telephoned and asked why he had used his last visa eight times, and what he had been doing in the UK on those occasions. There is a manuscript note of the telephone conversation.<sup>30</sup> Mr Lugovoy is recorded as saying that:

*"he has travelled to the UK purely for holidays because he has friends there (Aleksander Litvinenko) and he likes the UK. He travelled either alone or with his wife."*

<sup>27</sup> [INQ006201](#)

<sup>28</sup> [Moughton 8/94-116](#)

<sup>29</sup> [Moughton 8/102](#)

<sup>30</sup> [INQ006201](#) (page 15)

- 6.51** Mr Moughton's evidence was that this manuscript note would have been passed back to the entry clearance officer then considering the application. It would appear that the explanation did not entirely satisfy that official, since Mr Lugovoy was then asked to attend for interview.
- 6.52** The interview took place on 6 June 2006. Mr Moughton was one of those assigned to conduct interviews that day, and he interviewed Mr Lugovoy, with the assistance of an interpreter. The interview was short and there is a transcript amongst the papers attached to the application form. Mr Lugovoy confirmed the accuracy of the form. Mr Moughton asked him again what he had been doing on his eight visits to the UK in the previous six months and Mr Lugovoy's answer is recorded as "*Travel holiday*".
- 6.53** Mr Moughton saw no reason to refuse Mr Lugovoy's application and therefore granted him a further six month visa. It was this visa that Mr Lugovoy used on his visits to the UK in October and November 2006.
- 6.54** There are a few short points to be made about this episode.
- 6.55** First, Mr Lugovoy gave Mr Litvinenko's name as a contact in the UK and this was recorded on the papers. From this time if not from earlier, there was express evidence of a link between the two men.
- 6.56** Second, Mr Lugovoy was recorded as a 'No Trace' on the Warnings Index notwithstanding his previous employment in the Committee for State Security (KGB) and in the Federal Protection Service (FPS). Mr Moughton made it clear that, had he known of these matters, they might have influenced the questions that he asked at interview.<sup>31</sup>
- 6.57** These points might have been relevant to the issue of preventability – i.e. whether UK authorities might have done more to protect Mr Litvinenko's safety. However, that issue was expressly excluded from the Terms of Reference (see Appendix 2) as a consequence of my ruling of 17 May 2013 given in the course of the inquest proceedings to the effect that there was no material within the documents that I had then considered to suggest that at any material time Mr Litvinenko was or ought to have been assessed by the UK authorities as being at a real and immediate threat to his life.

## Visa application by Mr Kovtun

- 6.58** Mr Kovtun's application for a UK visa was dated 2 October 2006.<sup>32</sup>
- 6.59** The official at the British Embassy in Moscow who considered Mr Kovtun's application was Mr Fitzgerald. I heard oral evidence from him,<sup>33</sup> and have also admitted into evidence a statement that he gave to the Metropolitan Police Service.<sup>34</sup>
- 6.60** In contrast to the procedure that had been followed regarding Mr Lugovoy's visa application earlier in the year, Mr Fitzgerald saw no need to interview Mr Kovtun. His evidence was that he granted the visa on the day that the application form was received at the Embassy – 5 October 2006.

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<sup>31</sup> [Moughton 8/115-116](#)

<sup>32</sup> [INQ006218](#)

<sup>33</sup> [Fitzgerald 8/116-123](#)

<sup>34</sup> [INQ002858](#)

- 6.61** In further contrast to Mr Lugovoy's application, Mr Kovtun applied for a business visa. Mr Kovtun described himself in his application form as the general director of a Russian company named Global Project Ltd and asserted that he had a monthly income of 65,000 roubles. He named a British company called Continental Petroleum Ltd (CPL) as his contact in the UK, and attached to his form a letter from the Chairman of CPL, named Mr Balfour, which was addressed to the British Embassy in Moscow.<sup>35</sup> In his letter Mr Balfour requested that Mr Kovtun be granted an entry visa. The letter confirmed that Global Project Ltd had been founded in 2003 and that Mr Kovtun had been general director of the company since 5 December 2003. It added that, *"the company provides consulting services in development of Russian oil and gas markets."*
- 6.62** The contents of Mr Kovtun's visa application form and the letter from Mr Balfour raise for the first time a number of related issues concerning Mr Kovtun. Was his supposed successful business career in Russia genuine? Did he work with CPL? Did he have genuine business reasons for travelling to London in October and early November 2006?
- 6.63** I heard evidence from a number of witnesses on these matters which I will detail in due course. It may, however, assist if at this stage I identify the issues in a little more detail and give some preliminary views in relation to them:
- a. There is no evidence, other than that emanating from Mr Lugovoy and from Mr Kovtun himself, that Mr Kovtun was a wealthy and successful businessman in 2006. As I have explained in some detail above, at paragraphs 6.35 – 6.40, the evidence of Inna Hohne and of Marina and Elenora Wall was strongly inconsistent with such a suggestion. Further, as we shall see, it is a striking feature of the evidence relating to his activities in October and November 2006 that Mr Kovtun did not appear to live the lifestyle of a rich businessman. He did not pay for drinks or meals in London, and the evidence is that he had to ask his ex-wife's boyfriend to pay for his flight from Hamburg to London because he did not have a credit card
  - b. There is, on the other hand, plenty of evidence to demonstrate the existence of a business relationship between CPL and Mr Lugovoy. Witnesses such as Dr Shadrin and Mr Voronoff, to whom I shall return, attested to this
  - c. It was also apparent from the evidence of these and other witnesses that Mr Lugovoy drew Mr Kovtun into his work with CPL. I shall return to the detail of this evidence in due course
  - d. Perhaps the most important issue in this regard is whether Mr Kovtun's business dealings with CPL (or for that matter any other companies) provide a sufficient explanation for his two trips to London in October and November 2006. On this issue, as we shall see, there are discrepancies between the evidence of Mr Kovtun on the one hand and Dr Shadrin on the other
- 6.64** Another notable feature of Mr Kovtun's visa application was its timing in relation to other events. As Mr Horwell QC observed in his closing submissions,<sup>36</sup> it is striking that the bookings for Mr Lugovoy's and Mr Kovtun's flights to London on 16 October and the bookings for their hotel rooms on that trip were made a few days after Mr Kovtun's

<sup>35</sup> [INQ006218](#) (page 15)

<sup>36</sup> [Horwell 33/24](#)

visa was issued on 5 October.<sup>37</sup> It would appear to be a reasonable inference from this sequence, as Mr Horwell suggested, that Mr Kovtun's presence on the trip was deemed essential, or at least very important. The question that I will need to address is why Mr Kovtun's presence on this trip was apparently considered to be so desirable. Was it, as his visa application form asserted, for business reasons? Or were there other reasons for Mr Kovtun accompanying Mr Lugovoy to London?

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<sup>37</sup> The hotel bookings were made on 7 October ([Krgo 9/51-52](#)) and the flight bookings were made on 9 October; [Mascall 9/4-5](#); [COM00199001](#) (pages 4-5)

## Chapter 5: Events in London 16-18 October

- 6.65** Mr Lugovoy and Mr Kovtun flew from Moscow to London Gatwick on the morning of Monday 16 October 2006. They stayed for two nights, returning to Moscow on Wednesday 18 October. The two men attended business meetings with Mr Litvinenko during the day on both 16 and 17 October, and went out with him for dinner on the evening of 17 October. For Mr Lugovoy, this was the latest in a series of visits to London during which he met Mr Litvinenko. For Mr Kovtun, by contrast, this was his first trip to London and also the first time he had met Mr Litvinenko.
- 6.66** Monday 16 October 2006 was just over a week after Anna Politkovskaya had been murdered in Moscow, on Saturday 7 October. The day on which Mr Litvinenko had attended his citizenship ceremony, and then gone on to the memorial service for Ms Politkovskaya, had been at the end of the previous week – Friday 13 October.

### Arrival in London

- 6.67** Mr Lugovoy and Mr Kovtun flew into Gatwick on the morning of 16 October aboard Transaero flight UN333. The flight arrived at 10.48am. The registration number of the aircraft that made the flight that morning was EI-DDK.
- 6.68** In contrast to all bar one of the other aircraft on which Mr Lugovoy and Mr Kovtun flew during this period, EI-DDK was never tested for radiation by the UK authorities. I heard detailed evidence as to the reasons for this. Put very shortly, a request was made by the Metropolitan Police Service to test the aircraft. The aircraft was not made available and the police believed that the request had been deliberately frustrated by the Russian authorities. At the same time, the Russian authorities announced that they had tested the plane and found it free of contamination, although considerable doubt was subsequently cast on those results.
- 6.69** These events took place in early December 2006, at the very start of the police investigation. They involved a number of different parties, both in the UK and in Russia. DI Mascall gave evidence about these matters.<sup>38</sup> In summary:
- a. The Metropolitan Police Service decided on 30 November 2006 that both the plane on which Mr Lugovoy and Mr Kovtun had flown to London on 16 October (EI-DDK) and the plane on which they had returned to Moscow on 18 October (EI-DNM) should be tested for contamination. Both aircraft were operated by the Russian airline Transaero
  - b. On 1 December 2006, an official at the British Embassy in Moscow named Mr Knott notified both the Russian authorities and Transaero of the concern as to possible contamination of the aircraft, and of the advice that they should be tested before they next flew<sup>39</sup>
  - c. On the same day, Mr Knott was informed both by officials in the office of Mr Gennadiy Onishchenko, the then Russian Chief Public Health Officer, and by Mr Alexander Tarrenets, the Deputy Director of Security for Transaero, that

<sup>38</sup> [Mascall 9/4-37](#)

<sup>39</sup> [Mascall 9/9-10](#)

- both planes had in fact already been tested and that no contamination had been found<sup>40</sup>
- d. In fact, aircraft EI-DNM flew into Heathrow on that day, 1 December 2006, and was tested for contamination by AWE scientists. They discovered secondary alpha radiation contamination in the area of the seats on which Mr Kovtun and Mr Lugovoy had sat on the flight on 18 October<sup>41</sup>
  - e. These findings were, clearly, in complete contrast to the communications that were being received on the same day both from the airline and from the Russian government to the effect that EI-DNM had been checked and was free of contamination
  - f. EI-DDK was in fact scheduled to fly to London on the next day, 2 December. That flight, however, was cancelled. Transaero explained at the time that the cancellation was due to disruption to their scheduling caused by the testing of EI-DNM in London<sup>42</sup>
  - g. It appears that EI-DDK did not in fact return to the UK for some time after that, and that it was never tested by UK authorities<sup>43</sup>

Some seven years later, in 2013, the Investigative Committee of the Russian Federation (ICRF) made a disclosure of documents to me in what were then the inquest proceedings into Mr Litvinenko's death. The documents purported to be records of the testing of both aircraft in Russia.<sup>44</sup> DI Mascall stated in evidence that these documents had never been formally provided to the Metropolitan Police Service, and that he saw them for the first time in 2013.<sup>45</sup> Although the effect of these documents is not entirely clear, they appear to indicate that the original Russian tests did reveal contamination on EI-DNM, but did not reveal any contamination on EI-DDK. If that is the effect of these documents, it is quite obviously inconsistent with what Mr Knott was told both by the Russian government and by Transaero in 2006.

**6.70** In summary, there is an inconsistency between the assertion made by the Russian authorities on 1 December 2006 that both planes had been tested and found to be clean, and the documents received in 2013 suggesting that the results of the Russian testing of one of the planes had been positive. There is also a conflict between the initial assertion by the Russians that EI-DNM was not contaminated, and the outcome of the tests conducted on that aircraft by AWE. Moreover, the delay of seven years in the production of the Russian test results remains unexplained. In the circumstances, I do not consider that any weight can be placed on what the Russian authorities have said about the testing of either of these aircraft, in particular the assertion that EI-DDK was tested and found to be clean.

**6.71** Mr Lugovoy and Mr Kovtun were transported from their aircraft to the terminal building by an airport bus. The bus that carried them was subsequently identified and tested, with no trace of contamination being found. There was evidence that the bus was regularly cleaned.<sup>46</sup> For the reasons that I have explained above, (in paragraphs

<sup>40</sup> [Mascall 9/11-12; 9/18-20; INQ019202](#)

<sup>41</sup> [Mascall 9/35-37](#)

<sup>42</sup> [Mascall 9/22](#)

<sup>43</sup> [Mascall 9/27](#)

<sup>44</sup> [COM00046001; COM00198001](#)

<sup>45</sup> [Mascall 9/27-28](#)

<sup>46</sup> [Mascall 9/65-66; 9/126](#)

6.21 – 6.24), in general terms I do not regard ‘negative’ evidence on this type of vehicle to be of any significance one way or the other.

**6.72** On their arrival in the terminal building that morning, Mr Lugovoy and Mr Kovtun were stopped and questioned by a policeman named Detective Constable (DC) Scott, who gave oral evidence at the Inquiry.

**6.73** DC Scott explained that he did not have any prior intelligence relating to either Mr Lugovoy or Mr Kovtun. He stopped them simply because he thought they might be of interest.<sup>47</sup> DC Scott’s file contained a photograph of the two men taken when they were stopped, timed at 11.34am.<sup>48</sup>

**6.74** DC Scott examined the two men’s travel documentation and asked about the purpose of their trip to the UK. He said that Mr Kovtun did not appear to be able to speak English, but that Mr Lugovoy could and answered the questions on behalf of them both. The men said that they were travelling for business. They gave a name that DC Scott wrote down as Mr ‘Shadray’, but which must have been a reference to Dr Shadrin. They also gave a phone number which DC Scott called – it was the offices at 58 Grosvenor Street of Dr Shadrin’s two companies, Continental Petroleum Limited and ECO3 Capital Limited. DC Scott was told by someone there that Mr Lugovoy and Mr Kovtun were visiting ECO3 Capital.

**6.75** It appeared from his evidence that DC Scott was uneasy about Mr Lugovoy and Mr Kovtun. He explained that the two men:

*“were very evasive as to why they were coming to the UK... as I asked them questions, they weren’t coming out with the answers that I wanted to hear or expected to hear. They were giving me very, very short answers, so there was no information in those answers.”<sup>49</sup>*

**6.76** Ultimately, however, once he had telephoned Dr Shadrin’s offices and completed his standard checks, DC Scott considered that he had no power to hold the two men any longer and therefore let them proceed.

**6.77** DC Scott estimated that the two men left him at about 11.50am.<sup>50</sup> It seems likely that they in fact left him a few minutes earlier, since the telephone schedule records Mr Lugovoy making calls on his mobile phone to Dr Shadrin and then to Mr Litvinenko at 11.45am and 11.46am respectively.<sup>51</sup>

**6.78** As we shall see, later on the same day Mr Lugovoy and Mr Kovtun met Mr Litvinenko and together attended a meeting with Mr Reilly. It seems reasonable to assume that Mr Lugovoy’s brief call to Mr Litvinenko at 11.46 that morning was about that meeting, particularly since the records show that Mr Litvinenko called Mr Reilly a few minutes later.<sup>52</sup>

**6.79** The meeting with Mr Reilly was to take place at 3.00pm. Prior to that, Mr Lugovoy and Mr Kovtun travelled into London and booked in at their hotel, the Best Western in Shaftesbury Avenue.

<sup>47</sup> [Scott 9/39](#)

<sup>48</sup> [INQ013787](#) (page 4)

<sup>49</sup> [Scott 9/43-44](#)

<sup>50</sup> [Scott 9/47](#)

<sup>51</sup> [INQ017809](#) (page 58)

<sup>52</sup> [Reilly 10/83](#)

- 6.80** DI Mascall explained that, despite extensive enquiries, the police had been unable to establish the means by which Mr Lugovoy and Mr Kovtun travelled from Gatwick to central London on 16 October.<sup>53</sup> It seems reasonable to assume, however, that the journey would have taken approximately an hour.
- 6.81** I heard evidence from Mr Krgo, who in 2006 was the House Manager of the Best Western Hotel in Shaftesbury Avenue. He said that he remembered “quite vividly” meeting Mr Lugovoy and Mr Kovtun on their arrival at the hotel on 16 October.<sup>54</sup>
- 6.82** Mr Krgo’s evidence was that the two men arrived at the hotel at between 9.00 and 9.30 in the morning. He thought that these timings had come from timed images from the hotel’s CCTV that he had viewed with the police.<sup>55</sup> I think that Mr Krgo was mistaken on both counts. There is clear evidence, as set out above, that Mr Lugovoy and Mr Kovtun’s flight was still in the air at 9.30am, and that they were still at Gatwick at 11.30am. Moreover, DI Mascall confirmed that, although the police did review the hotel CCTV system with Mr Krgo during their enquiries, the review established that the images for 16 October had already been automatically deleted by that time, so no footage of that day was ever seized.<sup>56</sup>
- 6.83** Mr Krgo also gave evidence that, following their arrival at the hotel, Mr Lugovoy and Mr Kovtun completed registration slips and a credit card was pre-authorised to cover any incidental costs. The credit card slip showed that that process had taken place at 12.51pm.<sup>57</sup> Although Mr Krgo thought that the credit card had been pre-authorised some time after their first arrival at the hotel, in light of the known timings set out above, I think it most likely that this process was in fact undertaken on their arrival, and therefore that Mr Lugovoy and Mr Kovtun arrived at the hotel shortly before 12.51pm.
- 6.84** Leaving timings to one side, Mr Krgo was confident as to the sequence of events following the arrival of the two men. When they first arrived, neither of their rooms was ready. They left their luggage in the storage room and left the hotel for an hour or so, apparently to go to a nearby café that Mr Krgo had recommended. When they returned one of their rooms was ready. That was number 107, which was Mr Lugovoy’s room. The two men then took their luggage up to that room, and got changed. They came down again about half an hour later and left the hotel. Mr Krgo did not see them again that day and it therefore seems likely that at this point they went to the meeting with Mr Litvinenko and Mr Reilly.<sup>58</sup>
- 6.85** Before turning to that meeting, it is necessary to address a submission that Mr Emmerson QC made in the course of his closing submissions. The general submission related to Russian State responsibility for Mr Litvinenko’s death and the source of the polonium apparently used to poison him. Those are matters to which I shall turn in due course. However, in developing this submission Mr Emmerson made a factual point that is relevant to this stage of the narrative. Put shortly, he contended that, on the assumption that Mr Lugovoy and Mr Kovtun had attempted to poison Mr Litvinenko with polonium during the 16 October meeting with Mr Reilly, they must have brought the polonium with them from Russia, since they had no opportunity to acquire it from any other source between the time that they arrived on that day at

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<sup>53</sup> [Mascall 9/127-128](#)

<sup>54</sup> [Krgo 9/49](#)

<sup>55</sup> [Krgo 9/53](#)

<sup>56</sup> [Mascall 9/96-97](#)

<sup>57</sup> [Krgo 9/57](#)

<sup>58</sup> [Krgo 9/54-60](#)

Gatwick and the time of the meeting that afternoon. I make it clear that that narrow factual proposition is one that I am not able to accept. The evidence of Mr Lugovoy and Mr Kovtun's movements during this period is in fact fairly sketchy. As I have said, there is no evidence of how they travelled from Gatwick to central London, or where they may have gone or who they may have met on the way. There is no evidence as to whether they in fact went to Mr Krgo's café, or somewhere else entirely, after their first arrival at the hotel. And there is no detailed evidence of how they travelled from the hotel to Mr Reilly's offices.

**6.86** There is of course no positive evidence that Mr Lugovoy or Mr Kovtun acquired any polonium 210 in London that morning. But the difficulty is that there is in fact only limited evidence as to what they did, where they went and whom they met in the hours following their arrival. In those circumstances, I cannot exclude, as Mr Emmerson's submission invites me to do, the possibility that they obtained polonium 210 from some source in London between the time of their arrival at Gatwick and the meeting with Mr Reilly later that day.

## Meeting with Tim Reilly

**6.87** At some point during the afternoon of 16 October 2006, a meeting took place between Mr Lugovoy, Mr Kovtun, Mr Litvinenko and Mr Reilly. The meeting was held at Mr Reilly's offices at 25 Grosvenor Street, London.

**6.88** Mr Litvinenko travelled into central London by bus that day. The bus on which he travelled was subsequently identified and tested, with no contamination being found.<sup>59</sup>

**6.89** I have said a little about Mr Reilly and his relationship with Mr Litvinenko at paragraphs 4.130 – 4.133 above. I also described how Mr Litvinenko introduced Mr Lugovoy to Mr Reilly as a contact who might be able to assist Erinys in securing business with Gazprom, and how the three men first met in June or July 2006.

**6.90** Mr Reilly gave detailed evidence about the meeting on 16 October.<sup>60</sup> The basic facts can be stated fairly shortly:

- a. It seems likely that the meeting had been pre-arranged, either earlier that morning or, more probably, before that<sup>61</sup>
- b. There was some uncertainty about the precise timing of the meeting. Mr Reilly said that it was a morning meeting,<sup>62</sup> but that cannot be right. There is clear evidence that Mr Lugovoy, Mr Kovtun and Mr Litvinenko went to the Piccadilly itsu after the meeting, and that they were there at about 4.20pm (see below). Mr Reilly said that the meeting took less than an hour.<sup>63</sup> It would seem, therefore, that the meeting started at about 3.00pm
- c. The meeting took place in the boardroom of Mr Reilly's offices

<sup>59</sup> [Mascall 9/83-86; 9/89-90](#). See paragraphs 6.21-6.24 above for discussion regarding the value of such findings.

<sup>60</sup> [Reilly 10/80-119](#)

<sup>61</sup> [Reilly 10/80; 10/83-84](#)

<sup>62</sup> [Reilly 10/83](#)

<sup>63</sup> [Reilly 10/95](#)

- d. The purpose of the meeting was for Mr Reilly to discuss with Mr Lugovoy Erinys' proposed business with Gazprom<sup>64</sup>
- e. Mr Kovtun played no part in the discussions. Mr Reilly described him as, "*a guy who was just watching me*"<sup>65</sup>

**6.91** There are two other factual details about this meeting that are of some importance.

**6.92** The first relates to the seating arrangements around the boardroom table. Mr Reilly was very confident in his evidence as to where each of the four men had sat at the meeting. He explained that he had wanted to sit facing Mr Lugovoy since he regarded him as "*the most critical person*" at the meeting. He therefore sat facing Mr Lugovoy at one end of the table. He placed Mr Litvinenko between them at the head of the table and Mr Kovtun, whom he regarded as the least important person at the meeting, next to Mr Lugovoy.<sup>66</sup> Mr Reilly provided the police with a marked plan of the room showing where each of the attendees sat.<sup>67</sup> It is reproduced below. Mr Reilly explained in the section of his oral evidence to which I have already referred that he sat at position 'A', Mr Litvinenko at 'B', Mr Lugovoy at 'C' and Mr Kovtun at 'D'.

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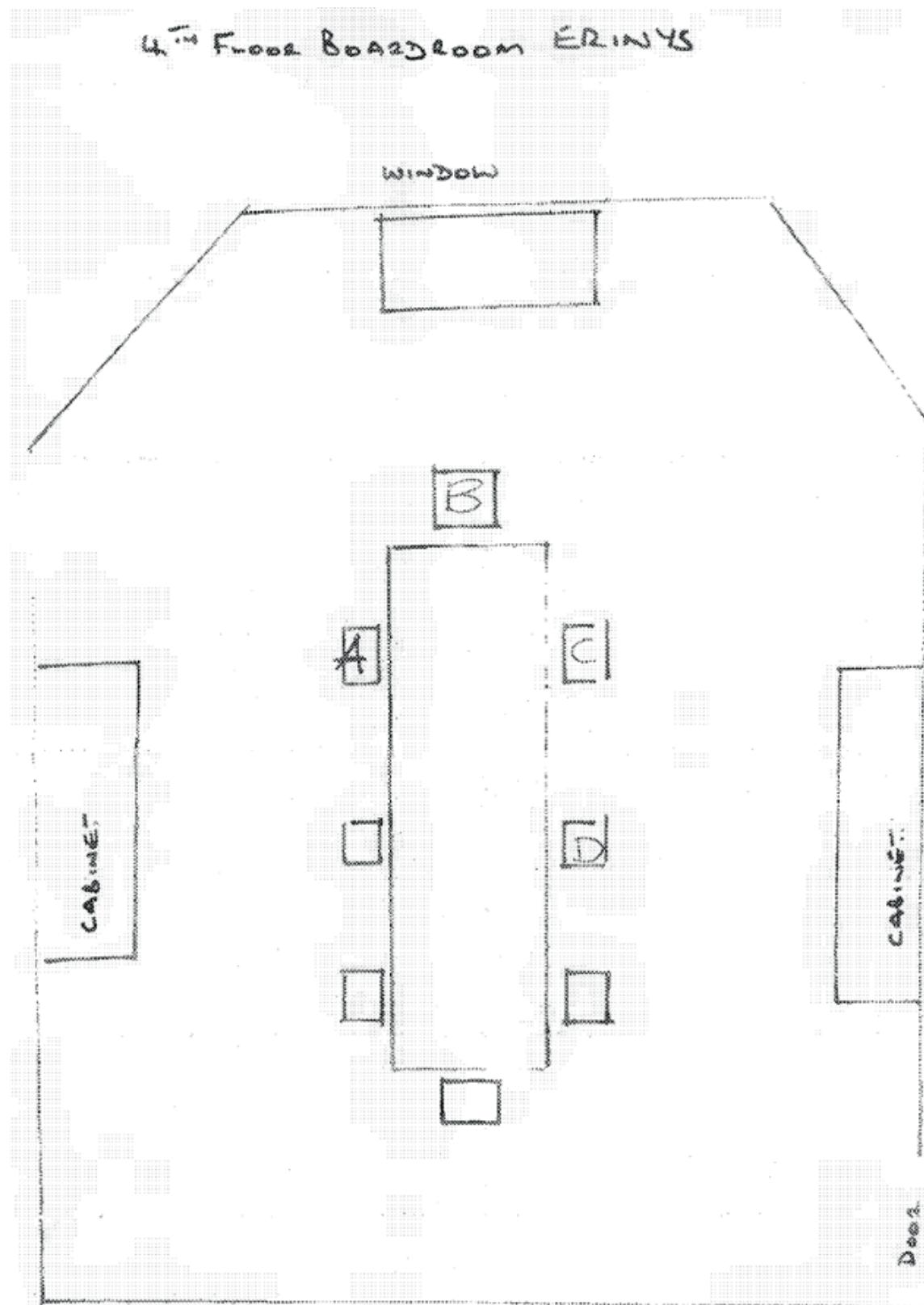
<sup>64</sup> [Reilly 10/84; 10/107-110](#)

<sup>65</sup> [Reilly 10/108](#)

<sup>66</sup> [Reilly 10/85-86](#)

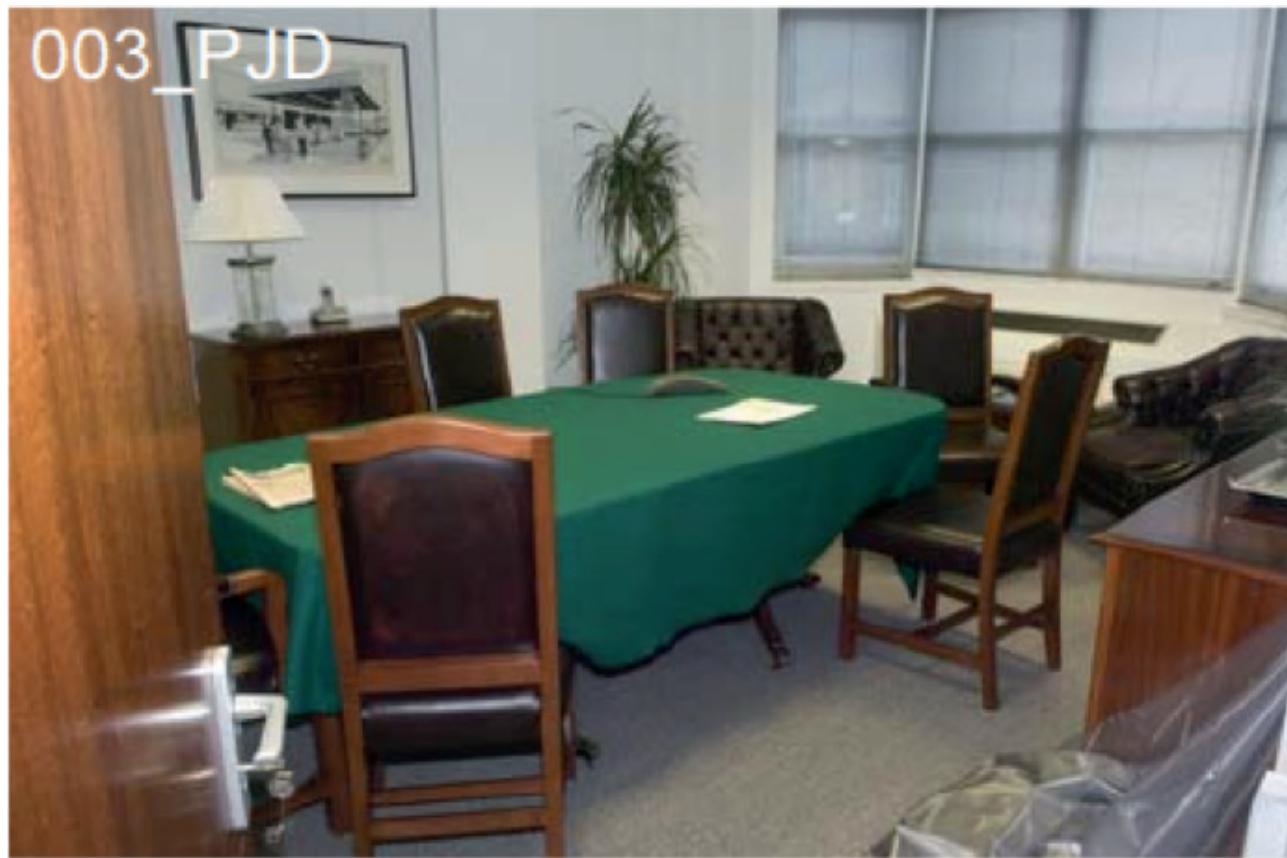
<sup>67</sup> [INQ018987](#) (page 2)

Mr Reilly's plan of the Erinys boardroom<sup>68</sup>



<sup>68</sup> [INQ018987](#) (page 2)

Police photograph of the Erinys boardroom<sup>69</sup>



- 6.93** The second point concerns the refreshments provided at the meeting. Mr Reilly's evidence was that he himself did not drink anything at the meeting, but that he provided each of the other three with either tea or coffee. He said that he also offered them a drink of water from the office water fountain, but they all refused.<sup>70</sup>
- 6.94** However, the most important evidence relating to this meeting is the evidence of polonium contamination of the boardroom that was discovered after Mr Litvinenko's death. Extensive contamination was discovered, in particular on two of the chairs and on a section of the green baize that covered the boardroom table. The contamination was described in evidence by DI Mascall,<sup>71</sup> and is shown in diagrammatic form in a computer aided model of the room prepared by the Metropolitan Police Service,<sup>72</sup> which is reproduced below.

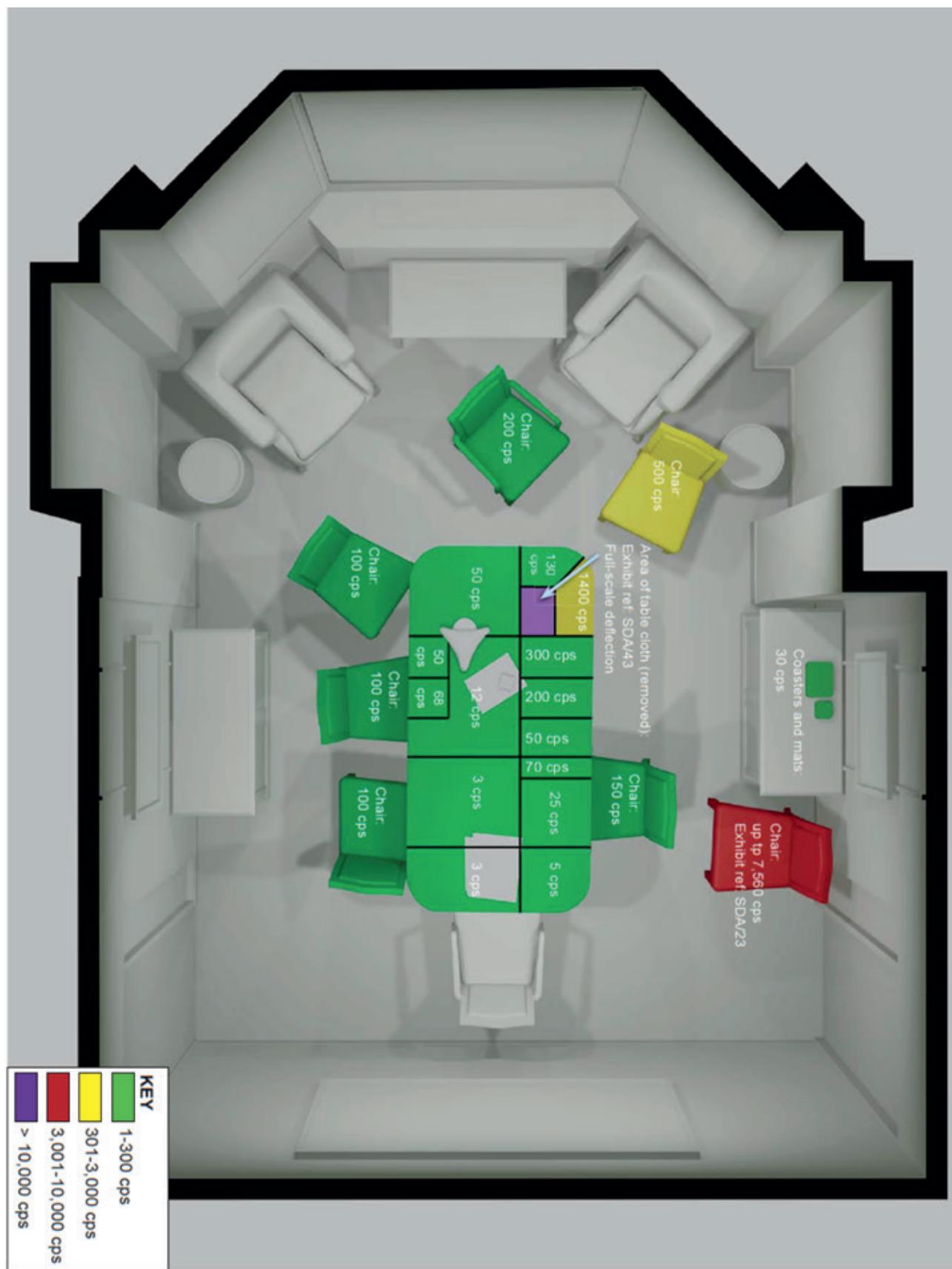
<sup>69</sup> [INQ017922](#) (page 3)

<sup>70</sup> [Reilly 10/92; 10/100](#)

<sup>71</sup> [Mascall 9/97-101](#)

<sup>72</sup> [INQ017922](#) (page 3)

Contamination levels in the Erinys boardroom<sup>73</sup>



<sup>73</sup> [INQ017922](#) (page 3)

- 6.95** The room was first tested on 25 November 2006, more than a month after the meeting had taken place. Unsurprisingly, Mr Reilly's evidence was that the chairs in the room could have been moved during the intervening period.<sup>74</sup> But the same was not true of the green baize cloth on the table. Mr Reilly said that John Holmes (who, as I have described above, ran both Erinys and Titon International) was always insistent that the baize should not be removed from the table.<sup>75</sup> There was, therefore, no reason to think that the baize had been moved between mid October when the meeting took place and late November when the room was tested.
- 6.96** That is a highly significant consideration. As is apparent from the plan, the highest level of contamination found in the room was on a patch of the green baize at one end of the table (shown in purple in the plan). Comparison with Mr Reilly's plan shows that this area was located between the positions in which Mr Lugovoy and Mr Litvinenko were sitting.
- 6.97** A1's evidence about the contamination in the Erinys boardroom was that the small 'purple' patch of contamination on the baize cloth represented primary contamination. In other words, as I have said, the reading was so high that it must have been caused by a primary source of polonium being exposed to the environment in that area. She said the scientific evidence provided strong support for this conclusion. Her view was that the rest of the contamination in the room was secondary contamination.<sup>76</sup>
- 6.98** Mr Reilly told me that the meeting on 16 October was probably the last time that he saw Mr Litvinenko. Although Mr Reilly thought that he might have met Mr Lugovoy and/or Mr Kovtun again before Mr Litvinenko's death (there is no other evidence of any such meetings),<sup>77</sup> he was clear that Mr Litvinenko was not present at any such meetings.<sup>78</sup>
- 6.99** Mr Reilly referred in the course of his evidence to radiation testing that was undertaken at his house.<sup>79</sup> The contamination schedule indicates that secondary contamination was found on some of Mr Reilly's clothing, and also on the steering wheel of his car.<sup>80</sup> Mr Reilly also mentioned that he had a sudden illness on 26 October 2006, with symptoms of migraine and sickness.<sup>81</sup> I am not in a position to make any findings as to whether this illness was caused in any way by the contamination that had been left in the Erinys boardroom.
- 6.100** There is one further matter that I should mention before leaving this subject. Both Mr Holmes and Mr Attew gave evidence that there had been a break in at the offices at 25 Grosvenor Street in mid June 2006.<sup>82</sup> Considerable force was used to gain entrance to the offices, but nothing was taken. Both men thought, with hindsight, that the break in may have been linked to Mr Litvinenko's case. Mr Attew said, "*In my business, that's a reconnaissance*".

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<sup>74</sup> [Reilly 10/90](#)

<sup>75</sup> [Reilly 10/105-106](#)

<sup>76</sup> [A1 20/27-31](#)

<sup>77</sup> [Mascall 29/73-75](#)

<sup>78</sup> [Reilly 10/117-123](#)

<sup>79</sup> [Reilly 10/145-146](#)

<sup>80</sup> [INQ017934](#) (pages 36-38)

<sup>81</sup> [Reilly 10/119-121](#)

<sup>82</sup> [Holmes 7/68-70; Attew 13/67-70](#)

## itsu

**6.101** The evidence before me was that, following the meeting with Mr Reilly, Mr Lugovoy, Mr Kovtun and Mr Litvinenko went together to the itsu restaurant on Piccadilly. Mr Lugovoy made a purchase on his credit card there that afternoon that was timed at 4.22pm.<sup>83</sup> There was no direct evidence as to where they sat on that occasion, but secondary contamination was found at one of the tables. Importantly, the table at which the secondary contamination was found was not that at which (according to the evidence of Mr Scaramella) Mr Litvinenko sat with Mr Scaramella on 1 November 2006.<sup>84</sup> Given the primary contamination at the Erinys boardroom, it is a reasonable inference that the secondary contamination found at itsu was left by Mr Lugovoy, Mr Kovtun and/or Mr Litvinenko at the time of their visit on 16 October.

## The evening of 16 October

**6.102** When they left itsu, the three men split up. Mr Litvinenko travelled back to his home in Muswell Hill. The bus on which he travelled was subsequently tested and found to be free of contamination.<sup>85</sup> Mr Lugovoy and Mr Kovtun remained in central London.

**6.103** When she gave oral evidence, Marina Litvinenko told me about her recollection of that evening.<sup>86</sup> She said that it was a “*normal, very peaceful evening*”. Marina Litvinenko had prepared spicy chicken soup for dinner. Mr Litvinenko liked hot food, and he ate the soup with some hot peppers. She said that he often added hot spices to his food. Some time after the meal, Mr Litvinenko suddenly began to feel ill. He vomited. She said that Mr Litvinenko continued to feel unwell for the next two days.

**6.104** When interviewed by police in hospital, Mr Litvinenko had himself referred to an incident “*two or three weeks*” before he went into hospital when he had vomited. He said that at the time he had assumed it was food poisoning.<sup>87</sup>

**6.105** In the witness statement that he provided to the Inquiry dated 2 June 2015, Mr Kovtun suggested that Mr Litvinenko’s illness had in fact pre-dated 16 October. He stated that Mr Litvinenko had told him whilst they were at itsu on that day that: “*he would not be eating with us because he had been poisoned the previous day and had spent the entire night vomiting so much that he had had to call a doctor.*”<sup>88</sup> It should be noted that Mr Kovtun said something similar to this in an interview that he gave to *Der Spiegel* in late 2006.<sup>89</sup> On the other hand, Marina Litvinenko’s evidence – which she emphasised in a further statement served in rebuttal of Mr Kovtun’s statement<sup>90</sup> – was that Mr Litvinenko had not been ill prior to 16 October. She said that she was certain that this episode of sickness had not taken place on Sunday 15 October, and she was equally certain that neither she nor anyone else had called a doctor on this occasion. There is certainly no other evidence (for example from General Practitioner (GP) records or the account of Mr Prikazchikov) that a doctor was called at this time.

<sup>83</sup> [Mascall 9/101](#)

<sup>84</sup> [Mascall 9/109-111](#)

<sup>85</sup> [Mascall 9/112-113; 9/124](#). See paragraphs 6.21-6.24 above for discussion regarding the value of such findings.

<sup>86</sup> [Marina Litvinenko 4/35-37](#)

<sup>87</sup> [INQ016642](#) (page 4)

<sup>88</sup> [INQ021208](#) (page 3)

<sup>89</sup> [INQ012404](#)

<sup>90</sup> [INQ022370](#)

These are matters that would obviously have been explored with Mr Kovtun had he given oral evidence.

- 6.106** Mr Lugovoy and Mr Kovtun spent the evening having dinner with Dr Shadrin at the Pescatori restaurant in Dover Street. Mr Lugovoy's credit card was used to pay the bill at the restaurant at 10.39pm that evening. The reservation book at the restaurant shows that the three men sat at table 17.<sup>91</sup>
- 6.107** Mr Lugovoy and Mr Kovtun then went on to a bar near the Best Western Hotel named Dar Marrakesh, where a bill was paid with the same credit card at 11.05pm. The bill was for £9.00, which appeared to reflect the purchase of a shisha pipe.
- 6.108** The Pescatori restaurant and Dar Marrakesh were both found to have secondary contamination. At the Pescatori, the table with the highest level of contamination was table 17.<sup>92</sup> At Dar Marrakesh, one of the shisha pipes was found to be contaminated.<sup>93</sup>
- 6.109** Mr Lugovoy and Mr Kovtun spent the night at the Best Western Hotel. As I have already said, Mr Lugovoy had room 107. Mr Kovtun's room, which had not been available earlier, was room 308. As we shall see, this was in fact the only night that the two men spent at the Best Western Hotel.
- 6.110** Both rooms were subsequently tested and were found to contain extensive contamination.<sup>94</sup> Room 107 was more heavily contaminated than room 308. A1 gave her opinion as to the interpretation of the readings taken in these two rooms.<sup>95</sup> She said that the most significant result of this testing was the discovery of what she judged to be primary contamination in the u-bend of the sink in the bathroom of room 107. She explained that the scientists had opened the u-bend and found the contamination on detritus such as hair, etc. caught in the u-bend. The testing of the room had taken place on 22 December – more than two months after Mr Lugovoy had stayed in it. A1 said that the repeated use of the sink that would have taken place during that period explained the fact that relatively low readings were taken in the area of the sink itself – from where the polonium would have been washed away – in contrast to the sediment in the u-bend, where the polonium would have been caught. She added that even in the u-bend the initial levels of contamination may have been considerably higher. In a nutshell, A1's view was that the contamination in the u-bend was consistent with polonium being poured down the sink plughole.
- 6.111** There are three observations that I would make about these findings at this stage:
- First, and perhaps obviously, the coincidence of primary contamination being found both on the boardroom table at the Erinys offices where Mr Lugovoy sat at a meeting on 16 October and also in the bathroom of the hotel room that he occupied that day is very striking
  - Second, although there is no direct evidence as to precisely how the polonium came to be in the u-bend in room 107, the inference can be drawn that it was poured down the sink by Mr Lugovoy and/or Mr Kovtun either in the act of preparing a solution to be used in an attempt to poison Mr Litvinenko at the Erinys meeting, or in disposing of the remainder of the solution later in the day. I

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<sup>91</sup> [Mascall 17/79-80](#)

<sup>92</sup> [Mascall 17/80-81](#)

<sup>93</sup> [Mascall 9/115-116; 11/124-125](#)

<sup>94</sup> [Mascall 9/67-78](#)

<sup>95</sup> [A1 20/16-26; 20/97-98](#)

- will assess the strength of that inference in due course, by reference to the totality of the evidence
- c. Third, it is to be noted in particular in this regard (i) that no similar primary contamination was found in any of the waste pipes of the bathroom in room 848 of the Sheraton Hotel, where Mr Lugovoy stayed on the nights of 25-27 October; and (ii) that a similar deposit of primary contamination was found in the u-bend of the sink in room 382 of the Millennium Hotel, where Mr Kovtun stayed on 1 November 2006

## Moving hotel

- 6.112** On the following day, Tuesday 17 October 2006, Mr Lugovoy and Mr Kovtun moved from the Best Western Hotel to the Parkes Hotel in Knightsbridge. They stayed at the Parkes Hotel on the night of 17 October before, as we shall see, flying back to Moscow on Wednesday 18 October. The rooms at the Best Western had been booked for both nights. Why they moved remains unclear. What the evidence does show is as follows:
- a. As I have described above, Mr Lugovoy and Mr Kovtun arrived at and checked into the Best Western Hotel at about 12.51pm on 16 October. They were given access to one of their rooms – room 107 – an hour or so later before they left for the meeting with Mr Reilly at Erinys
  - b. At 3.07pm on the same day – i.e. at about the time of the meeting at Erinys – rooms were booked by email for Mr Lugovoy and Mr Kovtun at the Parkes Hotel for the next night, 17 October. DI Mascall's evidence was that these bookings, unlike the earlier bookings, were made by Mr Lugovoy's daughter, Tatiana Lugovoya<sup>96</sup>
  - c. Mr Lugovoy and Mr Kovtun checked out of the Best Western Hotel at about 1.30pm on 17 October. They told the receptionist simply that they were leaving a day early. They did not ask for a refund<sup>97</sup>
  - d. The two men checked into the Parkes Hotel at about 2.00pm on the same day. They were greeted by the Front of House Manager at the hotel, Giuliana Rondoni, from whom I heard evidence. Ms Rondoni recalled that they had told her that they had come from another hotel in Piccadilly that was overbooked<sup>98</sup>
- 6.113** Mr Lugovoy and Mr Kovtun stayed, respectively, in rooms 23 and 25 at the Parkes Hotel.<sup>99</sup> Secondary contamination was found in both rooms.<sup>100</sup>

## Meetings with Dr Shadrin

- 6.114** Later on 17 October, Mr Lugovoy and Mr Kovtun had a meeting with Dr Shadrin in the CPL offices at 58 Grosvenor Street. As I have already mentioned, they had had dinner with him the night before. The Visitors' Book held at the entrance to the building<sup>101</sup> indicates that the two men arrived at 3.00pm and left at 5.30pm on 17 October. The entries in the book also indicate that the two men had visited the building the day

<sup>96</sup> [Mascall 9/120-121](#)

<sup>97</sup> [Krgo 9/60-62](#)

<sup>98</sup> [Rondoni 10/189-190](#)

<sup>99</sup> [Mascall 9/121-122](#)

<sup>100</sup> [Mascall 9/124-125](#)

<sup>101</sup> [INQ006389](#)

before, and Dr Shadrin's evidence was that they may have had a meeting there prior to going out to dinner at the Pescatori restaurant.

- 6.115** Dr Shadrin gave detailed oral evidence to the Inquiry about his relationship with Mr Lugovoy and Mr Kovtun and the various meetings that he had with them in London during this period.<sup>102</sup> I also received oral evidence on this topic from several of Dr Shadrin's colleagues – Nikolay Gorokov,<sup>103</sup> Dariya Davison<sup>104</sup> and Vladimir Voronoff.<sup>105</sup> The witness statement served by Mr Kovtun dated 2 June 2015<sup>106</sup> addresses the business dealings that he and Mr Lugovoy had with these individuals.
- 6.116** As I have indicated above, there is a good deal of uncontroversial evidence regarding Mr Lugovoy and Mr Kovtun's dealings with CPL. In the course of his oral evidence, Dr Shadrin explained in great detail how in 2005 CPL had obtained oil and gas exploration licences over blocks of land in Western Siberia. The licences had been purchased by raising funding in the London market. He went on to describe how the exploitation of these licences was subsequently put at risk by the actions of a group in Russia whom he variously described as 'criminals' and 'raiders'.
- 6.117** In summary, Dr Shadrin's evidence was that this group, which was apparently led by a man named Mr Livshitz, attempted to cut CPL out of the exploration of the blocks of land by forging rival licences and bribing government officials. According to Dr Shadrin, CPL took two courses of action in response to this attack. The first (which was Dr Shadrin's preferred course) was to challenge the forged licences in the Russian courts. The second, which Dr Shadrin said was insisted upon by the investors and by the CPL Chairman Mr Balfour, was to investigate and to attempt to put pressure on Mr Livshitz and his group. This led to the introduction of Mr Voronoff to the company. He, in turn, suggested that Mr Lugovoy and his company Ninth Wave should be instructed to assist. Mr Lugovoy appointed Mr Kovtun as Project Manager. Mr Lugovoy and Mr Kovtun were tasked with preparing a report on the Livshitz group.
- 6.118** This general outline appears to me to be an uncontentious summary of the evidence of the various witnesses. What is of particular significance for present purposes is the stage that these matters had reached by the autumn of 2006.
- 6.119** Dr Shadrin's evidence was that the difficulties with the Livshitz group had been largely resolved by the summer of 2006.
- 6.120** CPL had been successful in the domestic legal challenges that it pursued in Russia, both before the Arbitrash Court and then the Court of Appeal. Following the decision of the Court of Appeal, the Ministry for Natural Resources had reissued CPL's licences. All this had taken place by June 2006.<sup>107</sup>
- 6.121** With regard to CPL's other line of attack, Dr Shadrin stated that Mr Lugovoy and Mr Kovtun had prepared and submitted their report by the end of July 2006, prior to which he had held two or three meetings with them in Moscow. He described their report in the following terms:

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<sup>102</sup> [Shadrin 14/137-218](#)

<sup>103</sup> [Gorokov 13/142-155](#)

<sup>104</sup> [Davison 14/114-136](#)

<sup>105</sup> [Voronoff 14/2-114](#)

<sup>106</sup> [INQ021208](#)

<sup>107</sup> [Shadrin 14/152-153](#)

*“Basically, they prepared a report on the group who was trying to take over our assets illegally. They identified two people from – one from police department and another from the prosecution office who were providing protection to this group, and also they identified their high profile connections as well.*

*They submitted this report, and that was the only result of their work on the project.”<sup>108</sup>*

Dr Shadrin thought that Mr Lugovoy’s bill for preparing the report had been paid by July 2006.<sup>109</sup>

- 6.122** This outline raises a question as to the subject matter of the meetings that Mr Lugovoy and Mr Kovtun had with Dr Shadrin in the autumn of 2006. If the Livshitz affair had effectively been concluded, what were they discussing?
- 6.123** Dr Shadrin was asked about this when he gave evidence. Putting the matter shortly, his response was that by the autumn of 2006 Mr Lugovoy and Mr Kovtun were pitching for new business. He recalled the letter of introduction being provided to support Mr Kovtun’s visa application, and said that Mr Balfour had provided the letter to facilitate discussions with Mr Kovtun about his possible future involvement with CPL. As Dr Shadrin put it, as at 3 October 2006, which was the date of the letter, *“it would be accurate to say that [Mr Kovtun was] pitching to provide consultant services... because at that time obviously their previous role... has been finalised and the new role, we haven’t negotiated out.”* He further stressed that he did not regard his discussions with Mr Lugovoy and Mr Kovtun at that time as a matter of any urgency.<sup>110</sup>
- 6.124** With regard to his meetings with Mr Kovtun and Mr Lugovoy on 16 and 17 October 2006, Dr Shadrin recalled that they had discussed two possible future projects. One related to further investigation/surveillance of Mr Livshitz and his group and the other concerned the possibility that Mr Lugovoy’s company might be awarded a contract to provide physical security at the sites in Siberia once drilling began, possibly as a joint venture with security firms in the UK. He said that Mr Lugovoy also sought his advice on raising finance for other unrelated business projects, including one relating to the bottling company with which he was involved. Dr Shadrin also stated that, given their possible future working relationship, he asked Mr Lugovoy and Mr Kovtun to provide copies of formal documents required under the Know Your Client protocols.<sup>111</sup>
- 6.125** The statement that Mr Kovtun provided to the Inquiry dated 2 June 2015<sup>112</sup> gives a rather different account of his engagement with Dr Shadrin at this time. That statement gives the clear impression that the investigation into the Livshitz group was then still underway. More than that, the statement suggests that one of the purposes of his trip to London on 16 October 2006 was to discuss with Dr Shadrin a particular piece of information that Mr Kovtun claimed to have discovered, namely that members of the Livshitz group had been hacking the emails of an American company named Harvest and Hicks, in particular those of a senior manager named Mr Byron.
- 6.126** Dr Shadrin had by this stage already given oral evidence to the Inquiry and he addressed these points in a further written statement dated 24 June 2015.<sup>113</sup> Put

<sup>108</sup> [Shadrin 14/154-155](#)

<sup>109</sup> [Shadrin 14/168](#)

<sup>110</sup> [Shadrin 14/170-171](#)

<sup>111</sup> [Shadrin 14/176-182](#)

<sup>112</sup> [INQ021208](#)

<sup>113</sup> [INQ022384](#)

shortly, Dr Shadrin disputed Mr Kovtun's account. He said that there had been no need for Mr Lugovoy and Mr Kovtun to visit him in London at this time, since he had been a regular visitor to Moscow and they could have seen him there (as, indeed, they had done previously). Dr Shadrin also said in his further statement that he had, "*no recollection of being provided with any reports pertaining to a US company called Harvest and Hicks or a person called Mr Byron*".

- 6.127** The discrepancies between Mr Kovtun's account and that given by Dr Shadrin are certainly matters that would have been explored with Mr Kovtun had he given oral evidence to the Inquiry. Since he did not do so, I am unable to reach any detailed conclusions on these matters. But what can be said is that I have no reason to doubt the truthfulness of what Dr Shadrin has told the Inquiry. That, in turn, gives rise to the distinct possibility that Mr Kovtun has exaggerated, or perhaps entirely fabricated, the business justification for his travel to London on this occasion. I will return to this point in due course.
- 6.128** Before leaving this topic, I should add that secondary contamination was found at a number of places at CPL's offices in Grosvenor Street.<sup>114</sup> As we shall see, Mr Lugovoy and Mr Kovtun paid a number of visits to these offices during the period in question, and it is not possible to state on which occasion or occasions this contamination might have occurred.

## Meeting at RISC

- 6.129** The evidence was that Mr Lugovoy and Mr Kovtun attended one further business meeting on the afternoon of 17 October, on this occasion in company with Mr Litvinenko. The meeting was with Mr Quirke of RISC. It took place at RISC's offices at 1 Cavendish Place, in Mayfair. Mr Quirke had, of course, met Mr Litvinenko and Mr Lugovoy (although not Mr Kovtun) previously, and I have referred to the evidence about those meetings above at paragraphs 4.115 to 4.119.
- 6.130** Mr Quirke gave oral evidence about the meeting.<sup>115</sup> He said that it had been arranged a fortnight or so in advance by Mr Litvinenko.<sup>116</sup> He was a little uncertain as to the precise timing of the meeting, but thought that it was already underway by shortly before 6.00pm.<sup>117</sup> It would therefore appear that the meeting took place after Mr Lugovoy and Mr Kovtun's meeting with Dr Shadrin.
- 6.131** Mr Litvinenko had travelled down to central London by bus earlier in the afternoon. The bus on which he travelled was subsequently identified and tested; no radiation was detected.<sup>118</sup>
- 6.132** Mr Quirke's evidence was that the meeting took less than an hour. Mr Lugovoy led the discussions. Mr Quirke said he had not met Mr Kovtun before and had not been expecting him to attend.<sup>119</sup> He said that Mr Kovtun took no part in the meeting other than operating a minidisc containing information.<sup>120</sup>

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<sup>114</sup> [Mascall 11/126](#)

<sup>115</sup> [Quirke 11/86-103](#)

<sup>116</sup> [Quirke 11/90-91](#)

<sup>117</sup> [Quirke 11/98-99](#) (it is clear from the context that words 'Shortly before 5.00' in the transcript should read 'Shortly before 6.00')

<sup>118</sup> [Mascall 11/125-126](#) see paragraphs 6.21-6.24 above for discussion regarding the value of such findings

<sup>119</sup> [Quirke 11/92](#)

<sup>120</sup> [Quirke 11/94; 11/101](#)

- 6.133** Discussion at the meeting centred on Mr Lugovoy and Mr Litvinenko's continuing investigations regarding the Stolichnaya case. Mr Lugovoy raised the possibility of pressurising one of the Russian companies that was acting against Stolichnaya's interests by forcing its value down, a process he described as "*greenmail*". Mr Quirke stated that this was not a course that was subsequently pursued.<sup>121</sup>
- 6.134** Towards the end of the meeting, Mr Kovtun gave the minidisc that he had been operating to Mr Quirke, who stated that he subsequently passed it to the police.<sup>122</sup>
- 6.135** The RISC offices were subsequently monitored for radiation and secondary contamination was discovered at various places, including chairs in the boardroom.<sup>123</sup> The highest reading was registered on a CD. It seems likely that this was the minidisc that Mr Kovtun gave to Mr Quirke during the meeting that I have just described.

## Events of the evening of 17 October

- 6.136** It appears that after the meeting with Mr Quirke, Mr Lugovoy, Mr Kovtun and Mr Litvinenko returned together to the Parkes Hotel. A witness statement from Alexey Valuev was read in this regard.<sup>124</sup> Mr Valuev was the son of a business associate of Mr Lugovoy. He explained that Mr Lugovoy had arranged to meet him at the hotel that evening so that Mr Lugovoy could give him some money from his father. He recalled Mr Lugovoy arriving back at the hotel with Mr Kovtun and Mr Litvinenko.
- 6.137** Mr Lugovoy, Mr Kovtun and Mr Litvinenko subsequently went out for the evening in London. As part of their enquiries, the police traced the establishments that they had visited. DI Mascall gave evidence that the three men had gone for dinner at a Chinese restaurant named the Golden Dragon in Gerrard Street. There was evidence that Mr Lugovoy paid the bill at the restaurant using his credit card at 9.49pm. Further similar credit card evidence showed that the men then moved on to a bar named Cafe Boheme in Old Compton Street.<sup>125</sup>
- 6.138** Mr Litvinenko himself gave a brief description of the events of this evening in the course of his interviews with the police whilst he was in hospital. He referred to going to a Chinese restaurant and then to a pub in Soho. He said that he had only drunk green tea and a glass of Coca-Cola at the restaurant. He said that the other two had been drinking sake and had offered him some, but he had refused as "*I don't drink alcohol generally*". It appears from Mr Litvinenko's account that he went with Mr Lugovoy and Mr Kovtun to the Cafe Boheme, but on arrival he didn't like the place and decided to go home. He said that he travelled back to Muswell Hill on a 134 bus from Tottenham Court Road, arriving home at about 11.00pm.<sup>126</sup> The bus on which Mr Litvinenko travelled that night was identified and tested; no radiation was detected.<sup>127</sup>
- 6.139** DI Mascall explained that further evidence from Mr Lugovoy's credit card showed that Mr Lugovoy and Mr Kovtun had subsequently gone to a nightclub named Hey Jo, where Mr Lugovoy purchased more drinks. The receipts make it clear that Mr Lugovoy

<sup>121</sup> [Quirke 11/94-97](#)

<sup>122</sup> [Quirke 11/97-98](#)

<sup>123</sup> [Mascall 11/131-132](#); [INQ017934](#) (page 85)

<sup>124</sup> [Valuev 11/127-130](#)

<sup>125</sup> [Mascall 11/132-136](#)

<sup>126</sup> [INQ016615](#) (pages 1-4)

<sup>127</sup> [Mascall 11/136](#) see paragraphs 6.21-6.24 above for discussion regarding the value of such findings.

was in the club that evening.<sup>128</sup> The evidence was that the two men had returned to the Parkes Hotel at about 3.00am.<sup>129</sup> DI Mascall subsequently confirmed that he had found no evidence that Mr Litvinenko had ever been to Hey Jo nightclub.<sup>130</sup>

- 6.140** The Golden Dragon restaurant, Cafe Boheme and Hey Jo nightclub were all tested for alpha radiation. No contamination was found at the Golden Dragon or at Cafe Boheme. Secondary contamination was, however, found at Hey Jo nightclub.<sup>131</sup>
- 6.141** There is one further feature of the evidence about what took place that evening that I must address.
- 6.142** In the witness statement dated 2 June 2015 that Mr Kovtun provided to the Inquiry, he gave a description of an event that took place during the meal at the Golden Dragon on the evening of 17 October 2006. The account that he gave was as follows:

*"In the restaurant Litvinenko talked about the scoundrel Y. Felshtinsky, relating how he had robbed him, unfairly dividing the fee for the book 'Blowing up Russia', and how it was easy to obtain political asylum in Great Britain through A. Goldfarb, whom he called a 'CIA agent'. Litvinenko also suggested identifying wealthy citizens in Russia with property in Spain and giving him their details. Using his connections within the Spanish police, he would create problems for them there, and we would then make contact with them and solve those problems for a significant material reward.*

*Somehow or other, the subsequent conversation turned to Chechens, and Litvinenko started boasting about his friendship with Sakayev and his brothers, hinting at his indirect involvement in the events in Nalchik where over 70 Russian police officers were killed in an attack on the town by Islamic militants. I was fed up with listening to his harangue and gladly complied with Lugovoy's request to leave them. I went outside and walked about not far from the Chinese restaurant for about 30 minutes."*

- 6.143** I draw attention to this section of Mr Kovtun's statement because it is seriously at odds with other accounts that both he and Mr Lugovoy have previously given.
- 6.144** Mr Lugovoy and Mr Kovtun gave a joint press conference in Moscow on 31 May 2007 – less than a year after Mr Litvinenko's death. During the course of the press conference, both of them gave accounts of conversations that they said had taken place on 16/17 October between Mr Litvinenko and Mr Kovtun about Boris Berezovsky.
- 6.145** Mr Kovtun said that Mr Litvinenko had talked to him on the evening of 16 October whilst they were waiting for a cab. He said that Mr Litvinenko had complained to him about Mr Berezovsky cutting his salary. He said that Mr Litvinenko claimed that it had been he and MI6 who had obtained asylum for Mr Berezovsky.<sup>132</sup>
- 6.146** Earlier in the same press conference, Mr Lugovoy had given an account of a conversation which he said had taken place between Mr Litvinenko and Mr Kovtun at

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<sup>128</sup> [INQ006360](#); [INQ006361](#); [INQ006362](#); [INQ006363](#)

<sup>129</sup> [Mascall 11/137](#)

<sup>130</sup> [Mascall 29/75](#)

<sup>131</sup> [INQ017934](#) (pages 87-93)

<sup>132</sup> [INQ001886](#) (page 17)

the Golden Dragon restaurant on the evening of 17 October. Mr Lugovoy said that the conversation had taken place while he was away from the table. He said as follows:<sup>133</sup>

*"In this connection I would like to tell you what Sasha had told Dmitry Kovtun not long before his death, when we met together in October of last year. During our dinner at one of the Chinatown restaurants in London, Litvinenko, enlarging on the subject of ways to make money, touched upon the resumed negotiations between Russia and the UK regarding Berezovsky's extradition. Lamenting the fact that Berezovsky did not appreciate the services rendered to him by Litvinenko, who allegedly saved his life more than once, Litvinenko told Kovtun, that he had the most important materials of compromising nature, regarding the illegal activity of Berezovsky on the UK territory. If any part of the documents pertaining to the circumstances of his obtaining the refugee status were to be made public, then he (Berezovsky) would have huge problems. Litvinenko hinted to Dima, that especially now, when Russia raised an issue with the UK of extraditing Berezovsky, it would be very opportune to let Berezovsky know that such materials exist, and to put a value of several million dollars on them. Still being financially dependent on Berezovsky – Berezovsky was paying his son's tuition fees and the family's accommodation in London, Litvinenko – Litvinenko asked Kovtun to find a reliable person, whom he would introduce to Berezovsky, which person would be able to familiarise Berezovsky with the materials, compromising him. Litvinenko was absolutely sure of the success of this enterprise, referring to the explosive nature and authenticity of the compromising materials he possessed. Since the conversation took place when I left the table, Litvinenko asked Kovtun to keep that conversation between them, fearing that I, as a person who could contact Berezovsky at any point, would expose Litvinenko's idea to him."*

**6.147** Several years after the press conference, in 2011, Mr Lugovoy provided a lengthy witness statement in the course of the *Terluk* libel proceedings. One section of that statement was devoted to a detailed narrative account of the meetings that he and Mr Kovtun had had with Mr Litvinenko in October and November 2006. In that statement, Mr Lugovoy made no mention at all of anything that Mr Litvinenko said at the Golden Dragon restaurant – whether in terms of a private discussion between Mr Litvinenko and Mr Kovtun concerning Mr Berezovsky (as Mr Lugovoy had described at the press conference) or in terms of a discussion about Russians in Spain, as Mr Kovtun now asserts. Nor did he say anything about a discussion between Mr Kovtun and Mr Litvinenko on 16 October while they were waiting for a cab. Rather, Mr Lugovoy gave an account of a conversation between Mr Kovtun and Mr Litvinenko that had supposedly taken place earlier in the day on 17 October. Paragraph 127 of this statement read as follows:<sup>134</sup>

*"We, that is Mr Litvinenko, Mr Kovtun and I, had a meeting at 18.00 with RISC on 17 October 2007 [sic]. After the meeting at RISC, when we were walking back to the hotel, Mr Litvinenko was walking next to Mr Kovtun some distance ahead of me. I was speaking on my mobile phone. Whilst we were walking I could not hear what Mr Litvinenko was saying to Mr Kovtun. However, later that day Mr Kovtun told me that Mr Litvinenko resumed his complaint that Mr Berezovsky was not treating him fairly and that he simply could not survive on the money that Mr Berezovsky was paying to him. He said that he knew information regarding Mr Berezovsky that was worth a great deal of money. He said that he needed to find someone*

<sup>133</sup> [INQ001886](#) (page 6)

<sup>134</sup> [INQ001788](#) (page 21)

*substantial and trustworthy who could sell this information without the source of the information coming back to himself.”*

- 6.148** I have previously referred to these two accounts in chapter 4 of Part 5 above. I have set them out here again in order to demonstrate the very significant discrepancies that exist between the accounts that have been given by Mr Lugovoy and Mr Kovtun over the years, ending in the statement that Mr Kovtun provided to the Inquiry in June 2015. Clearly, had Mr Kovtun (or, for that matter, Mr Lugovoy) given oral evidence to the Inquiry, these discrepancies would have been addressed. Equally clearly, in the absence of any explanation from either of the men, I am not in a position to place any weight on these parts of their accounts. Arguably, the matter goes further than that. The differences between the accounts are so marked that I might be driven to conclude that Mr Lugovoy and Mr Kovtun have been deliberately attempting to mislead those attempting to discover the truth about these events, including myself. I shall return to this matter in due course.
- 6.149** I add in passing that the freedom with which Mr Lugovoy and Mr Kovtun have previously provided these detailed accounts, both to the press and in evidence in UK court proceedings, stands in stark contrast to what I was told was the legal prohibition on Mr Kovtun giving evidence about the same matters to this Inquiry.<sup>135</sup>

## 18 October: return to Moscow

- 6.150** I heard evidence from Ms Rondoni that Mr Lugovoy and Mr Kovtun checked out of the Parkes Hotel at about 10.00am the following morning, Wednesday 18 October 2006. Mr Lugovoy paid the bill for both rooms. They told her that they were going to Gatwick and she saw the porter call a taxi for them.<sup>136</sup>
- 6.151** Later that day, Mr Lugovoy and Mr Kovtun flew back to Moscow from Gatwick aboard Transaero flight UN444.<sup>137</sup> The bus on which they travelled from the terminal to the aeroplane was tested and no radiation was detected.<sup>138</sup> The aircraft used for the flight that day was registration number EI-DNM. As I have already described, that aircraft was tested by UK authorities and was found to contain secondary contamination in the area of the seats on which Mr Lugovoy and Mr Kovtun sat on 18 October.<sup>139</sup>

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<sup>135</sup> [Chairman 32/3-19](#)

<sup>136</sup> [Rondoni 10/193-195](#)

<sup>137</sup> [Mascall 11/139-140](#)

<sup>138</sup> [Mascall 9/65-66](#) see paragraphs 6.21-6.24 above for discussion regarding the value of such findings.

<sup>139</sup> [Mascall 9/35-37](#)

## Chapter 6: Events in London 25-28 October

- 6.152** A week after he and Mr Kovtun had flown back to Moscow, Mr Lugovoy returned to London. He arrived on an evening flight on Wednesday 25 October 2006. On this occasion, he was not accompanied by Mr Kovtun. In further contrast to the earlier trip, the evidence is that Mr Lugovoy's travel on this occasion was hastily arranged. Whereas the arrangements for the first trip (including, it appears, obtaining a visa for Mr Kovtun) had been several weeks in the planning, the evidence was that on this occasion Mr Lugovoy's flight and hotel bookings had been made only the day before he travelled, on Tuesday 24 October 2006.<sup>140</sup>
- 6.153** In the interim, Mr Litvinenko had made his speech at the Frontline Club about Anna Politkovskaya's death, publicly attributing the blame for her murder to President Putin. That event had taken place on the evening of Thursday 19 October.
- 6.154** DI Mascall gave evidence that Mr Lugovoy flew into Heathrow on the evening of 25 October on British Airways flight BA875. The flight landed at Heathrow at 10.54pm that evening. The aircraft that made the flight that day was G-BNWX.<sup>141</sup> Secondary contamination was subsequently discovered on that aircraft – see further below at paragraphs 6.184 – 6.186.
- 6.155** Mr Lugovoy travelled into central London and booked into the Sheraton Hotel, where he was given room 848.<sup>142</sup>
- 6.156** In a witness statement that he provided in the *Terluk* litigation, Mr Lugovoy described this trip as, “*another business trip where I was due to meet with some contacts in London as regards some proposed work*”.<sup>143</sup>

### Meeting with Badri Patarkatsishvili

- 6.157** There is certainly evidence that Mr Lugovoy met with other business contacts at this time. One of those contacts was Badri Patarkatsishvili.
- 6.158** Mr Patarkatsishvili was a wealthy Georgian businessman who was a close friend and business partner of Boris Berezovsky. There is evidence that Mr Lugovoy travelled to see Mr Patarkatsishvili at his house in Surrey on 26 October 2006. Mr Patarkatsishvili provided witness statements to the police following Mr Litvinenko's death, but he himself died in 2008. Relevant sections of his statements were therefore read.
- 6.159** Mr Patarkatsishvili had told the police that he had known Mr Lugovoy since about 1993, when the latter had been head of security at ORT, the Russian television channel that Mr Patarkatsishvili and Mr Berezovsky had run together. More recently, Mr Lugovoy had organised Mr Patarkatsishvili's security in Georgia. Mr Patarkatsishvili told the police that Mr Lugovoy visited him in Georgia every two months. Mr Patarkatsishvili recalled a business meeting at his house in Surrey during October 2006. He said that, in addition to himself and Mr Lugovoy, the meeting had been attended by Vladimir Voronoff and also a man named Marti Pompadour. He said that the purpose of the meeting was to discuss outdoor advertising in Moscow.<sup>144</sup> There is no reason to think that this was anything other than a genuine business meeting.

<sup>140</sup> [Mascall 12/4-5; 12/9](#)

<sup>141</sup> [Mascall 12/10-12](#)

<sup>142</sup> [Mascall 12/14-16](#)

<sup>143</sup> [INQ001788](#) (page 22)

<sup>144</sup> [Patarkatsishvili 12/48-59](#)

- 6.160** I heard oral evidence from Bruno Bonetti, the chauffeur who drove Mr Lugovoy to and from Mr Patarkatsishvili's house on 26 October 2006. Mr Bonetti described how he collected Mr Lugovoy from Park Lane at about 10.30 that morning. He drove him to Surrey, near Leatherhead. With some difficulty, they found Mr Patarkatsishvili's house. Mr Bonetti recalled that Mr Lugovoy sat in the rear near side seat of the car. He said that they did not talk much on the journey – Mr Lugovoy spent most of the time on the telephone, speaking a language that he had not understood. Mr Bonetti thought that they had arrived at Mr Patarkatsishvili's house at about noon. He waited all afternoon and drove Mr Lugovoy back to the hotel at 6.00pm, arriving at about 7.30pm. He said that on the return journey, as on the way out, Mr Lugovoy sat on the rear near side passenger seat.<sup>145</sup>
- 6.161** Mr Bonetti's car was subsequently tested for radiation and secondary contamination was discovered. The highest readings were taken on the rear near side passenger seat.<sup>146</sup>

## Meeting with Boris Berezovsky

- 6.162** In his statement in the *Terluk* case to which I have referred above, Mr Lugovoy stated that whilst he was at Mr Patarkatsishvili's house, he received a call from Mr Berezovsky, who asked him to visit him in his London offices. Mr Lugovoy went on in his statement to describe going to see Mr Berezovsky and a discussion between the two of them about the provision of personal security in Moscow for a journalist named Elena Tregubova. He also referred in the statement to Mr Glushkov, one of Mr Berezovsky's close associates, coming into the room during the meeting and discussing wine.<sup>147</sup>
- 6.163** There is no doubt that this meeting did take place. Apart from Mr Lugovoy's evidence, I received evidence from a number of witnesses who described the meeting in similar terms. This evidence included a statement given to the police by Mr Berezovsky before his death,<sup>148</sup> and also oral evidence from Mr Glushkov, who remembered Mr Lugovoy coming to Mr Berezovsky's offices and the discussion about wine.<sup>149</sup>
- 6.164** A witness statement given by Ms Tregubova was also read.<sup>150</sup> She was a Russian journalist who was actively opposed to the Putin regime. In her statement she explained that she had been afraid for her safety following the murder of Anna Politkovskaya, and that she had asked Mr Berezovsky to assist with her personal security. She said that she was aware at the time that Mr Berezovsky was intending to speak with Mr Lugovoy about her security, and in fact she said that Mr Lugovoy had telephoned her following the meeting.
- 6.165** Whilst it is clear that the meeting took place, there is a conflict in the evidence as to precisely when it took place. As I have said, Mr Lugovoy said that it happened shortly after his visit to Mr Patarkatsishvili on 26 October 2006 (it is not clear from Mr Lugovoy's *Terluk* statement whether his account is that the meeting took place on 26 October following his return from Surrey, or on the following day). Other witnesses, including Mr Berezovsky, Mr Glushkov and Ms Tregubova, have stated that the meeting took

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<sup>145</sup> [Bonetti 12/30-45](#)

<sup>146</sup> [Mascall 12/117-118](#)

<sup>147</sup> [INQ001788](#) (page 22)

<sup>148</sup> [INQ016371](#)

<sup>149</sup> [Glushkov 17/6-21](#)

<sup>150</sup> [Tregubova 29/62-66](#)

place the following week, during Mr Lugovoy's next (and final) trip to London – either on 31 October or 1 November.

- 6.166 It does not seem to me to be necessary to make a factual finding as to the date of this meeting. The difference between the dates that have been given for it is small. Moreover, the discrepancy in the dates does not bear on what, to my mind, are the two important points of substance that can be made about this meeting.
- 6.167 First, this episode demonstrates the high degree of trust that Boris Berezovsky placed in Mr Lugovoy right up until the time that Mr Litvinenko was poisoned. It is apparent from all the evidence that I have heard that Mr Berezovsky was very keen to protect his own safety and that of those around him. It is therefore significant that Mr Lugovoy was permitted entry to Mr Berezovsky's offices – and, indeed, to Mr Berezovsky's personal suite within those offices. Moreover, Mr Lugovoy was asked by Mr Berezovsky to assist in keeping safe one of his friends who feared that she might be at risk from violent pro-Putin elements in Moscow. In short, it seems clear that as late as the end of October 2006, Mr Berezovsky regarded Mr Lugovoy as a trusted associate – someone who was 'one of us' in his dispute with the Putin regime.
- 6.168 In the course of his oral evidence, Mr Felshtinsky told me his understanding of Mr Berezovsky's relationship with Mr Lugovoy. The following passage of Mr Felshtinsky's evidence is taken from an answer he gave explaining why he had not been at all surprised to find that Mr Berezovsky had invited Mr Lugovoy to his 60th birthday party, held in January 2006:<sup>151</sup>

*"You see, Lugovoy according to legend... was put in prison for organising an escape for Glushkov, a former director of... Aeroflot and a former associate of Boris Berezovsky. So after being released from prison, Lugovoy became, you know, a very close friend of Berezovsky, because he was a person who, because of Berezovsky, spent many months in prison, and Berezovsky actually felt uncomfortable because of this.*

*The question, of course, is whether Lugovoy was in prison indeed and I doubt that he was."*

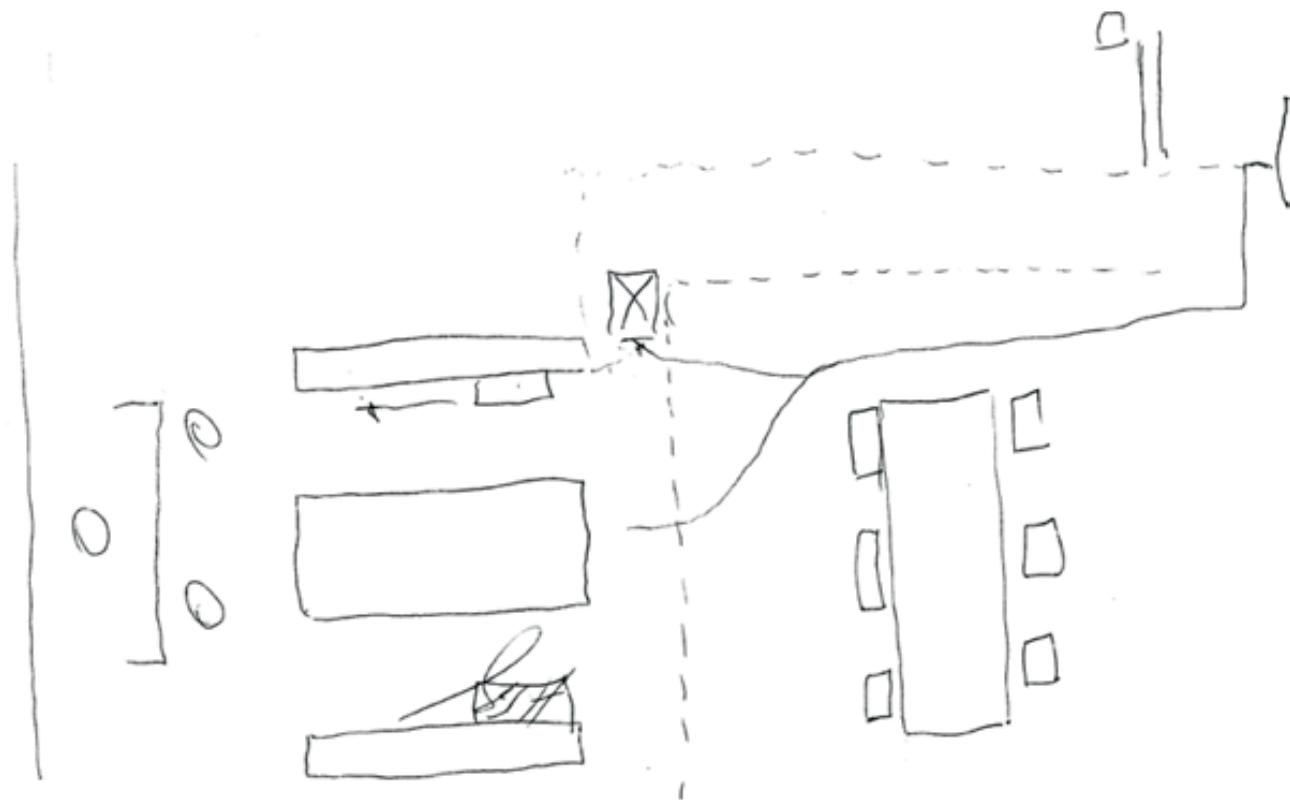
- 6.169 The second point relates to contamination. Mr Berezovsky provided the police with a plan showing where both he and Mr Lugovoy had sat, on facing sofas, at the meeting. That plan is in evidence before me, and is also reproduced below. It will be seen that Mr Berezovsky initialled the seat where he sat during his meeting with Mr Lugovoy. His evidence was that Mr Lugovoy sat on the sofa facing him. In the course of his oral evidence, Mr Glushkov was shown the plan and endorsed it.<sup>152</sup> Subsequently the police made a plan of the room, which is also reproduced below. On the police plan, the sofa on which Mr Berezovsky sat at the meeting is 'sofa 2' and Mr Lugovoy's sofa is 'sofa 1'.
- 6.170 When Mr Berezovsky's offices were monitored for radiation, secondary contamination was found in a number of places. One such place was the photocopier that Mr Litvinenko used when he visited the offices after meeting Mr Lugovoy and Mr Kovtun at the Pine Bar on 1 November 2006. The highest readings, however, were taken from 'sofa 1', the sofa on which Mr Lugovoy had been sitting at his meeting with Mr Berezovsky.<sup>153</sup>

<sup>151</sup> [Felshtinsky 23/160-161](#)

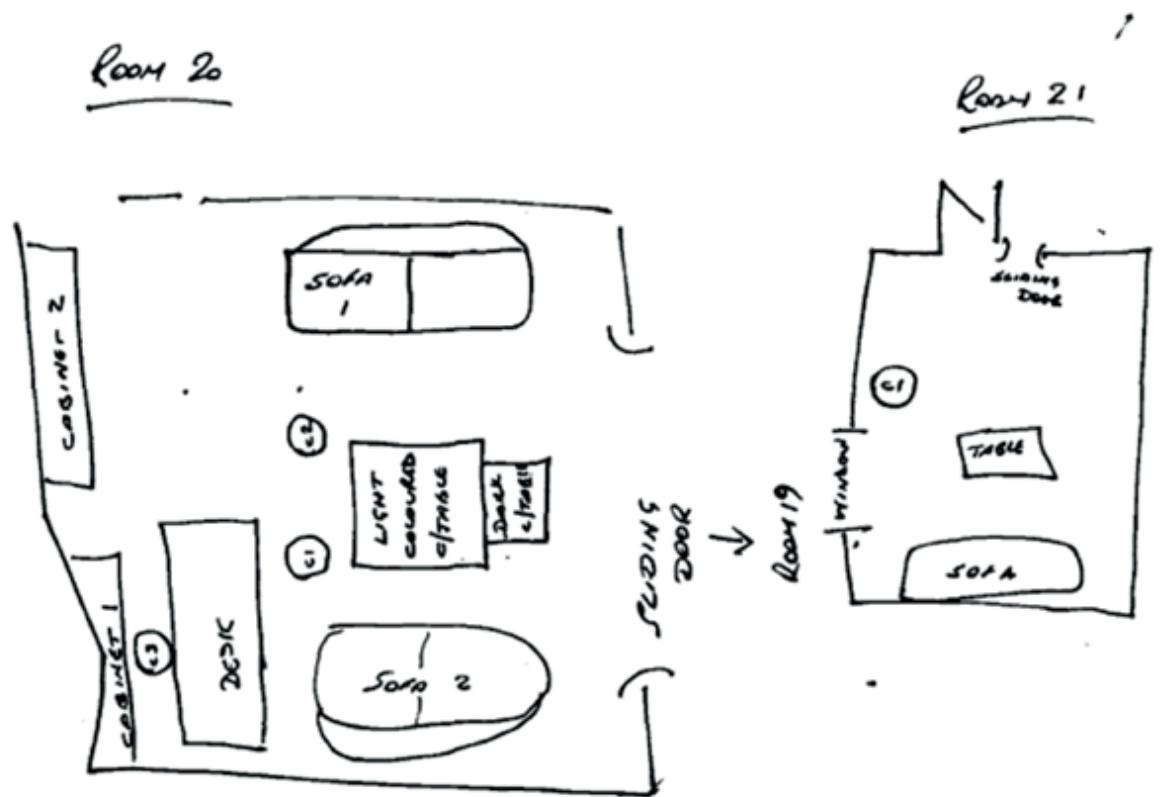
<sup>152</sup> [Glushkov 17/11-12](#)

<sup>153</sup> [Mascall 16/203-210](#)

Mr Berezovsky's plan of his office<sup>154</sup>



The police plan of Mr Berezovsky's office<sup>155</sup>



<sup>154</sup> [INQ019235](#)

<sup>155</sup> [INQ020210](#) (page 2)

## Other meetings

- 6.171** The evidence now available to the Inquiry regarding Mr Lugovoy's actions for the remainder of this trip is limited. The account that Mr Lugovoy gave during his police interview in Moscow did provide further detail in this regard, but for reasons that I have outlined elsewhere (in Appendix 1, paragraphs 127 – 133) the record of that interview is no longer material that I am able to use in evidence.
- 6.172** The records from the Sheraton indicate that Mr Lugovoy had breakfast at the hotel on the morning of 27 October. Mr Lugovoy's credit card billing and related witness evidence show that he then spent the first part of that morning shopping in the West End.<sup>156</sup>
- 6.173** Moving on, the Visitors' Book at 58 Grosvenor Street, where CPL had its offices, has an entry showing Mr Lugovoy arriving there at 11.30 on the morning of 27 October 2006.<sup>157</sup> It is to be noted in this regard that the telephone schedule records a number of calls made between Mr Lugovoy and Dr Shadrin the previous day, on 26 October.<sup>158</sup> When he gave evidence before me, Dr Shadrin was unable to assist as to whether or not he had seen Mr Lugovoy at his offices on that day.<sup>159</sup>
- 6.174** It also appears that Mr Lugovoy met Mr Litvinenko during this trip to London. There is some evidence that the two met at the Sheraton Hotel on the evening of 26 October, after Mr Lugovoy's return from seeing Mr Patarkatsishvili. There is stronger evidence that they met again on the following day, 27 October.
- 6.175** As to 26 October, it appears that Mr Litvinenko may well have met Mr Lugovoy in the bar of the Sheraton Hotel some time after 7.00pm. It would appear probable that Mr Lugovoy met someone there at that time, since the hotel records include a bar bill in his name timed at 7.50pm for three glasses of wine and two teas.<sup>160</sup> Mr Litvinenko, as we have seen, did not drink alcohol.
- 6.176** Various other pieces of evidence indicate that Mr Litvinenko had been in touch with Mr Lugovoy during the day and that he was in the vicinity of the Sheraton Hotel from shortly before 7.00pm until 9.40pm that evening. The telephone schedule records several telephone calls made between Mr Litvinenko and Mr Lugovoy that day.<sup>161</sup> Mr Litvinenko's Oyster Card records show that he travelled into central London in the early afternoon of 26 October, and that he did not return home until after 10.00pm that evening. Cell site evidence shows Mr Litvinenko in the vicinity of the Sheraton at 6.55pm.<sup>162</sup> It therefore seems likely that it was he who drank tea with Mr Lugovoy that evening.
- 6.177** There was another bar bill on Mr Lugovoy's account for the next day, 27 October 2006, timed at 5.21pm.<sup>163</sup> On this occasion, a whisky and two teas were purchased. Cell site evidence again shows Mr Litvinenko to have been in the vicinity of the Sheraton at the time.<sup>164</sup> Further, in the course of his interview with the police whilst in hospital,

<sup>156</sup> [Mascall 12/70-72](#)

<sup>157</sup> [Mascall 12/72-73](#)

<sup>158</sup> [INQ017809](#) (pages 66-67)

<sup>159</sup> [Shadrin 14/188](#)

<sup>160</sup> [Mascall 12/68](#)

<sup>161</sup> [INQ017809](#) (pages 66-67)

<sup>162</sup> [Mascall 12/67-70; INQ019311](#) (pages 10-11)

<sup>163</sup> [Mascall 12/84](#)

<sup>164</sup> [INQ019311](#) (pages 12-13)

Mr Litvinenko referred to having purchased a new SIM card for Mr Lugovoy and giving it to him at what he described as their “*penultimate meeting*” – i.e. their last meeting before the Pine Bar.<sup>165</sup> There is evidence that Mr Litvinenko purchased two SIM cards at about 5.00pm on 27 October 2006.<sup>166</sup> All this evidence tends to indicate that, as with the previous day, it was Mr Litvinenko who drank tea with Mr Lugovoy on 27 October 2006. DI Mascall stated that the teapots used in the bar at the Sheraton – which was named the Palm Court – were of a silver metal design.<sup>167</sup>

## Contamination at the Sheraton Hotel

- 6.178** As I mentioned above, Mr Lugovoy occupied room 848 at the Sheraton for the nights of 25, 26 and 27 October 2006.
- 6.179** DI Mascall gave evidence about the radioactive contamination found in the hotel.<sup>168</sup> He said that the readings taken there were the highest found in the entire investigation. A1 gave her expert opinion as to the interpretation of these results.<sup>169</sup>
- 6.180** Secondary contamination was found throughout room 848. As with the Best Western Hotel, the bathroom was a focus of higher readings. In contrast to the Best Western, however, the readings taken in the bathroom sink and in the disposal pipe from the sink were not especially high. Rather, the highest readings in room 848 were found in the bathroom bin, in particular on one area of the base of the plastic inner casing of the bin. A1 was very confident that these readings were evidence of primary contamination.
- 6.181** The other notable feature of the pattern of contamination at the Sheraton Hotel was the contamination found in the hotel laundry. Two towels found in the laundry also gave such high radiation readings that A1 considered them to be consistent with primary contamination. DI Mascall explained that, although the towels were not found until January 2007, it had not been possible to ascertain whether or not they had in fact been laundered since October 2006.
- 6.182** Given the readings to which I have referred, it seems likely that the two contaminated towels in the laundry emanated from room 848. The findings of primary contamination found there indicate that polonium was handled in that room. In their closing submissions, Mr Horwell QC and Mr Emmerson QC suggested that the pattern of contamination was consistent with an accidental spillage, perhaps followed by an attempt to clean up and/or dispose of the solution.

## Return to Moscow

- 6.183** Mr Lugovoy rose early on the morning of Saturday 28 October 2006. Hotel records at the Sheraton indicate that he checked out at 5.30am. He travelled to Heathrow and caught BA flight 872 to Moscow, which took off that morning at 9.10am.
- 6.184** The aircraft making the flight that morning was G-BNWX, the same plane on which he had flown to Heathrow from Moscow three days earlier.<sup>170</sup>

<sup>165</sup> [INQ016570](#) (pages 5-7)

<sup>166</sup> [Mascall 12/81-83](#)

<sup>167</sup> [Mascall 12/69](#)

<sup>168</sup> [Mascall 12/105-117](#)

<sup>169</sup> [A1 20/49-57](#)

<sup>170</sup> [Mascall 12/91-92](#)

- 6.185** This aircraft was tested for contamination at Heathrow on 29 November 2006. It was discovered that in the month or so since the aircraft had flown on 25 and 28 October, it had undergone a refit, with about half the seats being removed and replaced, and the balance being moved around within the aircraft. The seats in which Mr Lugovoy had been sitting on those dates were, respectively, 6K and 4A. No contamination was found on the seats in those positions when the aircraft was tested on 29 November 2006, although secondary contamination was detected on seat 16K. Secondary contamination was also found on the overhead locker above seats 6J and 6K.<sup>171</sup>
- 6.186** The seats that had been removed from the aircraft at the time of the refit (which had taken place on 1 November 2006) had been taken to Blackwood in Wales. They were also tested for contamination.<sup>172</sup> There were 118 seats in total, all of which had come from G-BNWX. Three of these seats were found to contain secondary contamination. Whilst they were marked 14A, 14B and 13A, it was unclear whether that was in fact where they had been positioned on the aircraft.
- 6.187** Mr Lugovoy was to return to London within a few days, on Tuesday 31 October 2006. This time he was accompanied by family and friends, on a trip to watch a football match that had been planned several weeks before.
- 6.188** As we shall see, however, one change to the travel arrangements was made at short notice. Mr Kovtun was not initially included in any of the travel bookings made in relation to the 31 October trip. However, on 27 October, a ticket was purchased for him to fly from London to Moscow on 3 November, on the same flight upon which all the other members of the party were already booked to return home.
- 6.189** The booking of this ticket appears to mark the moment at which a decision was taken to add Mr Kovtun to the party travelling to London the following week. If that is right, the decision was taken midway through Mr Lugovoy's stay at the Sheraton Hotel. I will return in due course to consider whether this change of plan could have had any connection with the contaminated bath towels and waste bin in room 848.

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<sup>171</sup> [Mascall 12/95-103](#)

<sup>172</sup> [Mascall 12/103-104](#)

## Chapter 7: Events in Hamburg 28 October – 1 November

- 6.190** Before turning to the group trip to London that commenced on 31 October, I propose briefly to consider the evidence relating to Mr Kovtun's stay in Hamburg that immediately preceded it.
- 6.191** As DI Mascall explained in the course of his oral testimony to the Inquiry,<sup>173</sup> the evidence relating to this part of the narrative consists largely of the fruits of an investigation conducted by the German authorities in the aftermath of Mr Litvinenko's death. That investigation was commenced in late 2006 after the Metropolitan Police Service alerted their German colleagues to the details that they had uncovered as to Mr Kovtun's visit to Hamburg. The German police subsequently shared the evidence that they had obtained with the British police.
- 6.192** One piece of the evidence that emerged from the German investigation is potentially of considerable significance. It concerns a conversation that one of the German witnesses, known to us as witness D3, says that he had with Mr Kovtun on the evening of 30 October 2006. As we shall see, the German and British investigating teams reached different conclusions as to the reliability of this evidence. The German police thought that D3 was lying. The British police thought that he might well be telling the truth. As DI Mascall stated, one explanation for this difference of views lay in the fact that the German police only had access to the relatively limited evidence that they themselves had obtained, whereas the British police could place D3's account in the context of all the other information that they had gathered in the course of their investigation.<sup>174</sup>
- 6.193** For the purposes of this Inquiry, the question of the weight to be placed on D3's evidence is of course a matter for me.

### Outline of events

- 6.194** The core events of this episode emerged clearly from the evidence and are, I think, uncontroversial. They may be summarised as follows:
- a. On the morning of Saturday 28 October – the same morning that Mr Lugovoy was returning to Moscow from London – Mr Kovtun took an Aeroflot flight from Moscow to Hamburg<sup>175</sup>
  - b. Mr Kovtun was collected from Hamburg airport by his ex-wife Marina Wall, her partner Radoslaw Pietras and her children. He then returned with them to their flat and stayed there that night<sup>176</sup>

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<sup>173</sup> [Mascall 30/24-38](#)

<sup>174</sup> [Mascall 30/29-30; 30/36-37](#)

<sup>175</sup> [Mascall 24/2](#)

<sup>176</sup> [Jolly 32/60](#) note that many of the dates given by Marina Wall during her interviews were one day out.

- c. The next day, Sunday 29 October, Mr Kovtun made an internet booking for an early morning flight from Hamburg to London on Wednesday 1 November. He paid for the flight using Mr Pietras' credit card<sup>177</sup>
- d. Later the same day (29 October) Mr Kovtun's ex-mother in law, Dr Elenora Wall, collected him and drove him to her house, where he stayed the night<sup>178</sup>
- e. On Monday 30 October, Mr Kovtun and Marina Wall attended an appointment at the Hamburg Aliens' Registration Office. The purpose of the appointment was to have Mr Kovtun's German residency permit inserted into his new (Russian) passport. Marina Wall had pre-arranged the appointment for Mr Kovtun; Mr Kovtun had asked her to make the appointment in a telephone conversation at the end of August 2006<sup>179</sup>
- f. On the same day (30 October), Mr Kovtun telephoned his friend D3 and arranged to meet him that evening at the Tarantella restaurant. Mr Kovtun and D3 spent the evening together and Mr Kovtun stayed that night at D3's flat<sup>180</sup>
- g. On the following day, Tuesday 31 October, Mr Kovtun returned to Marina Wall's flat, where he spent the night<sup>181</sup>
- h. Early on the morning of the following day (Wednesday 1 November), Mr Kovtun flew to London<sup>182</sup>

## Contamination

- 6.195** The German authorities conducted widespread tests for radiation in Hamburg following Mr Litvinenko's death. Secondary contamination was discovered in many of the places that Mr Kovtun had visited during his brief stay.
- 6.196** Secondary contamination was found in Marina Wall's flat, where Mr Kovtun had spent his first and last night in Hamburg, and also in the BMW car in which she had picked him up from the airport.<sup>183</sup>
- 6.197** Secondary contamination was also found in Elenora Wall's house.<sup>184</sup> No contamination was found at the Aliens' Registration Office, although a slightly raised reading was taken under the passport photograph in Mr Kovtun's passport.<sup>185</sup>
- 6.198** Secondary contamination was also found on the bed in D3's flat, where Mr Kovtun had spent the night of Monday 30 October.<sup>186</sup>
- 6.199** The German authorities also wished to test the Aeroflot aircraft on which Mr Kovtun had flown into Hamburg and the Germanwings aircraft on which he had flown on

<sup>177</sup> [Jolly 32/61](#)

<sup>178</sup> [Jolly 32/76-77](#)

<sup>179</sup> [Jolly 32/60-61](#)

<sup>180</sup> [Mascall 30/46-47; 30/54-60](#)

<sup>181</sup> [Jolly 32/62](#)

<sup>182</sup> [Mascall 16/25-27](#)

<sup>183</sup> [Mascall 24/3-6](#)

<sup>184</sup> [Mascall 24/6-7](#)

<sup>185</sup> [Mascall 24/7-8](#)

<sup>186</sup> [Mascall 24/8-9](#)

to London. The Germanwings aircraft was tested but no radiation was detected.<sup>187</sup> The Aeroflot aircraft was never tested. DI Mascall stated that the German authorities had expected the aircraft to arrive from Russia on a certain date to be tested, but a different plane arrived in its place.<sup>188</sup>

## The German witnesses

- 6.200** Before going further, there are two observations that I should make about the procedural position of the German witnesses.
- 6.201** First, it will be seen that a number of the German witnesses are referred to by way of pseudonyms – D3, D6, D7, etc. The reason for this is that I have made orders granting these individuals anonymity for the purposes of these proceedings. The details of these orders and the grounds for making them are discussed in more detail at paragraphs 79-81 of Appendix 1. For the avoidance of doubt, and as with all such orders, the names of these individuals are of course known to me and to my team.
- 6.202** Second, all bar one of the German witnesses did not give oral evidence to the Inquiry. Those who did not were D3, D7, Inna Hohne, Marina Wall and Elenora Wall. I had very much hoped that these witnesses would give oral evidence. They were contacted in advance and arrangements were made for evidence to be given using video link facilities in Hamburg. These facilities were used successfully for D6, who did give evidence. As DI Mascall explained, D7 did not give oral evidence because he was on holiday at the relevant time. As to the others, requests that they give oral evidence were sent to them and it is known that these requests were safely delivered. However, no responses to the requests were received. It is to be inferred that these individuals have declined to give oral evidence.<sup>189</sup>
- 6.203** In these circumstances, the evidence of these individuals was adduced by reading into the record sections of the transcripts of their interviews with the German investigators.
- 6.204** I should make it clear that, since these individuals are outside the jurisdiction, I have no power to compel them to give oral evidence. As to the weight that I should attach to the transcripts of their interviews, it is true that it has not been possible for their evidence to be tested or challenged. I have also not had the opportunity of observing their demeanour in answering questions. Those are considerations that must be borne in mind in considering their evidence. They apply in particular to D3, whose evidence is the most controversial of the group. Aside from these practical considerations, I do not consider that the accounts given by any of these witnesses are rendered less reliable simply as a result of their refusal (as I interpret it) to give oral evidence. That was a decision that they were entitled to take, and they may each have had good reasons for taking it.

## D3's account

- 6.205** It seems to me to be clear from the evidence that the initial purpose of Mr Kovtun's trip to Hamburg was to attend the appointment at the Aliens' Registration Office that Marina Wall had booked for him several weeks before. It is also apparent, and unsurprising, that Mr Kovtun took the opportunity of his brief stay in Hamburg to catch

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<sup>187</sup> [Mascall 16/27-28](#)

<sup>188</sup> [Mascall 24/2-3](#)

<sup>189</sup> [Mascall 30/39-41](#)

up with old friends and former family members. The secondary contamination that was discovered in the places Mr Kovtun visited, whilst important, is no more than consistent with the contamination discovered in London that is linked to Mr Kovtun's movements both before and after his time in Hamburg.

- 6.206** The single piece of evidence about Mr Kovtun's time in Hamburg that stands out from the rest is the account given by D3 of a brief conversation that he had with Mr Kovtun during the evening of Monday 30 October 2006.
- 6.207** D3 was interviewed by German investigators on five occasions – three times in December 2006, once in January 2007 and once (at the request of the British police) in September 2010. Transcripts were made of each interview and extensive sections of each of these transcripts were read into the record during DI Mascall's evidence on Day 30 of the Inquiry hearings.<sup>190</sup>
- 6.208** The core of the account that D3 gave in the course of the interviews was straightforward.
- 6.209** D3 said that he was an old friend of Mr Kovtun, having known him since 1996 when they both worked as waiters at the Il Porto restaurant in the harbour area of Hamburg. They had kept in touch after both of them had left Il Porto, occasionally meeting up to play chess and have a beer. D3 said that Mr Kovtun had telephoned him on Monday 30 October and asked if they could meet. He wasn't surprised by this – it was normal for Mr Kovtun to call out of the blue and suggest meeting up.
- 6.210** D3 said that they had indeed met up that evening. Initially, Mr Kovtun came to the Tarantella restaurant where D3 was having a meal with a friend, D5. Later, all three left the restaurant, intending to go to a casino. D5 went ahead, leaving D3 and Mr Kovtun walking alone. This was the point at which, on D3's account, the critical conversation took place.
- 6.211** When he was first interviewed by the German police on 9 December 2006, D3 made no mention of this conversation at all. He gave a brief narrative of the evening, in which he passed straight from leaving the restaurant, to a short stay in a games arcade on the Steindamm, to returning home.<sup>191</sup>
- 6.212** However, when D3 was interviewed for a second time, less than two weeks later on 21 December 2006, he gave a far more detailed account. I have set out the critical section of the interview transcript below:<sup>192</sup>

A: *"We all three left the restaurant. We wanted to go to the casino on the Steindamm. Witness D5 went ahead because he wanted to meet somebody. Afterwards he was going to come to the gambling casino, however. I do not know who he wanted to meet. It happened when Dmitri and I were now alone and he told me this tale.*

Q: *What did he say to you word for word?*

A: *Dmitri asked whether I knew Litvinenko or had heard of him. I answered no. Dmitri said word for word, 'Litvinenko was a traitor, there is blood on his hands.' He went on to say that Litvinenko does deals with Chechnya and then he asked me whether I knew a cook who was working in London. I told him*

<sup>190</sup> [Mascall 30/41-115](#)

<sup>191</sup> [Mascall 30/47](#)

<sup>192</sup> [Mascall 30/56-57](#)

witness C2. Witness C2 was a cook at *Il Porto* and he told me that he wanted to go to England. I cannot say whether witness C2 is his first name or surname. Also, I do not know actually whether witness C2 ever went to England. I gave Dmitri the name without knowing exactly whether he was in fact in England. I cannot remember the exact words. Dmitri said that he had a very expensive poison and needed the cook to administer it to Litvinenko. I cannot remember whether Dmitri said he had the poison. I did not take seriously what Dmitri said. I thought it was just talk.

Q: Try once more to remember the exact words?

A: Kovtun said, 'I need this cook to put poison in Litvinenko's food or drink.' He also said the poison is very expensive. As I have said already I did not take him seriously. I said to him he was crazy. The cook is married, I meant witness C2, it would be much easier to shoot Litvinenko, I said jokingly. Kovtun said after that, 'It is meant to set an example.' I answered that he should stop this nonsense. I asked him in addition why he told me of all people. I did not say anything more on this subject after that.

Q: Did he say anything else on the way to the casino?

A: He said he would soon have his own flat in Moscow. I replied that that would be nice and I could come and visit him there."

**6.213** D3 added that he did not think that Mr Kovtun had been drunk at the time of this conversation. He said that Mr Kovtun had behaved normally for the rest of the evening. They had spent only a short time at the casino and had then both gone back to sleep at D3's flat. He said that Mr Kovtun had left early the next morning.

**6.214** D3 was subsequently asked again about this conversation at an interview with the German investigators in January 2007,<sup>193</sup> and again at the interview in September 2010.<sup>194</sup> On both occasions, D3 gave the same basic account of this conversation. There were some variations in what he said, but none were significant.

**6.215** D3 was also asked during both of these interviews why he had not given this account at the time of his first interview. He answered at some length.<sup>195</sup> In summary, he said that he had been – and remained – afraid to be involved in what he described as "*this huge affair*". He said that initially he had hoped that the police "*could solve this case alone*". His fears appear to have included a concern for his physical safety – for example, he said that he was worried that "*something may also happen to me*" – but he was clear that Mr Kovtun had never threatened him, including in at least one telephone conversation that had taken place since Mr Litvinenko's death.

**6.216** Mr Kovtun provided a response to D3's evidence in his statement dated 2 June 2015. He said:<sup>196</sup>

*"I would add that during that meeting D-3 and his friend [D5] were smoking heroin; I was shocked to see D-3 doing this because he had never done it before. [D5] by contrast, is a heroin addict with a long record for using hard drugs. I was very pained by those circumstances. It is entirely possible that it was in fact the use of*

<sup>193</sup> [Mascall 30/73-74](#)

<sup>194</sup> [Mascall 30/83-92](#)

<sup>195</sup> [Mascall 30/60-65; 30/108-112](#)

<sup>196</sup> [INQ021208](#) (page 9)

*heroin that would explain the preposterous and untruthful statements made by witness D-3 in relation to me. I should be grateful if you would verify the fact that the witness D-3 uses heroin.”*

- 6.217** Mr Kovtun did not identify precisely what he meant by D3’s “*preposterous and untruthful statements*”, and since he declined to give oral evidence to the Inquiry it was not possible to ask him to be more specific. I assume that he rejects the entirety of the alleged conversation that I have set out above.
- 6.218** Equally, the fact that D3 did not give oral evidence meant that I was unable to explore with him Mr Kovtun’s allegations about his drug use, and what I take to be Mr Kovtun’s contention that D3’s account of his conversation with Mr Kovtun was either imagined or distorted as a result of having taken heroin that evening.
- 6.219** I will make my findings as to what I think really took place between Mr Kovtun and D3 in Hamburg that evening when I set out my conclusions at the end of this Report. Ultimately, this issue boils down to which of the two men has been truthful in the accounts that they have given. That does not mean, of course, that those accounts are all that I have to go on. The truthfulness of this part of Mr Kovtun’s evidence is something that I can and must judge alongside the truthfulness of the rest of the evidence that he has given. In this case, that includes his evidence as to how and why he did in fact make contact with C2 after he arrived in London later that week. That is an issue to which I will turn in the next chapter of this Part.

## Mr Kovtun obtains C2’s phone number

- 6.220** In his 2 June 2015 witness statement, Mr Kovtun gave his account of how he obtained C2’s telephone number. He said:<sup>197</sup>

*“During my visit to Hamburg in the period between 28 October and 1 November I met my former employer, the owner of ‘Il Porto’ restaurant, [D4]. He gave me the telephone number of [D7] (manager of the ‘Il Porto’ restaurant in Hamburg), and [D7] passed on [C2]’s telephone number in Great Britain.”*

- 6.221** The other evidence available to me suggests that this account is broadly accurate, but that Mr Kovtun in fact obtained C2’s number from D6, and not D7.
- 6.222** D6 gave oral evidence by video link from Hamburg.<sup>198</sup> He said that he had formerly worked at Il Porto as a barman and a waiter and that he had known Mr Kovtun during his time there. He stated that Mr Kovtun had called him in 2006, explaining that he had got D6’s phone number from their former boss, D4. Mr Kovtun had asked D6 whether he had a telephone number for C2 in England. D6 did not have C2’s number. However, he said that he rang another former colleague from Il Porto days, D7, who did have C2’s number. D6 explained that D7 had spoken to C2 and asked for his consent to pass his number to Mr Kovtun; C2 had agreed. D6 said that D7 then passed the number to him, and he had then texted C2’s number to Mr Kovtun. D6 said that this had all taken place in a single day. He could not remember the date, but he thought that it was a day or two before a Union of European Football Associations (UEFA) cup match. He also said that it was the day when Mr Kovtun was travelling to the UK.

<sup>197</sup> [INQ021208](#) (page 11)

<sup>198</sup> [D6 30/2-22](#)

**6.223** D7's evidence, which consisted of transcripts of interviews with German investigators, was read.<sup>199</sup> The transcripts showed that, although he had initially denied it, D7 had ultimately given an account that was consistent with D6's story. D7 said:<sup>200</sup>

*"I was at the workplace, under stress, and D6 called me and said Dmitri wanted to go to London and he wanted to have C2's telephone number. I said, I am sorry I cannot give him the telephone number if I do not know why he needs it. Subsequently I [called] C2 briefly and asked him whether I could pass on his telephone number. C2 said I can pass on the telephone number to him and 10 minutes later D6 called me again, and I gave him C2's telephone number."*

**6.224** C2 gave evidence confirming D7's account.<sup>201</sup>

**6.225** The telephone schedule shows a call from D7 to C2 at 7.14pm on the evening of Tuesday 31 October 2006.<sup>202</sup> It would therefore appear that the exchanges between Mr Kovtun, D6, D7 and C2 took place on that day. This is broadly consistent with D6's memory, since 31 October was Mr Kovtun's last day in Hamburg before he flew to London very early the next morning, and was also two days before a Champions League football match between Arsenal and CSKA Moscow. It was also, of course, the day after Mr Kovtun's evening with D3.

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<sup>199</sup> [Mascall 30/116-154](#)

<sup>200</sup> [Mascall 30/150-151](#)

<sup>201</sup> [C2 24/28-29](#)

<sup>202</sup> [INQ020044](#) (page 3)

## Chapter 8: Events in London 31 October – 3 November

- 6.226** One fact about Mr Lugovoy that emerges with some clarity from the totality of the evidence is that he was a keen supporter of the CSKA Moscow football team. As I have mentioned above, when Mr Lugovoy met up with Mr Litvinenko for the first time in London in October 2004, he was in London to watch a match between Chelsea and CSKA (see above at paragraph 4.149). Mr Quirke gave evidence that during his meeting with Mr Lugovoy on 17 October 2006, Mr Lugovoy received a text alert about a goal that had been scored in a match that was taking place between CSKA and Arsenal.<sup>203</sup>
- 6.227** It is not, therefore, surprising that Mr Lugovoy should have come to London to watch CSKA play Arsenal at the Emirates Stadium on Wednesday 1 November 2006.
- 6.228** Nor did Mr Lugovoy come alone. The evidence shows that, on this occasion, he brought a group of people with him from Moscow. The core of the group was Mr Lugovoy's family – himself, his wife Svetlana, his two daughters Galina and Tatiana, who were 19 and 20 respectively, and his eight year old son Igor. Also in the group were Tatiana's boyfriend, Maxim Begak, and a business partner of Mr Lugovoy named Mr Sokolenko.
- 6.229** The group flew from Moscow to London on Tuesday 31 October 2006. Tatiana and Maxim caught an early morning flight from Moscow; the rest of the group caught an afternoon flight. Whilst in London the group (with the exception of Mr Begak) stayed at the Millennium Hotel in Grosvenor Square, Mayfair. They all flew home together on Friday 3 November.
- 6.230** The evidence was that this was a long planned trip. The flight bookings had been made on 12 October 2006.<sup>204</sup> The hotel bookings had been made two days earlier, on 10 October 2006.<sup>205</sup> DI Mascall referred to evidence that Mr Lugovoy had made arrangements to obtain tickets for the football match from Mr Shuppe, Mr Berezovsky's son in law, in September 2006.<sup>206</sup>
- 6.231** Putting these details into context, it will be seen that this family trip to watch a football match had been arranged some time before Mr Lugovoy and Mr Kovtun made their first trip to see Mr Litvinenko on 16 October 2006. The question that I will have to consider is whether the later visit to London remained simply a recreational trip or whether, perhaps as a result of intervening events, it subsequently came to serve a different, additional, purpose.

### Arrival of Andrey Lugovoy and his party

- 6.232** As I have said, the first of the Lugovoy party to arrive in London on Tuesday 31 October 2006 were Tatiana Lugovoya and her boyfriend Maxim Begak. They flew into Heathrow on BA flight 881, which landed that morning at 7.11am.<sup>207</sup> The registration number of the aircraft that made the flight that day was G-EUUG. DI Mascall explained that

<sup>203</sup> [Quirke 11/98-99](#)

<sup>204</sup> [Mascall 13/168-173](#)

<sup>205</sup> [Mascall 13/191](#)

<sup>206</sup> [Mascall 13/165-166; 16/215-216](#)

<sup>207</sup> [Mascall 13/185-187](#)

that particular plane was never tested because it was not believed to be at risk of contamination.<sup>208</sup>

- 6.233** The rest of the party (that is, Andrey, Svetlana, Galina and Igor Lugovoy and Mr Sokolenko) flew from Moscow later in the day. They took BA flight 873, which landed at Heathrow at 6.35 in the evening. All five of them sat in seats in row 23 of the aircraft. The registration number of the aircraft was G-BNWB.<sup>209</sup>
- 6.234** G-BNWB was tested for contamination, and readings indicating secondary contamination were taken in the area of row 23. The highest readings were taken on seat 23D, which was the seat that had been occupied on this flight by Mr Lugovoy.
- 6.235** Later that evening Mr Lugovoy and his party checked into their rooms at the Millennium Hotel. The hotel records indicate that there was some confusion over the allocation of rooms, and this appears to have been caused at least in part by Tatiana Lugovoya arriving and checking in ahead of the main group. DI Mascall gave evidence about the detail of the process,<sup>210</sup> but I do not propose to rehearse it here. The final position reached was that Andrey, Svetlana and Igor Lugovoy were allocated room 441, Tatiana and Galina Lugovoya were allocated room 101 and Mr Sokolenko was allocated room 382. Mr Begak had checked into a different hotel earlier in the day.<sup>211</sup>
- 6.236** The telephone schedule indicates that Mr Lugovoy made a telephone call to Mr Litvinenko lasting six minutes shortly after 9.00 that evening.<sup>212</sup> There had been no previous telephone communication between them during the day. It is of some potential significance that the evidence shows Mr Lugovoy initiating contact with Mr Litvinenko, and not the other way around.

## Arrival of Dmitri Kovtun

- 6.237** Dmitri Kovtun flew into London on a Germanwings flight early on the morning of Wednesday 1 November 2006.
- 6.238** I have already referred to Marina Wall's evidence that Mr Kovtun booked his onward flight to London on the internet on Sunday 29 October, the day after he had arrived in Hamburg. She also said that Mr Kovtun had used her boyfriend's credit card to pay for the ticket. Enquiries made by the German police confirmed Ms Wall's memory of events. They confirmed that the booking had been made on 29 October in the name of Radoslaw Michal.<sup>213</sup>
- 6.239** As I have also mentioned above, Mr Kovtun's return flight from London to Moscow had in fact been booked two days previously, on 27 October. Documentary evidence demonstrates that on that day a booking was made for Mr Kovtun to fly to Moscow on flight BA874 on 3 November, the flight on which the rest of Mr Lugovoy's party were already booked. The booking was made with the same travel agent as had previously booked the travel for Mr Lugovoy's party.<sup>214</sup>

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<sup>208</sup> [Mascall 13/187-188](#)

<sup>209</sup> [Mascall 13/192-195](#)

<sup>210</sup> [Mascall 13/191-192; 16/14-20](#)

<sup>211</sup> [Mascall 13/188-189](#)

<sup>212</sup> [INQ020044](#) (page 3)

<sup>213</sup> [Mascall 13/176-177](#)

<sup>214</sup> [Mascall 13/179-180](#)

- 6.240** Mr Kovtun's flight was scheduled to land at 7.25 that morning. There was no evidence of its actual arrival time, but it must have landed on time, or perhaps even slightly early, because Mr Kovtun can be seen on CCTV footage arriving at the Millennium Hotel shortly after 8.30am.<sup>215</sup> The aircraft on which he had travelled was subsequently tested by the German authorities, but no contamination was found.<sup>216</sup>
- 6.241** Mr Kovtun did not have his own room at the Millennium Hotel. CCTV footage from within the hotel showed that for the two days and two nights that he was in London on this occasion, he shared room 382 with Mr Sokolenko.<sup>217</sup>

## What was Mr Kovtun doing in London?

- 6.242** Before continuing with the narrative of events on 1 November, it is perhaps worth pausing to consider a question to which I have already alluded more than once. What was the purpose of Mr Kovtun's flight that morning? What was he doing in London?
- 6.243** The first point to address is whether Mr Kovtun's trip had been planned with any particular purpose at all. In his 2 June 2015 witness statement, Mr Kovtun denied this. He said, in summary, that he had only come to London "by chance", and that he only decided to make the trip after he had resolved his business at the Aliens' Registration Office with unexpected speed. The relevant section of the witness statement stated as follows:<sup>218</sup>

*"I have declared repeatedly and publicly that I arrived in London by chance on 1 November because I was anticipating serious complications in Hamburg while arranging to have a 'residence permit' inserted into my new passport. That had to be done because the old passport expired on 11.04.06. For reasons which had nothing to do with me I did not receive the new passport until 17.08.2006, and I arrived in Germany on 28.10.2006. This meant that I had involuntarily infringed a whole series of provisions of the 'residence permit' law of Germany. Firstly, the periods laid down for crossing the border had been infringed. In connection with that I anticipated complications with having a 'residence permit' inserted into the new passport and was prepared for the fact that I might have to stay in Germany for 2-3 weeks and deal with residence and insurance matters, registration of the company, or employment. It was entirely possible that I would have to engage a lawyer. In any case I had not contemplated a trip to London until there was a happy turn of events for me when the employee of the foreign affairs department simply overlooked the abovementioned facts."*

I have underlined what appear to me to be the most important parts of this passage.

- 6.244** As I have previously remarked in relation to other sections of Mr Kovtun's statement, the fact that Mr Kovtun decided not to give oral evidence to the Inquiry means that it was not possible to test him on difficulties and apparent inconsistencies in his account. However, even without the benefit of having heard Mr Kovtun's oral explanation, it seems tolerably clear that this section of his statement is false and was intended to mislead me. The suggestion made by Mr Kovtun is that he only decided to travel to London after his appointment at the Aliens' Registration Office on Monday 30 October – indeed, he states that he had not even "contemplated" making the trip

<sup>215</sup> [Mascall 16/26-32](#)

<sup>216</sup> [Mascall 16/27-30](#)

<sup>217</sup> [Mascall 16/32](#)

<sup>218</sup> [INQ021208](#) (page 8)

until then. That is plainly inconsistent with the fact that a return ticket from London to Moscow had been purchased for him on 27 October and that Mr Kovtun himself had purchased a ticket from Hamburg to London on Sunday 29 October – the day before his appointment at the Aliens’ Registration Office. I simply do not accept that these arrangements would have been made unless a decision had already been taken that Mr Kovtun would travel to London on 1 November.

**6.245** If that is right, there must have been a reason for the decision that Mr Kovtun made to make a special trip to London. The statement also raises a further question – why is Mr Kovtun now attempting to confuse the issue?

**6.246** There are some suggestions in Marina Wall’s interview transcripts that Mr Kovtun was intending to go to London in order to watch the Arsenal v CSKA Moscow match. For example, she said at one point; *“Dmitry wanted to go to London to a football match. He told me that he wanted to meet up with two friends in London and they then wanted to go to the football match.”*<sup>219</sup> It is clear, however, that this was not the reason for Mr Kovtun’s trip to London. Apart from the fact that Mr Kovtun makes no mention of any plan for him to attend the match in his recent statement, there is evidence, to which we shall come, that there were not enough tickets for Mr Kovtun to go to the match, and it is clear on the evidence that he did not in fact go to the match.

**6.247** In the Declaration that he made at the British Embassy in Moscow on 23 November 2006, Mr Kovtun gave a different explanation for his trip to London. At that time, he did not say that he had made the trip simply “*by chance*”, or that he had come to watch the football match. Rather, he said:<sup>220</sup>

*“The second time that I came to London was on 1 November 2006. I came from Hamburg, having agreed my visit with Continental Petroleum Ltd, with the aim of passing several documents to one of the members of the Board, Dr Shadrin. Mr Lugovoy was present at the talks, with Dr Shadrin as my main partner in the oil field development projects.”*

**6.248** I will turn to Dr Shadrin’s evidence about his contact with Mr Lugovoy and Mr Kovtun shortly. In summary, however, he contradicted the idea that there was any pressing business justification for Mr Kovtun’s journey to London. He could not recall any important business being discussed when Mr Lugovoy and Mr Kovtun came to his offices on 1 November – most of the time was spent talking about football. And in any event, he made regular visits to Moscow at that time and they could have seen him there if they wished. They did give him some documents, but these were standard ‘Know Your Client’ compliance documents. There was no need to deliver them by hand and certainly no need for Mr Kovtun to make a special trip to London to do so.

**6.249** Mr Kovtun’s 2 June 2015 witness statement does disclose one further possible motive for his trip to London, namely a desire to contact C2 and ask him if he would like to move to Moscow and become the chef at a new restaurant that Mr Kovtun and Mr Lugovoy were planning to open. This is another matter to which I shall shortly come. Mr Kovtun has not of course said, either in his June 2015 statement or anywhere else, that a desire to speak to C2 was what prompted him to come to London. As we shall see, having arrived in London Mr Kovtun made very limited attempts to meet C2, and appears never to have put his proposal to him at all.

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<sup>219</sup> [Jolly 32/60](#)

<sup>220</sup> [INQ002696](#)

**6.250** In conclusion, the question that I posed at the outset of this section remains unanswered. There must have been a reason for the decision, which the evidence shows to have been taken at short notice, for Mr Kovtun to fly to London and join Mr Lugovoy's party there. The different (and conflicting) explanations that Mr Kovtun has given over time are unconvincing. What was the reason?

## Movements of Kovtun and Lugovoy – morning of 1 November

**6.251** DI Mascall gave evidence about the movements and activities of Mr Lugovoy, Mr Kovtun and the rest of the group from the morning until the late afternoon of 1 November 2006. In outline:

- a. There is CCTV evidence of the whole group (that is, the five members of the Lugovoy family, Mr Sokolenko and Mr Kovtun) leaving the hotel together at about 10.08am<sup>221</sup>
- b. Witness and documentary evidence demonstrates that at 10.26am Mr Lugovoy's credit card was used to pay for tickets for a 'Big Bus' sightseeing tour of London, commencing at Marble Arch. Four adult and one child's tickets were purchased. It appears that Mrs Lugovoya with her three children and Mr Sokolenko went on the tour.<sup>222</sup> As we shall see, they returned to the hotel later that afternoon
- c. Mr Lugovoy and Mr Kovtun appear to have walked on from Marble Arch together. The telephone schedule indicates that at 10.42am Mr Lugovoy made a short telephone call to Mr Berezovsky's offices, which were nearby.<sup>223</sup> It is possible that he popped in to Mr Berezovsky's offices at this stage to collect the tickets for the football match. Another possibility is that the meeting between Mr Lugovoy and Mr Berezovsky at which Ms Tregubova's security was discussed took place at about this time
- d. The Visitors' Book at 58 Grosvenor Street, where CPL had its offices, records that Mr Lugovoy and Mr Kovtun arrived there at some point in the late morning of 1 November 2006 (the entries for Mr Lugovoy and Mr Kovtun are dated 31 October, but the sequence of the timings on the page suggest that these entries were in fact made on 1 November).<sup>224</sup> There is other evidence, to which I shall return, that they were there that morning. DI Mascall stated that cell site evidence suggested (although he was careful not to put it higher than that) that the two men arrived at the CPL offices at about noon and stayed there for a number of hours<sup>225</sup>
- e. The telephone schedule indicates that two potentially significant calls were made from Mr Lugovoy's mobile phone shortly after 11.30am.<sup>226</sup> At 11.33am, a call lasting 1 minute and 14 seconds was made to C2. A few minutes later, at 11.41am, a call lasting nearly five minutes was made to Mr Litvinenko. As I have indicated above, DI Mascall stated that the cell site evidence tended to suggest that the calls were made before Mr Lugovoy and Mr Kovtun arrived at the CPL offices

<sup>221</sup> [Mascall 16/34](#)

<sup>222</sup> [Mascall 16/36-38](#)

<sup>223</sup> [INQ020044](#) (page 4)

<sup>224</sup> [INQ006389](#) (page 5); [Davison 14/121](#)

<sup>225</sup> [Mascall 16/45-49](#)

<sup>226</sup> [INQ020044](#) (page 4)

f. CCTV footage at the Millennium Hotel shows Mr Lugovoy and Mr Kovtun arriving back there at about 3.30pm.<sup>227</sup> Similar footage shows Mr Litvinenko arriving at the hotel at about 4.00pm.<sup>228</sup> There is evidence, to which I shall of course return, about a meeting that then took place in the Pine Bar of the hotel between Mr Lugovoy, Mr Kovtun and Mr Litvinenko. CCTV footage shows Mr Sokolenko, Mrs Lugovoya and her children arriving back at the hotel at about 4.30pm,<sup>229</sup> which was about the time that the meeting in the Pine Bar was breaking up

**6.252** There is a degree of overlap between Mr Lugovoy and Mr Kovtun's visit to the CPL offices and the two phone calls made shortly after 11.30am. I propose to address the two issues together.

**6.253** It is quite clear that Mr Lugovoy and Mr Kovtun did attend the CPL offices at some point on the morning of 1 November. I have already referred to the evidence of the Visitors' Book and the cell siting. The Visitors' Book does not record a time of arrival. Mrs Davison's evidence was that the two men arrived between 11.00am and noon,<sup>230</sup> which is broadly consistent with DI Mascall's understanding of the cell site evidence.

**6.254** I heard evidence from three individuals who were present at the CPL offices that day and who recalled meeting Mr Lugovoy and Mr Kovtun. They were Dr Shadrin himself,<sup>231</sup> his assistant Mrs Davison<sup>232</sup> and Mr Gorokov,<sup>233</sup> a colleague of his. Mr Gorokov was confused over dates, but it is clear that the events he was describing took place on 1 November, since he remembered that it had been the day of the match between Arsenal and CSKA Moscow.

**6.255** The strong impression that I gained from the evidence of these three witnesses was that there was little real business, and certainly no urgent or important business, done that day.

**6.256** Mr Gorokov and Mrs Davison were both, as it happened, football fans who were due to go to the match that evening. They both recalled discussing the prospects for the match with Mr Lugovoy and Mr Kovtun. Mr Gorokov recalled speaking to Mr Lugovoy for 15 or 20 minutes about football, including looking at his ticket and telling him that he had a good seat. He was asked directly whether they had discussed any business at all – he said, *“No, this time it was not business; it was only saying this sporting matters.”*<sup>234</sup>

**6.257** Dr Shadrin recalled that there had been a meeting on that day and that he had had some general discussions with Mr Lugovoy and Mr Kovtun about possible new projects, but his main memory appears to have been of Mr Lugovoy and Mr Kovtun discussing the football with Mrs Davison and Mr Gorokov. He said:

*“... frankly I don't remember that we actually discussed anything. Basically I was trying to explain Lugovoy the steps that he needs to undertake to develop the*

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<sup>227</sup> [Mascall 16/87](#)

<sup>228</sup> [Mascall 16/92-93](#)

<sup>229</sup> [Mascall 16/170-171](#)

<sup>230</sup> [Davison 14/124](#)

<sup>231</sup> [Shadrin 14/191-195](#)

<sup>232</sup> [Davison 14/114-137](#)

<sup>233</sup> [Gorokov 13/142-155](#)

<sup>234</sup> [Gorokov 13/151-152](#)

*projects and the procedure that he has to adhere, but I don't know whether he actually listened to me very carefully.”<sup>235</sup>*

When asked whether he remembered Mr Kovtun being present, Dr Shadrin said:

*“I don't remember, actually. Probably he was. But effectively they were talking more about football, and openly I just quitted the meeting, because I think that was probably early – it was midday/early afternoon, because obviously everyone was going to... attend the match.”<sup>236</sup>*

When asked whether he recalled the meeting being disturbed by Mr Lugovoy receiving a call from anyone else, Dr Shadrin replied:

*“No. Actually, ... I was trying to be focused on the matters that I would like... them to understand, and basically explain them the procedures that they need to comply with, but the major part of the conversation was just going into jokes and discussion about football.”<sup>237</sup>*

- 6.258** Dr Shadrin did recall that Mr Lugovoy and Mr Kovtun delivered some ‘Know Your Client’ documents, but his memory is that they did so the next day, when he was engaged in another meeting.<sup>238</sup>
- 6.259** I have addressed the evidence relating to the meeting with Dr Shadrin in some detail because it is relevant to the question of why Mr Kovtun travelled to London. As I have set out, one of the explanations that Mr Kovtun has given over time is that he needed to come to London to do business with Dr Shadrin.
- 6.260** I regard that assertion as being untenable in the light of the evidence of Dr Shadrin and his colleagues. There is nothing to suggest that anything was discussed or undertaken at the CPL offices that day that required Mr Kovtun’s presence at all, far less his urgent travel from Hamburg. It is also important to recall in this context that Mr Lugovoy and Mr Kovtun did not need to travel to London at all to meet Dr Shadrin. As he made clear in his oral evidence, and repeated in his statement dated 24 June 2015, “*during 2006 I was a regular visitor to Russia and could quite easily have met them there*”.<sup>239</sup>
- 6.261** I turn now to the telephone call made on Mr Lugovoy’s phone to C2 at 11.33 on the morning of 1 November.
- 6.262** It is common ground that this call was in fact made by Mr Kovtun – in his recent statement he said that he did so because his own phone was out of credit.<sup>240</sup> It is also common ground that Mr Kovtun and C2 had a discussion about meeting up. Mr Kovtun said in his recent statement that this conversation in fact took place shortly after his first call when C2 rang him back. That assertion is not supported by the telephone schedule, but I do not regard this as a point of any great importance.
- 6.263** Beyond these facts, there are some important discrepancies in the evidence that I have received.

<sup>235</sup> [Shadrin 14/192](#)

<sup>236</sup> [Shadrin 14/192](#)

<sup>237</sup> [Shadrin 14/193](#)

<sup>238</sup> [Shadrin 14/195-196](#)

<sup>239</sup> [INQ022384](#) (page 2)

<sup>240</sup> [INQ021208](#) (page 11)

**6.264** C2 himself gave oral evidence to the Inquiry.<sup>241</sup> He said that he had worked for some years at Il Porto in the 1990s, initially as a kitchen porter and latterly as a chef de partie (in a statement prepared after he had given evidence, C2 clarified that in his last two years at Il Porto he worked as head chef when the other chef was absent).<sup>242</sup> In 2000 he had left Germany, returning to his home country of Albania. He had subsequently travelled to the UK and settled in London. He said that he had known Mr Kovtun at Il Porto, but that they had not been friends. They had not shared a language, and had therefore been unable to talk to each other.

**6.265** C2 recalled receiving a call from Mr Kovtun on 1 November 2006. He said that at that time he had not spoken to Mr Kovtun or had any other contact with him for six years. C2 said that when Mr Kovtun called he was in Stratford in east London. He was in a coffee shop helping with some menus. He said that the call had been brief. After Mr Kovtun had introduced himself, he had said (in English) that he was in London and had suggested meeting up. C2 had said that he was busy, but that he would call Mr Kovtun back and meet him when he had time. C2 said that that was the end of the call. He said that it took one minute.

**6.266** C2 said that he had called Mr Kovtun back. He struggled to remember how long after Mr Kovtun's call this had been. He initially thought that it may have been two or three weeks later, but he accepted that it might have been (as the telephone schedule suggests) as soon as the next day. He said that when he did call he suggested to Mr Kovtun that they meet up. Mr Kovtun had said that he was busy but that he would see him later. C2 expected him to call back, but he never did.

**6.267** Mr Kovtun's explanation for and account of this episode were strikingly different.

**6.268** In his recent statement, Mr Kovtun stated that the reason he had obtained C2's phone number and then contacted him in London was that he wanted to ask him to come to Moscow and work as the chef in a restaurant that he and Mr Lugovoy were planning to open. He described C2 as his "friend", and said that he was a specialist in Mediterranean cuisine.<sup>243</sup> As to his communications with C2 in London, he said as follows:<sup>244</sup>

*"at 16.00-17.00 on 1 November 2006 I had a meeting planned with [C2] ... who is my friend and former colleague in the restaurant business in Hamburg to whom Lugovoy and I wished to offer a job in a restaurant in Moscow. However, in the presence of my acquaintance Aleksandr Shadrin, in a telephone conversation [C2] suggested that I come to him for a meeting in a district of London far from the centre, the name of which I cannot remember. In answer to the question I put to Shadrin as to how to get to the district named by [C2] and how long it would take to get there, he replied that at that time of day in London it would take 3-4 hours to get there because of traffic congestion. Since I did not want to spend such a long time reaching the meeting place after having flown in from Hamburg, I agreed with [C2] that we would postpone our meeting until the following day, at a more convenient time for both of us. [C2] agreed to ring on 2 November 2006 and discuss the possibility of meeting and the place at which to meet."*

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<sup>241</sup> [C2 24/14-39](#)

<sup>242</sup> [C2 32/43-44](#)

<sup>243</sup> [INQ021208](#) (page 11)

<sup>244</sup> [INQ021208](#) (pages 9-10)

- 6.269** Mr Kovtun went on to say that he had not called C2 on 2 November because he did not know when he would be free. He therefore decided that he would postpone meeting C2 until his next visit to London. He added that he and Mr Lugovoy had subsequently opened a restaurant in Moscow.
- 6.270** Mr Kovtun's account raises many questions. As with other similar instances, the fact that Mr Kovtun did not give oral evidence has deprived the Inquiry of the opportunity to explore such questions with him. On this occasion, however, Mr Kovtun's account is so lacking in credibility, and has been so compromised by the evidence of other witnesses, that I have concluded that it must be rejected without having heard Mr Kovtun's response. I have taken this view for two broad reasons.
- 6.271** First, the reasons that Mr Kovtun has given for seeking to contact C2 have an intrinsic lack of credibility. It defies common sense to think that anyone planning to set up a restaurant in Moscow would seek to recruit as its chef an Albanian living in the UK, in particular one who did not speak Russian. And if, contrary to this, Mr Kovtun really did think that C2 was the only man for the job, why did he give up so easily, so that he never in fact put the proposal to him? Even if it was not possible to meet up in person in London, Mr Kovtun could have spoken to C2 by phone.
- 6.272** Second, key elements of Mr Kovtun's account have been refuted by C2 and by Dr Shadrin, whose evidence on these matters I accept. C2 was not Mr Kovtun's "friend". C2 said that they had never been friendly whilst they were working together – for the understandable reason that they did not speak a common language – and that by November 2006 they had not been in any form of contact for six years.<sup>245</sup> C2 also denied that there had ever been any planned meeting between him and Mr Kovtun at 4.00-5.00pm on 1 November 2006.<sup>246</sup> He further denied that when Mr Kovtun called him on 1 November he had suggested that Mr Kovtun come to meet him at a location that was three or four hours travel away from central London. He said that he did not suggest meeting Mr Kovtun at all, he simply told him that he was busy. And even if he had asked Mr Kovtun to come and meet him where he was that day – in Stratford – C2 said, and he was plainly correct in this, that Stratford is only a 45 minute journey from central London.<sup>247</sup> Dr Shadrin also rejected his claimed involvement in this part of Mr Kovtun's conversation with C2. He said:<sup>248</sup>

*"I have been asked if I can recall a telephone conversation that Mr Kovtun had whilst he was in company with Mr Lugovoy at the CPL offices on 1<sup>st</sup> November 2006. In particular I have been asked whether Mr Kovtun sought my advice about directions to a district of London and the time it might take him to travel to that location for another meeting including my mentioning that it would take him 3-4 hours to get there because of traffic congestion at that time of the day. I have no specific recollections with regard to this issue. I couldn't conceive that it would take that long to drive anywhere in London however I do know from personal experience that that could be the case in Moscow."*

- 6.273** I therefore conclude that the elaborate explanation that Mr Kovtun has given for the call that he made to C2 at 11.33am on 1 November amounts to a tissue of lies. As I indicated above, this conclusion will be of importance when I come to determine whether D3's account of his conversation with Mr Kovtun in Hamburg should be

<sup>245</sup> [C2 24/24; 24/ 27; C2 32/45](#)

<sup>246</sup> [C2 32/42](#)

<sup>247</sup> [C2 32/43](#)

<sup>248</sup> [INQ022384](#) (page 3)

believed. Something else that will be of relevance to this issue is the action that Mr Lugovoy took only a few minutes after Mr Kovtun had spoken to C2 and discovered that he was too busy to meet that day: he telephoned Mr Litvinenko. I will return to that telephone call shortly.

## Movements of Mr Litvinenko

**6.274** DI Mascall gave evidence about Mr Litvinenko's movements on 1 November 2006.<sup>249</sup> By drawing on what Mr Litvinenko had said to the police in interview and the statements given by those he had met, as well as CCTV and telephone evidence, it was possible to identify very precisely what he did and where he went that day prior to the meeting at the Pine Bar:

- a. Mr Litvinenko spent the morning of 1 November at home. During the morning he made arrangements by telephone for meetings later in the day. I will return to those calls in due course
- b. Mr Litvinenko left home at about 12.30pm. He travelled into central London by bus and tube, arriving at Oxford Circus shortly after 1.30pm. The bus on which he travelled was subsequently identified and tested for radiation. No radiation was detected<sup>250</sup>
- c. From Oxford Circus, Mr Litvinenko walked to Mr Attew's office, where he had a meeting with Mr Attew at about 2.00pm which lasted about half an hour. Mr Litvinenko did not eat or drink anything during the meeting<sup>251</sup>
- d. On leaving Mr Attew's office, Mr Litvinenko walked towards Piccadilly, where he was due to meet Mr Scaramella at 3.00pm. He stopped en route at the Russian Market near St James' Piccadilly and spoke for about 15 minutes with his friend Mr Tabunov<sup>252</sup>
- e. Mr Litvinenko met Mr Scaramella at Piccadilly Circus at 3.00pm. They walked together to the itsu restaurant on Piccadilly, where they stayed for about half an hour<sup>253</sup>
- f. Mr Litvinenko left itsu at 3.40pm and walked north towards the Millennium Hotel. He arrived at the Millennium Hotel just before 4.00pm<sup>254</sup>

## Arrangements for meeting

**6.275** There was an issue on the evidence as to how, and in particular on whose initiative, the meeting at the Pine Bar was arranged.

**6.276** It has been a theme of the accounts given by Mr Lugovoy and Mr Kovtun over time that it was Mr Litvinenko who wanted to meet them on that day. Thus, for example, in the Declaration that he made at the British Embassy in Moscow on 23 November

<sup>249</sup> [Mascall 16/55-99; 16/141-158](#)

<sup>250</sup> [Mascall 16/63-67](#) see paragraphs 6.21-6.24 above for discussion regarding the value of 'negative' findings.

<sup>251</sup> [Mascall 16/67-69; Attew 13/52-56](#)

<sup>252</sup> [Mascall 16/69-74; Tabunov 13/115-142](#)

<sup>253</sup> [Mascall 16/73-86; Scaramella 15/124-136](#)

<sup>254</sup> [Mascall 16/86; 16/91-94](#)

2006, Mr Lugovoy stated, “*On 1 November 2006, Mr Litvinenko called me and offered to meet*”.<sup>255</sup> When he subsequently gave an account of that day to Bruce Burgess at the time of the polygraph test, Mr Lugovoy made the same point in slightly more colourful terms:

*“On the day of the football match I received a call from Litvinenko who insistently asked me to meet him. I said I did not have time, let’s meet say tomorrow. He said No, no, we must meet today.”*<sup>256</sup>

**6.277** Mr Kovtun gave a very similar account in his statement of 2 June 2015:<sup>257</sup>

*“I remember that on that day, with the sense of urgency typical of him, Litvinenko proactively telephoned Lugovoy 5-8 times on a mobile telephone saying that he was not far away from the hotel and asking if he could come to see us. Lugovoy’s reply to him was that there would be hardly any time to talk because he was taking his family to a football match. In other words, it was up to Litvinenko whether he came or not. During the telephone conversations Lugovoy and I were in Shadrin’s office.”*

**6.278** Mr Litvinenko gave a very different account when he was interviewed by Detective Inspector (DI) Hyatt in his hospital bed.

**6.279** Mr Litvinenko said that the two men had planned to meet on 2 November, but that on 1 November Mr Lugovoy, “*called me in the morning and said he had already arrived and he would like to meet for a short time on the 1<sup>st</sup>*”. He said that they had then arranged to meet at about 5.00 that afternoon at the Millennium Hotel, but that later in the day they had spoken again and the meeting had been brought forward – on that occasion Mr Lugovoy had said, “*come quicker, I am waiting for you*”.<sup>258</sup>

**6.280** The telephone schedule has in fact made it possible to resolve the differences between these rival accounts.<sup>259</sup> Put shortly, the schedule shows that the differences between the accounts fall to be resolved in favour of Mr Litvinenko’s version of events. The following points emerge:

- a. The very first call between Mr Lugovoy and Mr Litvinenko following Mr Lugovoy’s arrival in London was made by Mr Lugovoy shortly after 9.00 on the evening of 31 October. The call lasted some six minutes
- b. The next communication between the two was another call made by Mr Lugovoy to Mr Litvinenko, this time at 11.41am the next morning. This was the call made a few minutes after Mr Kovtun’s call to C2. It is consistent with Mr Litvinenko’s recollection of Mr Lugovoy calling him on the morning of 1 November
- c. The fact that the first two calls between the two men during this trip were made from Mr Lugovoy to Mr Litvinenko is strongly inconsistent with the accounts given by Mr Lugovoy and Mr Kovtun

<sup>255</sup> [INQ002058](#)

<sup>256</sup> [INQ017779](#) (page 6)

<sup>257</sup> [INQ021208](#) (page 5)

<sup>258</sup> The relevant extracts from Mr Litvinenko’s interview transcripts are discussed at [Mascall 16/60-62](#);

[16/78-82](#)

<sup>259</sup> [INQ020044](#) (pages 3-5)

- d. The next two relevant entries on the schedule show calls made by Mr Litvinenko to Mr Lugovoy, one at 2.32pm and one at 2.55pm. These calls may well have been made whilst Mr Lugovoy and Mr Kovtun were at CPL that day, and to that extent they corroborate Mr Kovtun's account. That said, there were only two calls and they were both very short – the first lasted 8 seconds and the second 40 seconds. Moreover, there is good evidence that by that stage the meeting later in the day had already been arranged, at Mr Lugovoy's behest
- e. A further call, lasting 39 seconds, was made by Mr Lugovoy to Mr Litvinenko at 3.38pm. That time was a few minutes after Mr Lugovoy and Mr Kovtun had returned to the Millennium Hotel and a minute or so before Mr Litvinenko left itsu to walk up to the hotel. This would appear to corroborate Mr Litvinenko's memory that Mr Lugovoy rang him during the afternoon to bring the time of the meeting forward – the occasion when he told Mr Litvinenko, "*come quicker, I am waiting for you*". (See paragraph 6.279 above)

**6.281** In summary, it is Mr Litvinenko's account that is consistent with the objective evidence of the telephone schedule. The meeting at the Pine Bar on the afternoon of 1 November was instigated by Mr Lugovoy, not Mr Litvinenko.

**6.282** Two questions arise that are worthy of further consideration. First, why have Mr Lugovoy and Mr Kovtun gone to such lengths to attempt to conceal what might be thought to be a very mundane piece of information, namely that the meeting was prompted by Mr Lugovoy and not Mr Litvinenko? And second, is there any significance in the fact that Mr Lugovoy made the call to Mr Litvinenko suggesting that they meet up that afternoon only a few minutes after Mr Kovtun had spoken to C2 and discovered that he was unavailable?

## Scaramella/Limarev

**6.283** I have already mentioned that, immediately before he went to the Millennium Hotel on the afternoon of 1 November, Mr Litvinenko met up with Mario Scaramella. They met by arrangement at Piccadilly Circus and then sat in itsu on Piccadilly for half an hour before Mr Litvinenko received the "*come quicker*" call from Mr Lugovoy. I heard oral evidence about the meeting and the events that had led to it from Mr Scaramella.<sup>260</sup>

**6.284** Mr Scaramella's evidence was that he arranged to see Mr Litvinenko on 1 November because he wanted to pass on to him information that he had received about a possible threat to Mr Litvinenko's safety from individuals linked to the Russian security services. He had been provided with this information by Evgeniy Limarev, from whom I also heard evidence. I will consider the detail of the information that Mr Scaramella received from Mr Limarev and its possible veracity in Part 9 of this Report; but in a nutshell Mr Scaramella said that he had had a series of communications with Mr Limarev during October about what he understood to be an increasing threat to a group of individuals on a Russian 'hitlist'. The 'targets' included Anna Politkovskaya, Mr Scaramella himself, Mr Guzzanti, Mr Berezovsky, Mr Zakayev and Mr Litvinenko. Mr Scaramella said that Mr Limarev had spoken to him of the possibility that radioactive poisons might be used against these targets.<sup>261</sup>

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<sup>260</sup> [Scaramella 15/86-136](#)

<sup>261</sup> [Scaramella 15/171-176](#)

- 6.285** Mr Scaramella had contacted Mr Litvinenko by email in the previous week, on 25 October, saying that he would be in London the following week and that he hoped it would be possible to meet.<sup>262</sup> The purpose of the planned trip was to attend the annual conference of the International Maritime Organization. As I understood his evidence, Mr Scaramella was in two minds whether to attend the conference, and his final decision to come to London owed as much to his wish to meet Mr Litvinenko as it did to his desire to attend the conference.<sup>263</sup>
- 6.286** The evidence was that Mr Scaramella flew to London on 31 October, arriving late in the evening. He stayed that night at the Thistle Hotel in Victoria.<sup>264</sup> He telephoned Mr Litvinenko the next morning at 10.00<sup>265</sup> and they arranged to meet at 3.00pm “as usual” – the code that the two men used for a meeting at Piccadilly Circus.<sup>266</sup>
- 6.287** Mr Scaramella had brought with him from Italy several documents to give to Mr Litvinenko – an excerpt from a book, an article that Mr Guzzanti had written and a recent email from Mr Limarev about the threat from the Russian security services. On his way to meet Mr Litvinenko on 1 November, Mr Scaramella visited an internet café in Chinatown and looked at his emails. Another ‘security’ email from Mr Limarev had arrived. He printed it off and added it to the documents for Mr Litvinenko.<sup>267</sup>
- 6.288** Mr Scaramella said that he met Mr Litvinenko at Piccadilly Circus according to plan. He said that he had already eaten, but that as Mr Litvinenko had not had lunch they walked together to itsu on Piccadilly.<sup>268</sup> CCTV evidence showed them arriving at itsu at 3.10pm.<sup>269</sup>
- 6.289** When he was first interviewed Mr Scaramella had provided the police with a plan showing where he and Mr Litvinenko sat at itsu that day, and he confirmed the accuracy of the plan to me when he gave evidence. He said that they had sat facing each other across a table. The plan is reproduced below.

<sup>262</sup> [Scaramella 15/109-110](#)

<sup>263</sup> [Scaramella 15/113; 15/159; 15/167](#)

<sup>264</sup> [Scaramella 15/123](#)

<sup>265</sup> [INQ020044](#) (page 4)

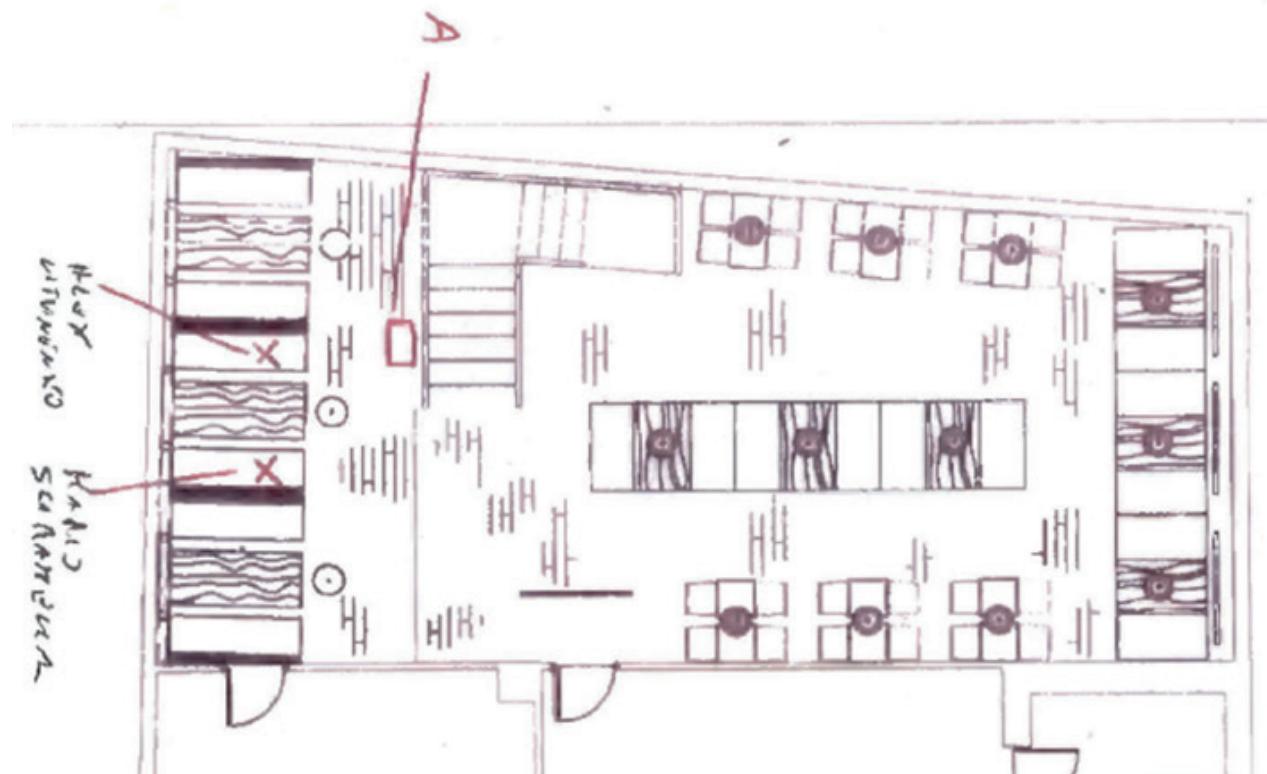
<sup>266</sup> [Scaramella 15/123-125](#)

<sup>267</sup> [Scaramella 15/123-129](#)

<sup>268</sup> [Scaramella 15/129-130](#)

<sup>269</sup> [Mascall 16/74](#)

Mr Scaramella's plan of where he and Mr Litvinenko sat at itsu<sup>270</sup>



Plan showing contamination found at itsu<sup>271</sup>



<sup>270</sup> [INQ006199](#)

<sup>271</sup> [INQ017900](#) (page 4)

- 6.290** Mr Scaramella said that he had shown Mr Litvinenko the emails from Mr Limarev, but that Mr Litvinenko had not taken the warnings in the emails seriously. According to Mr Scaramella, Mr Litvinenko's reaction had been; "*it doesn't matter, if it's from Evgeni, it means not credible... it's shit if it's from Evgeni*".<sup>272</sup>
- 6.291** Mr Scaramella said that he and Mr Litvinenko had parted when they left itsu. Mr Scaramella walked back to his conference. Mr Litvinenko, as we have seen, walked to the Millennium Hotel.
- 6.292** Following Mr Litvinenko's death, Mr Scaramella's room at the Thistle Hotel, the internet café that he had used and the table at itsu where he had sat with Mr Litvinenko were all tested and found to be free from contamination.<sup>273</sup> I have referred at paragraph 6.101 to the contamination that was found in itsu on the table adjacent to that at which Mr Litvinenko and Mr Scaramella sat on 1 November – it seems likely that that table was contaminated on 16 October when Mr Lugovoy, Mr Kovtun and Mr Litvinenko sat there after the Erinys meeting. The papers that Mr Scaramella had passed to Mr Litvinenko were also tested. They were found to bear low levels of secondary contamination, but nothing like the levels that would have been expected had the pages been in contact with a primary source of polonium.<sup>274</sup>

## The Pine Bar

- 6.293** Mr Lugovoy and his party were, as I have already said, staying at the Millennium Hotel on Grosvenor Square. Next to the reception area on the ground floor of the Millennium Hotel is a bar called the Pine Bar. It was in the Pine Bar that Mr Lugovoy, Mr Kovtun and Mr Litvinenko met during the afternoon of 1 November 2006. The forensic and other evidence strongly indicates that it was during this meeting that Mr Litvinenko drank green tea poisoned with polonium.
- 6.294** The CCTV footage taken by various cameras sited in the reception area of the Millennium Hotel established the timings relating to the meeting in the Pine Bar that afternoon.
- 6.295** The footage showed Mr Lugovoy and Mr Kovtun returning to the hotel at about 3.30pm.<sup>275</sup> In the period of about half an hour before Mr Litvinenko arrived (during which Mr Lugovoy made his "*come quicker*" phone call), there is footage of both Mr Lugovoy and Mr Kovtun going separately into the men's lavatories just off the reception area.<sup>276</sup> There is then footage of Mr Litvinenko arriving in the reception area and speaking on his mobile phone, which is consistent with entries on the telephone schedule showing him making two short calls to Mr Lugovoy at 3.59pm, presumably saying that he had arrived.<sup>277</sup>
- 6.296** At the end of the meeting, CCTV footage shows the arrival back in the hotel of Mr Lugovoy's family, and Mr Lugovoy himself walking in the reception area, at shortly after 4.30pm.<sup>278</sup> There was no CCTV footage of Mr Litvinenko leaving the hotel, but footage from a camera in a nearby street showed him walking away from the hotel at

<sup>272</sup> [Scaramella 15/134-135](#)

<sup>273</sup> [Mascall 16/75-77; 30/155-156](#)

<sup>274</sup> [A1 20/85-87](#)

<sup>275</sup> [Mascall 16/87](#)

<sup>276</sup> [Mascall 16/88-91](#)

<sup>277</sup> [Mascall 16/92-94](#)

<sup>278</sup> [Mascall 16/170-172](#)

4.39pm.<sup>279</sup> The CCTV camera covering the approach to the lavatories off the reception area was permanently recording and the footage does not show Mr Litvinenko entering this area at any time.<sup>280</sup>

**6.297** Mr Litvinenko was therefore in the Millennium Hotel for a little over half an hour on 1 November 2006. That was when the meeting in the Pine Bar took place.

**6.298** There is no CCTV footage of the meeting because there were no CCTV cameras in the Pine Bar in 2006. There is, though, other evidence. Mr Litvinenko told the police what happened during his interviews in hospital and both Mr Lugovoy and Mr Kovtun have, as we shall see, given their own accounts. I also heard evidence from Mr Andrade, the head barman who served them that afternoon.<sup>281</sup>

**6.299** Mr Andrade had a good memory of serving the three men that afternoon. He was assisted by the bar bill, which the police had obtained as part of their initial investigation.<sup>282</sup> He was sure that he had served the men – he explained that the bill bore the name of a different member of staff because he had been using someone else's log on card that day.

**6.300** Mr Andrade recalled that Mr Lugovoy had initially approached him and asked for a cigar, and that he and two others had subsequently sat at a table in the Pine Bar, where Mr Andrade had served them. The bill recorded that there were three guests in the group and that they had sat at table 1; Mr Andrade was confident that these details were correct. A number of drinks were listed on the bill, both alcoholic and non-alcoholic. Mr Andrade said that the men had made a number of different orders during the time that they were in the bar. He said that he would not necessarily have entered the details into the computer at the time the orders were made. In fact, the bill was timed at 4.33pm, so it would appear that the details were only entered at about the time the group were leaving the bar. He said that the bill would have been signed by Mr Lugovoy.

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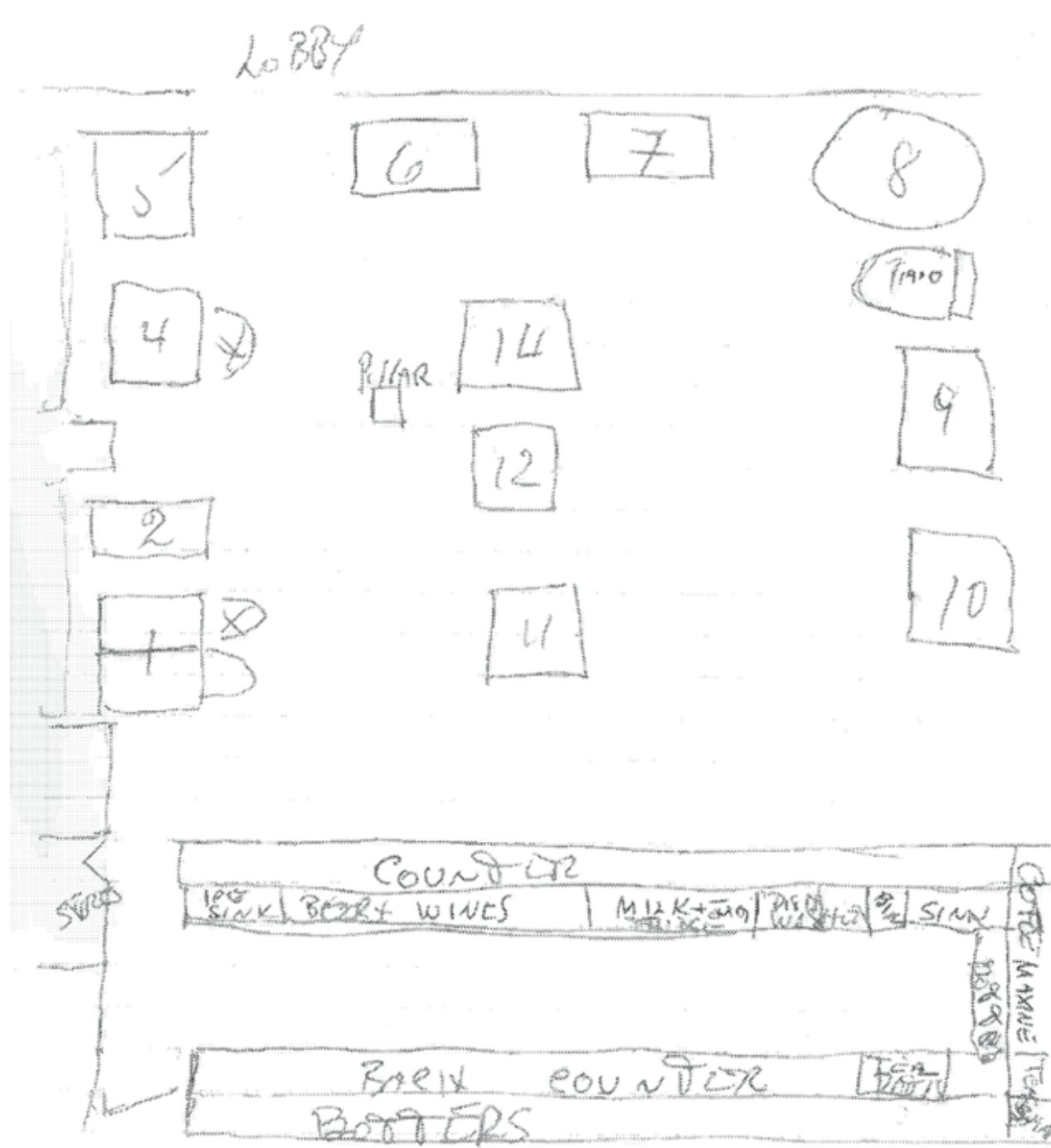
<sup>279</sup> [Mascall 16/172-173](#)

<sup>280</sup> [Mascall 16/157-158](#)

<sup>281</sup> [Andrade 16/111-141](#)

<sup>282</sup> [INQ015344](#)

Plan of the Pine Bar<sup>283</sup>



- 6.301** One of the items on the bill was "3 Tea". Mr Andrade recalled that this was in fact an order for green tea with lemon and honey. He said that the tea had been made in one large pot by his colleague behind the bar, and that he brought the pot and the cups to the table. It was not his practice, he said, to pour tea for customers. He said that the teapots in use in the Pine Bar at the time were made of white porcelain.
- 6.302** It was apparent from Mr Andrade's evidence that at the time in question he was busy serving a number of customers. Understandably, he paid only limited attention to the group at Mr Lugovoy's table. He said that the men were "*very well behaved and well dressed*". He did not overhear anything that the men said, and did not remember anything unusual about the way they acted. In particular, he did not notice anything

<sup>283</sup> INQ016781

unusual about the tea or the way that it had been drunk. He said, “*it was as normal as any other table or any other time*”. He disassociated himself entirely from various sensational accounts that had been attributed to him in the press.

**6.303** One oddity in the evidence is an entry in the telephone schedule indicating that Mr Lugovoy made a telephone call to Mr Voronoff at 4.00pm – i.e. just the time that Mr Litvinenko was arriving at the Pine Bar – that lasted for nearly six minutes.<sup>284</sup> Neither Mr Litvinenko nor Mr Lugovoy referred to this call in their accounts of the meeting. It is unexplained.

**6.304** Mr Litvinenko described the meeting in the Pine Bar on a number of occasions during the course of his interviews with DI Hyatt. The relevant sections of the transcripts of the interviews were read in the course of DI Mascall’s evidence. In summary, Mr Litvinenko described arriving at the Millennium Hotel and Mr Lugovoy taking him to a table in the corner of the Pine Bar. His description of the position of the table is consistent with the position of table 1, where Mr Andrade said they had been sitting. Mr Litvinenko said that he had been sitting talking to Mr Lugovoy alone for some time before Mr Kovtun joined them. In an important passage of the interview transcript, which I have set out below, Mr Litvinenko described drinking some green tea that was already on the table. On Mr Litvinenko’s account, this was before Mr Kovtun joined them. Mr Litvinenko’s description of this part of the meeting was as follows:<sup>285</sup>

*“There was nobody else there. He [Lugovoy] said that he was leaving for football match now so let’s discuss things for 10-15 minutes and that’s it. So. Next day we were due to go to Global Risk. Well... we discussed how we’re going to go there and he said that he was looking for his interpreter... And what time we would go there, either at ten, or ten thirty. So... There were a few mugs on the table and there was also a tea pot, such a metal one, there was tea there. It was silver in colour, made of silver, not silver, the legs... expensive metal. It’s a rich hotel. Straight away a waiter came up to us... I could not see him because he came up from the back. He asked ‘Are you going to have anything?’ I think Andrei asked, ‘Would you like anything?’ I said, ‘I don’t want anything’, (INAUDIBLE) and he said, ‘Okay well we’re going to leave now anyway so there is still some tea left here if you want you can have some.’ And then the waiter went away or I think Andrei asked for a clean cup, and he bought it [sic]. He left and when there was a cup I poured some tea out of the tea pot, although there was only little left on the bottom and it made just half a cup. Maybe about 50 grams. I swallowed a several times but it was green tea with no sugar and it was already cold by the way. I didn’t like it for some reason, well almost cold tea with no sugar and I didn’t drink it anymore. Maybe in total I swallowed three or four times, I haven’t even finished that cup.”*

**6.305** Mr Litvinenko went on to describe Mr Kovtun (who he called ‘Volodia’) coming to sit at the table and the conversation about the next day’s planned meeting with Mr Quirke. He said that they were talking for about 20 minutes. He mentioned a ‘tall Russian’ coming to the table, which is probably a reference to Mr Sokolenko arriving back in the hotel with Mrs Lugovoya and the children. In describing the end of the meeting, Mr Litvinenko said:<sup>286</sup>

*“In the end [Lugovoy] looked at his watch, he said my wife is about to come. There in the hall Andrei’s wife turned up, she was waving her hand and he said, that’s*

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<sup>284</sup> [INQ020044](#) (page 5)

<sup>285</sup> [INQ016582](#) (pages 5-7)

<sup>286</sup> [INQ016593](#) (page 4)

*it, let's go. So, Volodia and I stayed, the two of us, and he stood up, approached his wife, Andrei, and then he brought his son, 8 years old. He is such a boy, eight years old, wearing a jacket, he said, 'This is Uncle Sasha, shake his hand.' We shook hands, and he went (INAUDIBLE). So, then we came out."*

- 6.306** Mr Litvinenko's account gives rise to a number of observations.
- 6.307** Mr Litvinenko was plainly mistaken about the colour of the teapot. It is clear from Mr Andrade's evidence that the tea was served in a white porcelain pot. There is nothing sinister about this. Given that Mr Litvinenko was undergoing lengthy interviews whilst seriously ill in hospital, it would have been surprising if he had not made a few mistakes. There is evidence that the teapots in the Palm Court at the Sheraton Hotel, where Mr Litvinenko had had tea with Mr Lugovoy the previous week, were silver.<sup>287</sup> It seems likely that on this point of detail Mr Litvinenko confused his memory of the two occasions.
- 6.308** Of more significance, there are two points about the way that Mr Litvinenko described Mr Lugovoy acting that would appear to be inconsistent with the theory that Mr Lugovoy poisoned Mr Litvinenko with polonium at this meeting. Mr Tam QC referred to both these points in the course of his opening address.<sup>288</sup>
- 6.309** First, in Mr Litvinenko's narrative Mr Lugovoy was diffident in the extreme about whether or not Mr Litvinenko should drink the tea. One might have expected a poisoner to encourage his intended victim to take the concealed poison, but on Mr Litvinenko's account Mr Lugovoy was almost discouraging him from drinking the tea. There is no doubt that this is the account that Mr Litvinenko intended to give – after he had given the account that I have set out above, Detective Sergeant (DS) Hoar asked Mr Litvinenko "... *how insistent was Andre that you have a drink, or was he indifferent, was he saying, 'Go on, go on have some', or didn't he care?*". Mr Litvinenko's answer to this was:
- "He said it like that, you know, 'If you would like something, order something for yourself, but we're going to be leaving soon. If, if you want some tea then there is some left here, you can have some of this."*<sup>289</sup>
- 6.310** Second, it is striking that, on Mr Litvinenko's account, Mr Lugovoy encouraged Mr Litvinenko to shake hands with his eight year old son at the end of the meeting. Is it conceivable, one asks rhetorically, that Mr Lugovoy would have done that had he known that Mr Litvinenko, as the forensic evidence indicates, had just drunk tea poisoned with highly radioactive polonium?
- 6.311** I will return to consider both these points in due course.
- 6.312** As I have mentioned, Mr Lugovoy and Mr Kovtun have both given their own accounts of events in the Pine Bar on various occasions since November 2006.
- 6.313** In fact, one of Mr Lugovoy's earliest public comments about this meeting took the form of declining to say anything about it. When he gave his Declaration to the British Embassy in Moscow on 23 November 2006, Mr Lugovoy said of the Pine Bar meeting:<sup>290</sup>

<sup>287</sup> [Mascall 12/69](#)

<sup>288</sup> [Tam 1/87](#)

<sup>289</sup> [INQ016582](#) (pages 8-9)

<sup>290</sup> [INQ002058](#)

*"We met in the afternoon in the Millennium Mayfair Hotel. I do not feel it necessary to write about this meeting in detail, as the room where it took place was equipped with high quality video equipment, which doubtless recorded the meeting."*

**6.314** As DI Mascall observed, this was an odd thing for Mr Lugovoy to say.<sup>291</sup> There were no security cameras in the Pine Bar. And Mr Lugovoy, who was a security expert having spent his career first in the Federal Protection Service and then running his own security company, could reasonably be expected to have known that.

**6.315** DI Mascall referred in the course of his evidence to a number of substantive accounts that Mr Lugovoy and Mr Kovtun have given over the years.<sup>292</sup> Their accounts are broadly consistent with that of Mr Litvinenko. For example, neither of them has ever suggested that there was anyone else present at the meeting. On the twin questions of whether they offered Mr Litvinenko a drink and whether he in fact drank anything during the meeting, Mr Lugovoy's position has generally been that he is sure that they did not offer Mr Litvinenko a drink, but unsure whether he drank anything. Mr Kovtun's position has been less consistent. For example, in his interview with *Der Spiegel* in early December 2006 – that is, only a few weeks after the incident – Mr Kovtun is recorded as having stated:<sup>293</sup>

*"I can't remember that clearly today. He came into the bar 10 minutes after us, we'd already had some alcohol, and I paid more attention to my cigar."*

That account is in marked contrast to the account contained in the statement that he provided to the Inquiry dated 2 June 2015. In the 8½ years since speaking to *Der Spiegel*, he appears to have developed a much fuller memory of events. The relevant section of the new statement reads as follows:<sup>294</sup>

*"Litvinenko came to the bar of the 'Millennium' hotel and 'flopped down' next to me on a seat at our table. Litvinenko was in a highly excited state; he was coughing. 'Having flopped down' at our table, Litvinenko grabbed the teapot on the table and, without waiting for an invitation, poured himself some tea. He gulped down two cups of hot tea one after the other. Litvinenko then had a coughing fit, wiped his mouth with a napkin and started to talk. In the course of the conversation he coughed and constantly wiped his mouth with a napkin."*

**6.316** The fact that Mr Kovtun has given such a dramatically different account so many years after the event raises further serious questions about his credibility.

## Contamination in the Millennium Hotel

**6.317** DI Mascall gave evidence about the results of tests for contamination that were conducted at the Millennium Hotel.<sup>295</sup> Traces of alpha radiation were found in a large number of places throughout the hotel. As at other scenes, many of the positive readings were almost certainly the result of cross contamination – that is, radiation spreading from original points of contamination as a result of the use of cleaning equipment and items being moved from one place to another.

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<sup>291</sup> [Mascall 16/158-161](#)

<sup>292</sup> [Mascall 16/158-170](#)

<sup>293</sup> [Mascall 16/165-168](#)

<sup>294</sup> [INQ021208](#) (pages 5-6)

<sup>295</sup> [Mascall 16/174-187](#)

- 6.318** Several of the results, however, are worthy of particular attention.
- 6.319** Secondary contamination was found in room 441, the room shared by Mr Lugovoy and his wife and young son. Very much higher readings were, however, found in room 382, which was shared by Mr Kovtun and Mr Sokolenko. The highest readings were found in the bathroom and the highest of those readings was found in a sediment trap below the plughole in that bathroom. The expert evidence of A1 was that these readings were only consistent with primary contamination.<sup>296</sup> It therefore appeared that polonium in one form or another had been poured down the plughole. The comparison with the contamination found in room 107 at the Best Western Hotel is striking.
- 6.320** Very high readings, which in A1's view were also consistent with primary contamination, were additionally found in two places in the Pine Bar.
- 6.321** In the bar itself, primary contamination was found on the table which Mr Andrade had described as table 1 (in fact, two tables pushed together) and also on one of the chairs at the next table. It is to be noted that there was a gap of several weeks after 1 November before the Pine Bar was sealed as a crime scene, and Mr Andrade's evidence was that the chairs in the bar, and also on occasions the tables, were sometimes moved around.<sup>297</sup>

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<sup>296</sup> A1 20/65-68

<sup>297</sup> Andrade 16/140-141

## Plan showing contamination found in the Pine Bar<sup>298</sup>

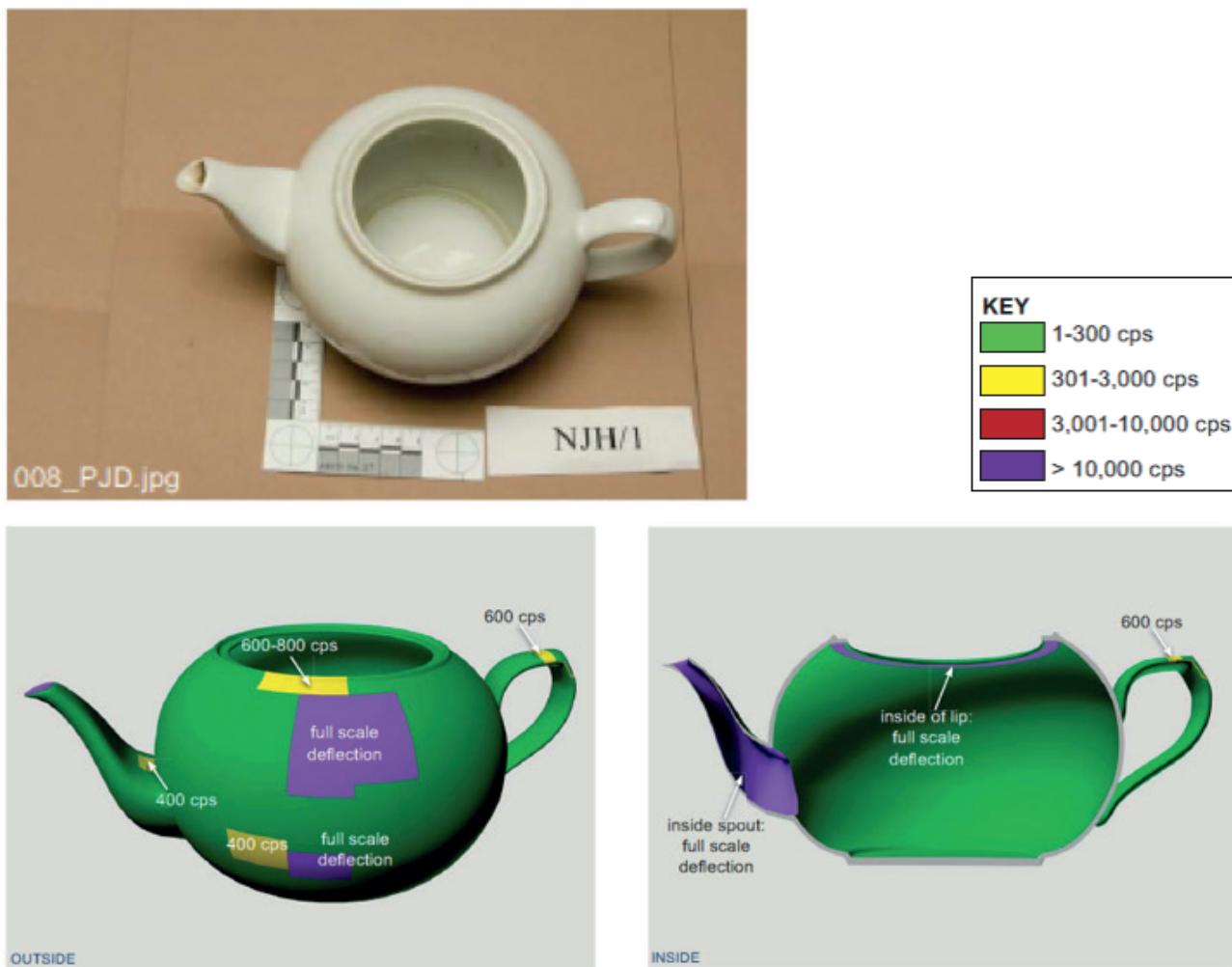


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298 INQ017911 (page 2)

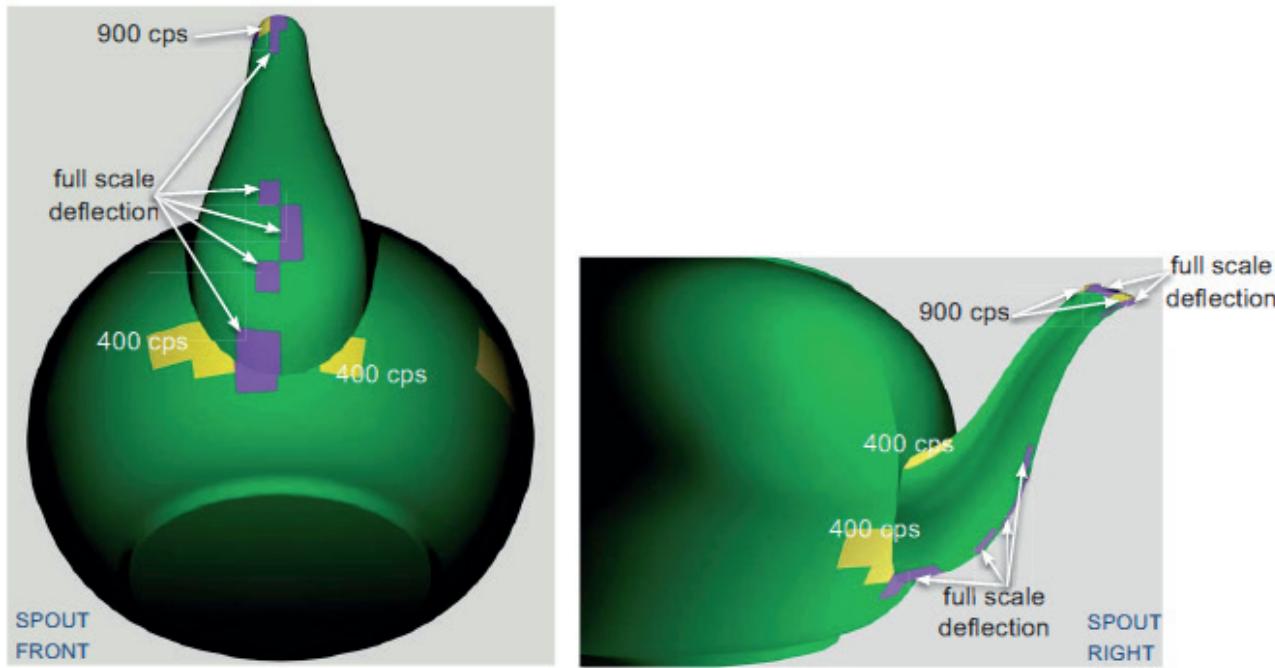
**6.322** The other place where primary contamination was found was on one of the Pine Bar's white teapots. The teapot had been given the exhibit number NJH/1. A1 gave evidence that every teapot in the hotel had been tested, and that NJH/1 had been the only one that bore evidence of contamination. The readings were extremely high. The highest readings were taken on the inside of the spout, where the polonium appeared to have bonded with tannin deposits. A1 stated that the levels and position of the contamination found on the inside of the teapot indicated that, “*at some stage polonium... has been poured out of the spout*”. She was sure of this. She said, “*I think that's the only conclusion you can come to.*”<sup>299</sup>

### The teapot<sup>300</sup>



<sup>299</sup> A1 20/70-75

<sup>300</sup> [INQ017911](#) (page 6)



6.323 A1 also drew attention to the readings taken in the gentlemen's lavatories situated next to the reception area at the Millennium Hotel. It will be recalled that the evidence of the CCTV footage was that these lavatories had been used by both Mr Lugovoy and Mr Kovtun shortly before the Pine Bar meeting, but not by Mr Litvinenko at any point. Testing showed raised readings on one cubicle door, a sink and a hand drier. A1 expressed the view that the contamination was secondary rather than primary, albeit that, relatively speaking, the secondary contamination was at "very, very high levels". She said that the readings could "*most certainly*" be consistent with secondary transfer by hand from the source of the primary contamination found in the Pine Bar.<sup>301</sup>

## Mr Litvinenko after the Pine Bar

6.324 After leaving the Millennium Hotel, Mr Litvinenko walked the short distance to Mr Berezovsky's offices in Down Street. In his hospital interview with the police, Mr Litvinenko said that he had rung Mr Berezovsky in advance and told him that he was coming – that would be consistent with a call from Mr Litvinenko to Mr Berezovsky that is shown on the telephone schedule timed at shortly before 4.00pm.<sup>302</sup> It would seem that Mr Litvinenko wanted to show Mr Berezovsky some of the documents that Mr Scaramella had given him at itsu earlier that afternoon, which he thought were relevant to identifying the killers of Anna Politkovskaya.<sup>303</sup>

6.325 The witness statement that Mr Berezovsky gave to the police was largely consistent with Mr Litvinenko's account. Mr Berezovsky stated that Mr Litvinenko had called him saying that he had papers to show him about Anna Politkovskaya's death, and that he had seen him using the photocopier in the offices that afternoon. Mr Berezovsky added that Mr Litvinenko had given him some of the pages that he had copied to read, but that he had not had time to read them – he was in meetings ahead of a trip to South Africa, and he also wanted to get to the match at the Emirates Stadium that

<sup>301</sup> A1 20/75-77

<sup>302</sup> INQ020044 (page 5)

<sup>303</sup> INQ016615 (pages 6-8)

evening.<sup>304</sup> I also heard evidence from Vladimir Voronkov, who was Mr Berezovsky's office manager. He said that it was quite normal for Mr Litvinenko to pop into the building, and he recalled seeing him there, he said at about 4.00 on the afternoon of 1 November 2006.<sup>305</sup>

**6.326** Mr Litvinenko was in telephone contact with Mr Zakayev at around this time. Mr Zakayev had driven into central London and Mr Litvinenko was arranging to get a lift home with him. Mr Zakayev gave oral evidence to the Inquiry. He said that Mr Litvinenko had telephoned him earlier in the day and that later he had picked him up by arrangement near Mr Berezovsky's offices. He, too, recalled that Mr Litvinenko had been talking about the papers he had received from Mr Scaramella and their possible connection to the Politkovskaya case. His evidence was that he had another friend, named Yaragi Abdul, who was already in the front passenger seat of the car. He said that when Mr Litvinenko got in he sat in the middle of the rear seats and that as they drove he leaned forward to talk to them, leaning on the back of the front seats. According to Mr Zakayev the drive back to north London was uneventful and he dropped Mr Litvinenko off in Osier Crescent.<sup>306</sup>

**6.327** Mr Abdul also gave oral evidence, which was consistent with that of Mr Zakayev.<sup>307</sup>

**6.328** 1 November was the anniversary of Mr and Mrs Litvinenko's arrival in this country. I have described in Part 3 above the evidence that Mrs Litvinenko cooked a special meal that evening, that Mr Litvinenko subsequently fell ill, and of all that followed.

**6.329** When Mr Zakayev's car was tested for radiation, secondary contamination was found predominantly on the rear passenger seat and on the backs of the two front seats.<sup>308</sup>

**6.330** Mr Litvinenko's house in Osier Crescent was also tested. Unsurprisingly, given that Mr Litvinenko had on any view ingested polonium, secondary contamination was found throughout the property. There are two points about the findings that are of particular interest. First, there was no primary contamination found anywhere in the house. Second, in the main the secondary contamination readings were low. A1 agreed that these readings reflected, "*pretty chronic low level contamination throughout the house, consistent with secondary transfer by multiple individuals over time.*"<sup>309</sup> There was a single exception to this pattern. Very high readings were taken from the sleeve of the blue denim jacket that Mr Litvinenko had been wearing on 1 November.<sup>310</sup> A1 stated that, in simple terms, the readings indicated that the sleeve had been in an area of primary contamination. She said: "*Most certainly the cuff of that sleeve had actually been in contact with quite a considerable level of contamination, and from its position, et cetera, it would be transferred contamination.*"<sup>311</sup>

## Lugovoy and Kovtun after the Pine Bar

**6.331** DI Mascall gave evidence about the movements of Mr Lugovoy and his party during the remainder of their stay in London. This can be dealt with fairly shortly.

<sup>304</sup> [Berezovsky 25/15-16](#)

<sup>305</sup> [Voronkov 16/187-202](#)

<sup>306</sup> [Zakayev 26/148-151](#)

<sup>307</sup> [Abdul 17/98-105](#)

<sup>308</sup> [Mascall 17/58-60](#)

<sup>309</sup> [A1 20/83](#)

<sup>310</sup> [Mascall 17/60-65](#)

<sup>311</sup> [A1 20/84-85](#)

- 6.332** In the early evening of 1 November, the entire group went to eat at a steakhouse in Coventry Street. After the meal, Mr Kovtun returned to the hotel whilst the others went to watch the match at the Emirates Stadium. Following the match, the group returned to the Millennium Hotel. DI Mascall explained that the Coventry Street steakhouse was not tested for radiation: due to a mix-up, two other steakhouses were tested instead. The Emirates Stadium was, however, tested and secondary contamination was found in a block of seats that matched the evidence that had been obtained as to the tickets purchased for Mr Lugovoy's group.<sup>312</sup>
- 6.333** The telephone schedule shows a number of calls between Mr Lugovoy and Mr Litvinenko on 2 November 2006. Several of the calls in the morning would appear to relate to Mr Litvinenko informing Mr Lugovoy of his illness and the meeting with Mr Quirke being cancelled. There was also a call in the afternoon and a further call in the evening.<sup>313</sup>
- 6.334** Mr Lugovoy and his entire party, including Mr Kovtun, flew back to Moscow on the following day, Friday 3 November. They flew from Heathrow on BA flight BA874, which took off shortly after midday. The aircraft making the flight that day was G-BZHA. When it was tested for radiation, low levels of secondary contamination were found in the seats in row 27 where Tatiana Lugovoya had sat with her boyfriend Maxim Begak. Considerably higher readings were associated with row 16, where Mr Lugovoy, Mr Kovtun and Mr Sokolenko had sat together. The highest reading was taken on seat 16F, which was Mr Kovtun's seat.<sup>314</sup>

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<sup>312</sup> [Mascall 16/211-219](#)

<sup>313</sup> [INQ020044](#) (page 6)

<sup>314</sup> [Mascall 17/82-87](#)

## Part 7: The closed evidence

- 7.1 As I have explained elsewhere in this Report, in conducting this Inquiry I have received and considered both open and closed evidence. Indeed, the main purpose of converting the previous inquest proceedings into a public inquiry under the Inquiries Act 2005 was to enable me to receive such closed evidence, and to take it into account in making my findings.
- 7.2 The preceding Parts of this Report contain my assessment of open evidence. This Part is concerned with the closed evidence. In the Parts that follow I shall set out my findings and overall conclusions, which are based on both the open and the closed evidence.
- 7.3 Put very shortly, the closed evidence consists of evidence that is relevant to the Inquiry, but which has been assessed as being too sensitive to put into the public domain. The assessment that the material is sufficiently sensitive to warrant being treated as closed evidence in these proceedings has been made not by me, but by the Home Secretary. She has given effect to this decision by issuing a number of Restriction Notices, which is a procedure specified in section 19 of the Inquiries Act 2005. The Restriction Notices themselves, although not, of course, the sensitive documents appended to them, are public documents. They have been published on the Inquiry website and are also to be found at Appendix 7 to this Report.
- 7.4 There is a considerable quantity of closed documentary evidence in this case. I have also received a number of closed witness statements, some of which are lengthy.
- 7.5 In order to assist me in the task of assessing the closed material, I held closed hearings of the Inquiry over several days in May 2015. Attendance at those hearings was limited to myself, Counsel and Solicitor to the Inquiry and the legal team for the Home Secretary. The hearings took place in a government building in London. During those hearings, as in the open hearings, I heard oral evidence from witnesses and also received submissions from Counsel regarding documentary evidence. A number of witnesses were called and questioned during the closed hearings. Following the closed hearings, Counsel for the Home Secretary filed, at my request, written submissions addressing the findings that were open to me on a number of issues raised by the closed evidence.
- 7.6 I have admitted into evidence all the documents contained in the hearing bundles to which I have referred above. I also admitted into evidence the witness statements provided by the witnesses who were called to give evidence, which was a different procedure to that which I adopted during the open hearings.
- 7.7 The following materials will form part of the appendices to this Report, although the sensitivity of the material will of course mean that they cannot be published in the same way as the other appendices:
- the closed documents (i.e. the contents of the closed hearing bundles)
  - the closed witness statements
  - the transcripts of the closed hearings
  - written submissions filed in the course of the closed hearings

- 7.8** The remaining sections of this Part of the Report will address a series of issues that arise on the closed evidence. I will set out my analysis of the critical closed evidence that relates to those issues, and my findings on them. I do not expect the rest of this Part to be published, since publication of my assessment of this evidence is prohibited by the Restriction Notices to which I have already referred.
- 7.9** For the same reason, it is not possible for me to list in a form that can be published the issues that I propose to address in this Part. What I can say is that I will consider all the issues arising from the closed evidence that I regard as significant in light of my Terms of Reference. Those issues will include the question of whether Alexander Litvinenko had any sort of relationship with British security and intelligence agencies, and if so the nature and extent of that relationship. The issues will also include the question of whether the Russian State was responsible for Mr Litvinenko's death.
- 7.10** Paragraph 1(ii) of the Terms of Reference requires me to "*make such recommendations as may seem appropriate*". I have made one such recommendation. The recommendation concerns the closed evidence that I have heard. Because it would not be possible to publish the recommendation without breaching the Restriction Notices, it appears in this Part of the Report.

# Part 8: Who killed Alexander Litvinenko?

## Chapter 1: Introduction

- 8.1 This is the first of two Parts of the Report in which I will record my factual findings. In this Part, I shall address the basic factual circumstances of Mr Litvinenko's death – when and where he died, the mechanism of his death, whether anyone else was involved and if so how and who. In the next Part (Part 9), I shall make my findings regarding any wider responsibility for Mr Litvinenko's death.
- 8.2 The analysis in these two Parts will be informed by all the evidence that I have heard; that is, the open evidence that I have summarised at Parts 3-6 and the closed evidence that I have dealt with at Part 7.

## Chapter 2: Medical cause of death

- 8.3** I received detailed evidence regarding the decline in Mr Litvinenko's physical condition during the last weeks of his life, and also regarding the care and treatment that he received during that period first at Barnet General Hospital and then at University College Hospital. I have summarised that evidence earlier in this Report, (see Part 3, chapter 4).
- 8.4** Mr Litvinenko died at University College Hospital on the evening of 23 November 2006. He had suffered two cardiac arrests on 21 November, but had been successfully resuscitated. He had lost consciousness on 23 November and at 8.51pm that evening he suffered a third cardiac arrest from which the medical professionals were unable to resuscitate him. Mr Down, an intensive care consultant on duty at the hospital that evening, pronounced life extinct at 9.21pm. His view was that Mr Litvinenko had died from multiple organ failure including progressive heart failure.
- 8.5** Following Mr Litvinenko's death, his body and samples taken from it were examined by a number of different scientists with a view to finding out as much as possible about the way in which he died. I have detailed that evidence in Part 3, chapter 5 above.
- 8.6** The post mortem into Mr Litvinenko's death was jointly conducted by two pathologists, Dr Cary and Dr Swift. I heard evidence from both. The radioactivity present in Mr Litvinenko's body meant that special precautions had to be taken to protect the health of all those present. It also meant that the pathologists were unable to conduct all the tests that they might otherwise have undertaken. I have set all these matters out in Part 3.
- 8.7** Dr Cary, with whom Dr Swift agreed, expressed himself to be "*entirely satisfied*" that the cause of Mr Litvinenko's death was acute radiation syndrome.
- 8.8** The pathologists reached this conclusion taking into account a number of factors. These factors included not only their physical examination of Mr Litvinenko's body, but also their review of the detailed medical notes recording Mr Litvinenko's worsening clinical condition in the weeks before his death, as well as the results of tests performed by other scientists on samples taken from Mr Litvinenko's body. The pathologists also relied on the fact that they had found no evidence of any possible alternative causes (such as natural disease) of Mr Litvinenko's death.
- 8.9** Although the pathologists were not in any doubt that Mr Litvinenko's final heart attack had been the result of acute radiation syndrome, they were unable to reach a firm conclusion as to the precise mechanism by which this took place. They listed a number of possibilities in this regard, including sepsis, liver and/or kidney failure, and the primary effect of radiation on the heart itself.
- 8.10** I accept the evidence of Dr Cary and Dr Swift. I am sure that the cause of Mr Litvinenko's death was acute radiation syndrome.
- 8.11** I am fortified in reaching this conclusion by the evidence that I received from other scientists who have conducted tests on samples taken from Mr Litvinenko's body in the years since his death. The scientists from whom I heard in this regard were witness A1, Dr Harrison, Dr Gent and Dr Black.

- 8.12** The evidence of the scientists, which I have summarised in Part 3 above, enables me to make several more detailed findings regarding the medical cause of Mr Litvinenko's death.
- 8.13** First, it is clear on the evidence that the acute radiation syndrome described by the pathologists was itself caused by the presence in Mr Litvinenko's body of very high levels of polonium 210. Tests conducted by Dr Harrison on tissue samples taken from Mr Litvinenko's body demonstrated that there had been a total intake of about 4.4GBq of polonium 210. Dr Harrison's evidence was that this quantity far exceeded survivability levels.
- 8.14** Dr Harrison, Dr Gent and Dr Black all subscribed to the opinion expressed at paragraph 25 of the joint experts' report that, *"It can be stated with certainty that Mr Litvinenko died as a consequence of an intake of polonium-210."*
- 8.15** Second, the scientists were also agreed that the polonium 210 entered Mr Litvinenko's body either entirely or almost entirely by ingestion. If Mr Litvinenko inhaled any of the polonium 210, this was a minor route of intake, accounting for less than 5% of the total intake. It seems that the polonium 210 was probably ingested in the form of a soluble compound.
- 8.16** Third, there is compelling evidence that Mr Litvinenko ingested the fatal dose of polonium 210 on 1 November 2006. The scientific evidence was not definitive on this point, but I heard that the medical records of the early stages of Mr Litvinenko's illness, and in particular the rise in neutrophil levels noted on 3 November and 5 November, were consistent with the poisoning having taken place on 1 November. More importantly, there is other evidence relating to the location of the poisoning (see chapter 3 below) that provides very strong evidence that it took place on 1 November.
- 8.17** In summary, I make the following findings regarding the medical cause of Mr Litvinenko's death. I am sure of each of these matters.
- Mr Litvinenko died at 9.21pm on 23 November 2006 in University College Hospital, having suffered a cardiac arrest from which medical professionals were unable to resuscitate him
  - The cardiac arrest was the result of an acute radiation syndrome from which Mr Litvinenko was suffering
  - The acute radiation syndrome was caused by Mr Litvinenko ingesting approximately 4.4GBq of polonium 210 on 1 November 2006
- 8.18** To use everyday language, I conclude that Mr Litvinenko was fatally poisoned with polonium 210 on 1 November 2006.

## Chapter 3: Where did Alexander Litvinenko ingest polonium 210 on 1 November 2006?

- 8.19** I am sure that Mr Litvinenko ingested the fatal dose of polonium 210 whilst drinking tea in the Pine Bar of the Millennium Hotel during the afternoon of 1 November 2006.
- 8.20** I have relied upon the following evidence in making this finding.
- 8.21** It is absolutely clear that Mr Litvinenko went to the Pine Bar on the afternoon of 1 November. Apart from his evidence to that effect, Mr Lugovoy and Mr Kovtun have confirmed that they met him there then, and there is also Closed Circuit Television (CCTV) footage which supports this.
- 8.22** It is equally clear that Mr Lugovoy and Mr Kovtun had ordered tea that afternoon, and that there was a teapot on the table when Mr Litvinenko arrived.<sup>1</sup>
- 8.23** Mr Litvinenko said that he drank some of this tea, and I accept that he did so.
- 8.24** Mr Lugovoy and Mr Kovtun have given inconsistent accounts about what happened in the Pine Bar and on other matters (see paragraphs 8.82 – 8.91 below). But the theme of their accounts on this issue has been more that they did not offer or pour any tea for Mr Litvinenko, rather than that he did not drink any tea at all.<sup>2</sup>
- 8.25** The forensic evidence shows that the Pine Bar was heavily contaminated with polonium 210. The contamination was focused on the table where Mr Litvinenko sat with Mr Lugovoy and Mr Kovtun on 1 November 2006. The highest readings, which were consistent with primary contamination, were taken on the table itself and on the inside of one of the teapots used in the Pine Bar. A1's evidence was that the readings on the inside of the teapot demonstrated that, "*at some stage polonium... has been poured out of the spout*". She said she was sure of this (see paragraph 6.322).
- 8.26** It is equally important to note that radiation tests were conducted at all the other places where Mr Litvinenko went that day. Although some secondary contamination was found at some of these locations (I shall return to these results in due course), the Pine Bar was the only location of those visited by Mr Litvinenko on 1 November where primary contamination was found. More than that, of course, it was found on the table in the Pine Bar where Mr Litvinenko had sat whilst drinking tea, and on the inside of one of the teapots used in the Pine Bar.
- 8.27** This evidence all points to the conclusion that Mr Litvinenko ingested the fatal dose of polonium 210 whilst drinking tea in the Pine Bar of the Millennium Hotel during the afternoon of 1 November 2006, and I make a finding to that effect.

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<sup>1</sup> Andrade 16/111-141; INQ015344

<sup>2</sup> Mascall 16/161-170

## Chapter 4: Was there an earlier ingestion of polonium 210?

- 8.28 I have referred above to what the scientific tests conducted on Mr Litvinenko's body can tell us about the fatal dose of polonium 210 that he received on 1 November 2006.
- 8.29 There was a further dimension to this scientific evidence. Tests conducted on Mr Litvinenko's hair demonstrated that he had ingested polonium 210 on not one but two occasions. The fatal dose on 1 November 2006 was the second of the two occasions. The first dose was much smaller, and had been ingested by Mr Litvinenko several days earlier.
- 8.30 I have summarised the scientific evidence relating to the first dose of polonium 210 in Part 3 of this Report at paragraphs 3.182 – 3.184. It is to be noted that the first intake was estimated to be 100 times smaller than the second, fatal, dose.
- 8.31 I am sure that Mr Litvinenko did receive an earlier, smaller, dose of polonium 210 prior to the fatal dose on 1 November 2006. The scientific evidence in this regard is compelling.
- 8.32 This gives rise to further questions. When and where did Mr Litvinenko receive the earlier dose? Was it connected to the fatal dose?
- 8.33 The scientists were clear that they were unable to provide a precise answer to the 'when' question. They were reliant in this regard on estimating time periods by reference to Mr Litvinenko's hair growth. But they had no independent evidence as to how fast his hair grew, and the exercise was further complicated by the possibility that the rate of growth may have been affected by the first dose of polonium 210. The best that they could do, therefore, was to offer probable time brackets. The view of Dr Harrison and A1 was that the earlier intake had probably taken place between 18 October and 23 October 2006. Dr Black, who conducted his analysis on a different basis, estimated that the earlier intake had taken place between 14 and 18 October 2006.
- 8.34 This evidence, however, does not stand alone.
- 8.35 There is forensic evidence that primary contamination was found on the boardroom table at Erinys close to where Mr Litvinenko was sitting at a meeting on 16 October, a meeting also attended by Mr Lugovoy and Mr Kovtun. The forensic evidence also shows primary contamination in the room at the Best Western Hotel in which the two men had prepared for the meeting, and in which Mr Lugovoy slept that night.
- 8.36 I also heard evidence about Mr Litvinenko's physical health on that day. Marina Litvinenko said that her husband had had a sudden and unusual episode of sickness on the night of 16 October. However, Mr Kovtun's evidence (which Marina Litvinenko disputed), was that Mr Litvinenko had told him on 16 October, shortly after the meeting at Erinys, that he had been unwell for the previous 24 hours, and that he had vomited the night before.
- 8.37 At this stage of the analysis, I will limit myself to making the following observations.
- 8.38 First, the forensic evidence is highly suggestive of a link between Mr Litvinenko's first intake of polonium 210 and the meeting at Erinys on 16 October 2006.

**8.39** Second, although that date is at one end of the combined date ranges provided by the scientists, the dating exercise is an uncertain one for the reasons that I have explained above. It was not my understanding that a finding that the first intake took place on 16 October would be positively inconsistent with any of the scientific evidence.

**8.40** Third, I am disinclined to place any weight in this regard on the evidence as to Mr Litvinenko's illness on the night of 16 October. I emphasise that this is not because I accept the evidence of Mr Kovtun (my findings on the credibility of his evidence are set out below), nor because I do not believe what Mrs Litvinenko has said. My reason for caution on this point lies in the scientific evidence. The view of Dr Harrison and others was that so called 'prodromal symptoms' i.e. diarrhoea and vomiting – were not typical symptoms of internal alpha radiation poisoning. They were cautious as to whether the similar symptoms that Mr Litvinenko had suffered after the (much larger) second dose of polonium 210 had been caused by it.<sup>3</sup> Given this uncertainty, it is better, in my view, to leave the question of Mr Litvinenko's physical symptoms on or about 16 October entirely out of the account for these purposes.

**8.41** In summary:

- a. I am sure that Mr Litvinenko did receive a first, smaller, dose of polonium 210 some time before the fatal dose on 1 November 2006
- b. The forensic evidence suggests that the earlier dose is likely to have been received at the meeting at Eryns on 16 October 2006, and a finding to this effect would not be inconsistent with the scientific evidence

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<sup>3</sup> [INQ016745](#) (page 9)

## Chapter 5: Did Alexander Litvinenko poison himself?

- 8.42 One of the possible explanations for Mr Litvinenko's death that has been aired in public in the time since 2006 is that he poisoned himself by accident, perhaps in the course of handling illicitly obtained polonium 210. Mr Lugovoy has referred to this possibility during press interviews, as have other commentators. Another theory, which was expressly raised at the early stages of the inquest proceedings by those then representing Mr Lugovoy, is that Mr Litvinenko deliberately poisoned himself with polonium 210 in order to commit suicide.
- 8.43 It is plainly important that I examine and make findings on each of these two suggestions.

### Accident

- 8.44 DI Mascall gave evidence to the Inquiry about the public comments that Mr Lugovoy and Mr Kovtun have made about Mr Litvinenko's death since 2006. One such comment was reported by the *Voice of Russia* in 2009. Mr Lugovoy is reported as having said:

*"It cannot be excluded that [Mr Litvinenko's death] was simply an accident for Litvinenko himself. In short, everything is possible since he had been linked to radioactive materials, and there could have been a leak and he had poisoned himself of an accident."*<sup>4</sup>

- 8.45 As I have said, other commentators have advanced a similar theory – i.e. that Mr Litvinenko had been involved in dealing with polonium 210, and that he might have poisoned himself with it accidentally.
- 8.46 There are five reasons why, in my view, this suggestion is wholly without merit.
- 8.47 First, there was no evidence from any of the witnesses who appeared before me that Mr Litvinenko had ever been involved in dealing with radioactive materials – either in the months before his death, or, for that matter, ever. Marina Litvinenko dismissed the possibility,<sup>5</sup> and Mr Reilly said that he had no knowledge of any such dealings.<sup>6</sup>
- 8.48 Second, the pattern of the radioactive contamination found at Mr Litvinenko's house was inconsistent with this theory. It will be recalled that, although there was widespread contamination at the house, it was almost all low level secondary contamination, the single exception being the sleeve of the jacket that Mr Litvinenko wore on 1 November 2006. If Mr Litvinenko had been in the habit of dealing with leaky containers of polonium 210 in the weeks before his death, a different pattern of radiation would surely have been found. Had Mr Litvinenko been handling polonium 210 at his house, then one would have expected to find primary contamination there. Even if he had handled the substance away from his house, one would have expected that high readings would have been taken from more than one item of his clothing.
- 8.49 It is also of significance in this regard that the contamination readings taken at Boris Berezovsky's offices were all relatively low. The highest reading there was taken

<sup>4</sup> Mascall 22/135

<sup>5</sup> Marina Litvinenko 4/8-9

<sup>6</sup> Reilly 10/61

from a sofa on which Mr Lugovoy had sat. It has been suggested that Mr Berezovsky was involved with Mr Litvinenko's alleged dealings in polonium 210. The contamination evidence does not support that theory.

- 8.50 The third point relates to the route by which the polonium 210 entered Mr Litvinenko's body. As I have explained above, the scientists were agreed that most, if not all, of the polonium 210 was ingested by Mr Litvinenko, probably in the form of a soluble compound. In lay terms, Mr Litvinenko drank the polonium 210 dissolved in a liquid. Simply as a matter of common sense, it seems unlikely to me that Mr Litvinenko could have accidentally drunk a liquid containing polonium 210. Inhaling the substance by accident would have been more plausible, but this was ruled out as a route of entry for all but perhaps 5% of the fatal dose.
- 8.51 The fourth point concerns Mr Litvinenko's conduct during the three week period of his illness prior to his death. It is to be remembered that Mr Litvinenko's doctors were uncertain as to the cause of his painful and debilitating symptoms until only a few hours before his death. If Mr Litvinenko had poisoned himself accidentally whilst handling a leaky container of polonium 210, he would have had a good idea of the cause of his illness. Had that been the case, it is inconceivable, in my view, that Mr Litvinenko would not have said something about this either to the police or to one of his doctors, if only to improve the chances of his life being saved.
- 8.52 Finally, the 'leaky container' theory is of course at odds with the findings that I have already made as to the place and circumstances in which Mr Litvinenko received the fatal dose. As I have found, Mr Litvinenko was poisoned by drinking contaminated tea from a teapot in the Pine Bar of the Millennium Hotel. The hypothetical 'leaky package' must remain just that. There is no evidence to support it, and, for the reasons that I have set out, the entire hypothesis is inconsistent with the facts that have been established from the evidence.

## Suicide

- 8.53 I can deal with this point more shortly.
- 8.54 On the findings that I have already made, this theory must involve Mr Litvinenko deliberately contaminating the tea in the teapot at the Pine Bar with polonium 210, and then pouring and drinking it.
- 8.55 As I have said above, there is no evidence that Mr Litvinenko had access to polonium 210 prior to his death.
- 8.56 More importantly, there is no evidence at all that Mr Litvinenko was feeling at all suicidal at the time in question. I heard evidence from his wife and from a number of his close friends, none of whom thought it was remotely plausible that Mr Litvinenko might have taken his own life. I have summarised their evidence on this issue at Part 5, chapter 8. Mr Litvinenko was deeply committed to his wife and son. He was not at all depressed.
- 8.57 I would only add that Mr Litvinenko survived for three weeks after ingesting the fatal dose of polonium 210. If he really had poisoned himself in order to end his life, he would surely have said something to his wife, or the police, or one of his friends about what he had done.

## Conclusion

- 8.58** For the reasons set out above, I am sure that Mr Litvinenko did not die as a result of either accidentally or deliberately poisoning himself with polonium 210.
- 8.59** Further evidence against both of these theories may be found in the strong evidence, as I consider it to be, that supports a third explanation for Mr Litvinenko's death, namely that he was deliberately poisoned by others. It is to that issue that I shall now turn.

## Chapter 6: Who administered the poison?

### Introduction

- 8.60** I have found that Mr Litvinenko ingested the fatal dose of polonium 210 when he drank tea in the Pine Bar on 1 November 2006. I have also found that he did not put the polonium 210 into the teapot himself – either by accident, or as a deliberate means of committing suicide.
- 8.61** There is an obvious question that arises. If Mr Litvinenko did not put the polonium 210 into the teapot that afternoon, who did?
- 8.62** The Metropolitan Police officers who have investigated this case believe that Mr Lugovoy and Mr Kovtun poisoned Mr Litvinenko on 1 November. I heard evidence that warrants for the arrests of both men have been issued.<sup>7</sup> Mr Horwell, in his closing submissions made on behalf of the Metropolitan Police Service, asserted that: *“the evidence points resolutely to Lugovoy and Kovtun and no one else as having administered the poison which killed Litvinenko.”*<sup>8</sup>
- 8.63** I stress, and it is of the first importance, that I have analysed this issue, like all others in this Inquiry, in an entirely independent and dispassionate manner. Although I have had the great advantage of being able to consider the evidence gathered by the Metropolitan Police, their views as to where that evidence points have been accorded no special weight. I have approached the evidence with an open mind. I have considered it objectively. I have drawn my own conclusions as to what the evidence shows.
- 8.64** It will be helpful for me to summarise at this stage the findings that I have made.
- 8.65** I am sure that Mr Lugovoy and Mr Kovtun placed the polonium 210 in the teapot at the Pine Bar on 1 November 2006.
- 8.66** I am sure that they did this with the intention of poisoning Mr Litvinenko.
- 8.67** I am sure that the two men had made an earlier attempt to poison Mr Litvinenko, also using polonium 210, at the Erinys meeting on 16 October 2006.
- 8.68** I am sure that Mr Lugovoy and Mr Kovtun knew that they were using a deadly poison (as opposed to, for example, a ‘truth drug’ or a sleeping draught), and that they intended to kill Mr Litvinenko. I do not believe, however, that they knew precisely what the chemical they were handling was, or the nature of all of its properties.

### Scientific evidence indicating Lugovoy and Kovtun’s involvement

- 8.69** Mr Lugovoy and Mr Kovtun have never disputed either (a) that they met Mr Litvinenko in the Pine Bar on the afternoon of 1 November 2006; or (b) that they ordered the tea which Mr Litvinenko says he drank when he met them there. There is, in any event, very clear independent evidence on both of these points (see Part 6, chapter 8).

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<sup>7</sup> Mascall 8/2-4

<sup>8</sup> Horwell 33/61

- 8.70 Given the findings that I have made above regarding the time and place at which, and the means by which, Mr Litvinenko ingested the fatal dose of polonium 210, these matters are clearly sufficient to raise a question as to the possible involvement of Mr Lugovoy and Mr Kovtun in the poisoning. On their own, however, these facts do not establish anything more than that.
- 8.71 I have referred above to the forensic evidence of polonium 210 contamination found in the Pine Bar in the context of my finding that the Pine Bar was the location of Mr Litvinenko's fatal poisoning. Similarly, it is the forensic evidence of polonium 210 contamination found in other places associated with Mr Lugovoy and Mr Kovtun that I regard as the most important evidence of their responsibility for the poisoning. There are three points that I make in this regard.
- 8.72 First, the extensive testing for radiation throughout the Millennium Hotel only revealed one area of primary contamination apart from those found in the Pine Bar. That was in the plughole of the room occupied by Mr Kovtun and Mr Sokolenko.
- 8.73 Second, secondary contamination was found in Mr Lugovoy's bedroom and also (at particularly high levels) in the gentlemen's lavatories close to the Pine Bar. CCTV footage shows that both Mr Lugovoy and Mr Kovtun visited those lavatories prior to the meeting with Mr Litvinenko. The same footage demonstrates that Mr Litvinenko did not visit those lavatories during his time in the hotel.
- 8.74 Third, these findings form part of a wider pattern. Primary polonium 210 contamination was also found in the bathroom of room 107 of the Best Western Hotel, where Mr Lugovoy and Mr Kovtun changed prior to their meeting at Erinys on 16 October 2006, and where Mr Lugovoy slept that night, and also in the bathroom of room 848 of the Sheraton Hotel, where Mr Lugovoy stayed between 25 and 27 October 2006. Secondary contamination was also discovered, as I have recounted in Part 6, in a large number of places associated with the two men during this period.
- 8.75 It will be recalled that A1 gave evidence to the effect that a finding of primary contamination was only consistent with the surface in question being exposed directly to a source of polonium 210. In practical terms, this means that polonium 210 must have been handled in each of the three hotel bedrooms to which I have referred above. This amounts to highly compelling evidence of a connection between Mr Lugovoy, Mr Kovtun and the (extremely rare) isotope with which Mr Litvinenko was poisoned, including such evidence found in the very hotel where the poisoning took place.
- 8.76 I consider that this evidence on its own would have been sufficient to satisfy me that Mr Lugovoy and Mr Kovtun were responsible for Mr Litvinenko's poisoning, and in particular that one or other or both of them handled the polonium 210, which was used to kill Mr Litvinenko, in the bathroom of room 382 of the Millennium Hotel (i.e. Mr Kovtun's room).
- 8.77 But there is further evidence to consider, to which I shall next turn.
- 8.78 Before doing so, there is one further point to make about the pattern of primary contamination found in the hotel bedrooms. There is a striking similarity as to the location of the primary contamination found in room 382 of the Millennium Hotel and in room 107 of the Best Western Hotel. In both places, primary contamination was found inside the plughole in the bathroom. The natural inference is that polonium 210 had been poured down the sink. Since this appears to have happened in both rooms,

it is logical to assume that it was part of a routine, and in all the circumstances it is reasonable to assume that the routine was connected with the preparation and/or the disposal of polonium 210.

- 8.79 I have already expressed my view that room 382 of the Millennium Hotel was used to handle the polonium 210 that killed Mr Litvinenko. Given the similar findings in room 107 of the Best Western Hotel, it is a reasonable assumption that something similar occurred there. I have referred above to the scientific evidence which shows that Mr Litvinenko was poisoned on an occasion prior to 1 November 2006, and to other evidence that tends to suggest that this occasion might have been the Erinys meeting on 16 October. Given, additionally, (a) my finding that Mr Litvinenko was poisoned on 1 November by Mr Lugovoy and Mr Kovtun; and (b) the similarity between the findings of primary contamination at room 107 of the Best Western Hotel and room 382 of the Millennium Hotel, I make the further findings that Mr Litvinenko was also poisoned with polonium 210 by Mr Lugovoy and Mr Kovtun at the Erinys meeting on 16 October 2006, and that the polonium 210 used on that occasion was prepared and/or disposed of in the bathroom of room 107 of the Best Western Hotel.
- 8.80 For completeness, I note that the primary contamination found in the bathroom of room 848 of the Sheraton Hotel was found not in the sink, but in the bin. Primary contamination was also found on towels in the hotel laundry. It is perhaps significant in this regard that there is no other evidence of an attempt being made to poison Mr Litvinenko during this period (for example, no primary contamination was found in the Palm Court bar at the hotel, where Mr Litvinenko appears to have met Mr Lugovoy on two occasions during the latter's stay). There is insufficient evidence for me to make any findings about what happened at the Sheraton Hotel, but I observe that the primary contamination found there was consistent with Mr Lugovoy having spilled the polonium 210 in the course of handling it, and then mopping it up with the towels that were subsequently found in the laundry.

## Other evidence indicating Lugovoy and Kovtun's involvement

- 8.81 I turn to consider the other evidential matters that I consider support my findings that Mr Litvinenko was poisoned by Mr Lugovoy and Mr Kovtun.

### Accounts given by Lugovoy and Kovtun

- 8.82 Neither Mr Lugovoy nor, in the end, Mr Kovtun, gave oral evidence to the Inquiry. However, both have made public statements concerning the case since 2006 and Mr Kovtun provided the Inquiry with a witness statement. I admitted this material in evidence, and have referred to it extensively.
- 8.83 I should make it clear that I do not regard the simple fact that Mr Lugovoy and Mr Kovtun did not give evidence before me as evidence that in itself supports the proposition that they poisoned Mr Litvinenko. There was some debate about this matter, but in the end all core participants agreed that I should not draw any adverse inferences from the fact that neither man has given evidence before me (see Appendix 1, paragraph 123). I do not do so.
- 8.84 That said, as I have observed on a number of occasions during my review of the evidence, the fact that Mr Lugovoy and Mr Kovtun did not give oral evidence means that I am left without answers to questions that they would have been asked had they

attended. Put another way, I do not have their explanations for inconsistencies or gaps in their accounts. This may lead to me making findings against them that I would not have made had they given their explanation. There is no avoiding that.

- 8.85** There is a further, related point. There were some serious deficiencies in the evidence from Mr Lugovoy and Mr Kovtun that was available to me. I have referred to these deficiencies during my review of the evidence and it will suffice here to give four examples.
- 8.86** First, there are some striking anomalies in the accounts that both men have given of their meeting with Mr Litvinenko on 1 November. Both men have stated, in insistent terms, that it was Mr Litvinenko who made the first contact on that day, and asked to meet up. Mr Litvinenko, on the other hand, said that Mr Lugovoy had telephoned him and suggested the meeting. It is plain from the telephone schedule that Mr Lugovoy and Mr Kovtun were wrong about this (see paragraphs 6.275 – 6.282).
- 8.87** Mr Lugovoy initially declined to give an account of the meeting at the Pine Bar because, he said, the room had been covered by, “*high quality video equipment, which doubtless recorded the meeting*”. In fact, there was no such video equipment in the Pine Bar, and it is not credible that Mr Lugovoy, as a security professional, could have mistakenly thought that there was. One is left, therefore, with the conclusion that he was lying about this (see paragraph 6.315).
- 8.88** Mr Kovtun told a German newspaper in December 2006 (i.e. a few weeks after the meeting in the Pine Bar) that he did not have a clear memory of the meeting and that at the time he had paid more attention to his cigar. More than eight years later, the statement that he provided to the Inquiry contained a detailed account of the meeting, including an assertion that Mr Litvinenko “*grabbed the teapot on the table and, without waiting for an invitation, poured himself some tea*” and that he “*gulped down two cups of hot tea one after the other … [and] then had a coughing fit*” (see paragraphs 6.318 – 6.319). There is no reason at all to think that Mr Kovtun’s memory had improved dramatically so many years after the event. The only logical conclusion is that he was lying on one or other (or both) of the two occasions.
- 8.89** Second, in the years since 2006 Mr Lugovoy and Mr Kovtun have given markedly different accounts of a conversation that one or other of them is supposed to have had with Mr Litvinenko on 17 October 2006. I have set out the various accounts that they have given at paragraphs 6.144 – 6.149 above. A common theme of these accounts is the claim that Mr Litvinenko was trying to engage the two men in a blackmail scheme. However, the discrepancies between the accounts (for example, where the conversation took place, the target of the intended blackmail, and to whom Mr Litvinenko was speaking) are so great that they cannot be explained by confusion or loss of memory. In my view, they are only consistent with a deliberate attempt to mislead.
- 8.90** Third, the explanations that Mr Kovtun has given as to the purpose of his travel to London on 1 November are profoundly unsatisfactory. For the reasons that I have explained at paragraphs 6.245 – 6.250 above, this appears to be another example of Mr Kovtun providing misleading information about an important issue in the case.
- 8.91** The deficiencies in the accounts that have been provided by Mr Lugovoy and Mr Kovtun, of which the matters set out above are only examples, lead to two conclusions. First, I do not regard the evidence that the two men have given about these events as

credible, and I will not accept any part of their accounts in the absence of corroboration from a reliable source of evidence. Second, and more importantly, I make a positive finding that both men have deliberately attempted to mislead the recipients of the various accounts they have given regarding crucial issues in the case. I infer that they have done so in order to conceal their own actions. These findings support my overall conclusion that Mr Lugovoy and Mr Kovtun poisoned Mr Litvinenko.

## Timing of travel bookings

- 8.92** The three key events that took place in this case during October and early November 2006 were the three visits to London that I have described in Part 6 above – the first visit made by Mr Lugovoy and Mr Kovtun, the second by Mr Lugovoy alone and the third by a larger group including both Mr Lugovoy and Mr Kovtun.
- 8.93** As well as hearing evidence as to what took place during these visits, I also heard evidence about the travel arrangements that had been made (e.g. flight and hotel bookings) for each visit.
- 8.94** There are two points that emerged from this evidence that are worthy of mention.
- 8.95** First, it was striking that the timing of the first visit seemed to turn on Mr Kovtun's availability to travel. I have touched on this issue above, at paragraph 6.64.
- 8.96** Mr Lugovoy was the senior of the two men in terms of their business relationships. His visa had been renewed in the summer, and he was therefore able to travel to the United Kingdom (UK) whenever he wished. It is notable, therefore, that the bookings for the flights and hotel rooms, which were both made in the days after Mr Kovtun's UK visa was issued on 5 October 2006, appear to have been held up until it was known when Mr Kovtun would be able to make the trip. Although Mr Kovtun attended business meetings when the trip to London did take place, there was nothing in the evidence that I heard about those meetings to suggest that his attendance was in any way essential.
- 8.97** I have already made a finding that Mr Lugovoy and Mr Kovtun poisoned Mr Litvinenko with polonium 210 at their meeting in the Erinys boardroom on 16 October 2006, during this first trip. The evidence about the timing of the bookings is at the very least consistent with this finding, and I consider that it adds some weight to it. The evidence suggests that the true purpose of the trip was not to attend a series of business meetings at which Mr Kovtun would be no more than a mute observer, but rather, as I have found, to attempt to poison Mr Litvinenko – an operation in which Mr Kovtun was intended to play, and did play, a key role.
- 8.98** The second point concerns the timing of the decision that Mr Kovtun should join the third trip to London. This is a point that is addressed at paragraphs 6.188 – 6.189 above. In the statement that he provided to the Inquiry, Mr Kovtun suggested that he had not even contemplated flying to London on 1 November to join Mr Lugovoy and the others until 30 October (see discussion at paragraph 6.244 above). That was not true – the booking for his return flight from London to Moscow had been made several days earlier on 27 October. I am satisfied that that was the time at which the decision was made that Mr Kovtun would go to London.
- 8.99** That date of 27 October was midway through the trip that Mr Lugovoy made to London alone, when he stayed in room 848 of the Sheraton Hotel. I am satisfied that

Mr Lugovoy had a quantity of polonium 210 with him on this occasion. As I have said, the forensic evidence is of primary contamination both in the bin in the bathroom of room 848, and also on two towels in the hotel laundry, which I am satisfied must have come from room 848. One possible explanation for the pattern of contamination is that Mr Lugovoy spilled the polonium 210 and mopped it up with the towels, or perhaps simply poured it into the bin. There is no evidence that there was any attempt to poison Mr Litvinenko during this trip, despite the fact that Mr Lugovoy met him twice in the Palm Court bar of the Sheraton.

- 8.100** Although there is insufficient evidence for me to make any positive finding on the point, I regard it as possible that this pattern of events at the Sheraton explains why the decision was taken, on 27 October, that Mr Kovtun should travel to London on 1 November. It is at least possible that the decision was taken, in light of events at the Sheraton, that Mr Lugovoy would need Mr Kovtun's assistance on the next attempt to poison Mr Litvinenko, and that is why the return flight was booked for him on that day.
- 8.101** I do not suggest that this evidence relating to the timing of travel arrangements is at the centre of this case, but it adds to the picture. And it offers some support for the conclusion that Mr Lugovoy and Mr Kovtun poisoned Mr Litvinenko.

### Did Mr Kovtun tell D3 that he was planning to poison Mr Litvinenko?

- 8.102** I now turn to a part of the case that is, on any view, of considerable significance. I refer to the evidence concerning Mr Kovtun's conversation with D3 in Hamburg on the evening of 30 October 2006, and his subsequent attempts to contact C2.
- 8.103** I have set out the evidence relating to these issues at some length above – see in particular paragraphs 6.205 – 6.225 and 6.261 – 6.273.
- 8.104** There is no doubt that Mr Kovtun met D3 in Hamburg that evening. There is also no doubt that on the following day, 31 October 2006, Mr Kovtun obtained C2's phone number by telephoning D6, who got the number from D7 after he had spoken to C2. There is, finally, no doubt that Mr Kovtun telephoned C2 the day after that, from London, using Mr Lugovoy's phone.
- 8.105** There are two, connected, issues in respect of which I must make findings. The first is whether D3 has told the truth about what Mr Kovtun said to him that evening. In particular, did Mr Kovtun tell D3 that he had "*a very expensive poison*" and that he needed a cook "*to put poison in Litvinenko's food or drink*"? Second, what was the reason for Mr Kovtun calling C2 in London on 1 November 2006?
- 8.106** I have come to the conclusion that Mr Kovtun did tell D3 that he was looking for a cook to assist in poisoning Mr Litvinenko, and that in telephoning C2 he was attempting – unsuccessfully, as it turned out – to put that plan into operation.
- 8.107** The primary basis on which I have reached this conclusion is the utterly unconvincing explanation that Mr Kovtun has given for making the call to C2 on 1 November. I have analysed that explanation, together with Mr Kovtun's account of his conversations with C2 and Dr Shadrin, in some detail at paragraphs 6.261 – 6.273 above. I do not propose to go back over what I have said there, save to repeat that, despite not having had the advantage of hearing Mr Kovtun give oral evidence, I am quite satisfied that the explanation that he has given for making contact with C2, together

with his account of conversations with C2 and Dr Shadrin, is a total fabrication. The term that I used above, which I repeat, is that his story is a tissue of lies.

**8.108** There must be a reason why Mr Kovtun has fabricated this elaborate story about wishing to employ C2 to work in a restaurant in Moscow, and being unable to see him because Dr Shadrin told him that Stratford was 3-4 hours drive from central London. That reason is not difficult to deduce. I am satisfied that Mr Kovtun did wish to enlist C2 as an accomplice in the plans that he and Mr Lugovoy were making to poison Mr Litvinenko. I am satisfied that Mr Kovtun did tell D3 in the course of their conversation in Hamburg that this was why he wished to make contact with C2, and that D3 has told the truth about that conversation. And I am satisfied that Mr Kovtun has fabricated the story about wishing to employ C2 – as well as his evidence about D3's unreliability – in order to conceal that truth.

**8.109** There are three other matters that fortify me in these conclusions.

**8.110** First, there is the forensic evidence, to which I have referred above, that demonstrates that Mr Lugovoy and Mr Kovtun were involved in a series of attempts to poison Mr Litvinenko. Mr Kovtun's boast that he was planning to poison Mr Litvinenko with “*a very expensive poison*” may have appeared outlandish to D3, but there is a wealth of independent evidence before me that shows that that is exactly what he was planning to do.

**8.111** Second, my findings that, by the time Mr Kovtun spoke to D3 on 30 October, he and Mr Lugovoy had already made one, and perhaps two, unsuccessful attempts to kill Mr Litvinenko are also of some significance here. Their previous lack of success makes it more plausible that they wished to alter their methods and enlist some support.

**8.112** Third, it is impossible to overlook the fact that only a few minutes after Mr Kovtun had phoned C2 on Mr Lugovoy's phone and discovered that he was too busy to meet that day, 1 November, a call was made from the same phone to Mr Litvinenko. The call to C2, which lasted one minute and 14 seconds, was timed at 11.33am. The call to Mr Litvinenko, which lasted nearly five minutes, was timed at 11.41am (see paragraph 6.251(e) above).

**8.113** The apparent link between the call to C2 and the call to Mr Litvinenko is highly suggestive.

**8.114** As I have recounted above, Mr Litvinenko told the police that Mr Lugovoy had telephoned him during the morning of 1 November and said that, “*he would like to meet for a short time*” later that day. Mr Litvinenko said that it was during this conversation that the meeting at the Pine Bar was arranged. I am satisfied that Mr Litvinenko's account is accurate, and that the call in question was the call recorded as having been made to Mr Litvinenko from Mr Lugovoy's phone at 11.41am. I regard Mr Lugovoy's claim that in fact Mr Litvinenko called him and asked to meet, which is inconsistent with the telephone evidence, as a deliberate attempt to mislead.

**8.115** Further, I think it likely that Mr Lugovoy called Mr Litvinenko at 11.41am and suggested a meeting later that day in direct consequence of the discussion that Mr Kovtun had had with C2 a few minutes earlier. Once it had become apparent to Mr Lugovoy and Mr Kovtun that they would not get any help from C2, at least not in the short term, they decided to make another attempt to poison Mr Litvinenko themselves. Their plan,

which they subsequently put into effect, was to make this attempt in the Pine Bar of the Millennium Hotel.

- 8.116 In summary on this point, I am satisfied that Mr Kovtun did tell D3 in the course of their discussions in Hamburg that he was planning to poison Mr Litvinenko, and that he telephoned C2 on the morning of 1 November in an attempt to enlist his support in carrying out this plan.
- 8.117 For the reasons that I have set out above, this finding is both consistent with and strongly corroborative of the other evidence that points to the conclusion that Mr Lugovoy and Mr Kovtun poisoned Mr Litvinenko.

### The duration of Lugovoy's operation against Mr Litvinenko

- 8.118 I have referred at paragraphs 4.148 – 4.150 above to the evidence about the first meeting in London between Mr Lugovoy and Mr Litvinenko. As I have said, it appears that this meeting took place in October 2004. There was a divergence between the evidence of Mr Lugovoy and Mr Litvinenko as to which of them had made the first contact. In light of my general findings regarding Mr Lugovoy's credibility, as well as my finding as to his involvement in poisoning Mr Litvinenko, I am satisfied that, as Mr Litvinenko said, it was Mr Lugovoy who first contacted him in 2004, and not the other way around. I would add that I regard it as entirely possible that Mr Lugovoy was already at that stage involved in a plan to target Mr Litvinenko, perhaps with a view to killing him.

### Lugovoy and Kovtun's conduct since November 2006

- 8.119 I have already made it clear that I do not regard the fact that Mr Lugovoy and Mr Kovtun have not given evidence to the Inquiry as something that amounts in itself to evidence of their responsibility for Mr Litvinenko's death.
- 8.120 However, I did hear evidence on a number of other matters relating to Mr Lugovoy and Mr Kovtun's conduct since November 2006 that I do regard as supportive of my finding that they poisoned Mr Litvinenko.
- 8.121 I have referred above (see paragraph 4.73) to the 2008 *El País* interview in which Mr Lugovoy said that he believed Mr Litvinenko to have been “*a traitor*” and also, a little later, referred to Oleg Gordievsky (whom he knew to have been a friend of Mr Litvinenko) saying that, “*if someone has caused the Russian state serious damage, they should be exterminated*”. The fact that Mr Lugovoy said these things does not, of course, mean that he killed Mr Litvinenko. But the fact that he held these views is certainly consistent with him having done so. I regard the fact that Mr Lugovoy expressed these views as supportive of my overall finding that he did poison Mr Litvinenko.
- 8.122 Of rather more significance is an incident described to me in evidence by Michael Cotlick, who was Boris Berezovsky's personal assistant from 2005 until Mr Berezovsky's death in 2013.
- 8.123 Mr Cotlick told me about an incident that took place in Mr Berezovsky's London offices in July 2010.<sup>9</sup> Mr Cotlick described how he had been called to Mr Berezovsky's

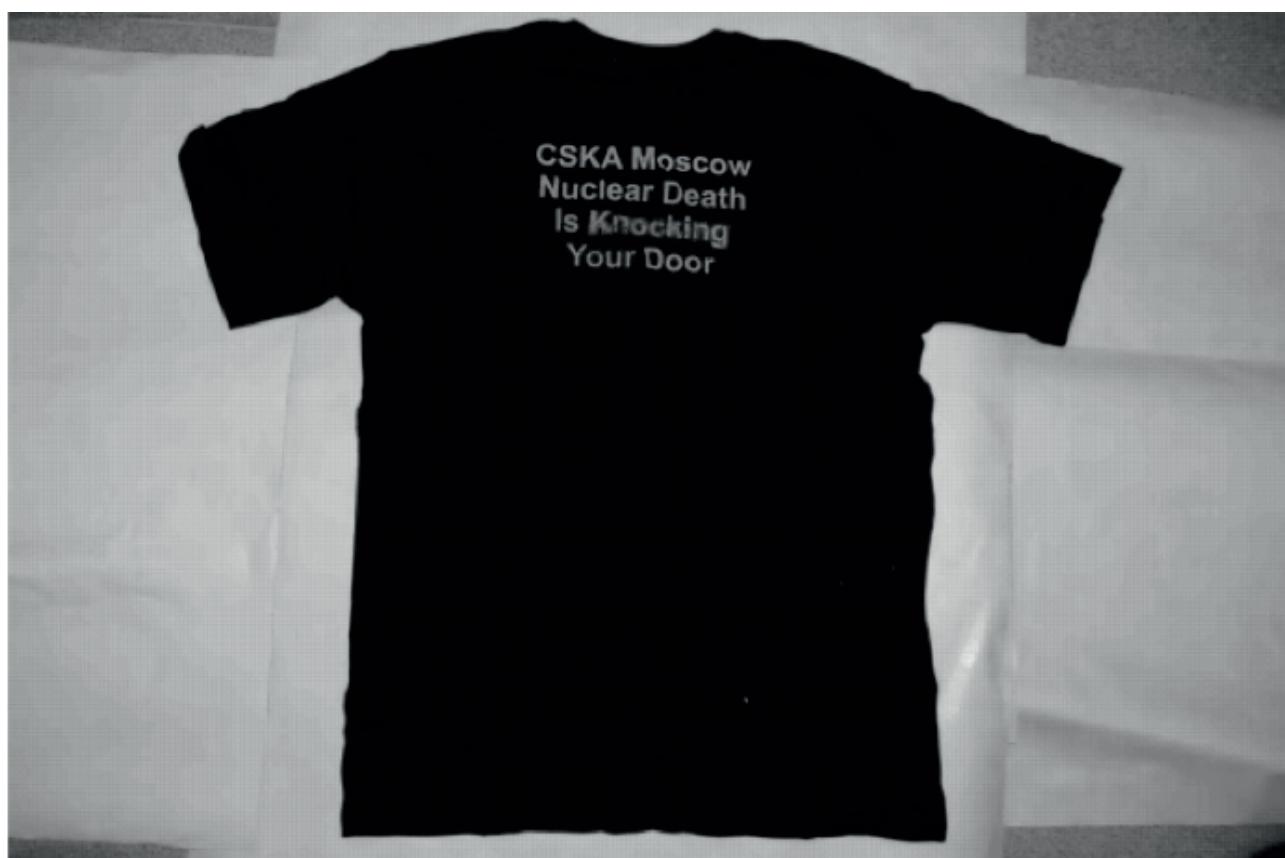
<sup>9</sup> Cotlick 25/76-81

personal office and went in to find Mr Berezovsky with two men. One of the men was Yuri Dubov, who worked with Mr Berezovsky. The other man was named Rafael Filinov. He was Russian, and had recently arrived in London from Moscow. Mr Cotlick was shown a T-shirt that Mr Filinov had given to Mr Berezovsky. Mr Filinov explained that he had been given the T-shirt in Moscow by Mr Lugovoy and, at Mr Lugovoy's request, had delivered it as a gift to Mr Berezovsky. There was writing printed on the T-shirt (which can be seen in the photographs of the T-shirt below). The writing was in extraordinary terms. The writing on the front of the T-shirt read "*POLONIUM-210 CSKA LONDON, HAMBURG To Be Continued*". The writing on the back of the T-shirt read, "*CSKA Moscow Nuclear Death Is Knocking Your Door*".<sup>10</sup>

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<sup>10</sup> [INQ016809](#)

Police photographs of the T-shirt <sup>11</sup>



<sup>11</sup> [INQ016809](#)

- 8.124** Mr Cotlick said that he was aware that Mr Filinov had a personal relationship with Mr Lugovoy. He said that he had “*no doubt whatsoever*” that Mr Lugovoy had himself handed the T-shirt to Mr Filinov, in order for him to give it to Mr Berezovsky.
- 8.125** Taken on its own (and without, of course, the benefit of oral evidence from Mr Lugovoy), it would be difficult to know what to make of this T-shirt. On any view, it demonstrates that Mr Lugovoy approved of Mr Litvinenko’s murder. It was also, clearly, a threat to Mr Berezovsky. Further than that, the T-shirt could be seen as an admission by Mr Lugovoy that he had poisoned Mr Litvinenko, made at a time when he was confident that he would never be extradited from Russia, and wished to taunt Mr Berezovsky with that fact. Alternatively, it could, perhaps, be seen as an extraordinarily tasteless joke.
- 8.126** However, the T-shirt does not stand alone. As I have indicated, I am satisfied on the basis of other evidence (most importantly, the forensic evidence) that Mr Lugovoy did indeed poison Mr Litvinenko. Set against that context, this T-shirt can only be seen as Mr Lugovoy’s gleeful acknowledgement of his part in Mr Litvinenko’s death.
- 8.127** There is one last matter to address under this heading, and it relates to Mr Kovtun. I have referred above to the fact that, after Mr Litvinenko’s death, Mr Kovtun had a conversation with his ex-wife’s mother, Elenora Wall, about the radiation poisoning that he was suffering from. When interviewed by the German authorities, Dr Wall gave this account of the conversation:
- “He told me that he had probably got some of the poison which killed Litvinenko. He said word for word, ‘Those arseholes have probably poisoned us all’.”<sup>12</sup>*
- 8.128** It seems to me to be at least possible that this comment made by Mr Kovtun to his mother-in-law, no doubt in an unguarded moment, was a revealing one.
- 8.129** The implication of his words is that a group of people, the unidentified “*arseholes*” – had been responsible for poisoning both Mr Litvinenko and him – and possibly Mr Lugovoy as well. This would not be consistent with the case pursued by the Russian investigators, who accused Mr Litvinenko of having poisoned Mr Kovtun and Mr Lugovoy. But it would be consistent with a scenario in which others had tasked Mr Kovtun and Mr Lugovoy to kill Mr Litvinenko, and had given them a poison with which to do it, but had not told them what the poison was or what its properties were, with the consequence that the poisoners, through ignorance, ended up contaminating themselves.
- 8.130** If that is what Mr Kovtun meant, then it was certainly an unwise comment for him to have made. But, as we have seen, making unwise comments is something that Mr Kovtun appears to have done from time to time.

## Evidence apparently inconsistent with Lugovoy and Kovtun’s involvement

- 8.131** I did hear some evidence that at least appeared to be inconsistent with Mr Lugovoy and Mr Kovtun having been responsible for Mr Litvinenko’s death. I must, of course, address that evidence.

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<sup>12</sup> [Elenora Wall 32/81](#)

## The polygraph test

- 8.132** In 2012, Mr Lugovoy underwent a polygraph or so-called ‘lie detector’ test in Moscow. The test was administered by a British man and his son – Bruce and Tristam Burgess – who are both qualified polygraph examiners. Mr Lugovoy was asked a series of questions about his alleged involvement in Mr Litvinenko’s death, and he denied any such involvement. At the end of the test, Bruce Burgess, who took the lead role in conducting the test, announced the result to Mr Lugovoy in the following words,<sup>13</sup> *“I can tell you the result was conclusive, you were telling the truth, no deception indicated.”*
- 8.133** I received exhaustive evidence about this polygraph test. The test itself was filmed, and I adduced both the recording<sup>14</sup> and a transcript in evidence.<sup>15</sup> I also had available to me the various charts produced by the polygraph equipment during the test.<sup>16</sup> I commissioned an expert in polygraphy, Professor Ray Bull, to prepare a report about this test, and adduced that report in evidence.<sup>17</sup> I also heard oral evidence from Bruce Burgess,<sup>18</sup> from Tristam Burgess,<sup>19</sup> and from Professor Bull.<sup>20</sup> All those materials are available on the Inquiry website.
- 8.134** I will make it clear at once that I regard the polygraph test conducted on Mr Lugovoy as having been seriously flawed. In consequence, I do not feel able to place any weight at all on the outcome of the test. My reasons are as follows.
- 8.135** By the end of his oral evidence I was left with general concerns about the levels of professionalism and objectivity demonstrated by Bruce Burgess (to whom I shall refer hereafter simply as ‘Mr Burgess’), and therefore his suitability to conduct what was, after all, a scientific examination relating to an allegation of murder. Mr Burgess accepted that he has a conviction for perverting the course of justice. More particularly, he stated during the course of his evidence that he did not think it would be improper to conduct a polygraph test on a person who had been charged with a criminal offence and was awaiting trial, on the basis that by that point the criminal investigation would have been concluded. He also said that in those circumstances he would try to obtain an admission if the individual ‘failed’ the test. Mr Burgess’ view was that none of this risked interfering with the criminal process. In the present case, Mr Burgess accepted that he flew to Moscow having been told that the subject of the proposed polygraph test was involved in a murder case, but without asking who the subject was or what precise stage the murder investigation had reached. He accepted that he should have made further enquiries.
- 8.136** As I have said, these matters and others similar to them left me with concerns about Mr Burgess’ professionalism and judgement. These concerns would not have justified me in rejecting the test without more, but they did lead me to examine with care the way in which the test was conducted.

<sup>13</sup> [INQ017779](#) (page 30)

<sup>14</sup> [INQ015781 part 1](#); [INQ015781 part 2](#); [INQ015777 part 1](#); [INQ015777 part 2](#); [INQ015778](#); [INQ015779](#); [INQ015780](#) [videos]

<sup>15</sup> [INQ017779](#)

<sup>16</sup> [INQ017728](#); [INQ020308](#)

<sup>17</sup> [INQ019031](#); [INQ019054](#)

<sup>18</sup> [Bruce Burgess 21/1-171](#)

<sup>19</sup> [Tristam Burgess 21/172-213](#)

<sup>20</sup> [Bull 21/213-256](#)

- 8.137 On examination, it became clear that there were a number of problems with the way in which the test was conducted.
- 8.138 The type of test that Mr Burgess conducted on Mr Lugovoy is known as the Control Question Technique (CQT). Professor Bull told me that research suggested that the CQT has an 85% success rate in cases, such as this, where the result is that the subject is not deceptive. There were, however, some problems with the research techniques that had been used. Moreover, that figure assumed that the test was properly conducted and that the subject had not used countermeasures.
- 8.139 Put very shortly, the CQT operates by comparing the subject's response while answering two sets of questions – 'comparison questions', which are intended to provoke a dishonest response but which are not related to the conduct that is the subject of the test, and 'relevant questions', which do relate to the subject of the test – here, Mr Lugovoy's alleged involvement in poisoning Mr Litvinenko. As Professor Bull explained, the CQT depends for its success on the examiner choosing appropriate questions and asking them in the correct manner. There were difficulties here on both counts.
- 8.140 Mr Burgess repeatedly told Mr Lugovoy that the comparison questions were not really part of the test, that they were not a threat to him, and that he wasn't being tested on them. This was completely contrary to the principles underlying the CQT, as explained in scientific literature that I was shown. Professor Bull stated that this was, "*inconsistent with... good practice in polygraph testing*". Mr Burgess responded that downplaying the importance of the control questions would be likely to increase the chances of a negative result to the test, whereas Mr Lugovoy's result had been positive. I accept that there is a narrow logic to this proposition, but it does not answer the general concern. As Professor Bull stated, polygraph tests are multi-faceted. The outcome depends upon comparing a range of results across the piece. One cannot simply accept that one part of the process was faulty but assume that it had no wider damaging effect. The CQT process depends on the control questions being properly selected and asked. The deficiencies that were identified undermine the test as a whole.
- 8.141 There were, moreover, further difficulties relating to the relevant questions. One question was whether Mr Lugovoy, "*had ever performed any manipulations with polonium*". Mr Lugovoy had told Mr Burgess prior to the test that he had been contaminated by polonium, and that in that sense he had had "*some dealings*" with polonium. Professor Bull observed that, in those circumstances, it was not clear why Mr Lugovoy's answer 'No' to that question was accepted as a truthful answer. I agree. This question was poorly selected, and further undermined the test.
- 8.142 There was a further difficulty with the relevant questions. The CQT process depends on the subject of the test being put under pressure, and measuring the subject's nervous physical reaction to false denials. However, throughout the testing process, Mr Burgess sought to reassure Mr Lugovoy, telling him that he was not expecting him to give untruthful answers to the relevant questions. As well as demonstrating a lack of objectivity on Mr Burgess' part, this would have tended to reduce Mr Lugovoy's reaction to false answers he was giving. Professor Bull considered that this was a factor that could have undermined the test. I agree.
- 8.143 Professor Bull also made the more general point that the very fact that, by the time of the test, Mr Lugovoy had answered questions repeatedly, over a period of years, about

his alleged involvement in Mr Litvinenko's death, may have made him an unsuitable subject for a test of this type and/or on this topic. He said that Mr Lugovoy's mind and body may have become 'habituated' to denying these allegations, so that the nervous reaction to false denials that the test measures would not have been produced even if he was lying.

- 8.144** Finally, Professor Bull gave detailed evidence regarding the risk of a polygraph test being undermined by the subject of the test using countermeasures. He said that it has been recognised that people can be trained to defeat polygraph tests. In my view, this risk alone is sufficient to render this particular test valueless. Mr Lugovoy accepted that he was familiar with polygraph tests through his security work. I also bear in mind in this context his previous lengthy service in the Committee for State Security (KGB). Moreover, in the course of the test Mr Lugovoy was seen to move, which is a possible sign of countermeasures. He was told to keep still (as he had been instructed at the outset), but continued to move.
- 8.145** In my judgement, there is a very serious risk that Mr Lugovoy had been trained to defeat this polygraph test, and that he used countermeasures to do so.
- 8.146** In summary, I have no doubt that I should place no weight at all on the outcome of this test – in part because of shortcomings in the way that the test was conducted, in part because of Mr Lugovoy's unsuitability as a subject of the test, and in part because of the risk that Mr Lugovoy took deliberate steps to defeat the test.
- 8.147** Mr Emmerson did suggest at one stage that I might rely on one part of the test which suggested that Mr Lugovoy had lied in response to one of the relevant questions. In the end, rightly, he did not pursue this suggestion. I have concluded that the whole process was flawed, and it would therefore be wrong for me to rely on any part of it.

### Contamination of Lugovoy and Kovtun and their families

- 8.148** It is a striking feature of the Pine Bar narrative that, as Mr Litvinenko was leaving, Mr Lugovoy invited him to shake hands with his young son, who had just arrived back at the hotel. Mr Lugovoy has referred to this incident as evidence of his innocence – surely, he has said, he would not risk his own son being contaminated?
- 8.149** The point goes further. Mr Lugovoy's wife and son slept in a contaminated bedroom at the Millennium Hotel, and sat in contaminated seats on the aircraft. Similarly, Marina Wall's flat in Hamburg was contaminated, leading her to say, "*I really can't imagine that he [i.e. Mr Kovtun] would put my children in danger.*"<sup>21</sup>
- 8.150** I am prepared to assume that neither Mr Lugovoy nor Mr Kovtun would have wished to harm their loved ones. But I do not consider that this assumption is inconsistent with my conclusion that Mr Lugovoy and Mr Kovtun poisoned Mr Litvinenko with polonium 210.
- 8.151** In an article in the *Sunday Times*, Mr Franchetti quoted a Russian source named Mr Kondaurov, who stated:<sup>22</sup>

*"Let's for the sake of argument, assume that I had been in charge of such an operation... and let's assume Lugovoy was involved. I would have told him as*

<sup>21</sup> [Marina Wall 32/66-67](#)

<sup>22</sup> [Mascall 22/127](#)

*little as possible. Agents are used all the time without knowing the full details of an operation.”*

- 8.152 I think that Mr Kondaurov’s analysis was sound. I regard it as likely that, whilst Mr Lugovoy and Mr Kovtun knew that they were poisoning Mr Litvinenko, they did not know the name or the properties of the poison that they had been given to use. I note in passing that Mr Kovtun did not refer to polonium 210 in his conversation with D3.
- 8.153 Had Mr Lugovoy and Mr Kovtun known more about the substance they were handling, I am confident that they would have dealt with it more carefully. The fact that they did not know what they were handling explains why it was splashed around in hotel bathrooms and mopped up with hotel towels that were then left in the hotel. It explains why Mr Kovtun and Mr Lugovoy allowed their families to be contaminated. And it also, perhaps, explains Mr Kovtun’s comment to his mother-in-law after Mr Litvinenko’s death that, “*Those arseholes have probably poisoned us all.*”
- 8.154 I would, however, add one further point. I am sure that Mr Lugovoy and Mr Kovtun were aware that the substance that they were administering to Mr Litvinenko was a deadly poison – as opposed, say, to a truth drug or a sleeping draught. As I have found, Mr Kovtun told D3 of a plan to poison Mr Litvinenko, and explained that he was being poisoned rather than shot in order to set an example. Those comments are only consistent with a plan to kill Mr Litvinenko.

### Indifference in Alexander Litvinenko drinking tea

- 8.155 A further oddity about the events in the Pine Bar is that, on the account that Mr Litvinenko himself gave to the police, Mr Lugovoy was extremely indifferent as to whether or not Mr Litvinenko should drink tea from the poisoned teapot. Mr Litvinenko’s account was that Mr Lugovoy told him, “*there is still some tea left here if you want you can have some*”.
- 8.156 If Mr Lugovoy was intent on poisoning Mr Litvinenko, wouldn’t he have been keener on him drinking the tea?
- 8.157 I think that there are two answers to this question.
- 8.158 The first point is that Mr Lugovoy’s conduct was quite explicable. As Mr Horwell stated in his closing submissions:

*“Any display by either Lugovoy or Kovtun of eagerness or urgency or desperation would have appeared suspicious and counterproductive. Anything other than diffidence would have appeared very suspicious to Litvinenko and may well have brought an end to the plot to kill him. This was, after all, not the drink of the gods that was on offer at the Millennium Hotel, but an unexceptional cup of lukewarm tea. Any encouragement or enthusiasm from Lugovoy that Litvinenko should drink it would have been out of place and could have betrayed his murderous intent.*

*Lugovoy could afford to be diffident for two reasons. First, Litvinenko was very keen to do business and associate with him. Litvinenko needed no encouragement to meet Lugovoy. There would have been many other opportunities to poison him. Even during that third visit to London, Lugovoy and Kovtun were due to meet Litvinenko the following day, 2 November, at RISC Management.*

*There would have been many other opportunities in the immediate future, both in London and in Spain where Lugovoy and Litvinenko were due to meet just nine days after their meeting at the Millennium Hotel.*

*In other words, the meeting in the Pine Bar was not the one and only opportunity Lugovoy and Kovtun were going to have to murder Litvinenko.*

*Secondly, of course, as far as Lugovoy and Kovtun were concerned, there was no shortage of this poison, whatever it might have been. Lugovoy had access to the very same poison in London on each of his three visits. There is no reason to suggest that it would not have been available to him in the future.”<sup>23</sup>*

**8.159** I agree. That is enough to dispose of this point.

**8.160** There is, however, a second observation that I would make. I have referred above to the embarrassment that Mr Litvinenko appears to have felt at being poisoned by someone that he trusted (see paragraphs 3.133 – 3.139). Mr Shvets described the emotion as “*wounded professional pride*”. This appears to have been the explanation for Mr Litvinenko’s delay in telling his friends about the meeting with Mr Lugovoy and Mr Kovtun on 1 November, and the fact that he continued during that period, even to his friends, to blame Mr Scaramella for the poisoning. It seems to me to be at least possible that Mr Litvinenko carried this feeling of “*wounded professional pride*” into his interviews with the police, and that in the course of those interviews he exaggerated Mr Lugovoy’s diffidence about the tea in order to mitigate what he would have seen as his own professional error in drinking it.

## A set up?

**8.161** It has been a frequent theme of Mr Lugovoy’s press interviews over the years that he has been the victim of a set up. He has stated that MI6, or perhaps some other British agency, must have killed Mr Litvinenko and then spread a trail of polonium in order to incriminate him and Mr Kovtun.

**8.162** I will deal with this point shortly.

**8.163** It is worth reflecting on what this allegation entails. Leaving to one side the allegation that Mr Litvinenko was murdered by British officials, a set up of the kind alleged by Mr Lugovoy would have necessitated a series of public and private places in London and beyond being deliberately contaminated with radioactive material. It would have been a complex, expensive and extremely risky operation. Very large numbers of people would have been put at risk.

**8.164** I will simply say that in all the oral evidence that I have heard during this process, in all the many thousands of pages of documents that I have seen, I have not come across anything that would even begin to substantiate the claims of a set up made by Mr Lugovoy. On the other hand, I have seen plentiful evidence that is wholly inconsistent with Mr Lugovoy’s claims. That evidence, much of which I have attempted to summarise above, clearly establishes that, far from being set up, Mr Lugovoy did in fact, with Mr Kovtun, poison Mr Litvinenko.

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<sup>23</sup> [Horwell 33/16-17](#)



# Part 9: Who directed the killing?

## Chapter 1: Introduction

- 9.1 I have made the finding that Mr Litvinenko was poisoned by Mr Lugovoy and Mr Kovtun.
- 9.2 However, this immediately raises a further question. There is no evidence at all that either Mr Lugovoy or Mr Kovtun had any personal reason to kill Mr Litvinenko. Mr Lugovoy may have commented after Mr Litvinenko's death that he regarded Mr Litvinenko as a traitor, but I do not think for a moment that that feeling on its own would have been sufficient to motivate Mr Lugovoy to plan and conduct the protracted and costly operation against Mr Litvinenko that I have outlined above. Moreover, had Mr Lugovoy and Mr Kovtun been acting on their own behalf, it seems highly unlikely that they would have had access to the polonium 210 that they used to poison Mr Litvinenko. All the evidence points in one direction, namely that, when they killed Mr Litvinenko, Mr Lugovoy and Mr Kovtun were acting on behalf of someone else.
- 9.3 This Part will address the question of who directed Mr Lugovoy and Mr Kovtun to kill Mr Litvinenko.
- 9.4 The structure of this Part will be as follows.
- 9.5 In **Chapter 2**, **Chapter 3**, **Chapter 4** and **Chapter 5** I will consider whether any of the individuals and organisations listed at paragraphs 17, 19, 20 and 21 of the List of Issues (see Appendix 3) (i.e. Boris Berezovsky, United Kingdom (UK) intelligence agencies, organised crime groups, Mario Scaramella, Chechen groups and Alexander Talik) had any involvement in Mr Litvinenko's death.
- 9.6 In **Chapter 6**, **Chapter 7**, **Chapter 8**, **Chapter 9** and **Chapter 10** I will analyse the evidence relating to various aspects of the issue at paragraph 18 of the List of Issues – the possible involvement of Russian State agencies in Mr Litvinenko's death.
- 9.7 In **Chapter 11** I will set out my conclusions on the issue of Russian State responsibility for Mr Litvinenko's death.
- 9.8 In **Chapter 12** I will address one further issue, namely whether Nikolai Patrushev (the head of the Federal Security Service (FSB) in 2006) and/or President Putin bear any responsibility for Mr Litvinenko's death.
- 9.9 The factual content of these chapters will be drawn from the open evidence (I have analysed the closed evidence in Part 7). I stress, however, that, as with Part 8, the findings that I make below will be based on both the open and the closed evidence that I have heard.

## Chapter 2: Boris Berezovsky

- 9.10** There are two points to note about the suggestion that it was Mr Berezovsky who was ultimately responsible for ordering the killing of Mr Litvinenko.
- 9.11** The first point is that the motive that his accusers have always ascribed to Mr Berezovsky for wishing Mr Litvinenko dead is a fear of blackmail at the hands of his protégé. I have addressed the question of a rift between Mr Litvinenko and Mr Berezovsky, and the suggestion that Mr Litvinenko may have been blackmailing Mr Berezovsky, or planning to do so, in Part 5 above.
- 9.12** I am satisfied that Mr Litvinenko was not blackmailing Mr Berezovsky. Even if he did occasionally make comments suggesting taking some form of action against Mr Berezovsky (for example, the comments related by Dr Svetlichnaya and the conversation at the Golden Dragon related by Mr Lugovoy and Mr Kovtun), I am quite satisfied that these were never put into effect. It is clear from the evidence that I have heard that it was not unusual for Mr Litvinenko to propose courses of action in conversation with friends and associates that never subsequently came to anything. Mr Litvinenko and Mr Berezovsky remained friends until the end of Mr Litvinenko's life. There was no blackmail, and therefore no motive for Mr Berezovsky to have Mr Litvinenko killed.
- 9.13** The second point is that the allegation that Mr Berezovsky was responsible for Mr Litvinenko's death is one that has been actively canvassed by Mr Lugovoy himself. Mr Lugovoy has not suggested that he killed Mr Litvinenko on Mr Berezovsky's behalf. Rather, Mr Lugovoy's argument has always been that he was not involved at all and that it was Mr Berezovsky who was responsible, perhaps with others, for the killing.
- 9.14** But I have now made the finding that it was Mr Lugovoy, with Mr Kovtun, who killed Mr Litvinenko.
- 9.15** There is no evidence at all that Mr Lugovoy might have been acting on Mr Berezovsky's behalf, and that hypothesis is inconsistent with the actions of both men since Mr Litvinenko's death. It is unlikely that Mr Lugovoy would have blamed Mr Berezovsky if he had been acting on his behalf when he poisoned Mr Litvinenko. As to Mr Berezovsky, I heard evidence from Mr Cotlick, his former personal assistant, that following Mr Litvinenko's death he spoke to Mr Lugovoy on the telephone and encouraged him to come to London and stand trial. He told Mr Lugovoy that he "*could rely on the English justice system, and if he was really innocent, this would be found out by the court.*" He even offered to pay Mr Lugovoy's legal expenses.<sup>1</sup> This is all wholly inconsistent with the idea that in fact Mr Lugovoy killed Mr Litvinenko on Mr Berezovsky's behalf.
- 9.16** In summary, I am quite satisfied that Mr Berezovsky bore no responsibility for Mr Litvinenko's death.

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<sup>1</sup> Cotlick 25/64

## Chapter 3: UK intelligence agencies

- 9.17** The allegation that UK intelligence agencies were responsible for Mr Litvinenko's death is of a piece with the 'set up' issue that I have addressed in Part 8 above. Mr Lugovoy, for example, has advanced this allegation in the following terms:<sup>2</sup>

*"I was framed. I suspect this was some British intelligence operation involving Litvinenko and possibly Berezovsky that went wrong. I was contaminated by Litvinenko or someone else, not the other way round. I think polonium was planted on us and left in places we visited, to frame us."*

- 9.18** I repeat what I have said at paragraphs 8.161 – 8.164 above. I heard no evidence to support this allegation.
- 9.19** I am entirely satisfied that UK intelligence agencies, and for that matter UK government bodies more generally, played no part at all in Mr Litvinenko's death.

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<sup>2</sup> [HMG000175](#) (pages 9-10)

## Chapter 4: Organised crime

- 9.20** As I have described above, the fight against organised crime had been one of Mr Litvinenko's preoccupations since the start of his career in the Committee for State Security (KGB). His investigations into the activity of Russian crime gangs, and in particular the Tambov/Malyshev group based in St Petersburg, also revealed to him the extent of the collusion (as he saw it) between organised crime and members, including senior members, of the FSB.
- 9.21** Mr Litvinenko sought to expose these links, in particular in his book *The Gang from the Lubyanka*, which contained detailed allegations of collusion between FSB officers and organised crime.
- 9.22** Further, Mr Litvinenko passed information to the Mitrokhin Commission alleging that Semion Mogilevich, apparently one of the leaders of Russian organised crime, was an FSB agent with a longstanding personal relationship with President Putin.
- 9.23** Finally, I have also heard evidence that towards the end of his life Mr Litvinenko was assisting the Spanish authorities with investigations that they were conducting against members of Russian organised crime groups, and that he thought it possible that he might give evidence against them in court.
- 9.24** It follows from this short summary that a theory that Mr Lugovoy and Mr Kovtun killed Mr Litvinenko on the orders of one or more members of Russian crime gangs would not be implausible.
- 9.25** That theory, however, is not supported by the evidence that is available to me. Detective Inspector (DI) Mascall stated that the police investigation has not uncovered any evidence linking Mr Mogilevich directly to the poisoning.<sup>3</sup> More broadly, none of the evidence suggests that Mr Lugovoy and Mr Kovtun were commissioned to kill Mr Litvinenko by members of crime gangs. More than that, I am satisfied for reasons that I shall describe below that Mr Lugovoy and Mr Kovtun in fact received their instructions from another source.

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<sup>3</sup> Mascall 29/83-85

## Chapter 5: Mario Scaramella, Chechen groups, Alexander Talik

- 9.26** There were a number of reasons why it was thought at one stage that Mr Scaramella may have been involved in Mr Litvinenko's death.
- 9.27** First, there were the simple factual points that the two men met on the day that Mr Litvinenko fell ill, and that the itsu restaurant where the meeting took place was found to be contaminated. I am satisfied that the timing of this meeting was a pure coincidence, and that there was nothing sinister about it. It was no coincidence that they went to the itsu restaurant on Piccadilly – I have heard that it was one of Mr Litvinenko's favourite places. However, as I have explained (see paragraph 6.292 above), the contamination that was found there was centred on a table different to that at which Mr Litvinenko and Mr Scaramella sat on 1 November 2006.
- 9.28** Second, initial tests indicated that Mr Scaramella was himself heavily contaminated with polonium 210. As Dr Harrison explained in evidence, however, the results of these tests were unreliable.<sup>4</sup> Mr Scaramella was not in fact contaminated at all.
- 9.29** Third, in the early days of his illness Mr Litvinenko himself suggested that Mr Scaramella may have been the person who poisoned him. I do not believe, however, that Mr Litvinenko ever thought this to have been true. As I have explained above, his early suggestion that Mr Scaramella may have poisoned him was in part the result of a desire not to admit to friends that he had allowed Mr Lugovoy to get close to him, and, in part, one element in a deliberate scheme to try and lure Mr Lugovoy back to the UK.
- 9.30** Mr Scaramella clearly regarded Mr Litvinenko as a friend. He had no motive to kill him. Giving evidence to the Inquiry, DI Mascall stated that the police had no evidence to suggest that Mr Scaramella was involved in Mr Litvinenko's death.<sup>5</sup>
- 9.31** The limit of the allegations made against Mr Scaramella was that it was he who had poisoned Mr Litvinenko on 1 November 2006. For the reasons set out above, I am quite satisfied that Mr Scaramella had no responsibility for Mr Litvinenko's death. I am, of course, fortified in this conclusion by the finding that I have already made that it was Mr Lugovoy and Mr Kovtun who poisoned Mr Litvinenko.
- 9.32** The List of Issues was drawn up at an early stage of the inquest proceedings, and adopted with only a few changes for the purposes of the Inquiry. As the case developed, it became apparent that there was no evidence to support the suggestion that either Chechen groups or Mr Talik had been involved in Mr Litvinenko's death.

<sup>4</sup> Harrison 19/67-73

<sup>5</sup> Mascall 29/79-82

## Chapter 6: Russian State responsibility – introduction

- 9.33** A great deal of the evidence that I have heard in the course of the Inquiry has touched on the possibility that one or more organisations of the Russian State may have ordered Mr Litvinenko's killing, or that they may otherwise have been involved or complicit in his death. That issue has been referred to, both during the course of the Inquiry and in this Report, as the issue, of Russian State responsibility.
- 9.34** In the following chapters I will address the following themes in the evidence relating to possible Russian State responsibility for Mr Litvinenko's death:
- 9.35** In chapter 7 I will consider the evidence that Russia was the source of the polonium 210 that killed Mr Litvinenko.
- 9.36** In chapter 8 I will consider the motives that the Russian State may have had for wishing Mr Litvinenko dead, and evidence that I heard as to the history of other killings and deaths of opponents of President Putin.
- 9.37** In chapter 9 I will consider the evidence of links between Mr Lugovoy and Mr Kovtun and the Russian State.
- 9.38** In chapter 10 I will consider events that have taken place since Mr Litvinenko's death, and what inferences may be drawn from them.
- 9.39** In chapter 11 I will set out my conclusions on the question of whether any Russian State organisation was responsible for Mr Litvinenko's death.
- 9.40** In chapter 12, I will address the further question of whether Nikolai Patrushev (the head of the FSB in 2006) and/or President Putin bear any responsibility for Mr Litvinenko's death.
- 9.41** One witness about whom I should say a little more at this stage is Professor Robert Service, who was until recently Professor of Russian History at Oxford University. I have already referred to his evidence on a number of occasions. Professor Service was instructed by the Inquiry to provide expert evidence on Russian history and politics. He produced two reports, both of which I adduced in evidence.<sup>6</sup> He also gave oral evidence at the Inquiry hearings.<sup>7</sup>
- 9.42** For the avoidance of any doubt, Professor Service did not have access to any of the closed material and was not involved in the closed hearings. It follows from this that the material that is available to me and upon which I am able to base my findings is more extensive than the material upon which Professor Service based his views.
- 9.43** I say at once that I found Professor Service to be a most impressive and helpful witness. His mastery of the subject was apparent, but just as notable – and of great assistance to me – was the conspicuous care that he took in highlighting the issues where the limited nature of the source material available to him meant that he was unable to express a decided view one way or the other.

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<sup>6</sup> INQ019146; INQ020316; INQ020998

<sup>7</sup> Service 28/1-104

- 9.44** The paucity of the public information relating to the inner workings of President Putin's administration was, indeed, a theme of Professor Service's evidence. As he put the matter: *"It cannot be emphasised too heavily that public access to information about Russian politics has undergone a severe constriction since Vladimir Putin's accession to Presidential power in 2000."*<sup>8</sup>
- 9.45** As I have indicated, there were occasions in the course of his evidence where Professor Service stated that the lack of public information in respect of an issue meant that he was unable to express a view about it. He suggested, moreover, that there were reasons going beyond academic or judicial rigour why this Inquiry ought to be careful to restrict its conclusions to matters that were provable on the evidence before it. He said this:<sup>9</sup>

*"But we have to be really cautious – and there's another aspect of this that exercises me, and that's that Russians want to see us fairly going through evidence in a scholarly environment or a judicial environment or an Inquiry like this in a fashion that they know doesn't happen in their own country. So we must not sink at all below our conventional standards. We absolutely mustn't, because some of what we do in relation to this Inquiry will get back to Moscow, and we must not give them the opportunity to say that we failed to respect our own standards because those are standards that are really worth keeping to."*

I wholeheartedly endorse these sentiments, which accurately reflect my approach to the evidence.

<sup>8</sup> INQ019146 (page 4 paragraph 9)

<sup>9</sup> Service 28/62

## Chapter 7: Russian State responsibility – the source of the polonium 210

- 9.46** It is self evident that the isotope polonium 210 is a very rare substance. I also heard evidence that the isotope is difficult to produce and dangerous to handle. Moreover, whilst polonium 210 is routinely manufactured and sold commercially, it is only publicly available in minute quantities that are embedded within sealed containers.
- 9.47** Since polonium 210 is such a rare and specialised commodity, the question arises as to whether evidence relating to the polonium 210 that was used to kill Mr Litvinenko might assist in establishing responsibility for his death. Can the source of the polonium 210 be traced? If so, what inferences can be drawn?
- 9.48** I received valuable evidence on these issues from Professor Norman Dombey. Professor Dombey was Professor of Theoretical Physics at the University of Sussex from 1989 until his retirement in 2003, and since that time has been Emeritus Professor. He has extensive experience in the field of nuclear physics. He also has a level of practical knowledge, in part through his international contacts, about the production of polonium 210 in Russia. In August 2007 Professor Dombey wrote a review of *Death of a Dissident* in the *London Review of Books*.<sup>10</sup> Following that, he was commissioned by Alex Goldfarb to prepare an expert report for the purposes of the claim brought by Marina Litvinenko before the European Court of Human Rights. That report was dated 12 November 2007.<sup>11</sup> Professor Dombey thereafter provided a supplementary report for the purposes of this Inquiry,<sup>12</sup> and also attended to give oral evidence.<sup>13</sup>
- 9.49** A certain amount of the evidence relating to the possible source of the polonium 210 was uncontroversial.
- 9.50** It is not in any doubt that polonium 210 is, and was, throughout the relevant period, manufactured in Russia for commercial purposes. Professor Dombey assisted me by providing detailed evidence about this industry.<sup>14</sup> He explained that the programme of polonium 210 production in Russia uses facilities at two former closed cities, both of which were initially established in connection with the manufacture of nuclear weapons. It was his understanding that all Russian production of polonium 210 came from this programme.<sup>15</sup>
- 9.51** The process by which large scale production of polonium 210 is undertaken was described in evidence by both Professor Dombey and witness A1.
- 9.52** Put shortly, a target of bismuth 209, which is a stable isotope, is inserted into a reactor where it is bombarded with neutrons. During the bombardment, bismuth 209 atoms capture neutrons and thereby become bismuth 210 atoms. Bismuth 210 is an unstable isotope, which decays by emitting a beta particle, so that one of its neutrons changes into a proton. That converts the bismuth 210 atom into a polonium 210 atom. When the target is removed from the reactor, a process has to be undertaken to isolate

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<sup>10</sup> [INQ006067](#) (pages 7-8)

<sup>11</sup> [INQ006067](#)

<sup>12</sup> [INQ020031](#)

<sup>13</sup> [Dombey 23/5-56](#)

<sup>14</sup> [Dombey 23/13-39](#)

<sup>15</sup> [Dombey 23/22](#)

or remove the polonium 210 that has been created in this way from the remaining bismuth target.

- 9.53 Professor Dombey explained that in the Russian production programme the first stage of this process – i.e. the irradiation of the bismuth target – takes place in a nuclear reactor at the Mayak facility (formerly known as Chelyabinsk), near Ozersk. The second stage of the manufacturing process, i.e. the recovery of polonium 210 from the irradiated bismuth, is undertaken at a special production plant at the Avangard facility in Sarov (formerly known as Arzamas-16).<sup>16</sup> For convenience, I shall refer to this production programme as ‘the Avangard programme’.
- 9.54 Professor Dombey stated that the Avangard programme manufactured 0.8 grams of polonium 210 every month, and that this entire amount was routinely exported to the USA.<sup>17</sup>
- 9.55 He further explained that on arrival in the USA, the polonium 210 was split and placed in tiny amounts into sealed sources that were then sold for use in devices such as anti-static guns.
- 9.56 The police made enquiries into the export of polonium from Russia to the USA, and DI Mascall gave evidence about the results of those enquiries.<sup>18</sup> His evidence was consistent with the more detailed evidence given by Professor Dombey.
- 9.57 It follows from all of this (and again, I think that this is uncontroversial) that Russia, i.e. the Avangard programme, could unquestionably have been the source of the polonium 210 ingested by Mr Litvinenko.
- 9.58 However, during the course of the Inquiry, various lines of evidence and argument were raised which, potentially at least, took the matter further. The logic of these different theories was that the polonium 210 used to kill Mr Litvinenko either probably came, or even must have come, from Russia.
- 9.59 Taken at their highest, these lines of evidence, which are independent of each other, suggested that there might be a direct link between the polonium 210 ingested by Mr Litvinenko and Russia as its place of production. Evidence was called in relation to each of these theories, and I shall address them in turn below.

## Forensic matching/fingerprinting of polonium 210 samples

- 9.60 In *Death of a Dissident*, the book that they published in 2007, Alex Goldfarb and Marina Litvinenko advanced what has been described as a ‘fingerprint’ theory, suggesting that every batch of commercially produced polonium 210 contains characteristic and detectable impurities, by which it can subsequently be traced and identified. What they said was as follows:<sup>19</sup>

*“When Polonium-210 decays – its half-life is 138 days, meaning that half of any given amount decays in the first 138 days, followed by a fourth in the next 138 days, and so on – it turns into lead, a nonradioactive metal. As the amount of polonium decreases, the amount of lead increases. By measuring the proportion of*

<sup>16</sup> [Dombey 23/20-32](#)

<sup>17</sup> [Dombey 23/24-30; INQ020031](#) (page 2 paragraphs S9-S10)

<sup>18</sup> [Mascall 29/77-78](#)

<sup>19</sup> [Death of Dissident](#), pp.337-338

*lead in a sample of polonium, an investigator can figure out how old the sample is and establish the precise date it was produced. Moreover, the production process leaves characteristic isotope impurities in every batch. By comparing the lead content and the impurities present in two samples of polonium, an investigator should be able to say whether they came from the same batch, produced in the same laboratory on the same day.*

*Samples of Russian polonium have presumably been available to British law enforcement from American sources. The Polonium-210 found in Sasha's body has by now undoubtedly been checked against the Polonium-210 exported to the United States. From the level of lead and the isotope composition, the investigators should have been able to unequivocally establish the batch and production date of the poison. ..."*

- 9.61** A similar argument was advanced by Professor Dombey in a written Declaration that he signed in November 2007.<sup>20</sup>
- 9.62** It will be seen that this 'fingerprint' theory is founded on two premises.
- 9.63** The first premise is that all commercially produced polonium 210 contains detectable impurities that vary from reactor to reactor, so that these impurities amount to a unique signature that can be used to identify the reactor used to manufacture any particular sample of polonium 210.
- 9.64** The second premise is that analysis of the lead content of a sample of polonium 210 can be used to calculate the precise date on which it was manufactured.
- 9.65** A1 addressed both these issues in her report dated 26 June 2013,<sup>21</sup> and also in her oral evidence.<sup>22</sup>
- 9.66** A1 rejected the first premise. She explained that a sample of commercially produced polonium 210 had been analysed at the Atomic Weapons Establishment (AWE) and found to be entirely pure. There were no signature impurities. In her report, A1 described the process of irradiating bismuth 209 by which the commercial production of polonium 210 is undertaken. She then continued:<sup>23</sup>

*"The final product is pure Polonium 210. The fact that Polonium 210 can be made free of detectable gamma emitting radionuclides was demonstrated at AWE by conducting a gamma spectrometric analysis of a sample of commercially available Polonium 210. The single gamma active peak was observed at 803 keV attributable to Polonium 210. The other gamma peaks observed in the spectra were due to alpha and neutron activation of the packaging and detector system generated by the alpha particles interacting with the containment vessel, and the intrinsic background of the detector system. No gamma peaks were attributed to likely impurities in the Polonium 210.*

*As the only radionuclide detected in the commercial sample was Polonium 210 it is not possible to derive ratios that can be used as a distinguishing radionuclide fingerprint for different 'batches' of Polonium 210.*

<sup>20</sup> [INQ006067](#) (page 5 paragraph 31)

<sup>21</sup> [INQ016403](#) (pages 29-32)

<sup>22</sup> [A1 2/131-140](#)

<sup>23</sup> [INQ016403](#) (page 30)

*No radionuclides other than Polonium 210 were identified by gamma counting of the exhibits supplied by MPS once peaks due to detector background system were removed. Thus the exhibits also had no fingerprint to distinguish the polonium 210.”*

- 9.67 It follows that the first premise for the ‘fingerprint’ theory that I have set out above is flawed and must be rejected.
- 9.68 Turning to the second premise, A1 accepted that the age (and, therefore, the manufacture date) of a sample of polonium 210 could in principle be calculated by reference to the lead content in the sample. She referred in this context to the equation that is used to make this calculation. However, A1 also added a number of important qualifications.
- 9.69 First, she explained that due to the form of the equation and the expected uncertainties of the measurements, it is only possible to use this method to determine the age of polonium 210 samples up to seven months old. Beyond that period, the changes in the amount of lead become too small for reliable calculations to be performed.
- 9.70 Second, A1 said that even for samples still within the first seven months of manufacture, this process cannot provide an exact date of manufacture. Rather, she explained, the process can only be relied upon to differentiate between samples manufactured at least 13 or 14 days apart. As A1 explained in her report, it followed that: “*if two batches of Polonium 210 were purified on two consecutive days or even ten days apart this could not be differentiated by analysis of Lead 206*”.<sup>24</sup>
- 9.71 Turning from the limits of this process in theory to its limits in practice, A1 stated that most of the exhibits in the present case were not suitable for age dating in any event because they had been heated and/or cleaned after the date of contamination, which would have rendered the dating process unreliable.
- 9.72 In summary, the claims made about the ‘fingerprint’ theory in the passage from *Death of a Dissident* that I have quoted above are not supported by the expert scientific evidence that I have heard. The analysis conducted at AWE does not support the assertion that all commercially produced batches of polonium 210 have characteristic impurities, and although there is a process by which such samples can be aged by reference to their lead content, the process is far from precise and in any event the samples in this case had not been sufficiently well preserved to enable meaningful calculations to be made.

## The Potemkin evidence

- 9.73 This issue arises from evidence given by Mr Goldfarb about information and documents that he received in unusual circumstances from a man calling himself Alexei Potemkin.
- 9.74 Mr Goldfarb provided lengthy written evidence about this issue and also answered some questions about it when he gave oral evidence.<sup>25</sup> The tale that Mr Goldfarb related was a complicated one, and I will summarise it as briefly as I can.
- 9.75 Mr Goldfarb explained that he had first been contacted by Mr Potemkin in June 2010, by email. Thereafter they had exchanged several emails. In the first instance,

<sup>24</sup> [INQ016403](#) (page 31)

<sup>25</sup> [INQ018946](#); [INQ017548](#) (pages 8-9); [Goldfarb 26/125-127](#)

Mr Potemkin had merely stated that he had information connected with the polonium in the Litvinenko case. In due course, he became more forthcoming. He said that he was a Major in the FSB who was living as an undercover agent of the Russian government in Austria. He also said that he could provide information as to how the polonium that had been used to poison Mr Litvinenko had been transported to the UK from Russia, and that he had in fact been part of the transportation chain.

- 9.76** Mr Goldfarb described what he did next. He continued to communicate with Mr Potemkin, as well as informing the police about the information that he had received. In August 2010 Mr Goldfarb met Mr Potemkin in Innsbruck. The two met on further occasions later that year.
- 9.77** Mr Potemkin told Mr Goldfarb that in 2004 he had been assigned by the FSB to travel to Austria and claim asylum as a deserter from the Russian army, and thereafter to live in Austria as a refugee, with a view to monitoring the large population of Chechen refugees present in that country. He said that he now wished to live in the UK, and that he was willing to provide the UK authorities with sensitive information and documents in order to facilitate this.
- 9.78** The story that Mr Potemkin told Mr Goldfarb about his involvement in the Litvinenko case was brief. He said that in 2006 a courier from the FSB had delivered to him a sealed container with radioactive markings. He had believed that it contained polonium 210. He had been instructed to put the container in a locker at Innsbruck railway station and to hide the key in a prearranged place in the station. He said that he had done this.
- 9.79** Mr Potemkin told Mr Goldfarb that the courier who had given him the package was not an FSB officer, but a Chechen freelancer whom he knew only as Sultan. He believed that Sultan was involved in arms and drugs smuggling as well as working for the FSB. Mr Potemkin said that Sultan had also been involved in a previous shipment of radioactive material in 2004.
- 9.80** Mr Potemkin's account was that when he received the container in 2006, he put it in the locker at the railway station and never saw it again. He did not open the container, nor did he see any transit documents. He said that he believed the package contained polonium 210 on account of the markings that it bore; he said that he had previously dealt with shipments of polonium 210 in 2002 as a member of a Russian special forces unit.
- 9.81** Mr Goldfarb produced several documents that he said Mr Potemkin had given to him. For most of the documents, Mr Goldfarb provided both a copy of the Russian original and also an English translation. Mr Potemkin told Mr Goldfarb that these documents had been obtained in Moscow by a man named Sergei Ploshkin, who he said was his former superior officer in the FSB.
- 9.82** I do not propose to set out the detailed contents of these documents. I have adduced all the documents into evidence and they are available on the Inquiry website.<sup>26</sup> In summary, the key documents appear to evidence a consignment of radioactive material, possibly polonium 210, being transferred in August 2006 from Balakovo Atomic Power Station in Russia to the FSB Research Institute in Moscow. There is

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<sup>26</sup> [INQ014604](#); [INQ014605](#); [INQ014607](#); [INQ014608](#); [INQ014609](#); [INQ014610](#); [INQ014611](#); [INQ014612](#); [INQ014613](#); [INQ014620](#); [INQ014621](#); [INQ014623](#); [INQ014624](#)

a further document dated 17 September 2006,<sup>27</sup> which records FSB orders relating to the delivery to Mr Potemkin of material described only as 'Chemistry', as well as documents and currency. On the document, the purpose of this delivery is stated to be: *"for carrying out further activities related to investigation, possible neutralization and return to RF of certain members of Chechen ethnic criminal groups in position Austria"*. The document further states that; *"further instructions related to the material "Chemistry" will be given to [Mr Potemkin] via existing channels of communication"*. Mr Potemkin told Mr Goldfarb that he received his further orders to put the container in a locker at the railway station through "communication channels".

- 9.83** In his witness statement dated 20 May 2013,<sup>28</sup> Mr Goldfarb stated that he had stayed in touch with Mr Potemkin since 2010 in order to facilitate meetings with the police and also with a journalist. He also referred to the fact that Mr Potemkin had recently been convicted in Austria for fraud; he reported the explanation that Mr Potemkin had given him for this conviction, namely that he had in effect been set up by the FSB.
- 9.84** In the same statement, Mr Goldfarb recorded his own views as to the reliability of the account that Mr Potemkin had given. He said this:

*"While I felt obliged to report Potemkin's story to the police, I am of two minds about his credibility. On the one hand, his story is too sophisticated, elaborate and detailed to be a simpleminded hoax. On a more personal level, he left a positive impression, both on me and on two seasoned journalists that I brought to interview him. On the other hand, there are inconsistencies in his story, which he could never explain, and the documents that he provided, raised many questions. With the revelation of the Austrian fraud case, I became even more doubtful whether Potemkin should be believed. I defer final judgment to the police."*

- 9.85** In his oral evidence to me at the Inquiry hearings, Mr Goldfarb adopted very much the same line. He said that the story *"may be true, it may be false"*. He added that he had reservations stemming both from inconsistencies in Mr Potemkin's account and from the fraud conviction.<sup>29</sup>
- 9.86** I have reached the clear view that I should not place any weight on the evidence emanating from Mr Potemkin. Put very briefly, the uncertainties both about the substance of his evidence and about his credibility are so great that the only proper course I can take is to disregard this material in its entirety. My more detailed reasons are as follows.
- 9.87** First, there are real doubts about Mr Potemkin's credibility. He is, on his own account, both a man who has spent years working as an undercover agent informing on those around him, and also a man who has more recently betrayed his own organisation. This is not a promising starting point, and the position has been compounded by Mr Potemkin's conviction on fraud charges. It does not follow from any of these matters, of course, that the story Mr Potemkin told Mr Goldfarb is untruthful. But, given this context, I am bound to approach Mr Potemkin's evidence with great caution. It does not assist in this respect that I have not heard him give evidence, and am not therefore in a position to form an independent view of his reliability.

<sup>27</sup> [INQ014620](#); [INQ014621](#)

<sup>28</sup> [INQ017548](#) (pages 8-9)

<sup>29</sup> [Goldfarb 26/125-127](#)

- 9.88** Second, Mr Potemkin's account is on any view far fetched. Again, that does not of course mean that he is lying. But there are many further questions to which I would have needed an answer before being sufficiently confident to conclude that the extraordinary story that he has told is true. To give only a few examples, if the container was to be brought to Innsbruck by Sultan and left in a locker at the railway station, why did Mr Potemkin need to be involved at all? Why couldn't Sultan have left the container at the station? On a further point, how confident was Mr Potemkin that the package contained polonium 210? How did his earlier special forces experience assist him in identifying the contents of this package? Did the markings on the package specifically state that it contained polonium 210, and if not, how did Mr Potemkin know that it did not contain (for example) some other radioactive material? Finally, why did Mr Potemkin's (presumably secret) orders state that he was to receive this package in connection with: "*carrying out further activities related to investigation, possible neutralization and return to RF of certain members of Chechen ethnic criminal groups*"? On the account that he has given, this would appear to be simply inaccurate.
- 9.89** Third and in any event, I observe that even if Mr Potemkin's account was to be accepted in its entirety, it would be of only limited assistance to this Inquiry. Put at its highest, the account amounts to evidence that in September 2006 the FSB was clandestinely moving a package of polonium 210 around Europe as far as Innsbruck. There is no evidence to connect the container that Mr Potemkin claims to have deposited in a locker at Innsbruck station with London, Mr Litvinenko – or, for example, with Mr Lugovoy or Mr Kovtun.

## Professor Dombey's analysis

- 9.90** When he gave his oral evidence to the Inquiry, Professor Dombey appeared to advance an argument that was both simple and, if true, of great significance to this case.
- 9.91** In summary, this argument was (a) that the polonium 210 that was used to kill Mr Litvinenko must have been made in Russia, since the Mayak/Avangard facilities were the only place in the world in which the quantity of polonium used on 1 November 2006 could have been made; and (b) that since the facilities at Mayak and Avangard were controlled by the Russian State, any diversion of the polonium 210 produced there must have been authorised by state officials. Unsurprisingly, some emphasis was placed on this evidence by Mr Emmerson in his closing statement.
- 9.92** There were a number of steps to Professor Dombey's reasoning, which I will address in turn. After the conclusion of the Inquiry hearings, A1 produced a further statement in which she gave her own opinion on several of these points, and Professor Dombey responded by way of a further statement.<sup>30</sup> I am grateful both to A1 and to Professor Dombey for their assistance in this regard; the further written material that they have provided has been of considerable assistance in resolving this issue.

## The amount of polonium 210 that was used

- 9.93** Professor Dombey estimated that at least 50 micrograms of polonium 210 was put into the teapot at the Millennium Hotel on the afternoon of 1 November 2006. His reasoning was that the 4.4GBq that Mr Litvinenko was considered to have ingested equated to 26.5 micrograms, and the higher figure of 50 micrograms was chosen

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<sup>30</sup> [INQ022423](#); [INQ022433](#)

as a conservative estimate to allow for the extra polonium 210 that had been in the teapot but which Mr Litvinenko had not ingested, i.e. the polonium 210 mixed with the unpoured tea in the pot and the undrunk tea in the cup.<sup>31</sup>

**9.94** A1 agreed with Professor Dombey's calculation.<sup>32</sup>

**9.95** I note at this stage that, given the findings I have already made both as to the fact that Mr Litvinenko was poisoned on 1 November by Mr Lugovoy and Mr Kovtun, and as to the fact that they had been responsible for the other deposits of polonium 210 found, for example, at the Erinys offices, in room 107 of the Best Western Hotel and in room 848 of the Sheraton Hotel, the amount of polonium 210 that they must have had available to them over the period 16 October to 1 November 2006 was in fact considerably in excess of 50 micrograms.

### Could the polonium 210 have been extracted from uranium or anti-static devices?

**9.96** Professor Dombey next considered the process by which whoever poisoned Mr Litvinenko (on my findings, Mr Lugovoy and Mr Kovtun) might have obtained the hypothetical quantity of 50 micrograms of polonium 210.

**9.97** He discounted two sources from which, at least in theory, the polonium 210 might have come.

**9.98** First, he stated that it would have been extremely impractical to extract that quantity of polonium 210 from uranium ore.<sup>33</sup> A1 agreed with Professor Dombey on this point.<sup>34</sup> This possibility can therefore be dismissed.

**9.99** Professor Dombey next considered the possibility that a quantity of 50 micrograms of polonium 210 might have been amassed by breaking down commercially produced anti-static devices containing very small amounts of polonium 210. He calculated that it would have been necessary to extract the polonium 210 from about 450 such sources in order to make up this amount. In his written evidence, Professor Dombey expressed the view that any bulk purchase (or bulk theft) of that number of these devices would have been noticed.<sup>35</sup> He also observed that the extraction of polonium 210 from these devices would have been extremely dangerous without specialist training and equipment. It was this factor that he emphasised in his oral evidence, stating that, "*it certainly would be impossible for a thief or a gang to extract Polonium 210 from these samples*".<sup>36</sup> He therefore excluded this possibility on those two grounds.

**9.100** A1 did not consider herself competent to express a view on whether the loss or theft of 450 or so devices would have been noticed, in particular since the total production of such devices could have been numbered in the millions per month. But she did provide some additional reasoning regarding this possible source of the polonium 210. She stated:<sup>37</sup>

<sup>31</sup> [INQ020031](#) (page 4 paragraphs S17-S18)

<sup>32</sup> [INQ022423](#) (page 2)

<sup>33</sup> [INQ020031](#) (page 4 paragraphs S20-S21)

<sup>34</sup> [INQ022423](#) (pages 2-3 paragraph 8)

<sup>35</sup> [INQ020031](#) (page 5 paragraphs S27-S31)

<sup>36</sup> [Dombey 23/42](#)

<sup>37</sup> [INQ022423](#) (page 4 paragraph 13)

*"In my view, there is a different and entirely independent reason why it is extremely unlikely that the Po-210 used to poison Mr Litvinenko was obtained by extraction from such devices. When these devices are manufactured, the Po-210 is bonded to a substrate, as Prof Dombey describes. Whilst it is possible that Po-210 could be extracted there is also the possibility of cross-contamination from impurities. Such impurities would be detectable on analysis. However, the Po-210 used to poison Mr Litvinenko was of extremely high purity, and I think that this fact excludes the possibility that it was extracted from such devices."*

- 9.101** Having excluded these two possible sources, Professor Dombey and A1 were agreed that the polonium 210 that was used to kill Mr Litvinenko must have been obtained directly from a supply manufactured in a reactor through the process (that I have described above) of irradiating bismuth. Professor Dombey added that since the polonium 210 in question must have been soluble, it must have been transported, "*in metallic form, or something similar*".<sup>38</sup>
- 9.102** A1 and Professor Dombey took different views, however, regarding the type of reactor in which the polonium 210 at issue in this case must or could have been produced. It is to that question that I now turn.

### Which reactor(s) could have been used to produce the polonium 210?

- 9.103** As I have indicated above, at the time that he gave oral evidence to the Inquiry, it appeared to be Professor Dombey's analysis that the only place where the polonium 210 that was used to kill Mr Litvinenko could have been produced was at the Mayak and Avangard facilities in Russia.
- 9.104** The starting point for Professor Dombey's argument was his contention that, as a matter of fact, the Avangard programme was the only commercial producer of polonium 210 in the world. Beyond that, he argued that the Lyudmila reactor at Mayak was one of only a handful of reactors worldwide that were sufficiently powerful to irradiate the quantities of bismuth 209 needed to produce the 50 micrograms (or, more likely, more) of polonium 210 involved here.
- 9.105** Professor Dombey listed the other high power reactors – located in places such as the UK, Canada and India – and gave evidence that these reactors were not used to produce polonium 210. He supported this evidence with documentary evidence to a similar effect. Professor Dombey accepted that less powerful research reactors could be used to irradiate bismuth and thereby make polonium 210, but he said that these reactors were limited to making far smaller amounts of polonium 210 than the 50 microgram quantity in play here.
- 9.106** This led him to the conclusion that the polonium that was used to kill Mr Litvinenko must have been produced at the Avangard programme.
- 9.107** A1 took issue with this analysis. She accepted (more accurately, she said she had no reason to doubt) that the Avangard programme was the only commercial producer of polonium 210 in the world. She did not agree, however, that the reactors on Professor Dombey's list of high power reactors were the only reactors capable of producing a quantity of 50 micrograms of polonium 210. In fact, A1 contended that the characteristic of a reactor that was of most relevance to its use for the production of polonium 210

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<sup>38</sup> [Dombey 23/54](#)

was not its thermal power, but rather its neutron flux<sup>39</sup> (a point to which Professor Dombey had alluded in the course of his oral evidence).<sup>40</sup>

**9.108** A1 expressed the view that very many research reactors had a sufficient level of neutron flux to produce 50 micrograms of polonium 210 by means of irradiating bismuth 209. Moreover, she said that the process involved was relatively straightforward. She stated that, because the bismuth target can be inserted into a reactor core in place of a fuel rod, “*it would be easily possible to insert a bismuth target ... into very many reactors.*”<sup>41</sup>

**9.109** Witness A1 summarised her opinion on this issue in these terms:<sup>42</sup>

*“I therefore think that on a technical level, it would be entirely possible for the quantity of Po-210 under consideration to have been produced in many reactors. All that would be required is an appropriate bismuth target, access to a suitable reactor for an appropriate period of time, and suitable facilities with appropriate radiological protection for the relatively simple chemical process of isolating the Po-210 from the irradiated bismuth target. While it is of course possible that the Po-210 was simply diverted from that which is routinely produced at Avangard, I do not agree with Prof Dombey that that must have been the source of this Po-210.”*

**9.110** In the further statement that he provided in response to A1’s statement, Professor Dombey clarified his position. He stated that, although he regarded it as “*highly likely*” that the polonium 210 that had been used to kill Mr Litvinenko had been prepared at the Avangard facility, he accepted that it was “*possible to envisage circumstances*” in which it could have been prepared elsewhere. It seems to me that this clarification of his position by Professor Dombey means that there is no material difference of opinion on this issue between him and A1. They share the view that the polonium 210 that killed Mr Litvinenko could have been produced at Avangard (and it is fair to say that Professor Dombey puts the matter considerably higher than that). Crucially, however, they also both accept that the polonium 210 could in principle have been made somewhere entirely different, including a research reactor outside Russia.

## Conclusion

- 9.111** My conclusion, for the reasons that I have set out above, is that none of these theories or lines of evidence relating to the source of the polonium 210 that was used to kill Mr Litvinenko amount to a secure basis for me to conclude, without more evidence, that the polonium 210 in question either must have come, or even probably came, from Russia.
- 9.112** That does not mean that the fact that polonium 210 was used to poison Mr Litvinenko is of no significance to the question of responsibility for his death.
- 9.113** First, the use of polonium 210 is at the very least a strong indicator of state involvement. That is in part simply because ordinary criminals might have been expected to use a more straightforward, less sophisticated means of killing. It is also because, on the evidence, the polonium 210 used to kill Mr Litvinenko must have come from a reactor, and such reactors are, in general, under state control.

<sup>39</sup> [INQ022423](#)

<sup>40</sup> [Dombey 23/33; 23/39-40](#)

<sup>41</sup> [INQ022423](#) (page 7 paragraph 30)

<sup>42</sup> [INQ022423](#) (page 9 paragraph 37)

**9.114** It is also true, as I have said, that the Avangard programme in Russia was a possible source of the polonium 210. That is significant, even though the matter cannot be put any more strongly than that.

**9.115** Finally, I would add in passing that the open market cost of polonium 210 would not appear to be a factor of any great significance. At the outset of the inquiry hearings, Mr Emmerson asserted that:<sup>43</sup>

*“... the quantity of polonium of this purity used in the assassination of Mr Litvinenko would have cost tens of millions of dollars if it was purchased... by end users on the commercial market.”*

Mr Emmerson went on to assert that the extremely high cost of polonium 210 was a factor that argued strongly in favour of state involvement in Mr Litvinenko's death.

**9.116** However, the evidence that I received on this issue was to the effect that the commercial price of polonium 210 in 2006 was in fact very much lower than Mr Emmerson suggested. DI Mascall gave evidence that a consignment of polonium 210 containing many times the quantity that Mr Litvinenko ingested was sold in 2006 for US\$20,000.<sup>44</sup>

**9.117** Put shortly, I think that the issue of cost is a red herring. It does not assist in either tending to prove or to disprove state responsibility.

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<sup>43</sup> [Emmerson 1/156-157](#)

<sup>44</sup> [Mascall 29/77-78](#)

## Chapter 8: Russian State responsibility – motive and evidence of similar deaths and killings

### Motive

- 9.118** In chapter 1 of Part 4 above, I have addressed at some length the question of whether elements within the Russian State might have had a motive for killing Mr Litvinenko. I have also referred, in paragraph 5.27 above, to the article that Mr Litvinenko published in July 2006 accusing President Putin of being a paedophile.
- 9.119** I consider that there were several reasons why organisations and individuals within the Russian State might have wished to target Mr Litvinenko, including to the point of killing him, by late 2006. These reasons overlapped and their effect was no doubt cumulative. By way of summary, I shall identify five core themes that emerge from my analysis in the earlier sections of the Report.
- 9.120** First, Mr Litvinenko was regarded as having betrayed the FSB as a result of the public disclosures that he made before he left Russia, in particular his claim that he had been ordered to kill Mr Berezovsky. This idea of betrayal was compounded by Mr Litvinenko's campaigning activity in the UK. The two books that he wrote accused the FSB of responsibility for the 1999 apartment bombings and of collusion in organised crime.
- 9.121** Second, according to Mr Lugovoy the FSB also received information that Mr Litvinenko was working for British intelligence, and that he had tried to recruit Mr Lugovoy to do so too.
- 9.122** Third, Mr Litvinenko was a prominent associate of both Boris Berezovsky and Akhmed Zakayev, both of whom were leading opponents of the Putin administration.
- 9.123** Fourth, the causes espoused by Mr Litvinenko – such as the FSB's alleged responsibility for the apartment bombings, the war in Chechnya, and alleged collusion between President Putin and other members of his administration and organised crime – were areas of particular sensitivity to the Putin administration.
- 9.124** Finally, there was undoubtedly a personal dimension to the antagonism between Mr Litvinenko on the one hand and President Putin on the other. The history between the two men dated back to their (only) meeting in 1998, at a time when Mr Putin was the newly appointed head of the FSB and Mr Berezovsky and Mr Litvinenko still hoped that he might implement a programme of reform. In the years that followed, Mr Litvinenko made repeated highly personal attacks on President Putin, culminating in the allegation of paedophilia in July 2006.
- 9.125** These themes overlap. Many of them are reflected in Professor Service's observation that President Putin, "*almost certainly looked on what Litvinenko did after fleeing abroad as punishable treachery*".<sup>45</sup> I am satisfied that, in general terms, members of the Putin administration, including the President himself and the FSB, had motives for taking action against Mr Litvinenko, including killing him, in late 2006.

<sup>45</sup> [INQ019146](#) (page 15 paragraph 46)

- 9.126** In his closing statement Mr Emmerson submitted that a causative link could be established between the damning due diligence report on Mr Ivanov that Mr Litvinenko had given to Mr Lugovoy, and his subsequent poisoning. He made a similar submission in relation to the investigation that, to Mr Lugovoy's knowledge, Mr Litvinenko was conducting in relation to Mr Gordeyev.
- 9.127** As I indicated in chapter 4 of Part 5 above, where I have set out the evidence relating to the Ivanov issue, there is a difficulty with the argument that Mr Lugovoy was tasked to kill Mr Litvinenko as a result of him taking the Ivanov report back to Moscow. The difficulty is in the timing. The evidence is that Mr Litvinenko gave the Ivanov report to Mr Lugovoy in late September 2006. That was only a matter of weeks before what I have found was the first attempt to poison Mr Litvinenko on 16 October 2006, and only a matter of days before arrangements were made for Mr Lugovoy and Mr Kovtun to make that first joint trip to London (starting with Mr Kovtun's visa application on 2 October). It was also some considerable time after Mr Lugovoy began to court Mr Litvinenko, a process that had started with Mr Lugovoy's call to Mr Litvinenko in late 2004 and that continued in earnest with their first meeting in London in late 2005.
- 9.128** In summary, it appears from the evidence that the operation conducted by Mr Lugovoy against Mr Litvinenko was already underway before the investigation into Mr Gordeyev began, or the Ivanov report was drafted. I do not therefore think that either of these matters was a fundamental cause of the decision to kill Mr Litvinenko. That said, and although the timing with regard to the Ivanov report is tight, it is possible that one or other (or both) of these considerations may have provided extra motivation and impetus to a plan that had already been conceived.

## The evidence of similar deaths and killings

- 9.129** At the beginning of a section of his first report entitled *Political killings, 1999-2005*, Professor Service stated that, "*there have been several killings of prominent critics of Putin and his administration*".<sup>46</sup> In the same paragraph Professor Service noted that: "*the evidence suggesting official complicity in these crimes is of a circumstantial nature, and the authors who have specialised in ferreting out the evidence are themselves well-known as critics who agree with the charges that the murdered critics levelled at the Russian authorities.*" Professor Service concluded that a number of these commentators, including Mr Goldfarb and Mr Felshtinsky (who, of course, both gave evidence to me), were nonetheless reliable in their factual assertions. He then went on to list the details of a number of killings.
- 9.130** During the course of the Inquiry hearings, I heard evidence about the deaths of a considerable number of President Putin's opponents that took place in the years prior to Mr Litvinenko's death. In the case of some, there had obviously been a murder, and the only question was who had sponsored it. Other cases were more complicated in that there was a preliminary question as to whether the deceased had been murdered or died of natural causes, and a secondary question as to who was responsible for the murder if that was indeed what had taken place.
- 9.131** Anna Politkovskaya was undoubtedly murdered. She was shot dead in Moscow on 7 October 2006. As I have set out above in Part 5, chapter 6, she was a prominent journalist and campaigner against President Putin. She and Mr Litvinenko were friends and fellow campaigners for Chechen causes. Professor Service recorded that "*most*

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<sup>46</sup> [INQ019146](#) (pages 18-19 paragraph 57)

*observers*” believed Ms Politkovskaya’s death to have been “*a political assassination*”, with suspicion falling on either President Putin or President Kadyrov of Chechnya.<sup>47</sup>

- 9.132** Sergei Yushenkov was shot dead in a street in Moscow in April 2003. He was a member of the Russian Parliament who had been one of the co-founders of the oppositionist Liberal Russia party with Boris Berezovsky in 2002. He was also a prominent member of the commission that had been established to investigate the 1999 apartment bombings.<sup>48</sup> Marina Litvinenko recalled that Mr Yushenkov had met Mr Litvinenko in London in 2002 or 2003.<sup>49</sup>
- 9.133** Another of the founders of the Liberal Russia party was Vladimir Golovlev. He was shot and killed in Moscow in 2002. Mr Goldfarb said that his death, “*appear[ed] to have been a political assassination*”.<sup>50</sup>
- 9.134** Professor Service noted that, “*extrajudicial killings outside the frontiers of the Russian Federation have sometimes been attributed to Russian security forces*.”<sup>51</sup>
- 9.135** The best known example of political assassination conducted by Russia outside its borders during this period is the February 2004 killing of the Chechen Vice President Zelinkhan Yandarbiev. He was blown up as he left a mosque with his son. Professor Service stated that Mr Yandarbiev was “*a strong critic of the Putin administration*”,<sup>52</sup> who had been a leader of the Chechen insurgency until going abroad in 1999. He said that, prior to his death, Mr Yandarbiev had been conducting his anti-Moscow activities in Qatar, where he was free from the risk of extradition to Russia, and that he had been held responsible by the Russian authorities for the Moscow theatre siege in October 2002. As to Russia’s responsibility for Mr Yandarbiev’s death, Professor Service stated:<sup>53</sup>

*“Three agents of Russian military intelligence were arrested in Doha and accused of planting the bomb that killed Yandarbiev. Igor Ivanov, Secretary of the Security Council, was sent to put pressure on the Qatari administration. Two Qatari citizens were taken into custody at Moscow’s Sheremetev airport; they were said to be suspected of connections with the Chechen insurgents. Putin wished to secure the release of the Russian agents. He phoned the Emir himself about the matter. One of the agents was allowed back to Russia. Two remained in custody until December 2004, when they were flown to Moscow to serve out their sentences in Russian prisons. The Qatari detainees were liberated as part of the diplomatic bargain.”*

- 9.136** A few months after Mr Yandarbiev’s death, in September 2004, there was an apparent attempt to poison Viktor Yuschenko, the anti-Moscow candidate in Presidential elections taking place in Ukraine. Professor Service recorded that Mr Yuschenko’s poisoning was attributed to Russian security forces.<sup>54</sup>
- 9.137** Nor was this the only incident during this period of the suspected poisoning of opponents of President Putin by Russian agents.

<sup>47</sup> [INQ019146](#) (page 24 paragraph 74)

<sup>48</sup> [Goldfarb 5/115; 5/121-123](#)

<sup>49</sup> [Marina Litvinenko 3/141-142](#)

<sup>50</sup> [Goldfarb 26/71](#)

<sup>51</sup> [INQ019146](#) (page 19 paragraph 61)

<sup>52</sup> [INQ019146](#) (page 20 paragraph 62)

<sup>53</sup> [INQ019146](#) (page 20 paragraph 63)

<sup>54</sup> [INQ019146](#) (page 19 paragraph 61)

- 9.138** In 2003, Russian politician Yuri Shchekochikhin died of apparent poisoning. Professor Service described Mr Shchekochikhin's career in the following terms:<sup>55</sup>

*"Yuri Shchekochikhin was deputy editor of Novaya Gazeta and a campaigning columnist over many years. Elected as a Duma deputy in 1995, he was active in the struggle against corruption, against abuses in the armed forces and against the wars in Chechnya. He denounced the official story about the Moscow apartment bombings in September 1999. He frequently exposed malpractices by FSB officers."*

Mr Goldfarb said that Mr Shchekochikhin did not lose his hair as he died but that his symptoms had resembled those of Mr Yuschenko. He thought that Mr Shchekochikhin had been poisoned with dioxins, rather than with a radioactive substance. He added, *"Everyone believed that he was poisoned... his family and his party, colleagues, always claimed that he was poisoned."*<sup>56</sup>

- 9.139** Ms Politkovskaya had nearly died from poisoning in 2004, two years before she was murdered, when travelling to Grozny. Professor Service commented; *"The identity of the culprit was never discovered, but there was speculation that Kadyrov was exasperated by her exposures of the human rights abuses in his republic."*<sup>57</sup>
- 9.140** In 2004, an Islamist guerrilla leader named Ibn Khattab was killed by a poisoned letter. Mr Goldfarb said that the FSB had claimed responsibility for this killing.<sup>58</sup>

- 9.141** In the same year, the Russian public figure Roman Tsepov died in mysterious circumstances. Professor Service stated that Mr Tsepov: *"was reliably said to have liaised between politicians and organised crime in St Petersburg and to have been close to Putin during his career in the city"*.<sup>59</sup> Mr Goldfarb described how it had been alleged that Mr Tsepov had died from radioactive poisoning, and that many of his symptoms – such as loss of hair and destruction of the immune system – had been similar to those suffered by Mr Litvinenko.<sup>60</sup>

- 9.142** In the course of his oral evidence to me, Professor Dombey repeated an observation that he had previously made in an article in the *London Review of Books*.<sup>61</sup> He said that, on the hypothesis that Mr Litvinenko had been deliberately poisoned with polonium 210 in a killing sponsored by the Russian State, it was reasonable to assume that the poison would have been tested on others in advance. Professor Dombey identified two cases that might indicate such testing. One was the case of Mr Tsepov, to which I have already referred. The other was the case of a Chechen man named Lecha Islamov. In the article to which I have referred, Professor Dombey had this to say about the Islamov case:<sup>62</sup>

*"In April 2004, it was reported that Lecha Islamov, a Chechen guerrilla commander serving a nine-year prison sentence, had died after being admitted to hospital in Volgograd with a mysterious illness. 'Sources close to the convict,' ran a report in the Chechnya Weekly, '... suspect he may have been poisoned by Russia's*

<sup>55</sup> [INQ019146](#) (page 19 paragraph 58)

<sup>56</sup> [Goldfarb 26/26](#)

<sup>57</sup> [INQ019146](#) (page 23 paragraph 73)

<sup>58</sup> [Goldfarb 27/114-115](#); [INQ019146](#) (page 19 paragraph 60)

<sup>59</sup> [INQ019146](#) (page 19 paragraph 60)

<sup>60</sup> [Goldfarb 26/69](#); [27/114-116](#)

<sup>61</sup> [Dombey 23/46-48](#)

<sup>62</sup> [INQ006067](#) (pages 7-8)

*security agencies ... Islamov's symptoms – including hair loss and massive blisters – were said to be inexplicable to the doctors who have been trying to treat him.' Islamov's relatives said that he'd told them his jailers had summoned him several days before his death for an 'informal conversation', during which he was given a snack and some tea. 'He began to feel ill within five minutes,' they said, 'as he was being taken back to his cell'.*

- 9.143** Mr Zakayev gave a very similar account of Mr Islamov's death when he gave oral evidence to the Inquiry. He told me that Mr Islamov had been a prisoner in Lefortovo prison, the FSB prison in Moscow, and that Mr Islamov had been convinced that he had been poisoned by a cup of tea given to him by prison staff 12 days before he died.<sup>63</sup>
- 9.144** What do these cases show that may be of relevance to the circumstances of Mr Litvinenko's death?
- 9.145** A note of caution should be sounded at the outset. As Professor Service observed, the evidence of Russian State involvement in most of these deaths is circumstantial. And even to the extent that Russian State involvement in any of these deaths is established, it plainly does not follow from involvement in those deaths that the Russian State was complicit in Mr Litvinenko's death.
- 9.146** All that said, these cases appear to establish a pattern of events, which is of contextual importance to the circumstances of Mr Litvinenko's death. These cases suggest that in the years prior to Mr Litvinenko's death, the Russian State may have been involved in the assassination of Mr Putin's critics; they suggest that those who were seeking to uncover the truth about the 1999 apartment bombings may have been targeted, and that living overseas may not have provided complete protection. Lastly, these cases suggest that the Russian State may have sponsored attacks against its opponents using poisons, including radioactive poisons.
- 9.147** I should make it clear that I have deliberately focused for these purposes on events in the few years immediately preceding November 2006, since those events have the strongest temporal relationship with Mr Litvinenko's death. There have of course been other deaths since that of Mr Litvinenko, including the deaths in the UK of Mr Berezovsky and Mr Perepilichny and the shooting in Moscow of Boris Nemtsov, but for reasons of relevance and proportionality I did not hear detailed evidence about deaths and/or killings of Mr Putin's opponents that took place after 2006.
- 9.148** That said, there is one event that took place in the summer of 2007 that I regard as being of potential significance to the circumstances of Mr Litvinenko's death some months earlier.
- 9.149** I heard evidence from Mr Goldfarb<sup>64</sup> and from Mr Zakayev<sup>65</sup> that in June 2007 a Chechen named Movladi Atlangeriev came to the UK. Mr Goldfarb explained that Mr Atlangeriev had "a long association with the FSB" and that the Metropolitan Police Service possessed intelligence that he had come to the UK to assassinate Mr Berezovsky. He did indeed attempt to meet Mr Berezovsky, but was arrested and deported. It would appear that shortly after his return to Moscow, Mr Atlangeriev was kidnapped and killed, possibly by a rival Chechen faction. If the intelligence that the

<sup>63</sup> [Zakayev 26/162-163](#)

<sup>64</sup> [Goldfarb 26/118-121](#)

<sup>65</sup> [Zakeyev 26/163-167](#)

police are said to have received about Mr Atlangeriev was true, this event is evidence that at very much the time of Mr Litvinenko's death, the FSB was prepared to arrange the assassination of leading opponents of the Putin regime in London.

- 9.150** It is also convenient at this point to return briefly to the information that Mr Scaramella received from Mr Limarev in October 2006, about which he wished to warn Mr Litvinenko when they met at itsu on 1 November 2006. I have previously referred to this matter at paragraph 6.287 above.
- 9.151** Mr Scaramella stated that he received a series of warnings from Mr Limarev in late 2006. He believed that the information Mr Limarev passed to him came from sources in Russia, including serving intelligence officers. He said that at some stage prior to the murder of Ms Politkovskaya (which took place on 7 October 2006), Mr Limarev had told him about a list of "enemies" of Russia who were to be "eliminated". Mr Scaramella said that the list had included Mr Berezovsky, Ms Politkovskaya, Mr Litvinenko, himself, Mr Guzzanti, Mr Gordievsky, Mr Zakayev and "probably even *Bukovsky*".<sup>66</sup> Mr Scaramella said that he had spoken to Mr Limarev either on the day of Ms Politkovskaya's death or the day after that. Mr Limarev had told him that the killing of the "targets" on the list had started. Mr Limarev had also warned him that other individuals on the list might be poisoned with radioactive thallium, rather than being shot.<sup>67</sup>
- 9.152** I have referred above to the emails that Mr Scaramella received from Mr Limarev shortly before his meeting with Mr Litvinenko on 1 November 2006, and which he printed off and showed to Mr Litvinenko when they were at the itsu restaurant on that day. The emails that Mr Scaramella received from Mr Limarev focused on a report of action being planned against Mr Scaramella and Mr Guzzanti by a group of Foreign Intelligence Service (SVR) veterans known as *Dignity and Honor*. There was, though, some mention of a risk to Mr Litvinenko – the earlier of the two emails stated:<sup>68</sup>
- "Meanwhile above mentioned Russian intelligence officers speak more and more about necessity to use force against PG [Guzzanti] and MS [Scaramella], considering their 'incessant anti-Russian activities' – as well as against Berezovsky and Litvinenko."*
- 9.153** I have also observed that Mr Litvinenko did not place any weight on Mr Limarev's warnings when they were conveyed to him by Mr Scaramella. It is clear, however, that Mr Scaramella took what Mr Limarev had told him very seriously. He produced a message that he had written on a piece of paper either on 1 November 2006 or the day after, and kept on his person for the rest of the time that he was in London. He may already have had it with him when he met Mr Litvinenko at itsu. The message listed contact numbers and then stated, *"Please contact also the police and security services because I am in danger for my work at the Italian Parliament (Senator Paolo Guzzanti). There are risks that I have been poisoned."*<sup>69</sup>
- 9.154** I am obviously not in a position to make any findings as to the precise source (or sources) of the information that Mr Limarev was receiving during this period, and which was then passed on first by Mr Limarev to Mr Scaramella and then by Mr Scaramella to others, including Mr Litvinenko. Nor am I able to make any firm findings as to

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<sup>66</sup> [Scaramella 15/172-173](#)

<sup>67</sup> [Scaramella 15/172-178](#)

<sup>68</sup> [INQ013784](#)

<sup>69</sup> [Scaramella 15/139-140](#)

whether there was a link between the information that Mr Limarev was receiving and any plans that were in fact being made at the time to murder Ms Politkovskaya and Mr Litvinenko – or indeed any others on the hit list.

- 9.155** What can be said, though, is that the warnings that Mr Limarev passed on to Mr Scaramella and, through him, to Mr Litvinenko, were entirely consistent with the points that can be drawn from the run of the cases that are described above. Leading opponents of President Putin, including those living outside Russia, were at risk of assassination. One of the risks they faced was that of being poisoned.

## Chapter 9: Russian State responsibility – links between Andrey Lugovoy and Dmitri Kovtun and the Russian State

- 9.156** I have referred at paragraphs 9.135 – 136 above to the Yandarbiev case. In that case, the fact that the three men arrested in Qatar for Mr Yandarbiev's murder were serving Russian intelligence officers provided a clear link between the murder and the Russian State.
- 9.157** The question that arises here is whether any similar link existed in 2006 between Mr Lugovoy and Mr Kovtun (whom I have found to have killed Mr Litvinenko) on the one hand, and the Russian State on the other.
- 9.158** I can deal with this point fairly shortly.
- 9.159** There is clear evidence that Mr Lugovoy spent a number of years first in the Ninth Directorate of the KGB and then in the Federal Protection Service, and that Mr Kovtun was for a time an officer in the Russian army. It is equally clear, however, that by 2006 neither man was still formally employed by the Russian State – Mr Kovtun having deserted from the army in 1992 and Mr Lugovoy having left the Federal Protection Service in 1996.
- 9.160** That is not, however, a complete answer to the point. I referred in Part 4 above to the Russian saying that "*there is no such thing as a former KGB man*". I have also referred to speculation that Mr Lugovoy may have been an FSB agent tasked to act against Mr Berezovsky and his associates (see paragraph 4.147 above).
- 9.161** That speculation was principally founded on questions that had been raised about the genuineness of Mr Lugovoy's conviction and prison sentence in 2002. It will be recalled that Mr Lugovoy, who until shortly before his conviction had himself been an employee of Mr Berezovsky, was convicted of attempting to assist Mr Glushkov, one of Mr Berezovsky's associates, to escape from prison. Mr Lugovoy subsequently claimed to have served his 15 month sentence in Lefortovo prison in Moscow. However, Mr Glushkov, who was detained there throughout the relevant period, said that he had never seen Mr Lugovoy in the prison. Was Mr Lugovoy already an FSB agent by this time, and only given a prison sentence in order to improve his credentials with those he planned to target? Or was he perhaps recruited shortly after being sentenced, and then secretly released in return for promising his services?
- 9.162** It has also been suggested that Mr Lugovoy's thriving business career in the years before 2006 was suspicious, given his conviction and previous links with Mr Berezovsky, in particular since many of Mr Lugovoy's business interests were in the closely regulated field of security. This, of course, was the period during which Mr Lugovoy was establishing his businesses in Russia and travelling to London to forge business relationships there, including with Mr Litvinenko.
- 9.163** Was the true position that, far from being in disfavour with the Russian authorities during this period, they were in fact supporting him? Had Mr Lugovoy been tasked by the FSB to insinuate himself into a position of trust with Mr Berezovsky and Mr Litvinenko?

## Chapter 10: Russian State responsibility – events since Alexander Litvinenko's death

**9.164** It is apparent that Mr Litvinenko was not mourned long in Russia, at least not by the government. Leading politicians made speeches attacking Mr Litvinenko and even implying that he had deserved his fate (some of which I have referred to in chapter 2 of Part 4 above). It has been suggested that British and German police investigating Mr Litvinenko's death received less than full cooperation from their Russian counterparts. The Russian government refused a request made by the British government to extradite Mr Lugovoy and Mr Kovtun to face criminal charges. Mr Lugovoy has been lionised in Russia. He has become a member of the Duma, and indeed was awarded an honour by President Putin during the course of the Inquiry's hearings.

**9.165** The question for present purposes is whether any of these matters amount to evidence that the Russian government was actually involved in Mr Litvinenko's murder.

### Engagement with the criminal investigations

#### Russian aircraft not made available for testing

**9.166** I have referred during the course of the narrative in Part 6 above to two occasions on which British and German police investigators respectively were not able to inspect Russian passenger aircraft that were of interest to their enquiries.

**9.167** One of those planes was that on which Mr Lugovoy and Mr Kovtun had flown from Moscow to London on 16 October 2006 – Transaero EI-DDK (see above at paragraph 6.69). The other was the Aeroflot aircraft on which Mr Kovtun flew from Moscow to Hamburg on 28 October 2006 (see paragraph 6.199 above).

**9.168** I do not think that it would be safe to draw any inferences about responsibility for Mr Litvinenko's death from these two incidents. There is insufficient evidence to be clear as to exactly what happened. Moreover, the two aircraft were operated by two independent companies. Even on the assumption that the aircraft were deliberately replaced on the schedules to avoid them being tested, there is no evidence on which I can safely determine whether this was done at the instigation of the airlines to avoid delay and disruption, or at the instigation of the Russian government, perhaps for more sinister reasons.

#### Metropolitan Police Service visit to Moscow, December 2006

**9.169** In December 2006, officers from the Metropolitan Police team investigating Mr Litvinenko's death made a formal visit to Moscow to interview witnesses. I heard evidence from two officers who went on the trip to Moscow – Mr Tarpey<sup>70</sup> and Mr Slater.<sup>71</sup>

<sup>70</sup> Tarpey 22/25-90

<sup>71</sup> Slater 22/91-118

**9.170** It was a theme of the evidence of both these men that the trip to Moscow had not run smoothly. They described a large number of incidents that occurred during their stay in Moscow that, to them at least, seemed to demonstrate obstructiveness on the part of their Russian colleagues. For example, the British investigators were told that only one British investigator (rather than two) could sit in on interviews, that lists of questions had to be provided in advance, and that they could not make their own separate recordings of interviews. There was even an occasion on which Russian officials who were driving to an interview location in the knowledge that British investigators were following in a car behind drove fast and erratically in an apparent attempt to lose the British team.

**9.171** Further, particular difficulties were experienced in relation to the interviews of the two key witnesses, Mr Kovtun and Mr Lugovoy. Interviews were cancelled at short notice and then hastily rearranged, and when they did take place were rushed with limited opportunity for the single British investigator present to ask questions. The British team were told that the two men were being treated for radiation sickness, but when they were interviewed they did not appear to be ill. Finally, when the interview tapes that had been handed to the British investigators in Moscow were examined back in London, it was discovered that there was no tape of Mr Lugovoy's interview. The Russian authorities had not provided any advance warning that there would be no tape of this interview.<sup>72</sup>

**9.172** In his closing statement, Mr Horwell QC, who appeared on behalf of the Metropolitan Police Service, made the following submissions about these events:<sup>73</sup>

*“Why be obstructive if there was nothing to hide?”*

*“The lack of full cooperation in Moscow with the interviews of Lugovoy and Kovtun: stupid, petty obstructions placed in the way of the police officers who went to interview them. The failure of the Russians to supply the tape of Lugovoy’s interview perhaps says it all. The motivation obvious. The Russians wanted control of those interviews, a control which was resurrected but a few days ago. Hardly a reaction indicative of an interest in truth and justice.”*

**9.173** My observations on these events, and the inferences that may be drawn from them, are as follows.

**9.174** First, it is quite apparent that the British investigators did not receive the level of cooperation in Moscow that they had hoped for, and that in consequence the enquiries that they conducted during their stay there were not as full as they might otherwise have been. It was clear to me that this was a matter that still rankles with those involved, even now, several years after the event.

**9.175** Second, there is no direct evidence as to the explanation for the conduct of the Russian officials. I had hoped that one of the Russian investigators might have given evidence to the Inquiry, in which case an explanation could have been sought, but this has not transpired. I am well aware, however, that the procedures governing international cooperation between police forces are complex and quite capable of giving rise to misunderstandings. There are a number of possible explanations – good, bad and indifferent – for what the British police saw as the obstructiveness of the Russian officials. In the absence of any explanation from the Russian side, I do not think it

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<sup>72</sup> [Mascall 29/67-69](#)

<sup>73</sup> [Horwell 33/69-70](#)

is possible to draw any firm conclusions. It would certainly not be appropriate, in my view, to conclude that the Russian authorities were deliberately attempting to undermine the British investigation.

- 9.176** Third, even if I did make such a finding, it would still be another considerable step to find that the Russian authorities had acted in this way in order to conceal their own involvement in Mr Litvinenko's death. Standing alone, this evidence cannot justify this conclusion.

## Refusal of extradition requests

- 9.177** Russia has refused requests made by the British authorities to extradite Mr Lugovoy and Mr Kovtun to face criminal charges in the UK. No inferences can be drawn from this. Article 61(1) of the Russian constitution provides that, "*A citizen of the Russian Federation may not be deported from Russia or extradited to another State.*"

- 9.178** Moreover, as Professor Service pointedly observed:<sup>74</sup>

*"It was no surprise that the Russian authorities refused to comply with the British request for their extradition to stand trial since the UK authorities had turned down every Russian request to extradite Berezovski and other wanted Russian citizens to Moscow."*

## The careers of Mr Kovtun and Mr Lugovoy since 2006

- 9.179** Professor Service had this to say about the careers in Russia of Mr Lugovoy and Mr Kovtun in the years following Mr Litvinenko's death:<sup>75</sup>

*"A wall of protection was built around Lugovoi and Kovtun. Although Kovtun did not exactly avoid public attention, he gave only a few interviews to the print and broadcast media. His partner Lugovoi by contrast has paraded himself at every opportunity. He was welcomed into the Liberal Democratic Party and became one of its successful candidates in the Duma elections of 2007; he appeared on TV chat shows and has recently been appointed an adviser to a television series about spies."*

*"The careers of Lugovoi and Kovtun since 2006 seem to me unimaginable without high-level political approval. The fact that Lugovoi has joined Zhironovski's Liberal Democratic Party, moreover, is not a sign of Lugovoi's alienation from the central state authorities. It is a party that since the early 1990s has acted as a pseudo-critical part of the tolerated opposition to whoever is President at the time. Lugovoi is a prominent, officially-respected public figure."*

- 9.180** Professor Service expanded on these points in the course of his oral evidence.<sup>76</sup> He emphasised that Mr Lugovoy's membership of the Liberal Democratic Party did not mean that he was a political opponent of President Putin in any substantive sense. Professor Service also drew attention to the importance that President Putin placed on television as a source of public information and the control that he therefore sought to exercise over it. Professor Service observed that, in those circumstances, the fact

<sup>74</sup> [INQ019146](#) (page 25 paragraph 79)

<sup>75</sup> [INQ019146](#) (pages 25-26 paragraphs 79-80)

<sup>76</sup> [Service 28/51-55; 28/100-102](#)

that President Putin had allowed Mr Lugovoy, “*a prominent public role on Russian TV*” was a telling indication that he “*has had favour shown to him by the President*”.

- 9.181** In fact, during the course of the Inquiry’s open hearings an event took place in Russia that provided unambiguous evidence of the esteem in which President Putin holds Mr Lugovoy. In March 2015, President Putin awarded a state honour to Mr Lugovoy. A Reuters report carrying the headline “*Russia’s Putin honours suspect in Litvinenko poisoning*” stated as follows:<sup>77</sup>

*“Russian President Vladimir Putin awarded a state honour to a man suspected by Britain of using radioactive polonium to poison Kremlin critic Alexander Litvinenko in London nearly a decade ago. The medal ‘for services to the fatherland’, second degree, was given to Andrei Lugovoy for his contribution to developing Russia’s Parliament, according to a citation posted on the official state bulletin.”*

- 9.182** Mr Emmerson QC submitted that the fact that the award to Mr Lugovoy had been made:<sup>78</sup>

*“... on Day 22 of this Inquiry, after a substantial amount of evidence has been called establishing Mr Lugovoy’s involvement in the murder of Mr Litvinenko, is clearly both a provocation by President Putin and the clearest possible message that he identifies himself with Mr Lugovoy.”*

- 9.183** I have already expressed my conclusion that Mr Lugovoy, with Mr Kovtun, poisoned Mr Litvinenko. Whether President Putin knew about this at the time is a matter to which I shall come. However, I do accept that Mr Lugovoy’s award, given in particular its timing and public nature, can only be interpreted as a deliberate sign of public support made to him by President Putin.

- 9.184** Where does this analysis lead? There is clear evidence, as I have said, that the Russian State in general, and President Putin in particular, has supported Mr Lugovoy in the years since 2006. There is less evidence relating to Mr Kovtun, but it would certainly appear to be the case that he has suffered no ill consequences as a result of the allegations made against him in this country in connection with Mr Litvinenko’s death.

- 9.185** It can be inferred from these facts that the Russian State approves of Mr Litvinenko’s killing, or at least that it wishes to signal approval for it.

- 9.186** It would be a further step, however, to conclude that the conduct of the Russian State towards Mr Lugovoy and Mr Kovtun since Mr Litvinenko’s death demonstrates that it was actually responsible in some way for his death. In my judgement, that would be a step too far. Taken on its own, this evidence does not support that conclusion.

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<sup>77</sup> [Mascall 22/130](#)

<sup>78</sup> [Emmerson 22/1-2](#)

## Chapter 11: Conclusions regarding Russian State responsibility

- 9.187** The open evidence that I have set out above establishes a strong circumstantial case that the Russian State was responsible for Mr Litvinenko's death.
- 9.188** I draw attention in particular to the following points.
- 9.189** I have found that Mr Litvinenko was killed by Mr Lugovoy and Mr Kovtun. They had no personal animus against Mr Litvinenko. I am sure that they killed him on behalf of others.
- 9.190** Mr Lugovoy and Mr Kovtun are both Russian citizens, who were living in Russia in 2006. They were both former members of Russian armed forces. Mr Lugovoy had been a member of the KGB and latterly the Federal Protection Service. Mr Kovtun had been an officer in the Russian army.
- 9.191** The evidence of Mr Glushkov and others raises questions as to a possible relationship between Mr Lugovoy (who was clearly the leader of the two men) and the FSB in the years up to and including 2006.
- 9.192** The fact that Mr Litvinenko was poisoned with polonium 210 that had been manufactured in a nuclear reactor suggests that Mr Lugovoy and Mr Kovtun were acting for a state body, rather than (say) a criminal organisation.
- 9.193** Although it cannot be said that the polonium 210 with which Mr Litvinenko was poisoned must have come from the Avangard facility in Russia, it certainly could have come from there.
- 9.194** There were powerful motives for organisations and individuals within the Russian State to take action against Mr Litvinenko, including killing him. Mr Litvinenko was, as a result of his actions both before and after leaving Russia, regarded as having betrayed the FSB. Moreover, according to Mr Lugovoy, the FSB had received information that Mr Litvinenko was working for British intelligence. Mr Litvinenko was an associate of leading opponents of the Putin regime, and he had repeatedly targeted President Putin himself with highly personal public criticism.
- 9.195** I note in this context that Mr Kovtun told D3 during their conversation in Hamburg that Mr Litvinenko was to be poisoned rather than shot because, "*It is meant to set an example*".
- 9.196** There is evidence suggesting that in the years prior to Mr Litvinenko's death the Russian State had been involved in the killing of a number of opponents of President Putin's administration, including those, like Mr Litvinenko, who had publicly blamed the FSB for the 1999 apartment bombings. The pattern was of killings both inside and outside Russia. There was evidence of poisons, including radioactive poisons, being used in some cases. Professor Dombey expressed the view that the FSB had tested radioactive poisons on humans, including in one case on a prisoner.
- 9.197** Although the strict terms of the 2006 laws did not permit the FSB to take action against extremists (as opposed to terrorists) outside the borders of Russia, the evidence of Professor Service was that the laws had a wider effect. He said that: "*the authorities*

*wanted to fudge that distinction [i.e. the distinction between extremists and terrorists] and just create a new feeling for the FSB to feel free to act without constraint."*

- 9.198** Since 2006 President Putin has supported and protected Mr Lugovoy, notwithstanding the fact that Mr Lugovoy has been publicly accused of killing Mr Litvinenko. During the course of the Inquiry hearings, President Putin awarded Mr Lugovoy an honour for services to the fatherland. Whilst it does not follow that Mr Lugovoy must have been acting on behalf of the Russian State when he killed Mr Litvinenko, the way in which President Putin has treated Mr Lugovoy is certainly consistent with that hypothesis. Moreover, President Putin's conduct towards Mr Lugovoy suggests a level of approval for the killing of Mr Litvinenko.
- 9.199** In my judgement, these matters amount to strong circumstantial evidence of Russian State responsibility for the killing of Mr Litvinenko. Having additionally taken into account the closed evidence, my findings are as follows.
- 9.200** When Mr Lugovoy poisoned Mr Litvinenko (as I have found that he did), it is probable that he did so under the direction of the FSB. I would add that I regard that as a strong probability. I have found that Mr Kovtun also took part in the poisoning; I conclude therefore that he was also acting under FSB direction, possibly indirectly through Mr Lugovoy but probably to his knowledge.

## Chapter 12: Russian State responsibility – involvement of Nikolai Patrushev and President Vladimir Putin

- 9.201** My finding that Mr Litvinenko was killed at the direction of the FSB gives rise to one further issue. At what level of seniority was the plan to kill Mr Litvinenko authorised? Was Mr Patrushev, the then head of the FSB, aware of the operation? Was President Putin aware of the operation?
- 9.202** A number of the witnesses who gave evidence during the open sessions of the Inquiry expressed strong views as to President Putin's direct involvement in Mr Litvinenko's death. It is perhaps worth recalling that the first person to make this allegation was Mr Litvinenko himself, in the deathbed statement to which I have referred above.
- 9.203** Yuri Shvets was asked whether, on the assumption that Mr Litvinenko had been killed in an operation that had been authorised by a Russian State organisation, such an operation could have taken place without Mr Putin's knowledge. He answered as follows:<sup>79</sup>

*"I strongly believe that it couldn't be done without Vladimir Putin's knowledge, because of one of the key traditions of the KGB. Any general, including Mr Ivanov or any other FSB general, before issuing an order to assassinate Sasha or anybody else in Russia or outside Russia, would think about covering his back just in case. This is a KGB rule number one, cover your back, and covering your back is to get approval from your superior, especially in Russia where they say about developing this structure, straight line structure of leadership, where the boss – there is just one single boss who makes all the important decisions. So I rule out basically the possibility that a decision to assassinate Sasha or anybody else outside of Russia would have been made without approval of the top authority of Russia, which is Vladimir Putin."*

- 9.204** Mr Goldfarb's evidence touched on the same issue.<sup>80</sup> He said that, if it was assumed (as I have now found) that Mr Litvinenko was poisoned by Mr Lugovoy and Mr Kovtun, and (as I have also now found) that the operation was sponsored by a Russian State organisation, "then the question narrows down [to] who in the state structures could authorise that". Mr Goldfarb stated that he regarded it as an "inevitable conclusion" that, "this can be no one else than Mr Putin". He explained the reasoning that led him to this conclusion in some detail, which I will set out below:

*"One is it was already mentioned by Yuri Shvets here that traditionally this sort of active measures from the Soviet times are authorised at the highest political level, that's number one.*

*Number two is that polonium is produced in a civilian agency which is Russian atomic industry, ministry, Rosatom, and to transfer polonium to FSB would require an interagency authority, and the only authority that could authorise such transfer is the presidential administration. So it brings us to the level above the hierarchy of the FSB.*

<sup>79</sup> Shvets 24/116-117

<sup>80</sup> Goldfarb 26/130-133; 27/116-120

*Mr Patrushev, who was at that time the head of the FSB, could not single-handedly order Mr Kiriyenko, who was the head of atomic energy, to give him polonium just like that. He ... would have needed – that's probably a question to an expert, but that's my guess in any case.*

*So that's number two.*

*Number three is that nobody in the Russian hierarchy would initiate such an operation without covering his back, as Mr Shvets said ... not only for general reasons, but for specific reasons that everybody knows in Russia, about a long history of relationship with Mr Putin, Mr Berezovsky and Mr Litvinenko. It's personal.*

...

*Nobody in his right mind, knowing how things run there, would authorise such an operation when one could be sure that Mr Putin would take a very close look at it after the fact. It's not just an unauthorised operation, but it would be an unauthorised operation specifically involving an issue which is very close personally to Mr Putin. ... I once said somewhere that it's a crime of passion, not only the crime of politics, it's a crime of passion.*

*And finally, in one of the WikiLeaks cable[s], the American official, by the name of Daniel Fried, said that knowing Mr Putin's attention to detail, we, meaning the US administration, doubt that this could have happened without Mr Putin's knowledge; and to confirm that, I refer to the statement which was aired on Russian TV three days ago, where there was a film on Russian TV featuring Putin, a long interview, about him telling how they annex Crimea, and Putin said to the presenter: 'the reason why it worked so smoothly was because I personally micromanaged the whole operation.'*

*The moment you delegate this to the structures, the structures screw up, essentially, that's what he said. So in important situations like this, only [I] can make sure that everything is done perfectly, and this is kind of in the same vein as Daniel Fried said, that knowing Putin's attention to detail, he must have micromanaged it."*

- 9.205** In formal court proceedings, opinions such as those that were set out above from Mr Shvets and Mr Goldfarb would not be admissible as evidence because Mr Shvets and Mr Goldfarb are not independent expert witnesses. In this Inquiry, however, I am not bound by the strict procedural rules that apply in court proceedings, and I do not go so far as to reject these opinions as without value. That said, I must clearly approach what they have said with some care. Although both men are knowledgeable in the field of Russian history and politics, Mr Horwell was right to observe<sup>81</sup> that neither could (nor, no doubt, would) claim to be impartial observers of the events surrounding Mr Litvinenko's death.
- 9.206** But importantly, the evidence of Mr Shvets and Mr Goldfarb does not stand alone. I also received evidence on these issues from Professor Service, who is an independent expert witness.
- 9.207** I should make clear that Professor Service was not instructed to address in his report the core issues relating to the attribution of responsibility for Mr Litvinenko's death. But parts of both his written evidence, and in particular his oral evidence, did touch on

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<sup>81</sup> [Horwell 33/72](#)

the question of the likely involvement of Mr Patrushev and Mr Putin on the hypothesis that Mr Litvinenko was killed in an operation sponsored by the FSB.

- 9.208** Professor Service said during his oral evidence that if Mr Litvinenko had been killed by the FSB, it was “*inconceivable*” that Mr Patrushev would not have had knowledge (and I take him to mean advance knowledge) of the operation.<sup>82</sup> This evidence was in line with the view that Professor Service had expressed in his report that, despite the lack of irrefutable evidence, he found it hard to believe that Mr Patrushev had not been, “*somewhat involved in some of the other killings under consideration in my report*”<sup>83</sup> – that is, the deaths of various of Mr Putin’s opponents to which I have referred at paragraphs 9.129 – 9.155 above.
- 9.209** The question that logically follows is whether, if Mr Patrushev had advance knowledge of an FSB operation to kill Mr Litvinenko, he shared that information with Mr Putin. On this issue, Professor Service was far more cautious.
- 9.210** Professor Service was confident that President Putin reserved oversight of security policy to himself. He also drew attention to the close links between President Putin and Mr Patrushev, and to the latter’s long service as head of the FSB between 1999 and 2008. “*The conclusion must be*”, Professor Service stated: “*that Putin generally endorsed what the agency got up to in the years through to 2006 and beyond and that Patrushev as its Director knew that he had his President’s support in its operations.*”<sup>84</sup>
- 9.211** Professor Service expressed the further view that he considered it to be very unlikely that President Putin restricted himself to providing a general sanction to Mr Patrushev’s broad line of action – he thought it likely, rather, that Mr Putin exercised, at the very least, some oversight of Mr Patrushev’s activities.
- 9.212** But that simply begs the question of what level of oversight Mr Putin exercised over the FSB. Professor Service readily accepted that he lacked the evidence to draw any firm conclusion on this issue. He described the shortfall in the evidence available to him regarding the working relationship between Mr Putin and Mr Patrushev in the following terms:<sup>85</sup>
- “... there is no available evidence for how much initiative was left to Patrushev in the FSB. Did Patrushev secure Putin’s permission for operations in advance? Or did he merely need sanction for a general operational strategy? And did the relationship between Putin and Patrushev undergo change in the course of their collaboration? These questions constitute an important nexus of known unknowns about Presidential power since Yeltsin stepped down from office.”*
- 9.213** Professor Service did draw attention in his report to one possible reason why Mr Patrushev might have concealed an FSB operation to assassinate Mr Litvinenko from Mr Putin, namely that the operation was part of a deliberate campaign by Kremlin insiders to weaken Mr Putin’s power. Professor Service referred to this theory that had been advanced by some commentators, but he did not endorse it himself.<sup>86</sup> I observe that it would also seem unlikely, given the duration and closeness of Mr Patrushev’s ties to Mr Putin, that he would have been a party to such a plot in the first place.

<sup>82</sup> [Service 28/90-91](#)

<sup>83</sup> [INQ019146](#) (page 27 paragraph 85)

<sup>84</sup> [INQ019146](#) (pages 26-27 paragraph 83)

<sup>85</sup> [INQ019146](#) (page 12 paragraph 37)

<sup>86</sup> [INQ019146](#) (page 6 paragraph 18)

- 9.214** As I have indicated, Professor Service did not address the express question of whether, if Mr Patrushev did order an FSB operation to kill Mr Litvinenko, it is likely that he would have sought President Putin's approval for such an operation. However, drawing on the logic of his analysis relating to other matters,<sup>87</sup> it appears to me that Professor Service's view on this issue is that Mr Patrushev probably would have told President Putin about such an operation, but that the evidence available to him in relation to this issue is so lacking that he regards the answer to be, at least at present, unprovable.
- 9.215** Taking full account of all the evidence and analysis available to me, I find that the FSB operation to kill Mr Litvinenko was probably approved by Mr Patrushev and also by President Putin.

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<sup>87</sup> [INQ019146](#) (page 8 paragraph 26); [Service 28/69-70](#)

## Part 10: Summary of conclusions

- 10.1** Alexander Litvinenko was born in Voronezh, Russia on 4 December 1962. He was an officer in the Committee for State Security (KGB) and latterly the Federal Security Service (FSB). He was dismissed in 1998 after he made public allegations of illegal activity within the FSB.
- 10.2** Mr Litvinenko left Russia in 2000. He arrived in the UK with his wife and son on 1 November 2000. Mr Litvinenko was granted asylum in 2001 and became a British citizen in October 2006.
- 10.3** In 2006 Mr Litvinenko was living with his family at 140 Osier Crescent, Muswell Hill, London. He was a journalist and author. He also undertook investigatory work, including preparing due diligence reports on Russian individuals and companies.
- 10.4** On the evening of 1 November 2006, the sixth anniversary of his arrival in the UK, Mr Litvinenko fell ill. He was admitted to Barnet General Hospital on 3 November, and was subsequently transferred to University College Hospital in central London on 17 November. His condition declined. He became unconscious on 23 November. At 8.51pm Mr Litvinenko suffered a cardiac arrest. Resuscitation was commenced but terminated when it became clear that he would not regain spontaneous cardiac output. Mr Litvinenko was pronounced dead at 9.21pm on 23 November 2006.
- 10.5** Throughout the time that Mr Litvinenko was in hospital, the doctors had been unable successfully to diagnose his condition. In fact, the cause of his illness only became clear several hours before his death when tests on samples of his blood and urine sent to the Atomic Weapons Establishment at Aldermaston confirmed the presence in his body of extremely high levels of the radioactive isotope polonium 210. Subsequent examination of Mr Litvinenko's body and detailed testing of samples taken from it confirmed that he had died as a result of being poisoned with polonium 210.
- 10.6** As to the medical cause of Mr Litvinenko's death, I am sure of the following matters:
- Mr Litvinenko died at 9.21pm on 23 November 2006 in University College Hospital, having suffered a cardiac arrest from which medical professionals were unable to resuscitate him
  - The cardiac arrest was the result of an acute radiation syndrome from which Mr Litvinenko was suffering
  - The acute radiation syndrome was caused by Mr Litvinenko ingesting approximately 4.4Gbq of polonium 210 on 1 November 2006
- 10.7** There is abundant evidence that Mr Litvinenko met Andrey Lugovoy and his associate Dmitri Kovtun for tea at the Pine Bar of the Millennium Hotel in Mayfair during the afternoon of 1 November 2006. The forensic evidence shows that the Pine Bar was heavily contaminated with polonium 210. The highest readings were taken from the table where Mr Litvinenko was sitting and from the inside of one of the teapots. No comparable levels of contamination were found in any of the other places that Mr Litvinenko visited that day.
- 10.8** I am sure that Mr Litvinenko ingested the fatal dose of polonium 210 whilst drinking tea in the Pine Bar of the Millennium Hotel during the afternoon of 1 November 2006.

- 10.9** I have carefully considered the possibility that Mr Litvinenko ingested the fatal dose of polonium 210 as the result of an accident. I have also considered whether Mr Litvinenko might have taken the poison deliberately, in order to commit suicide.
- 10.10** I am sure that Mr Litvinenko did not ingest the polonium 210 either by accident or to commit suicide. I am sure, rather, that he was deliberately poisoned by others.
- 10.11** I am sure that Mr Lugovoy and Mr Kovtun placed the polonium 210 in the teapot at the Pine Bar on 1 November 2006. I am also sure that they did this with the intention of poisoning Mr Litvinenko.
- 10.12** I am sure that the two men had made an earlier attempt to poison Mr Litvinenko, also using polonium 210, at the Erinys meeting on 16 October 2006.
- 10.13** I am sure that Mr Lugovoy and Mr Kovtun knew that they were using a deadly poison (as opposed, for example, to a truth drug or a sleeping draught), and that they intended to kill Mr Litvinenko. I do not believe, however, that they knew precisely what the chemical that they were handling was, or the nature of all its properties.
- 10.14** I am sure that Mr Lugovoy and Mr Kovtun were acting on behalf of others when they poisoned Mr Litvinenko.
- 10.15** When Mr Lugovoy poisoned Mr Litvinenko, it is probable that he did so under the direction of the FSB. I would add that I regard that as a strong probability. I have found that Mr Kovtun also took part in the poisoning. I conclude therefore that he was also acting under FSB direction, possibly indirectly through Mr Lugovoy but probably to his knowledge.
- 10.16** The FSB operation to kill Mr Litvinenko was probably approved by Mr Patrushev and also by President Putin.

# Appendix 1: The history of the Inquiry and procedures adopted

## The police investigation

1. On 23 November 2006, Alexander Litvinenko died at University College Hospital in central London.
2. Before Mr Litvinenko's death, the police had already commenced an investigation into his apparent poisoning.
3. Once the investigation established that Mr Litvinenko had been poisoned with polonium 210, which was discovered on the day of his death, the priority of the investigation became the operation to protect public health. It became important to identify members of the public who may have been contaminated. The Metropolitan Police Service (MPS) worked with the Health Protection Agency (now known as Public Health England) on this.
4. Immediately following Mr Litvinenko's death, over 200 police officers were involved with the investigation. More than 60 scenes were examined and assessed. These included hotels, offices, restaurants, nightclubs and bars, residential premises, public transport vehicles, aeroplanes, a football stadium and hospitals. More than 40 requests were made for mutual legal assistance to more than 15 countries.
5. On 22 May 2007, the MPS/Crown Prosecution Service (the CPS) considered that there was sufficient evidence to charge Andrey Lugovoy with the murder of Mr Litvinenko. An application was made to City of Westminster Magistrates' Court for the issue of a warrant for Mr Lugovoy's arrest.
6. Following further investigation, the MPS/CPS considered that there was sufficient evidence also to charge Dmitri Kovtun with the murder of Mr Litvinenko. An application was made to City of Westminster Magistrates' Court on 4 November 2011 for the issue of a warrant for Mr Kovtun's arrest.
7. In addition to the issue of these warrants, Mr Lugovoy and Mr Kovtun have been placed on international lists of wanted persons. They both remain wanted for Mr Litvinenko's murder. However, they have both remained within the Russian Federation, from which they cannot be extradited as they are both Russian citizens.
8. Because they are both still wanted for Mr Litvinenko's murder, the criminal investigation by the MPS continues.
9. The MPS also provided assistance to the inquest proceedings and the Inquiry proceedings (the procedures in which are further described below). Officers of the MPS have acted as Coroner's officers in addition to their criminal investigation duties. The evidence collated by the MPS formed the majority of the evidence available to the inquest. Further, after the establishment of the Inquiry, the Commissioner of Police for the Metropolis gave consent for his officers to continue to assist the Inquiry in a similar role.

## The inquest proceedings

10. The Coroner for the district within which the body of a deceased person is lying is required by statute to hold an inquest when there is reasonable cause to suspect that the deceased had died a violent or unnatural death. At the time of Mr Litvinenko's death, the Coroners Act 1988 was in force. This has since been replaced by the Coroners and Justice Act 2009. Some of the terminology has changed, but the fundamental principles remain the same.
11. A Coroner's inquest is a process for investigating the factual circumstances of a death. It is a fact finding inquiry to establish:
  - a. Who the deceased was
  - b. When and where the death occurred
  - c. How the deceased came by his or her death
  - d. The particulars required by the Registration Acts to be registered concerning the death
12. The proceedings and evidence at a Coroner's inquest are aimed solely at ascertaining the answers to these questions. Expressions of opinion on any other matter – for example, determining criminal or civil liability – are not allowed. However, the Coroner does have the power to investigate not just the main cause of death, but also "*any acts or omissions which directly led to the cause of death*".
13. Accordingly, on 30 November 2006, the then Coroner for Inner North London (Dr Andrew Reid) formally opened an inquest into Mr Litvinenko's death, and then immediately adjourned it pending the continuation of the police investigation which was already underway. The inquest remained adjourned for nearly five years whilst there was thought to be a prospect that criminal proceedings might be brought.
14. On 13 October 2011, the Coroner conducted a pre-inquest hearing to consider whether the inquest should remain adjourned. He noted the position in relation to the criminal investigation, namely that the MPS had made submissions to the CPS, and that the CPS had concluded its consideration of the case. The extradition of one person from Russia had been requested and declined. The CPS had indicated that, although it would wish to proceed with a prosecution, this was not currently possible and there was no impediment to the inquest taking place. The Coroner was satisfied that there was no realistic prospect of any named individual returning to the United Kingdom (UK) either voluntarily or under legal compulsion pursuant to an order for extradition. The Coroner had received submissions from interested persons and potentially interested persons asking him to resume the inquest, and in the absence of objection from the CPS or MPS, he decided that the inquest should be resumed.
15. The Coroner announced that he had appointed counsel and solicitors to the Inquest. He stated his intention that the inquest team would provide continuity of representation should a judge subsequently be appointed to act as Deputy Assistant Coroner to conduct the inquest.
16. The Coroner also addressed the issue of disclosure. He reached a clear conclusion that the scope of the disclosure exercise should extend to all material as to Mr Litvinenko's personal and professional history that might affect the evaluation of the circumstances

in which polonium 210 was administered to his body, how such administration occurred, and all relevant wider circumstances. These criteria for disclosure were deliberately widely drawn, because on the material that he had to date, there was no proper basis to exclude from the disclosure exercise any of the competing theories advanced by different interested persons.

17. The Coroner listed those whom he considered at that time to be properly interested persons under the Coroners Rules 1984, namely:
  - a. Marina Litvinenko and her son Anatoly
  - b. Mr Litvinenko's children by a previous marriage
  - c. Mr Lugovoy
  - d. Mr Kovtun
  - e. The Commissioner of Police of the Metropolis as the Chief Officer of Police
  - f. Boris Berezovsky
18. Finally, the Coroner indicated that he recognised powerful arguments in favour of appointing a more senior member of the judiciary to conduct the inquest. However, the decision to make such an appointment was ultimately a matter for the Lord Chancellor and Lord Chief Justice and the decision would to a degree be contingent on the product of disclosure.
19. In early January 2012, Lee Hughes was appointed Secretary to the inquest.
20. On 16 February 2012, the Deputy Coroner (Dr Shirley Radcliffe) wrote to the Secretary of State for Justice requesting the nomination of a senior member of the judiciary to conduct the inquest.
21. On 29 February 2012, the Secretary of State confirmed that, in principle, a senior member of the judiciary should be so appointed.
22. On 3 August 2012, the Secretary of State formally confirmed my nomination by the Lord Chief Justice to act as Deputy Assistant Coroner to conduct the inquest.
23. On 7 August 2012, the Deputy Coroner accordingly appointed me as Deputy Assistant Coroner.
24. On 20 September 2012, I conducted a pre-inquest hearing, the transcript of which is available on the Inquiry website. The primary aim of the hearing was to give a public update in respect of procedural matters. At that hearing, the Secretary of State for the Home Department applied for interested person status. This was granted.
25. On 2 November 2012, I conducted a further pre-inquest hearing, the transcript of this hearing is also available on the Inquiry website. This hearing was intended to give a further public update in respect of procedural matters, and also to ensure that the next pre-inquest hearing could effectively and efficiently deal with the substantive legal matters with which it was to be concerned. These issues were listed in written directions given following the hearing.

26. On 13 December 2012, I held that further pre-inquest hearing. On 17 January 2013, I gave a ruling on the issues argued at the hearing, including on whether or not certain issues should remain included in the scope of the inquest. The ruling on the scope of the inquest can be found on the Inquiry website. A list of issues was subsequently published.
27. On 17 December 2012, solicitors acting for the Investigative Committee of the Russian Federation (ICRF) applied for interested person status. The application was made on the basis that the ICRF was the Russian federal state agency responsible for the pre-trial investigation of the suspected murder of Mr Litvinenko and the suspected attempted murders of Mr Lugovoy and Mr Kovtun. By active participation in the inquest, according to the application, the ICRF hoped to contribute to and to advance both my and its own understanding of the causes and circumstances of Mr Litvinenko's death. Although Russian law would not permit the ICRF to provide all of its files to me, as an interested person the ICRF would wish to provide as much of the information from its investigation as Russian law would allow and as the investigator recognised as permissible. On 31 January 2013, I granted interested person status to the ICRF.
28. On 21 December 2012, solicitors acting for Marina Litvinenko asked for a listing for full argument of her application that the Russian Federation be designated an interested person in the inquest. A submission to that effect had been made at the hearing on 20 September 2012, and repeated at the hearing on 13 December 2012. The Russian Federation had not itself applied for interested person status. On 24 January 2013, I gave a provisional ruling on the issue and invited further written submissions. On 25 March 2013, I gave a ruling refusing the application that the Russian Federation be designated an interested person.

## Government disclosure and public interest immunity

29. On 11 January 2012, the Solicitor to the Inquest made a written request for disclosure of documentation by the government. Disclosure was requested of documents held by all UK government departments and agencies relating to the circumstances of Mr Litvinenko's death. Specific requests were made for any documents relating to the circumstances of Mr Litvinenko's poisoning and death; the history of any contact between Mr Litvinenko and any UK government departments or agencies; and any records of risks and/or threats to him prior to his death, together with any action taken or considered in response.
30. In response to this request, the government collated material and made it available for inspection to counsel and the solicitor to the inquest. Access was first granted for inspection of this collated material in late August 2012. The process of collating further material and making it available to the inquest team continued thereafter. In making this material available for inspection, the government made it clear that it reserved its position both as to the relevance of the material, and as to the making of applications for public interest immunity (PII) in relation to it. This was done with the intention of ensuring that the progress of this investigation was not delayed, whilst at the same time preserving the government's position in relation to disclosure in the event that I determined that some or all of the material reviewed was relevant to the inquest and should be disclosed to interested persons.

31. For the hearing on 13 December 2012, counsel to the inquest prepared an open and a closed version of a note concerning the material which had been made available by the government for inspection. The notes expressed a provisional view about that material, as the process of making the material available and inspecting the material was continuing. Counsel to the inquest noted that a significant proportion of the material was of a sensitive nature. The government had made it clear that it was very likely that it would object to the disclosure of the material to interested persons on grounds of PII. However, it was possible to state high level conclusions as to the effect of the government material. These related solely to the effect of the government material taken alone.
32. Counsel to the inquest expressed the view that the government material did establish a *prima facie* case as to the culpability of the Russian State in Mr Litvinenko's death. However, it did not establish a *prima facie* case as to the culpability of the British State in itself carrying out (by its servants or agents) the poisoning of Mr Litvinenko, or in failing to take reasonable steps to protect him from a real and immediate risk to his life. It did not establish a *prima facie* case as to the involvement of Mr Berezovsky, Spanish mafia and/or other criminal organisations, Mario Scaramella, or Chechen groups, in Mr Litvinenko's death. It did not establish a *prima facie* case as to the making by Alexander Talik of threats to kill Mr Litvinenko, or as to any more general involvement on his part in Mr Litvinenko's death. Counsel to the inquest said that a conclusion to the effect that the government material did not establish a *prima facie* case in respect of any particular issue was not to be interpreted as meaning that there was no evidence at all on that issue contained in the government material.
33. On 29 January 2013, I gave directions that any PII certificate was to be served by 15 February 2013, and for a consequent timetable for the determination of any PII issues.
34. On 7 February 2013, the then Secretary of State for Foreign and Commonwealth Affairs (the Rt Hon William Hague MP) made a certificate claiming PII in respect of a sample of documents selected from the material made available by the government for inspection.
35. On 26 February 2013, I conducted a public hearing to consider the PII application, at which all interested persons had the opportunity to make submissions, as well as a number of media organisations who were legally represented. The transcript of this hearing is available on the Inquiry website. Following legal submissions made at that hearing, on 27 February 2013 I ruled that:
  - a. I had jurisdiction to hold a private hearing at which to consider the merits of the PII claim
  - b. Rather than hold a private hearing in which to address the adequacy of the PII certificate, and specifically whether the claim could and should be further particularised without defeating the claim under consideration, I would continue with the private hearing to consider the merits of the PII claim. If in the course of that hearing it became clear that the claim could be further particularised in a manner that would not jeopardise the claim, and that I would be assisted by further submissions from the interested persons, then I would reconvene the public hearing

- c. It was neither necessary nor appropriate to appoint special counsel or PII advocates to represent the interests of interested persons in the disclosure proceedings
36. There was then a private hearing of the application, from which the public and most of the interested persons were excluded, at which I considered the merits of the PII claim in more detail.
37. On 17 May 2013, I gave my ruling on the PII application, which is available on the Inquiry website. I rejected part of the PII claim, and concluded that some of the information that was covered by the PII claim could and should be disclosed.
38. First, I concluded that a number of lines of enquiry could be identified as lines of enquiry to which the documents that were the subject of the PII claim related. Those lines of enquiry included amongst others:
- a. The possible involvement of Russian State agencies in the death of Mr Litvinenko
  - b. The properties and uses of polonium 210
  - c. UK authorities' knowledge and/or assessment of threats or risks to Mr Litvinenko's life in 2000-2006
  - d. Decisions or actions taken to manage any identified risk
- Some other lines of enquiry which I concluded could be similarly identified were redacted in anticipation of a challenge to my ruling.
39. Second, a description could be given of the types of sensitivity which underpinned the PII claim, and this was set out in my ruling.
40. Third, my ruling was able to state:
- a. That I had considered the PII claim brought in relation to the material relevant to the issue of the possible involvement of Russian State agencies in Mr Litvinenko's death and had upheld the claim
  - b. That I had considered the PII claim brought in relation to the material relevant to the preventability issue and had upheld the claim
  - c. That I had considered the PII claim brought in relation to the material relevant to an identified issue (which was redacted) and had concluded that some gists could and should be given in respect of those issues
  - d. The terms of the gists which should be given (which were redacted)
  - e. That I had upheld the PII claim in respect of further material relating to other issues
41. On 31 May 2013, the Foreign Secretary commenced an application for judicial review of the parts of my decision represented by the redacted parts of that ruling. In October 2013, a Divisional Court of the Queen's Bench Division of the High Court (constituted by Lord Justice Goldring, Lord Justice Treacy and Mr Justice Mitting) conducted substantive hearings of this application in public and private hearings.

42. On 27 November 2013, the Divisional Court allowed the Foreign Secretary's judicial review application and quashed my decision to order gists. The court made no formal public decision regarding the lines of enquiry which I had concluded could be publicly identified.

## The steps to an inquiry

43. In my PII ruling on 17 May 2013, I made some provisional observations about the procedural consequences of the ruling. I identified that there was a choice between considering issues such as preventability and Russian State responsibility on the basis only of the available open evidence and disregarding the relevant material which was known to exist but which had been the subject of a successful PII claim, and withdrawing those issues from scope. Either way, that could lead to me failing to discharge my duty to undertake a full, fair and fearless inquiry into the circumstances of Mr Litvinenko's death. However, I considered that it would arguably be better to withdraw these issues from the scope of the inquest than to consider them on an incomplete, inadequate and potentially misleading basis, which might be unfair to interested persons or others who might be implicated including the Russian State. I therefore invited submissions on whether I should ask the government to consider exercising the power to order an inquiry under the Inquiries Act 2005, which would be able to hear evidence that could not be publicly disclosed.
44. On 4 June 2013, following the receipt of submissions on this topic, I wrote to the then Lord Chancellor and Secretary of State for Justice (Rt Hon Christopher Grayling MP). I set out my firm view that an inquiry established under the Inquiries Act 2005 was necessary if Mr Litvinenko's death were to be properly investigated. I asked for consideration to be given urgently to the exercise of the power to establish such an inquiry.
45. On 17 July 2013, the Secretary of State for the Home Department (Rt Hon Theresa May MP) replied to my letter conveying the government's response to my request. The Secretary of State said that the factors militating against establishing an inquiry at present substantially outweighed those in favour. Accordingly, the government had decided not to establish an inquiry at that time.
46. On 9 September 2013, Marina Litvinenko commenced an application for judicial review of the Home Secretary's decision.
47. Before that application could be heard, the Divisional Court had heard and decided the Foreign Secretary's application for judicial review of my PII ruling. Following the Divisional Court's PII decision, I asked for further submissions on the consequences of that decision for the scope of the inquest.
48. On 18 December 2013, I gave a ruling on whether the issues of preventability and Russian State responsibility should remain within the scope of the inquest. I decided that both issues should be withdrawn.
49. On 21 and 22 January 2014, a Divisional Court of the Queen's Bench Division of the High Court (constituted by Lord Justice Richards, Lord Justice Treacy and Mr Justice Mitting) heard Marina Litvinenko's application for judicial review. This took account of my decision on 18 December 2013 to withdraw those two issues from the scope of the inquest.

50. On 11 February 2014, the Divisional Court allowed Marina Litvinenko's application for judicial review and quashed the Home Secretary's decision. Accordingly, the Home Secretary was required to make a further decision on whether to establish an inquiry.
51. On 22 July 2014, the Home Secretary announced the government's decision to establish an inquiry under the Inquiries Act 2005 to investigate Mr Litvinenko's death.
52. On 31 July 2014, the Inquiry was formally set up. On that date, I held a short hearing at which the inquest was suspended, in accordance with the provisions of the Coroners and Justice Act 2009, and formally opened the Inquiry. The Terms of Reference can be found in Appendix 2.
53. On 5 September 2014, I published the List of Issues which the Inquiry would consider. This list can be found at Appendix 3.

## The opening of the Inquiry and procedural hearings

54. At a short hearing on 31 July 2014, the formal setting up date of the Inquiry, I made a statement setting out the history of the events which had led up to the establishment of the Inquiry. I also set out procedural matters which would be dealt with in forthcoming directions hearings.
55. Open directions hearings were held on 5 September 2014, 16 October 2014, 14 November 2014, 17 December 2014 and 20 January 2015.
56. In addition, preparation for the closed substantive hearings required a number of closed directions hearings to be held.

## Core participants

57. On 31 July 2014, I invited applications for core participant status under rule 5 of the Inquiry Rules 2006.
58. On 5 September 2014, I announced that applications had been received from Marina and Anatoly Litvinenko, the MPS, the Home Secretary (on her own behalf and as a representative of the government), The Atomic Weapons Establishment (AWE plc) and Mr Scaramella.
59. Mr Scaramella's application was refused, for which reasons were given in a written ruling dated 9 October 2014.
60. I granted the other applications.
61. The solicitors for the ICRF, which had been an interested person in the inquest, wrote to me to indicate that it would be making no application for core participant status in the Inquiry.
62. During March 2015, after the substantive hearings had already been under way for a substantial period of time, Mr Kovtun expressed a wish to take part in the Inquiry by giving oral evidence and by becoming a core participant. I summarise these events below.

## Funding applications

63. On 31 July 2014, I also invited applications for funding under the Inquiries Act 2005. Under section 40 of the Inquiries Act 2005, such funding may be made available to allow certain persons having a connection to the Inquiry to receive legal representation at public expense.
64. On 5 September 2014, I announced that applications for funding had been received from Marina Litvinenko and Anatoly Litvinenko, and from Mr Scaramella.
65. I granted the application by Marina Litvinenko and Anatoly Litvinenko in principle, with the precise terms of the award to be finalised following further submissions.
66. I refused Mr Scaramella's application as it did not meet the criteria set out in section 40(3) of the Inquiries Act 2005.
67. Later, during the course of the substantive hearings, a further application for funding was received from Mr Scaramella, who travelled from Italy to London on two occasions to give evidence to the Inquiry. I allowed this later application.
68. I also received and allowed applications from a number of other witnesses for expenses and legal costs.

## Closed evidence – restriction notices

69. On 31 July 2014, I explained that the most important feature of the Inquiry, and the reason why I asked that it be established, was that it would permit me to consider closed evidence and hold closed hearings, from which the public, most of the core participants and the press would be excluded. It would not have been possible to hold such hearings at all during an inquest. I considered the reason why it was of great importance to be able to hold at least some closed hearings was that the government held some documents that were relevant to Mr Litvinenko's death, but which were of such sensitivity that they could not be used in open court. Had the proceedings remained as an inquest, those documents would have had to be excluded from my enquiries, in accordance with my PII rulings and the decision of the Divisional Court.
70. Because of the sensitivity of the government evidence, it was inevitable that at least some of my final report would also have to remain secret. But I have always made it clear that I intend to make public my final conclusion on the issue of Russian State responsibility, together with as much as possible of my reasoning in that regard.
71. I announced that, on 7 July 2014, the Home Secretary had made a restriction notice under section 19 of the Inquiries Act 2005, the effect of which was to require that specified sensitive material was considered only in closed session, and that the Home Secretary may make further restriction notices.
72. A second restriction notice was made by the Home Secretary on 4 November 2014. The first and second restriction notices were amended on 21 January 2015. Further restriction notices were made by the government on 9 March 2015 and 29 June 2015.

## Anonymity – restriction orders

73. In the course of the inquest proceedings, applications had been made for anonymity orders in respect of a number of proposed witnesses whose evidence was to be adduced although not necessarily orally.
74. On 29 January 2013, I gave directions about the making of any anonymity applications.
75. On 27 February 2013, the MPS applied for anonymity in respect of three witnesses known as D1, D2 and C1.
76. On 14 March 2013, I conducted a hearing at which these applications were considered. For reasons which included the need by the representatives of media organisations to receive more information before they could usefully make submissions on the applications, the applications were adjourned.
77. On 11 June 2013, I conducted a further hearing to consider these anonymity applications, and a further anonymity application made by AWE plc in respect of a witness known as A3.
78. On 11 July 2013, I granted the application in relation to A3, but refused the applications in relation to D1, D2 and C1. Because the applications were based in part on material which could not be made public, the written ruling had a closed addendum dealing with that material.
79. On 4 October 2013, I conducted a further hearing to consider anonymity applications in relation to witnesses known as C2, C3, D3, D6 and D7, together with a residual issue in relation to D1, D2 and C1 as to whether there should be disclosure of the contents of the closed addendum in relation to them.
80. On 26 November 2013, I granted the application in relation to D3. Because the witnesses C2, C3, D6 and D7 formed part of a group that also included D3, and identification of any member of that group other than D3 would be likely to lead to the identification of D3, I also granted the application in relation to them although the individual merits of the applications in relation to them would not have warranted the grant of an anonymity order.
81. On the same day, I also ruled that none of the contents of the closed addendum in relation to D1, D2 and C1 should be made public at that time.
82. On 5 September 2014, at the first directions hearing following the establishment of the Inquiry, all core participants and the media agreed that for the purposes of the Inquiry I should adopt the anonymity orders I had already made during the inquest proceedings. Accordingly, on 9 October 2014 a restriction order was made repeating the anonymity orders which had been made during the inquest.
83. On 14 November 2014, a further restriction order was made granting anonymity in relation to a witness known as A1.
84. On 27 November 2014, a further restriction order was made granting anonymity in relation to a witness known as D9.
85. Further applications were made in respect of these witnesses that, if they gave oral evidence to the Inquiry, they should be screened from the public and the press. In relation to all of the witnesses who were granted anonymity, I made a further order

providing that if they were required to attend and give evidence at the public hearing of the Inquiry, their physical appearance would be concealed from the public, the media and core participants, but not from me, counsel to the Inquiry, counsel for the core participants or security cleared Inquiry staff. Further orders were made directing that their physical appearance need not be concealed from any other person whom I directed.

86. On 9 October 2015, I made a further restriction order granting anonymity in relation to a witness known as witness G. By the time of this order, I did not envisage a need to take any further oral evidence.

## Broadcasting

87. Under existing legislation, broadcasting was not permitted by law of any of the inquest proceedings. Following the establishment of the Inquiry, broadcasting would be permitted of such parts of the Inquiry proceedings and to the extent which I considered appropriate.
88. On 31 July 2014, I permitted broadcast of the formal opening of the Inquiry. Arrangements were made with one broadcast company for a video feed to be made available to other broadcasters.
89. On 5 September 2014, I heard submissions about whether I should permit the broadcast of the Inquiry's proceedings, particularly the evidence which the Inquiry was to receive. In addition, I heard submissions about whether the Inquiry's proceedings should be streamed live over the Internet.
90. On 7 November 2014, I gave a written provisional ruling inviting further submissions on certain aspects of the issue of live streaming of the Inquiry's proceedings over the Internet.
91. On 14 November 2014, I heard further submissions on that issue. Those submissions included evidence from the MPS about the responses given by some prospective witnesses to the idea that their evidence might be broadcast, and the effect that might have on some witnesses' willingness to give evidence to the Inquiry.
92. On 26 November 2014, I gave a written ruling giving reasons for my decision not to permit live streaming of the proceedings of the Inquiry when it took evidence. Different considerations applied to the opening and closing statements by counsel to the Inquiry and by core participants' legal representatives, which I would permit to be broadcast.

## Text based communications from the hearing rooms

93. On 12 September 2014, I published a protocol concerning the use of live text based communications in the hearing rooms.
94. This provided that, in general, any member of a legal team, or member of the press, or member of the public was free to use a mobile electronic device in the hearing rooms to send and receive text based communications whilst the Inquiry was sitting, provided that the device in question was used in silent mode and there was no disruption to

proceedings. This was in practice superseded by the arrangements set out in the protocol described in paragraph 98 below.

95. I made clear that mobile devices were not to be used in the hearing rooms at any time to make or receive telephone calls, to take photographs or to undertake audio or video recording.

## Public access to hearings

96. For the substantive hearings, the Inquiry used Court 73 in the Royal Courts of Justice as the main hearing room, together with Court 66 as an additional media annex/overflow room. Proceedings in Court 73 were relayed to Court 66 by a closed circuit videolink, and screens in Court 66 reproduced documents and the live transcript shown on the display screens in Court 73.

97. Normally, members of the media and the public were freely admitted to both hearing rooms. However, because there was a risk that some of the sensitive information protected by restriction notices or restriction orders might be disclosed, inadvertently or otherwise, during the course of the open hearings, all open hearings were conducted under one of the sets of measures set out in a protocol issued on 9 December 2014.

98. Under the default measures:

- a. The public and press would be afforded unrestricted access to the main hearing room, subject to physical capacity constraints
- b. Proceedings in the main hearing room would be relayed to the media annex by means of a video feed that was delayed by 5 minutes
- c. The use of mobile electronic devices in the main hearing room would be prohibited to all persons other than me, legal representatives and security cleared Inquiry staff
- d. The use of such devices would be permitted (on the terms set out in the protocol on the use of live text based communications in the hearing rooms) in the media annex
- e. A transcript of proceedings would be posted on the Inquiry website at the end of each day

99. Under enhanced measures:

- a. The public and press would be excluded from the main hearing room, although access would still be permitted for both the public and the press to the media annex
- b. Proceedings in the main hearing room would be relayed to the media annex by means of a video feed that was delayed by 5 minutes
- c. The use of mobile electronic devices in the Inquiry room would be prohibited to all persons other than me, legal representatives and security cleared Inquiry staff

- d. The use of such devices would be permitted (on the terms set out in the protocol on the use of live text-based communications in the hearing rooms) in the media annex
  - e. A transcript of proceedings would be posted on the Inquiry website at the end of each day
100. The hearing was conducted under enhanced measures when evidence was taken from a small number of witnesses; Alex Goldfarb, Dean Attew and Akhmed Zakayev. Otherwise, the evidence was taken under default measures.
101. In addition, the enhanced measures were adopted in modified form in relation to each witness giving oral evidence who had the benefit of an anonymity order (this applied to A1, C2 and D6). Those who were not permitted to see the witness' physical appearance were excluded from the main hearing room, and the relay of the proceedings from the main hearing room to the media annex was limited to audio only.

## Special advocate

102. On 27 February 2013, in the course of the PII application in the inquest proceedings, I had ruled that it was neither necessary nor appropriate to appoint special counsel or PII advocates to represent the interests of interested persons in the disclosure proceedings.
103. On 5 September 2014, an application was made on behalf of Marina and Anatoly Litvinenko for the appointment of a special advocate.
104. On 9 October 2014, I refused the application for reasons given in a written ruling on that date.

## Warning letters

105. Rule 13 of the Inquiry Rules 2006 provides:
- (1) *The chairman may send a warning letter to any person –*
- a. *he considers may be, or who has been, subject to criticism in the inquiry proceedings; or*
  - b. *about whom criticism may be inferred from evidence that has been given during the inquiry proceedings; or*
  - c. *who may be subject to criticism in the report, or any interim report.*
- (2) *The recipient of a warning letter may disclose it to his recognised legal representative.*
- (3) *The inquiry panel must not include any explicit or significant criticism of a person in the report, or in any interim report, unless –*
- (a) *the chairman has sent that person a warning letter; and*
  - (b) *the person has been given a reasonable opportunity to respond to the warning letter.”*

106. By rule 14, the contents of a warning letter are to be treated as subject to the obligations of confidence set out in rule 14(1). The inquiry Chairman's obligation of confidence under this rule ends when the inquiry report is signed, and all other obligations of confidence under this rule end when the inquiry report is published.
107. The fact that a possible criticism has been included in a warning letter, whether written under rule 13(1) or 13(3), does not necessarily mean that the criticism will be adopted in the inquiry proceedings or in any report. The procedural provision is intended to afford the individual a fair opportunity to prepare for giving evidence or to draw attention to reasons why the criticism should not be made. Accordingly, I do not propose to publish the content of warning letters.
108. However, in accordance with rule 13, warning letters were sent as appropriate to people who were covered by the provisions of rule 13.

## The substantive hearings

109. On 27 January 2015, the Inquiry's substantive hearings commenced. Opening statements were made by counsel to the Inquiry, counsel for Marina and Anatoly Litvinenko, counsel for the Home Secretary and counsel for AWE plc.
110. The Inquiry hearing lasted for a total of 34 days. Evidence was taken on 30 of those days. A total of 62 witnesses gave oral evidence. A number of witnesses giving oral evidence attended the Inquiry on more than one occasion to do so. Five of the witnesses gave evidence from overseas by videolink. In addition, witness statements of a further 20 witnesses were read, together with a further witness statement from a witness who had already given oral evidence (Marina Litvinenko).
111. In addition, a large quantity of documents was adduced in evidence. Some of these documents were referred to and discussed by witnesses, but I simply put other documents into evidence because it was not necessary for them to be discussed with a witness.
112. It was originally envisaged that the Inquiry's open hearings would conclude before Easter. However, the overall length of the Inquiry hearings was prolonged by the actions of Mr Kovtun, who is the subject of one of the two arrest warrants issued in respect of Mr Litvinenko's death.
113. During the course of March 2015, the solicitor to the Inquiry received a number of communications from a man who said he was Mr Kovtun. He said that he was willing to take part in the Inquiry and in particular to give evidence by videolink. He also indicated that he wished to apply for core participant status. These developments were notified to core participants, the public and the press at the substantive hearing on 19 March 2015.
114. On 30 March 2015, I indicated that I was minded to grant Mr Kovtun core participant status, subject to his fulfilling a number of conditions. Mr Kovtun had to give a confidentiality undertaking in the same manner as all other core participants. He had to provide a detailed witness statement, including a response to nine questions put to him in Russia by Major General of Justice Krasnov, and a tenth question which was added in a letter dated 5 March 2015 from the Inquiry secretariat to Mr Kovtun. Further, he had to disclose any documents and other written material which he had said in media interviews was relevant to the issues being considered by the Inquiry. I

fixed the date on which Mr Kovtun's evidence would be taken, namely 27 July 2015; Mr Kovtun would have to make himself available for two or three days.

115. In the days leading up to 27 July 2015, Mr Kovtun and the Russian authorities began to raise a number of legal issues about whether Mr Kovtun could, under Russian and international law, lawfully give evidence to the Inquiry. On that date, Mr Kovtun did not make himself available to give evidence. I considered the matters which had been said by Mr Kovtun and by the Russian authorities, and decided to give Mr Kovtun a final opportunity to live up to his assertion that he wanted to assist me in the Inquiry by adjourning the hearing until 28 July 2015.
116. On 28 July 2015, the Inquiry's agent in Moscow reported that he had spoken to Mr Kovtun that morning, and that Mr Kovtun had said that he would not be attending to give evidence by videolink. Accordingly, the final items of witness evidence were taken that day.
117. On 30 and 31 July 2015, closing submissions were made by counsel for the MPS and counsel for Marina Litvinenko and Anatoly Litvinenko. Closing statements were made by counsel to the Inquiry and by me, bringing the Inquiry's substantive hearings to an end.

## Closed hearings

118. On 27 January 2015, when the substantive hearings commenced, it was envisaged that they would be completed by Easter. On that date, I indicated that at some point in the future, there would be closed hearings at which I would consider the material subject to the restriction notices. Counsel to the Inquiry indicated in their opening statement that these would take place after the open hearings had concluded.
119. On 31 July 2015, in their closing statement counsel to the Inquiry announced that the closed hearings had taken place. The conclusion of the open hearings that day accordingly completed all of the Inquiry's hearings.

## Miscellaneous procedural matters

120. On 30 March 2015, I heard submissions on a number of legal matters which were relevant to the approach which I should take in reaching my conclusions.
121. I considered the question of whether and what standard of proof I should apply. There was a consensus that I should adopt the approach taken by Sir William Gage in the Baha Mousa Public Inquiry, which had been set out in a ruling of 7 May 2010. That had itself adopted; "*the flexible and variable standard of proof as applied [by Dame Janet Smith] in the Shipman Inquiry*". At paragraph 28 of his ruling, Sir William concluded:

*"For the reasons which I have endeavoured to explain I have concluded that it is right for me to approach my task by initially adopting the civil standard of proof in relation to findings of facts, but indicating where appropriate where I am sure of a finding. As I have said, I shall record the level of satisfaction which I find established in relation to any finding of fact. Thus, I shall state where necessary that I find a fact proved on the balance of probabilities or to a higher standard where appropriate. I do not think it will be necessary expressly to refer to expressions such as 'inherent improbabilities' or the 'bare' balance of probabilities."*

122. I agreed and adopted that approach.
123. On the same date, I also heard submissions on the question of whether I should or should not draw adverse inferences from the silence of any individual concerned in the events which the Inquiry was investigating, or their refusal to participate, and in particular the silence or refusal of Mr Lugovoy, Mr Kovtun or authorities of the Russian State. There was a consensus that there was no need or basis for adopting the approach taken in the criminal courts to such silence. I took the view that a failure to participate or to give evidence has the obvious consequence that I would make findings of fact without the benefit or otherwise of such a contribution.
124. Further, counsel to the Inquiry made submissions to me about the approach that should be taken to credibility generally if, on analysis of the evidence (including any relevant closed evidence), it were to become apparent that some witnesses had not given an accurate account of events in oral evidence. Counsel to the Inquiry submitted that I should be guided by the principles which underlie the direction commonly given to juries in criminal cases who have to consider what they make of the evidence given by a witness whom they consider has lied. Such a direction is commonly known as a Lucas direction, after *R v Lucas* [1981] QB 720. I did not consider it necessary to rule on that submission.
125. On the same date I also considered the interplay between sections 2(1) and (2) of the Inquiries Act 2005. These provide that an inquiry panel is not to rule on and has no power to determine any person's civil or criminal liability; but an inquiry panel is not to be inhibited in the discharge of its functions by any likelihood of liability being inferred from facts that it determines or recommendations that it makes. I considered that it was difficult to deal in the abstract with the interplay between those two sections and made no formal ruling on the issue.
126. Finally, I clarified the approach I would take to the interface between the open and closed evidence and findings. I said that I would perform a global analysis of the evidence adduced both in the open and the closed hearings. It followed that any facts as found and recorded in the open section of the report will have been informed both by the evidence that I heard in the open hearings and by the relevant closed hearings. I stated that I would provide a single report to the Home Secretary, but the consequence of the restriction notices and orders that had been made meant that parts would not be published if to do so would be to damage national security or international relations.
127. On 24 July 2015, I considered submissions on an issue which had arisen under the Crime (International Co-operation) Act 2003. Evidence had been obtained from Russia pursuant to a request made under that Act for the purposes of the criminal investigation and any criminal proceedings. This evidence included the records of the interviews conducted in Russia with Mr Lugovoy and Mr Kovtun.
128. In addition, the Russian authorities had given permission for that evidence to be used in the inquest proceedings. After the ICRF was granted interested person status in the inquest, it was formally represented at hearings in the inquest proceedings; at open Inquiry hearings, its English solicitors were routinely present. The Russian authorities were aware of the fact that the Inquiry was established to take over from the inquest in the investigation of Mr Litvinenko's death, and of the inclusion in the Inquiry's Terms of Reference that it should take into account the investigations that had already taken place within the inquest proceedings. In addition, in September 2014 I had directed

that the inquest evidence would be adduced in the Inquiry in accordance with the Inquiry's Terms of Reference.

129. Notwithstanding their awareness of the status of the inquest and Inquiry proceedings, the Russian authorities did not expressly extend permission for that evidence to be used in the Inquiry. The part of the Home Office that deals with matters under this Act wrote to its Russian counterparts both before and after the commencement of the Inquiry's substantive hearings, but no response was forthcoming then, or at any time before the originally scheduled end of the Inquiry's substantive open hearings.
130. On 17 July 2015, the Inquiry was notified by the Home Office of a response which it had received on 15 July 2015 from the Russian authorities, declining permission for the evidence to be used in the Inquiry proceedings.
131. On 24 July 2015, I heard submissions on the consequences of this response. I concluded that section 9 of the Crime (International Co-operation) Act 2003 precluded the use of such material for any other purpose than that specified in the request, namely the original criminal investigation and any subsequent prosecution, without the consent of the Russian authorities. Accordingly, those records of interview could not be used by the Inquiry.
132. I invited further submissions on whether, on the proper construction of the relevant statutory provisions, I could admit evidence as to the content of the interviews from the MPS officers who were present at the interviews, other evidence obtained by the MPS during their trip to Moscow, evidence as to the level of cooperation of the Russian authorities in arranging the interviews, and evidence as to attempts made by a Russian official to pressure an interpreter to give an inaccurate translation of what was said in the course of the interviews.
133. On 25 September 2015, following consideration of further submissions, I gave a written ruling further concluding that it would not be permissible for me either to admit in evidence notes about the content of the interviews, or to hear evidence from the officers as to their content. But the statutory provisions did not preclude the admission of evidence as to the circumstances in which the interviews were carried out, provided that such evidence did not reveal the content of the interviews, either directly or by implication; nor did they preclude evidence as to the level of cooperation of the Russian authorities and as to their attempts to produce transcripts that did not reflect the true content of the interviews, or any notes made by the MPS officers as to such matters.



## Appendix 2: Terms of Reference

1. Subject to paragraphs 2 and 3 below, the Chairman is to conduct an investigation into the death of Alexander Litvinenko in order to:
  - (i) ascertain, in accordance with section 5 (1) of the Coroners and Justice Act 2009, who the deceased was; how, when and where he came by his death; and the particulars (if any) required by the Births and Deaths Registration Act 1953 to be registered concerning the death;
  - (ii) identify, so far as is consistent with section 2 of the Inquiries Act 2005, where responsibility for the death lies; and
  - (iii) make such recommendations as may seem appropriate.
2. That investigation is to take into account the investigations which have already been conducted by the Assistant Coroner for the Inner North London [Sir Robert Owen].
3. In the light of the Assistant Coroner's views, expressed in his ruling of 17 May 2013, (see paragraph 13 of the Judicial Review judgment dated 11 February 2014) that there is no material within the relevant documents to suggest that, at any material time, Alexander Litvinenko was or ought to have been assessed as being at a real and immediate threat to his life, the inquiry will not address the question of whether the UK authorities could or should have taken steps which would have prevented the death.



## **Appendix 3: List of Issues**

### **A. Background**

- 1.** Alexander Litvinenko's life in Russia
  - a.** Personal life
  - b.** Career in KGB/FSK/FSB
  - c.** Relationship with Boris Berezovsky
  - d.** Circumstances of departure from Russia and travel to UK, September – November 2000
- 2.** Alexander Litvinenko's personal life in UK
- 3.** Alexander Litvinenko's work from November 2000
  - a.** Work for Boris Berezovsky
  - b.** Publications
  - c.** Work with/for Mitrokhin Commission in Italy
  - d.** Work for UK security firms
  - e.** Alleged work for UK/Spanish intelligence agencies
  - f.** Any other UK/overseas work
- 4.** Alexander Litvinenko's involvement in political campaigning, media appearances, relationship with dissident/émigré community, 2000 – 2006
- 5.** Actual/threatened/perceived threats to and attacks against Alexander Litvinenko/ Boris Berezovsky/Akhmed Zakayev, 2000 – 2007

### **B. Circumstances of Alexander Litvinenko's death**

- 6.** Narrative of Alexander Litvinenko's life/lifestyle during October 2006
- 7.** Alexander Litvinenko's movements/meetings on 1 November and subsequent deteriorating health
- 8.** Medical treatment/hospitalisation/attempts to diagnose
- 9.** Police interviews
- 10.** Immediate circumstances of death

### **C. Post mortem/toxicology evidence**

- 11.** Evidence from pathologists/toxicologists

## D. Responsibility for death

12. Source of the Po-210 apparently ingested by Alexander Litvinenko
  - a. Properties/uses of Po-210
  - b. Scientific analysis of Po-210 samples
  - c. Legitimate trade in/international carriage of Po-210
  - d. Apparent documentary evidence of consignment of Po-210 at Yaroslavl, August 2006
13. Andrey Lugovoy and Dmitri Kovtun – backgrounds; movements October/November 2006; public statements since November 2006
  - a. Andrey Lugovoy background
  - b. Dmitri Kovtun background
  - c. Visit by Andrey Lugovoy and Dmitri Kovtun to London 16 to 18 October 2006
    - (i) Narrative – travel/movements/purpose of visit/meetings etc
  - d. Visit by Andrey Lugovoy to London 25 to 28 October 2006
    - (i) Narrative – travel/movements/purpose of visit/meetings etc
  - e. Dmitri Kovtun's visit to Hamburg 28 to 31 October 2006
    - (i) Narrative – travel/movements/purpose of visit/meetings etc
    - (ii) Evidence of apparent recruitment attempt for poison plan
  - f. Visit by Andrey Lugovoy and Dmitri Kovtun to London 31 October to 3 November 2006
    - (i) Narrative – travel/movements/purpose of visit/meetings etc
  - g. Andrey Lugovoy – public statements since 2006/polygraph test
  - h. Dmitri Kovtun – public statements since 2006
14. Traces of Po-210 in London and Hamburg
  - a. Scientific context/methodology of testing for Po-210
  - b. Evidence of Po-210 traces
    - (i) Traces in London apparently associated with events 16 to 18 October 2006
    - (ii) Traces in London apparently associated with events 25 to 28 October 2006
    - (iii) Traces in Hamburg apparently associated with events 28 to 31 October 2006
    - (iv) Traces in London apparently associated with events 31 October to 3 November 2006

15. Radiation poisoning suffered by Andrey Lugovoy, Dmitri Kovtun and others
16. Alexander Litvinenko's alleged involvement in blackmail
17. Possible involvement of Boris Berezovsky in Alexander Litvinenko's death
18. Possible involvement of Russian state agencies in Alexander Litvinenko's death
19. Possible involvement of UK intelligence agencies in Alexander Litvinenko's death
20. Possible involvement of organised crime/Spanish mafia in Alexander Litvinenko's death
21. The possible involvement of other third parties in Alexander Litvinenko's death, including Mario Scaramella, Chechen groups and others, for example, Alexander Talik



## Appendix 4: Chronology

Date	Evidence	Source
4 December 1962	Alexander Litvinenko (AL) born in Voronezh, Russia	Marina Litvinenko 3/19
1980-5	AL attended Ordzhonikidze training centre for Interior Ministry Forces in North Ossetia. Graduated as lieutenant in or about 1985	Marina Litvinenko 3/24
1983	AL married first wife	
1985	AL's first child, Alexander, was born	Marina Litvinenko 3/15
1988	AL joined Committee for State Security (KGB) as officer	INQ017734 (page 3); Marina Litvinenko 3/24-25
1991	AL's daughter, Sonya, was born	
1991	AL was posted to KGB headquarters in Moscow	Marina Litvinenko 3/27-28; INQ017734 (page 3)
16 June 1993	AL first met Marina Tsybin (ML)	Marina Litvinenko 3/6
1994	AL first met Boris Berezovsky (BB)	Berezovsky 25/6-7
1 June 1994	Anatoly Litvinenko (Anatoly) was born	Marina Litvinenko 3/12
7 June 1994	AL tasked with investigating attempted assassination of BB	INQ017734 (page 3); Berezovsky 25/6-7
14 October 1994	AL married ML	INQ017734 (page 2); Marina Litvinenko 3/12
1994	AL transferred to Anti-Terrorist Centre of KGB	INQ017734 (page 3); Marina Litvinenko 3/27-29; 4/80
March 1995	AL prevented police from arresting and taking BB into custody	Berezovsky 25/7
January 1996	AL present at siege of Pervomayskoye and involved in freeing hostages	INQ017734 (page 4); Marina Litvinenko 3/31-32
August 1997	AL joined Department for the Investigation and Prevention of Organised Crime (URPO) division within the Federal Security Service (FSB)	INQ017734 (page 5); Marina Litvinenko 3/41
28 February 1998	AL visited BB and informed him of the plot to assassinate him	INQ017734 (page 6); Marina Litvinenko 3/55-56

21 March 1998	AL, Viktor Shebalin (VShe), Andrei Ponkin (APon) and others told BB of plot to assassinate him	INQ017734 (page 6); Marina Litvinenko 3/55-56
19/20 April 1998	Interview with AL, Alexander Gusak (AGus) and APon was recorded	INQ017734 (page 7); Marina Litvinenko 3/69-70
July 1998	AL told Vladimir Putin (VP), Head of FSB about order to assassinate BB	INQ017734 (pages 8-9); Marina Litvinenko 3/71-72
17 November 1998	AL attended and spoke at press conference, accompanied by VS, APon and Mikhail Trepashkin (MT). Extracts of taped interview televised shortly afterwards	INQ017734 (pages 9-10); Marina Litvinenko 3/80-82
December 1998	AL and colleagues dismissed or AL resigned from FSB. AL commenced work as consultant for BB and continued until March 1999	INQ017734 (pages 10,13); Marina Litvinenko 3/82-83; 3/91
25 March 1999	AL arrested and charged with exceeding authority as an officer. Detained in Lefortovo prison for eight months	INQ017734 (page 11); Marina Litvinenko 3/84; 3/86
26 November 1999	AL acquitted at trial. Rearrested in courtroom and charged with manhandling suspects and stealing goods. Sent to Butyrka prison	INQ017734 (pages 11-12); Marina Litvinenko 3/87-88
late 1999-early 2000	AL released from prison and charges against him dropped	INQ017734 (page 12); Marina Litvinenko 3/88
spring 2000	Third set of charges brought against AL and closed trial set to take place in Yaroslavl. AL was warned not to leave town without permission and passport taken from him pending trial	INQ017734 (page 12); Marina Litvinenko 3/90-91
September 2000	AL told ML he was going to visit relatives in Nalchik. However, after arriving in Nalchik, AL crossed border into Georgia	Marina Litvinenko 3/94-97
17 October 2000	ML and Anatoly flew to Malaga, Spain	INQ017734 (page 14); Marina Litvinenko 3/96
late October 2000	ML and Anatoly flew from Malaga to Antalya, Turkey, accompanied by Yuri Felshtinsky (YF). AL was already in Antalya and was joined by Alex Goldfarb (AGol)	INQ017734 (page 14); Marina Litvinenko 3/102

31 October/ 1 November 2000	AL, ML, Anatoly and AGol bought tickets for flights from Istanbul to Tblisi with connecting flight in Heathrow. They arrived at Heathrow airport and AL, ML and Anatoly claimed asylum	INQ017734 (page 15); Marina Litvinenko 3/107-108
November 2000	Litvinenkos moved into flat in Kensington, paid for by BB	Marina Litvinenko 3/114
May 2001	Litvinenkos granted asylum and indefinite leave to remain in UK. They changed surname and took name of Carter	INQ017734 (page 15); Marina Litvinenko 3/110-111
2001	AL and YF wrote <i>Blowing Up Russia</i> in Russian and English, which was published in 2002	INQ017734 (page 18); Marina Litvinenko 3/131-132
2001-2002	AL wrote <i>The Gang from the Lubyanka</i>	INQ017734 (page 19); Marina Litvinenko 4/133
21/22 March 2002	AL and ML repeatedly visited by Victor Kirov, purportedly from Russian Embassy	Marina Litvinenko 4/18-20; HMG000307
2002	Litvinenkos moved to 140 Osier Crescent, Muswell Hill	Marina Litvinenko 3/114-116
12 October 2002	MT sent email to AL informing him that VShe had told MT that AL would be sentenced to 'out of court elimination' after publishing his books	INQ015572; Marina Litvinenko 4/20-23
2003	AL became friends with Akhmed Zakayev (AZ) and Anna Politkovskaya (APol)	INQ017734 (pages 19-20)
late 2003	AL first introduced to Mario Scaramella (MS) and agreed to assist in enquiries that MS was conducting for Mitrokhin Commission. AL and MS met in Naples and London on several occasions regarding work for Mitrokhin Commission between January 2004 and April 2006	Scaramella 15/93-94; 27/57-58
2004	Arson attacks on Litvinenkos' home at 140 Osier Crescent, and also on AZ's home on Osier Crescent	Marina Litvinenko 4/24-26
2004	AL started consultancy work with UK intelligence services	Marina Litvinenko 3/146-155
October 2004	Andrey Lugovoy (Lugovoy) came to London to watch a football match and met up with AL, although Lugovoy stated this was in 2005	INQ002470 (pages 2-3); INQ016593 (pages 10-11); INQ001788 (page 15)

late 2004/early 2005	AL started work with Spanish intelligence services	Marina Litvinenko 3/155-157
2005	AL contacted by Roman Shubin, an investigator from the Ukrainian Prosecutor's Office regarding the Kuchma tapes	INQ017734 (page 22)
last quarter of 2005	AL took Lugovoy to meet Garym Evans at RISC's offices	Evans 7/31
23 January 2006	AL and ML attended BB's 60th birthday party, at which Lugovoy was also present. Lugovoy and AL subsequently struck up business relationship	INQ017734 (page 30); INQ018999; Marina Litvinenko 4/15-16
first quarter of 2006	RISC tasked AL with making enquiries into Russian agriculture minister, Alexei Gordeyev (AGor), on behalf of Stolichnaya vodka	Quirke 11/70-74
6 March 2006	VP signed Federal Law no.35-FZ of 2006 On Counteraction of Terrorism	INQ019146 (pages 20-21 paragraph 64)
April/May 2006	Lugovoy and AL attended a meeting with Daniel Quirke and Cliff Knuckey at RISC's offices regarding Lugovoy and AL's enquiries into AGor	Quirke 11/79-82
April/May 2006	AL met with Dr Julia Svetlichnaya on several occasions	Svetlichnaya 25/91; 25/94
May 2006	AL started working with Dean Attew (DA)	Attew 13/17
18 June 2006	Break in at 25 Grosvenor Street	Attew 13/67
June 2006	DA met Lugovoy and AL at Heathrow airport	Attew 13/45-47
June/July 2006	AL and Lugovoy met with Tim Reilly (TR) at Erinys' offices	Reilly 10/63; 10/68
second half of June 2006	BB reduced financial support to AL	Marina Litvinenko 3/125-127; Cotlick 25/37-38; 25/41-43
June/July 2006	AL told Yuri Shvets (YS) that he had been fired by BB because of some intrigues	Shvets 24/56-57
5 July 2006	AL published article on <i>Chechenpress</i> website accusing VP of being a paedophile	BLK000134; Marina Litvinenko 3/139-140
27 July 2006	Federal Law of 25 July 2002 On Counteracting Extremist Activity amended and received presidential approval	INQ019146 (page 21 paragraph 65)

July 2006	Lugovoy and wife visited AL at his home whilst ML and Anatoly on holiday	Marina Litvinenko 4/16-17
August 2006	DA commissioned AL to undertake enquiries into Russian targets, including Victor Ivanov (VI)	Attew 13/25-26
late summer 2006	TR's evidence was that AL and BB had a big row about BB's failure to follow AL's advice. DA also knew they had fallen out	Reilly 10/23-26, Attew 13/23
September 2006	AL, AZ and AZ's son travelled to Spain	Marina Litvinenko 4/32-33
19 September 2006	YS sent his completed report on VI to AL	Shvets 24/72
around 21 September 2006	AL told YS he had passed the report to the client	Shvets 24/73
between 21 and 30 September 2006	AL told YS that he had already passed YS' report on VI to AL's Russian source	Shvets 24/73
late September/early October 2006	AL and BB were reconciled	Reilly 10/23-26; Attew 13/23
7 October 2006	APol was murdered	Marina Litvinenko 4/33
13 October 2006	Litvinenkos granted British citizenship and attended citizenship ceremony at Haringey civic centre. AL and Anatoly subsequently attended memorial for APol at Houses of Parliament	INQ017734 (page 16); Marina Litvinenko 3/112-113; 4/34
16 October 2006	10.48am. Lugovoy and Kovtun arrived at Gatwick on Transaero flight UN333 from Moscow (aircraft EI-DDK 734)	Mascall 9/4-6
	DC Scott stopped Lugovoy and Kovtun at Gatwick Airport	Scott 9/38-40
	10.59-11.37am. AL travelled by bus and tube to Green Park	Mascall 9/83-84
	11.45am. Lugovoy called Alexander Shadrin (AS)	Shadrin 14/174-175
	11.46am. Lugovoy called AL	Shadrin 14/175
	Lugovoy and Kovtun checked in at Best Western Hotel, Shaftesbury Avenue (rooms 107 and 308)	Krgo 9/53; 9/56; 9/63-64
	3.00-3.40pm. AL, Lugovoy and Kovtun attended meeting with TR at Erinys, 25 Grosvenor Street	Reilly 10/81-85; Mascall 9/123
	AL, Lugovoy and Kovtun went to itsu, Piccadilly (bill 4.22pm)	Mascall 9/101

	6.04pm. AL boarded bus at Tottenham Court Road	Mascall 9/84
	Lugovoy and Kovtun visited offices of EC03/CPL, 58 Grosvenor Street	Davison 14/119; Shadrin 14/175-180
	AL ate dinner at home, felt sick and vomited once	Marina Litvinenko 4/34-37
	Lugovoy, Kovtun and AS had dinner at Pescatori restaurant (bill 10.39pm)	Mascall 9/113-115; Shadrin 14/179-181
	Lugovoy and Kovtun went to Dar Marrakesh cafe (bill 11.05pm)	Mascall 9/115-116
17 October 2006	1.37pm. Lugovoy and Kovtun checked out of Best Western Hotel	Krgo 9/60-61
	1.50pm. Lugovoy and Kovtun checked in at Parkes Hotel, Shaftesbury Avenue (rooms 23 and 25)	Rondoni 10/187; Mascall 9/121
	3.00pm-5.30pm. Lugovoy and Kovtun attended meeting with AS at CPL, 58 Grosvenor Street	Mascall 11/126; Davison 14/119; Shadrin 14/181
	AL, Lugovoy and Kovtun attended meeting with Daniel Quirke at RISC, Cavendish Place	Quirke 11/87-99
	Alexey Valuev met Lugovoy at Parkes Hotel	Valuev 11/127-130
	AL, Lugovoy and Kovtun went to Golden Dragon Chinese restaurant, Gerrard Street (bill 9.49pm)	Mascall 11/132
	Lugovoy and Kovtun went to Cafe Boheme, Old Compton Street	Mascall 11/136
	10.41pm. AL travelled home by bus from Tottenham Court Road	Mascall 11/136
	Lugovoy and Kovtun went to Hey Jo nightclub, Jermyn Street	Mascall 11/137
18 October 2006	About 3.00am. Lugovoy and Kovtun returned to Parkes Hotel	Mascall 11/137
	10.00am. Lugovoy and Kovtun checked out of Parkes Hotel	Rondoni 10/193-194
	Lugovoy and Kovtun returned from London to Moscow on Transaero flight UN444 (aircraft EI-DNM)	Mascall 9/5-6
19 October 2006	AL spoke at Frontline Club regarding the death of APol	INQ017734 (page 20)

25 October 2006	10.54pm. Lugovoy arrived at Heathrow on BA flight 875 from Moscow (aircraft G-BNWX)	Mascall 12/4-5; 12/11
	11.35pm. Lugovoy called Vladimir Voronoff (VV)	Mascall 12/26
26 October 2006	12.10am. Lugovoy checked in at Sheraton Park Lane Hotel (room 848)	Mascall 12/7-8
	8.29am. Lugovoy called AS	Shadrin 14/188
	10.09am. Lugovoy called AL	Mascall 12/63-64
	10.30am-2.00pm. Lugovoy was driven by chauffeur in Mercedes E-class to Arkady Patarkatsishvili (APat)'s house for meeting with APat, VV and Marti Pompadour	Bonetti 12/35-42; Patarkatsishvili 12/57-58
	11.51am-12.30pm. AL travelled by bus and tube to Tottenham Court Road	Mascall 12/67
	6.00-7.30pm. Chauffeur drove Lugovoy from APat's house back to Sheraton Hotel	Bonetti 12/43-45
	7.35pm. Lugovoy called AL	Mascall 12/65
	Lugovoy and AL met at Palm Court bar, Sheraton Hotel (bill 7.50pm)	Mascall 12/68
	10.09-10.58pm. AL travelled by tube to East Finchley	Mascall 12/69-70
27 October 2006	11.30am. Lugovoy attended meeting with AS at EC03/CPL, 58 Grosvenor Street (meeting lasted 3-4 hours)	Davison 14/120; Shadrin 14/188; Mascall 12/72-76
	2.21pm. AL called Lugovoy	Mascall 12/78
	5.06pm. AL purchased two sim cards	Mascall 12/81-83
	Lugovoy and AL met at Palm Court bar, Sheraton Hotel (bill 5.21pm)	Mascall 12/84
	6.36pm. AL travelled home by tube	Mascall 12/84
	Lugovoy attended meeting with BB at Berezovsky's offices, Down Street	Mascall 8/63-68; 16/42-43; Glushkov 17/4-20; Berezovsky 25/23
	Lugovoy met VV for dinner	Mascall 12/86-89
28 October 2006	5.34am. Lugovoy checked out of Sheraton Hotel	Mascall 12/8
	9.10am. Lugovoy left London on BA flight 872 to Moscow (aircraft G-BNWX)	Mascall 12/5; 12/91-92

	Kovtun flew from Moscow to Hamburg on Aeroflot flight RA85663	Mascall 24/2
	Kovtun was collected from Hamburg airport by Marina Wall	Mascall 24/3; Marina Wall 32/60
	Kovtun stayed at Marina Wall's house	Mascall 24/3; Marina Wall 32/61
29 October 2006	Kovtun stayed at Elenora Wall's house	Mascall 24/6; Elenora Wall 32/76-78
30 October 2006	Marina Wall took Kovtun to aliens registration office	Mascall 24/7-8
	Kovtun met D3 at Tarantella restaurant	Mascall 24/9; D3 30/54-55
	7.14pm. D7 called C2	D7 30/152
	Kovtun stayed at D3's flat	Mascall 24/8; D3 30/59-60
31 October 2006	AL/YS submitted due diligence report on Kirill Shubskiy	Attew 13/30-31
	7.11am. Tatiana Lugovoya and Maxim Begak arrived at Heathrow on BA flight 881 from Moscow (aircraft G-EUUG)	Mascall 13/171-172; 13/187
	AL visited DA at Titon, 25 Grosvenor Street	Attew 13/51-52
	4.00pm. AL had a meeting at Waterstones, Piccadilly. He drank hot chocolate and ate some croissants	Hyatt 5/47-48
	4.36pm. Tatiana Lugovoya checked in at Millennium Hotel	Mascall 13/191-192
	Maxim Begak checked in at Regency Hotel (room 404)	Mascall 13/188
	AL visited AZ's house during evening. He took sweets for AZ's children and drank tea with AZ	Hyatt 5/50
	6.35pm. Lugovoy, Svetlana, Galina and Igor Lugovoy and Viacheslav Sokolenko (VSok) arrived at Heathrow on BA flight 873 from Moscow (aircraft G-BNWB)	Mascall 13/192-193
	7.14pm. D7 called C2	C2 24/31
	8.03pm. Lugovoy and others arrived at Millennium Hotel	Mascall 16/13

	8.20pm. Lugovoy checked in at Millennium Hotel (Lugovoy and Svetlana and Igor Lugovoy – room 441, Tatiana and Galina Lugovoya – room 101, VSok – room 382)	Mascall 16/17-19
	MS arrived at Stansted on Easyjet flight from Naples	Scaramella 15/123
	9.03pm. Lugovoy called AL	Mascall 16/23
	MS checked in at Thistle Hotel, Victoria	Scaramella 15/123
1 November 2006	7.25am. Kovtun arrived at Gatwick on Germanwings flight 4U7342 from Hamburg	Mascall 13/176; 16/26-27
	8.33am. Kovtun arrived at Millennium Hotel (room 382)	Mascall 16/30
	MS attended International Maritime Organisation (IMO) conference at International Coffee Organisation (ICO), London	Scaramella 15/102-125
	10.00am. MS called AL	Mascall 16/59
	10.26am. Svetlana, Tatiana, Galina and Igor Lugovoy and VSok went on Big Bus Company sightseeing tour	Mascall 16/36-38
	Lugovoy collected football tickets from Berezovsky's office, Down Street	Mascall 16/203; Berezovsky 25/23
	11.33am. Kovtun used Lugovoy's phone to call C2	Mascall 16/51; C2 24/33
	Lugovoy called AL	Mascall 16/52
	12.00-3.30pm. Lugovoy and Kovtun attended meeting with AS at EC03/ CPL, 58 Grosvenor Street	Davison 14/124; Shadrin 14/191; Gorokov 13/149-150; Mascall 16/45;16/49
	MS had lunch at Pizza Hut	Scaramella 15/125
	12.29-1.34pm. AL travelled by bus and tube to Oxford Circus	Mascall 16/64
	MS printed off email at internet cafe on Wardour Street	Scaramella 15/125-126
	2.00pm. AL briefly visited DA at Titon, 25 Grosvenor Street	Attew 13/53; Mascall 16/67-69; Hyatt 5/4-5
	AL visited Alexander Tabunov at market stall in St James' market, Piccadilly	Tabunov 13/135-136; Mascall 16/69; Hyatt 5/6-7
	2.32pm & 2.55pm. AL called Lugovoy	Mascall 16/71

	3.00pm. AL met MS at Eros statue, Piccadilly Circus	Scaramella 15/124-125; Mascall 16/58-59; Hyatt 5/7
	3.10-3.40pm. AL and MS went to itsu, Piccadilly; AL ate some food	Scaramella 15/129; Mascall 16/74
	About 3.30pm. Lugovoy and Kovtun arrived back at Millennium Hotel	Mascall 16/87
	3.32pm. Lugovoy visited gentlemen's lavatories at Millennium Hotel	Mascall 16/90
	3.45pm. Kovtun visited gentlemen's lavatories at Millennium Hotel	Mascall 16/90
	MS returned to ICO for IMO conference	Scaramella 15/136
	About 4.00pm. AL arrived at Millennium Hotel	Shadrin 14/195; Mascall 16/87
	4.00pm. Lugovoy called VV	Shadrin 14/195
	4.00-4.30pm. Meeting with Lugovoy, Kovtun and AL at Pine Bar, Millennium Hotel	Andrade 16/118-131; Mascall 16/152; Hyatt 5/9-25
	Kovtun went to his room (382), Millennium Hotel	Mascall 16/214
	Lugovoy and family, VSok, Maxim Begak and Alexey Valuev went to Aberdeen Steakhouse, Coventry Street	Mascall 16/211-213
	AL used photocopier at Berezovsky's office, Down Street	Voronkov 16/197; Berezovsky 25/15-16; Hyatt 5/29-31
	AL got a lift home with Yaragi Abdul and AZ in AZ's car	Abdul 17/87-105; Hyatt 5/31-38
	Lugovoy and family, VSok, Maxim Begak and Alexey Valuev attended football match at Emirates stadium	Mascall 16/214
	AL became ill during night and started to vomit	Marina Litvinenko 4/49-51; Hyatt 5/40
2 November 2006	ML called Yuri Prikazchikov	Marina Litvinenko 4/52
	4.00pm. Lugovoy arrived at offices of EC03/CPL, 58 Grosvenor Street	Davison 14/134
	5.20pm. Lugovoy, Kovtun and Igor Lugovoy arrived at offices of EC03/CPL, 58 Grosvenor Street	Davison 14/129
	5.47pm. C2 called Lugovoy's phone	C2 24/37

	7.00pm. Lugovoy went to Pescatori restaurant	Mascall 17/78
3 November 2006	1.55am. Ambulance attended call out to AL, Osier Crescent	Cole 17/119-122; Schofield 17/122-124
	About 12.30pm. Lugovoy and others flew from Heathrow on BA flight 874 to Moscow (aircraft G-BZHA)	Mascall 13/171-172; 17/82-83
	About 2.00pm. Yuri Prikazchikov visited AL, Osier Crescent	Prikazchikov 17/110-115; Marina Litvinenko 4/54-55
	4.10pm. Ambulance attended call out to AL, Osier Crescent	Baxter 17/126-127
	MS returned to Naples from London	Scaramella 15/140
	AL admitted to Barnet Hospital	Virchis 18/5
17 November 2006	AL transferred to University College Hospital	Virchis 18/72
22 November 2006	Urine test results suggested that AL suffering from polonium poisoning	Timmons 22/7
23 November 2006	Further testing of AL's urine confirmed he had been poisoned with polonium. At 8.51pm, AL was pronounced dead	Timmons 22/10; Down 18/144



## Appendix 5: Dramatis personae

Title	Forename	Surname	
	A1		Nuclear forensic scientist and senior case officer, formerly employed by Atomic Weapons Establishment. Involved in identifying and analysing contaminated material
	C2		Born in Albania, moved to Germany in 1994 and started work at II Porto restaurant in Hamburg in 1995/6. Moved to UK in August 2001 and now UK citizen
	D3		Staff manager at II Porto. Hired Dmitri Kovtun in 1996 and remained friends after ceased working at II Porto
	D4		Owner of II Porto
	D6		Worked at II Porto with C2, D7 and Kovtun
	D7		Kosovan Albanian. Travelled to Germany in 1993 and worked at II Porto as assistant chef from 1996 to July 2006. Remained friends with C2
Mr	Yaragi	Abdul	Present in Akhmed Zakayev's car when Zakayev collected AL from Berezovsky's office on 1 November 2006
Mr	Sergey	Abeltsev	Russian MP who commented on AL's death in a speech in the Duma
Mr	Roman	Abramovich	Russian businessman and former business associate of Mr Berezovsky
Mr	Noberto	Andrade	Head barman at the Pine Bar, the Millennium Hotel
Professor	Christopher	Andrew	Professor of Modern and Contemporary History, University of Cambridge. Co-authored publications with Oleg Gordievsky and Vasili Mitrokhin
Mr	Movladi	Atlangeriev	Chechen national who allegedly had " <i>a long association with the FSB</i> ". Came to UK in June 2007, possibly to attempt to assassinate Mr Berezovsky. Was arrested and deported

Mr	Dean	Attew	Director of Titon International (a subsidiary of Erinys International) with John Holmes. Tasked AL with preparing due diligence reports on Russian individuals
Mr	Charles	Balfour	Chairman of Continental Petroleum Ltd
Mr	David	Barlow	Head of Transport Compliance sub-programme, Head of Profession of the Transport Inspection and Enforcement Specialism and a Superintending Inspector of the Office for Nuclear Regulation
Mr	Nikolay	Barsukov	FSB investigator who charged AL following 1998 press conference
Mr	Andrey	Batmanov	Former Head of Consular Department, Russian Embassy, London
Mr	Nicholas	Baxter	Paramedic, attended AL on 3 November 2006 and took him to Barnet Hospital
Mr	Maxim	Begak	Tatiana Lugovoya's boyfriend
Lord	Timothy	Bell	Founder of Bell Pottinger, public relations firm. Involved in commissioning AL's death bed photograph
Mr	Boris	Berezovsky	Russian dissident, oligarch, benefactor and friend of AL. Critic of President Putin. Claimed asylum in UK in 2000. (Deceased)
Dr	Stuart	Black	Scientist and senior lecturer specialising in environmental radioactivity. Involved in identifying and analysing contaminated material
Mr	Bruno	Bonetti	Chauffeur. Drove Andrey Lugovoy from Sheraton Hotel to Arkady Patarkatsishvili's house in Leatherhead and back again
Mr	Vladimir	Bukovsky	Russian dissident. Released to the West in 1976. Formed very strong friendship in the UK with AL
Professor	Ray	Bull	Expert witness. Professor of Criminal Investigation and Forensic Psychology. Expert on witness testimony and investigative interviewing techniques

Mr	Bruce	Burgess	Polygraph examiner. Conducted polygraph test on Lugovoy in Moscow on 22 April 2012
Mr	Tristam	Burgess	Polygraph examiner. Assisted Bruce Burgess in conducting polygraph test on Lugovoy in Moscow on 22 April 2012
Mr		Byron	Senior manager of Harvest and Hicks
Mr	Anthony	Carter	Alias adopted by Anatoly Litvinenko when granted asylum in the UK
Mr	Edwin Redwald	Carter	Alias adopted by Alexander Litvinenko when granted asylum in the UK
Mrs	Marie Anne	Carter	Alias adopted by Marina Litvinenko when granted asylum in the UK
Dr	Nathaniel	Cary	Consultant forensic pathologist, performed post mortem on AL
Ms	Julia	Cole	Ambulance technician, attended AL on 3 November 2006
Mr	Michael	Cotlick	Personal assistant to Berezovsky
Mr	Alan	Cowell	British journalist, senior correspondent for New York Times and author of <i>The Terminal Spy</i>
Dr	Dean	Creer	AL's consultant at Barnet Hospital
Mr	Duncan	Cunningham	Customer in Pine Bar, Millennium Hotel, on 1 November 2006
Professor	Paul	Dargan	Professor of clinical toxicology and consultant physician at Guy's Hospital poisons unit
Mrs	Dariya	Davison	Executive assistant to Alexander Shadrin
Professor	Norman	Dombey	Professor of Theoretical Physics at Sussex University
Mr	Sergei	Dorenko	Broadcaster who conducted an interview with AL about order to kill Berezovsky
Dr	James	Down	Intensive care consultant, pronounced AL dead on 23 November 2006
Mr	Yuri	Dubov	Present at Berezovsky's office in July 2010 when he received T-shirt from Lugovoy
Mr	Umar	Dzhabrailov	Chechen businessman. Alleged FSB kidnap target

Mr	Garym	Evans	Director of investigations at RISC. Managed AL and met with him on several occasions in latter half of 2005 but did not task AL with any enquiries
Mr	Yuri	Felshtinsky	Russian dissident, author and historian. Assisted AL in leaving Russia
Mr	Raphael	Filinov	Delivered T-shirt from Lugovoy to Berezovsky, July 2010
Mr	Paul	Fitzgerald	Entry clearance officer at British Embassy in Moscow. Reviewed Kovtun's visa application dated 2 October 2006
Mr	Mark	Franchetti	Presenter of BBC 2's <i>This World</i> . Interviewed former KGB officer Mr Kondaurov in 2007
Dr	Nicholas	Gent	Consultant in health protection within HPA's Emergency Response Department. Involved in identifying and analysing contaminated material
Dame	Elizabeth	Gloster	High Court judge who heard case of Berezovsky v Abramovich [2012] EWHC 2463 (Comm). Appointed a Lady Justice of Appeal in 2013
Mr	Nikolai	Glushkov	Russian dissident, friend of Berezovsky. Reported seeing Lugovoy and Berezovsky at Berezovsky's office on a date between 26 October and 1 November 2006
Mr	Ahmed	Gochiyaev	Suspect in 1999 Moscow apartment bombings. Rented basements in buildings involved
Mr	Alex	Goldfarb	Russian dissident. Head of International Foundation for Civil Liberties. Close friend of Berezovsky and AL. Assisted AL in leaving Russia
Mr	Vladimir	Golovlev	A founder of the Liberal Russia party, shot in Moscow in 2002
Mr	Alexei	Gordeyev	Agriculture minister of the Russian Federation in 2006. RISC tasked AL with investigating Gordeyev and Russian government's apparent corruption and involvement with Stolichnaya vodka dispute
Mr	Oleg	Gordievsky	Former senior KGB officer, defected and came to live in UK in 1985

Mr	Nikolay	Gorokov	Former project manager at EC03 Capital Limited, worked with Dr Shadrin. Saw Lugovoy and Kovtun on 31 October at 58 Grosvenor Street, subsequently saw Lugovoy in Dr Shadrin's office on 1 November 2006
Mr	Alexander	Gusak	AL's immediate superior in 1996
Mr	Vladimir	Gusinsky	Russian media tycoon and former Chairman of Board, majority shareholder in ZAO Media Most, which owned Russian NTV channel
Mr	Paolo	Guzzanti	Italian journalist. Chairman of Parliamentary Mitrokhin Commission
Dr	John	Harrison	Radiation protection scientist, HPA. Involved in identifying and analysing contaminated material
Dr	Rebecca	Hatjiosif	General Practitioner at AL's local surgery
Professor	John	Henry	Former consultant physician to National Poisons Information Service and Professor of Accident and Emergency Medicine at St Mary's Hospital. Saw AL at UCH. (Deceased)
Ms	Inna	Hohne	Kovtun's ex-wife. Married in 1991 and divorced 1995
Mr	Drew	Holiner	Expert in Russian Law
Mr	John	Holmes	Director of Titon International (a subsidiary of Erinys International) with Dean Attew
Mr	Ivan	House	Official at the poisons unit
Mr	Keith	Hunter	CEO of RISC, met AL on several occasions but not directly involved in giving work to AL
Mr	Brent	Hyatt	Detective Inspector in 2006. Interviewed AL in hospital
Mr	Lecha	Islamov	Prisoner in Lefortovo prison in Moscow. Died of suspected poisoning in 2004
Mr	Sergei	Ivanov	Deputy Head of FSB in 1998, Russian Defence Minister, March 2001 to February 2007. Deputy Prime Minister, November 2005 to February 2007
Mr	Viktor	Ivanov	President Vladimir Putin's assistant in 2006

DCI	Mike	Jolly	Detective Sergeant in 2006. Involved in investigation of AL's murder
President	Ramzan	Kadyrov	Former President of Chechnya
Mr	A P	Kamyshnyikov	FSB officer who allegedly gave AL order to kill Berezovsky
Mr	Ibn	Khattab	Islamist guerrilla leader killed by poisoned letter in 2004
Mr	Mikhail	Khodorkovsky	Former CEO of Yukos. Opposed Putin and Kremlin. Imprisoned from 2003 to 2013, currently exiled in Switzerland
General	Evgeny	Khokholkov	Head of URPO in 1997/8 when AL and colleagues received order to kill Berezovsky
Mr	Viktor	Kirov	Purportedly from Russian Embassy. Repeatedly visited AL at his home in 2001/2. AL alleged that Kirov was the Russian agent in charge of monitoring him
Mr	Paul	Knott	Official at British Embassy in Moscow
Mr	Cliff	Knuckey	Managing Director of RISC. First met AL in 2004 when he investigated firebombing of AL and Zakayev's homes. Decided RISC should use AL as a source in 2005
Mr		Kondaurov	Former KGB officer interviewed by Mark Franchetti in 2007
Mr	Igor	Korol	Semion Mogilevich's 'Lieutenant'
Mr	Alexander	Korzhakov	Former KBG general and head of FSS from 1993 to 1996 whilst Lugovoy worked for FSS
Mr	Nikolay	Kovalyev	Head of FSB in 1998
Mr	Sergei	Kovalyov	Russian human rights activist and politician, and former Soviet dissident and political prisoner. In 2002, organised commission to investigate 1999 Moscow apartment bombings
Mr	Dmitri	Kovtun	Suspected of causing the death of AL
Mr	Goran	Krgo	Manager, Best Western Shaftesbury Hotel
Mr	Leonid	Kuchma	President of Ukraine from 19 July 1994 to 23 January 2005
Mr	Vladimir	Kumarin (aka Barsukov)	Leader of Tambov criminal gang in St Petersburg

Mr	David	Leppard	Journalist to whom AL gave an interview from his bed in UCH
Mr	Evgheniy	Limarev	Former employee of SVR (Russian foreign intelligence service), worked at Balashika KGB/SVR training centre. Former director of Belconti, owned by Nordex
Mr	Vlad	Listyev	Popular TV presenter and head of OTR television station. Murdered in March 1995
Mr	Alexander (aka Sasha)	Litvinenko	The deceased subject of the Report
Mr	Alexander	Litvinenko	AL's elder son
Mr	Anatoly	Litvinenko	Son of AL and a core participant in the Inquiry
Mrs	Marina	Litvinenko	Wife of AL and a core participant in the Inquiry
Mr	Maxim	Litvinenko	Half-brother of AL
Mrs	Natalia	Litvinenko	First wife of AL
Mrs	Nina	Litvinenko	Mother of AL
Ms	Sonya	Litvinenko	Daughter of AL
Mr	Walter	Litvinenko	Father of AL
Mr	Yuri	Livshitz	Leader of a criminal group in Russia who allegedly attempted to illegally transfer licences and bribed Russian government officials
Mr	Andrey	Lugovoy	Suspected of causing the death of AL
Miss	Galina	Lugovoya	Daughter of Lugovoy
Mr	Igor	Lugovoy	Son of Lugovoy
Mrs	Svetlana	Lugovoya	Wife of Lugovoy
Miss	Tatiana	Lugovoya	Daughter of Lugovoy
Mr	Alexander	Malyshev	Leader of Tambov criminal group in St Petersburg
Mr	Mikhail	Marov	AL's lawyer in Russia
DI	Craig	Mascall	Detective Inspector involved in investigating AL's death
Mr	Nikolai	Melnichenko	Former bodyguard to Leonid Kuchma, involved in tapping Presidential Office
Mr	George	Menzies	AL's solicitor. Involved in drafting deathbed statement

Mrs	Valentina	Michenina	Friend of Marina Litvinenko. Took sample of AL's hair
Mr	Vasili	Mitrokhin	Former KGB archivist who defected to the UK in 1992
Mr	Semion	Mogilevich	Head of Nordex energy company. One of FBI's 'Ten Most Wanted Fugitives' and was investigated by ECPP
Mr	Nigel	Moughton	Entry Clearance Officer at the British Embassy in Moscow in 2006. Interviewed Lugovoy on 6 June 2006 regarding visa application
Mr	Akram	Murtazaev	Russian journalist involved in the writing of the book <i>The Gang from the Lubyanka</i>
Professor	Amit	Nathwani	Consultant haematologist and AL's consultant at UCL
Mr	Boris	Nemtsov	Russian politician and critic of President Putin. Assassinated 27 February 2015 in Moscow
Mr	David	Nicholson	Team Leader for Radioactive Substances Regulations in London and South East England and technical specialist for the Environment Agency's Head Office Radioactive Substances Team. Gave evidence on regulation of storage and use of polonium 210
Mr	Gennadiy	Onishchenko	Former Russian chief public health officer
Mr	Arkady (aka Badri)	Patarkatsishvili	Georgian businessman, friend and business partner of Berezovsky. Employed Lugovoy to provide personal security. Met with Lugovoy and Vladimir Voronoff at wife's home in late October 2006
Mr	Nikolai	Patrushev	Head of FSB in 2006
Mr	Alexander	Perepilichny	Russian businessman who died under mysterious circumstances in the UK in November 2012, after fleeing from Russia in 2009
Mr	Radoslaw Michal	Pietras	Marina Wall's boyfriend
Mr	Sergei	Ploshkin	Superior officer to Alexei Potemkin
Ms	Anna	Politkovskaya	Russian political journalist (deceased)

Mr	Marti	Pompadour	Attended meeting on 26 October 2006 with Patarkatsishvili, Lugovoy and Voronoff
Mr	Andrei	Ponkin	Former URPO colleague of AL
Mr	Alexei	Potemkin	Major in the FSB. Alleged part of the transportation chain for polonium used to poison AL
Mr	Yuri	Prikazchikov	Russian-qualified doctor. Saw AL on 3 November 2006 at Marina Litvinenko's request
Mr	Romano	Prodi	Former Prime Minister of Italy. Mitrokhin Commission alleged he was " <i>KGB's man in Italy</i> "
President	Vladimir	Putin	Formerly Head of FSB, now President of Russia
Mr	Daniel	Quirke	Investigator at RISC. Managed AL from February/March 2006 when Gary Evans left. Tasked AL with enquiries into Mr Gordeyev (Russian Agriculture Minister) in first quarter of 2006
Mr	Tim	Reilly	Consultant to Erinys UK. Met AL frequently between mid 2006 and November 2006. Met with Lugovoy and AL in June/July and on 16 October 2006
Ms	Giuliana	Rondoni	Front of House Manager, Parkes Hotel
Mr	Evgeny	Savostianov	President Yeltsin's Deputy Chief of Staff
Mr	Mario	Scaramella	Consultant to Mitrokhin Commission and worked for Environmental Crime Prevention Programme with AL's assistance
Ms	Emma	Schofield	Ambulance technician, attended AL on 3 November 2006
DC	Spencer	Scott	Detective Constable at Gatwick Airport. Stopped and questioned Lugovoy and Kovtun on 16 October 2006 on arrival at Gatwick
Mr	Igor	Sechin	Deputy Chief of President Putin's Administration from December 1999 to May 2008
Professor	Robert	Service	Expert witness. Professor of Russian History at Oxford University
Dr	Alexander	Shadrin	Acting CEO of Continental Petroleum Ltd

Mr	Yuri	Shchekochikhin	Journalist who wrote about corruption in URPO. Died of apparent poisoning in 2003
Mr	Victor	Shebalin	Former colleague of AL in FSB
Mr	Roman	Shubin	Investigator from the Ukrainian Prosecutor's Office. Involved in investigating 'Kuchma tapes'
Mr	Kirill	Shubskiy	Subject of due diligence report which AL and Yuri Shvets submitted to Titon International on 31 October 2006
Mr	Egor	Shuppe	Berezovsky's son-in-law
Mr	Yuri	Shvets	Worked on due diligence reports with AL in mid 2006
Mr	Martin	Sixsmith	British radio and television presenter, author of <i>The Litvinenko File</i>
Mr	Alan	Slater	Former Detective Sergeant and part of team sent to Moscow to interview Lugovoy and Kovtun in December 2006
Mr	Viacheslav	Sokolenko	Business associate of Lugovoy. Travelled to London with Lugovoy and family on 31 October 2006
Dr	Julia	Svetlichnaya	PhD student in 2006 researching radical politics, met AL on several occasions between April and May 2006
Dr	Benjamin	Swift	Forensic pathologist. Assisted Dr Cary with AL's post mortem
Mr	Alexander	Tabunov	Friend of AL. Worked on a market stall in St James's, Piccadilly in 2006
Mr	Alexander	Talik	Russian living in Naples, alleged former FSB officer
Mr	Brian	Tarpey	Detective Inspector involved in interviews of Lugovoy and Kovtun in Moscow in 2006
Mr	Alexander	Tarrenets	Former deputy director of security for Transaero
Mr	Khanpasha	Terkibayev	Alleged FSB 'agent provocateur'. Took part in Moscow theatre hostage crisis in 2002. Interviewed by Anna Politkovskaya who alleged FSB involvement. Killed in car crash

Mr	Vladimir	Terluk	Russian who moved to UK in 1999 and sought asylum. Gave information in 2003 to AL which suggested that Berezovsky may be in danger. Second defendant in libel claim by Berezovsky in 2007
Mr	Clive	Timmons	Former Detective Superintendent, involved in investigating AL's poisoning
Ms	Elena	Tregubova	Writer and journalist, critic of President Putin. Survived murder attempt in February 2004 and had protection from Lugovoy, organised by Berezovsky. Spoke to Lugovoy twice on 1 November 2006
Mr	Mikhail	Trepashkin	Former FSB officer and friend of AL
Mr	Anatoly	Trofimov	Head of Moscow Regional Directorate of FSB
Ms	Gemma	Trout	Ward Sister, Barnet Hospital. In charge of haematology ward T16 south on which AL was a patient
Mr	Roman	Tsepov	Died in 2004 with similar symptoms to AL
Mr	Alexey	Valuev	Son of Vladimir Valuev, friend of Lugovoy. Saw Lugovoy on 17 October and 1 November
Mr	Andrei	Vasiliev	Editor of the Russian newspaper <i>Kommersant</i>
Dr	Andres	Virchis	Consultant haematologist and AL's consultant at Barnet Hospital
Mr	Vladimir	Voronkov	Berezovsky's office manager
Mr	Vladimir	Voronoff	Business associate of Lugovoy in London
Dr	Elenora	Wall	Kovtun's ex-mother-in-law and Marina Wall's mother
Ms	Marina	Wall	Kovtun's ex-wife. Married in 1996 and separated in 2002
Mr	Zelinkhan	Yandarbiev	Chechen Vice President killed in 2004
Mr	Boris	Yeltsin	President of Russia from July 1991 to December 1999
Mr	Viktor	Yuschenko	Ukrainian presidential candidate poisoned in 2004

Mr	Sergei	Yushenkov	Russian MP who co-sponsored an inquiry into AL's corruption allegations against URPO. Shot and killed in Moscow in 2003
Mr	Akhmed	Zakayev	Exiled former senior official/government minister in Chechen Republic of Ichkeria and close friend and neighbour of AL
Mr	Vladimir	Zhironovsky	Leader of the Liberal Democratic Party in Russia who described AL as a scoundrel and a traitor

## Appendix 6: Abbreviations

AWE	Atomic Weapons Establishment
BA	British Airways
BBC	British Broadcasting Corporation
CCTV	closed-circuit television
CEO	Chief Executive Officer
CIA	Central Intelligence Agency (US)
CP	core participant
CPL	Continental Petroleum Limited
CPR	cardiopulmonary resuscitation
CPS	Crown Prosecution Service
CQT	Control Question Technique
DC	Detective Constable
DCI	Detective Chief Inspector
DI	Detective Inspector
DNA	deoxyribonucleic acid
DS	Detective Sergeant
ECG	electrocardiograph
ECPP	Environmental Crime Prevention Programme
EU	European Union
FBI	Federal Bureau of Investigation (US)
FPS	Federal Protection Service (RF)
FSB	Federal Security Service (RF)
FSK	Federal Counterintelligence Service (RF)
G8	Group of 8 forum
GBq	gigabecquerel
GOS	Government of Spain
GP	General Practitioner
GRU	Military Intelligence Directorate (RF)
HMG	Her Majesty's Government
HPA	Health Protection Agency
IAEA	International Atomic Energy Agency
ICO	International Coffee Organisation
ICRF	Investigative Committee of the Russian Federation
ICU	intensive care unit

IMO	International Maritime Organisation
IP	interested person
KeV	kiloelectron volt
KGB	Committee for State Security (USSR)
MI5	Security Service (UK)
MI6	Secret Intelligence Service (UK)
MP	Member of Parliament
MPS	Metropolitan Police Service
NCND	neither confirm nor deny
ORT	Public Russian Television Channel
PHE	Public Health England
PII	public interest immunity
Po-210	polonium 210
RCJ	Royal Courts of Justice
RF	Russian Federation
RSR	Russian State responsibility
RTR	Russian Television and Radio
SPAG	Saint Petersburg Real Estate Holding Company
SVR	Foreign Intelligence Service (RF)
UCH	University College Hospital
UEFA	Union of European Football Associations
UK	United Kingdom
URPO	Department for Investigation and Prevention of Organised Crime (RF)
US	United States
USA	United States of America
USSR	Union of Soviet Socialist Republics

# Appendix 7: Restriction Notices and Orders

## RESTRICTION NOTICE No. 1

### Introduction

- 1 This Restriction Notice is made under section 19 of the Inquiries Act 2005 ("the Act").
- 2 For the purposes of this Restriction Notice, references to:
  - a. "the Inquiry" are references to the "Alexander Litvinenko Inquiry";
  - b. "the Chairman" is a reference to the person appointed by the Minister to chair the Inquiry under section 4 of the Act, namely Sir Robert Owen;
  - c. "the Minister" is a reference to the Secretary of State for the Home Department and, after the setting up of the Inquiry, to such other Government officials as are nominated by the Minister;
  - d. "Core Inquiry Team" is a reference to the Chairman, counsel to the Inquiry, the solicitor to the Inquiry and such other persons as are agreed between the Minister and the Chairman and identified as such in writing;
  - e. "HMG advisers" is a reference to counsel and solicitors, instructed on behalf of Her Majesty's Government, and such other Government officials as are nominated by the Minister;
  - f. "relevant witnesses" are references to witnesses whom the Chairman directs should be called to give evidence in a closed hearing as described in paragraphs 9 to 12 below; and
  - g. "open rulings, judgments or reports" are references to rulings, judgments or reports produced by the Chairman in the course, or at the conclusion, of the Inquiry which may be released to the public without risking harm to the public interest.
  - h. "Closed hearings" are hearings of the Inquiry to which paragraphs 9 to 14 below apply.
- 3 This Restriction Notice is to be read as imposing no restriction on the disclosure of any document or information:
  - a. between members of the Core Inquiry Team for purposes connected with the Inquiry; or
  - b. to the Minister or HMG advisers.

## Restrictions on the Disclosure or Publication of Evidence or Documents given, produced or provided to the Inquiry

- 4 The restrictions referred to at paragraphs 5 and 7 below are imposed:
  - (i) as being required by the rule of law known as public interest immunity; and/or
  - (ii) because the Minister, acting in accordance with section 19(3)(b) of the Act and having had regard, in particular, to the matters set out in s19(4) of the Act, considers it to be conducive to the Inquiry fulfilling its terms of reference and/or necessary in the public interest that such restrictions should be imposed.
- 5 Otherwise than as is permitted by this Notice, no person, whether a member of the Core Inquiry Team or otherwise, may disclose or publish to any other person the Schedule to this Notice or any of the information contained in the documents identified in the Schedule to this Notice ("the Schedule material"). The Schedule to this Notice and the Schedule material are or refer to material which (i) was the subject of the Public Interest Immunity certificate issued by the Secretary of State for Foreign and Commonwealth Affairs and dated 7 February 2013 or (ii) had previously been shown to HM Assistant Coroner for Inner North West London during the course of the inquest into the death of Alexander Litvinenko.
- 6 HMG advisers may disclose the contents of parts of the material referred to in the Schedule to this Notice to such other individuals and for such purposes as are identified in writing by the Minister to the Chairman.
- 7 Save with the written agreement of the Minister, no reference shall be made by the Chairman to the Schedule material in any open ruling, judgment or report arising out of the Inquiry, or otherwise, unless it has been removed from the scope of this Notice by means of a letter under paragraph 15 below.

## Restrictions on Attendance at the Inquiry or part of the Inquiry

- 8 The restrictions referred to at paragraphs 9, 12, 13 and 14 below are imposed:
  - (i) as being required by the rule of law known as public interest immunity; and/or
  - (ii) because the Minister, acting in accordance with section 19(3)(b) of the Act and having had regard, in particular, to the matters set out in s19(4) of the Act, considers it to be conducive to the Inquiry fulfilling its terms of reference and/or necessary in the public interest that such restrictions should be imposed.
- 9 Save with the written consent of the Minister, no person, other than the Core Inquiry Team, HMG advisers and any relevant witness, may attend any hearing of the Inquiry at which any of the Schedule material is to be considered or referred to, or at which there is, in the judgment of the Chairman, any significant risk of reference being made to such material.
- 10 Hearings at which such material may be considered or referred to, and which are subject to such restrictions, are to be referred to as "closed hearings".
- 11 The Minister may give consent, in accordance with paragraph 8 above, to the attendance at a closed hearing of persons other than those identified in paragraph 9, where the person concerned is a legal representative of the witness, the Chairman

indicates in writing that the attendance of the person is necessary, and arrangements are in place which the Minister considers adequate to ensure that the public interest in preventing the disclosure of the Schedule material is not damaged.

- 12 No person shall produce or show to any witness any of the Schedule material, or ask any questions which tend to reveal the existence or content of such material, otherwise than in accordance with a procedure formulated by the Core Inquiry Team and agreed in writing by the Minister.
- 13 The Chairman shall ensure that no transcript of the evidence given at a closed hearing is made available to any person other than the Minister, members of the Core Inquiry Team or HMG advisers.
- 14 The Chairman shall ensure that no reference is made to the substance of the evidence given at a closed hearing of the Inquiry in any open ruling, judgment or report arising out of the Inquiry, or otherwise.

### Amendments to this Restriction Notice

- 15 By letter to the Chairman under this paragraph the Minister may remove from the scope of this Notice any document or information referred to in the Schedule.
- 16 The Chairman may invite the Minister to amend this Restriction Notice at any time upon providing the Minister with a draft of the proposed amendment and written reasons for it.
- 17 The Minister may amend this Restriction Notice at any time.

7 July 2014 (as amended 21 January 2015)

## RESTRICTION NOTICE No. 2

### Introduction

- 1 This Restriction Notice is made under section 19 of the Inquiries Act 2005 ("the Act").
- 2 For the purposes of this Restriction Notice, references to:
  - a. "the Inquiry" are references to the "Alexander Litvinenko Inquiry";
  - b. "the Chairman" is a reference to the person appointed by the Minister to chair the Inquiry under section 4 of the Act, namely Sir Robert Owen;
  - c. "the Minister" is a reference to the Secretary of State for the Home Department and, after the setting up of the Inquiry, to such other Government officials as are nominated by the Minister;
  - d. "Core Inquiry Team" is a reference to the Chairman, counsel to the Inquiry, the solicitor to the Inquiry and such other persons as are agreed between the Minister and the Chairman and identified as such in writing;
  - e. "HMG advisers" is a reference to counsel and solicitors, instructed on behalf of Her Majesty's Government, and such other Government officials as are nominated by the Minister;
  - f. "relevant witnesses" are references to witnesses whom the Chairman directs should be called to give evidence in a closed hearing as described in paragraphs 9 to 12 below; and
  - g. "open rulings, judgments or reports" are references to rulings, judgments or reports produced by the Chairman in the course, or at the conclusion, of the Inquiry which may be released to the public without risking harm to the public interest.
  - h. "Closed hearings" are hearings of the Inquiry to which paragraphs 9 to 14 below apply.
- 3 This Restriction Notice is to be read as imposing no restriction on the disclosure of any document or information:
  - a. between members of the Core Inquiry Team for purposes connected with the Inquiry; or
  - b. to the Minister or HMG advisers.

### Restrictions on the Disclosure or Publication of Evidence or Documents given, produced or provided to the Inquiry

- 4 The restrictions referred to at paragraphs 5 and 7 below are imposed:
  - (i) as being required by the rule of law known as public interest immunity; and/or
  - (ii) because the Minister, acting in accordance with section 19(3)(b) of the Act and having had regard, in particular, to the matters set out in s19(4) of the Act,

considers it to be conducive to the Inquiry fulfilling its terms of reference and/or necessary in the public interest that such restrictions should be imposed.

- 5 Otherwise than as is permitted by this Notice, no person, whether a member of the Core Inquiry Team or otherwise, may disclose or publish to any other person the Schedule to this Notice or any of the information contained in the documents identified in the Schedule to this Notice ("the Schedule material").
- 6 HMG advisers may disclose the contents of parts of the material referred to in the Schedule to this Notice to such other individuals and for such purposes as are identified in writing by the Minister to the Chairman.
- 7 Save with the written agreement of the Minister, no reference shall be made by the Chairman to the Schedule material in any open ruling, judgment or report arising out of the Inquiry, or otherwise, unless it has been removed from the scope of this Notice by means of a letter under paragraph 15 below.

### Restrictions on Attendance at the Inquiry or part of the Inquiry

- 8 The restrictions referred to at paragraphs 9, 12, 13 and 14 below are imposed:
  - (i) as being required by the rule of law known as public interest immunity; and/or
  - (ii) because the Minister, acting in accordance with section 19(3)(b) of the Act and having had regard, in particular, to the matters set out in s19(4) of the Act, considers it to be conducive to the Inquiry fulfilling its terms of reference and/or necessary in the public interest that such restrictions should be imposed.
- 9 Save with the written consent of the Minister, no person, other than the Core Inquiry Team, HMG advisers and any relevant witness, may attend any hearing of the Inquiry at which any of the Schedule material is to be considered or referred to, or at which there is, in the judgment of the Chairman, any significant risk of reference being made to such material.
- 10 Hearings at which such material may be considered or referred to, and which are subject to such restrictions, are to be referred to as "closed hearings".
- 11 The Minister may give consent, in accordance with paragraph 8 above, to the attendance at a closed hearing of persons other than those identified in paragraph 9, where the person concerned is a legal representative of the witness, the Chairman indicates in writing that the attendance of the person is necessary, and arrangements are in place which the Minister considers adequate to ensure that the public interest in preventing the disclosure of the Schedule material is not damaged.
- 12 No person shall produce or show to any witness any of the Schedule material, or ask any questions which tend to reveal the existence or content of such material, otherwise than in accordance with a procedure formulated by the Core Inquiry Team and agreed in writing by the Minister.
- 13 The Chairman shall ensure that no transcript of the evidence given at a closed hearing is made available to any person other than the Minister, members of the Core Inquiry Team or HMG advisers.

- 14 The Chairman shall ensure that no reference is made to the substance of the evidence given at a closed hearing of the Inquiry in any open ruling, judgment or report arising out of the Inquiry, or otherwise.

### Amendments to this Restriction Notice

- 15 By letter to the Chairman under this paragraph the Minister may remove from the scope of this Notice any document or information referred to in the Schedule.
- 16 The Chairman may invite the Minister to amend this Restriction Notice at any time upon providing the Minister with a draft of the proposed amendment and written reasons for it.
- 17 The Minister may amend this Restriction Notice at any time.

4 November 2014 (as amended 21 January 2015)

## RESTRICTION NOTICE No. 3

### Introduction

- 1 This Restriction Notice is made under section 19 of the Inquiries Act 2005 ("the Act").
- 2 For the purposes of this Restriction Notice, references to:
  - a. "the Inquiry" are references to the "Alexander Litvinenko Inquiry";
  - b. "the Chairman" is a reference to the person appointed by the Minister to chair the Inquiry under section 4 of the Act, namely Sir Robert Owen;
  - c. "the Minister" is a reference to the Secretary of State for the Home Department and, after the setting up of the Inquiry, to such other Government officials as are nominated by the Minister;
  - d. "Core Inquiry Team" is a reference to the Chairman, counsel to the Inquiry, the solicitor to the Inquiry and such other persons as are agreed between the Minister and the Chairman and identified as such in writing;
  - e. "HMG advisers" is a reference to counsel and solicitors, instructed on behalf of Her Majesty's Government, and such other Government officials as are nominated by the Minister;
  - f. "relevant witnesses" are references to witnesses whom the Chairman directs should be called to give evidence in a closed hearing as described in paragraphs 9 to 12 below; and
  - g. "open rulings, judgments or reports" are references to rulings, judgments or reports produced by the Chairman in the course, or at the conclusion, of the Inquiry which may be released to the public without risking harm to the public interest.
  - h. "Closed hearings" are hearings of the Inquiry to which paragraphs 9 to 14 below apply.
- 3 This Restriction Notice is to be read as imposing no restriction on the disclosure of any document or information:
  - a. between members of the Core Inquiry Team for purposes connected with the Inquiry; or
  - b. to the Minister or HMG advisers.

### Restrictions on the Disclosure or Publication of Evidence or Documents given, produced or provided to the Inquiry

- 4 The restrictions referred to at paragraphs 5 and 7 below are imposed:
  - (i) as being required by the rule of law known as public interest immunity; and/or
  - (ii) because the Minister, acting in accordance with section 19(3)(b) of the Act and having had regard, in particular, to the matters set out in s19(4) of the Act,

considers it to be conducive to the Inquiry fulfilling its terms of reference and/or necessary in the public interest that such restrictions should be imposed.

- 5 Otherwise than as is permitted by this Notice, no person, whether a member of the Core Inquiry Team or otherwise, may disclose or publish to any other person the Schedule to this Notice or any of the information contained in the documents identified in the Schedule to this Notice ("the Schedule material").
- 6 HMG advisers may disclose the contents of parts of the material referred to in the Schedule to this Notice to such other individuals and for such purposes as are identified in writing by the Minister to the Chairman.
- 7 Save with the written agreement of the Minister, no reference shall be made by the Chairman to the Schedule material in any open ruling, judgment or report arising out of the Inquiry, or otherwise, unless it has been removed from the scope of this Notice by means of a letter under paragraph 15 below.

### Restrictions on Attendance at the Inquiry or part of the Inquiry

- 8 The restrictions referred to at paragraphs 9, 12, 13 and 14 below are imposed:
  - (i) as being required by the rule of law known as public interest immunity; and/or
  - (ii) because the Minister, acting in accordance with section 19(3)(b) of the Act and having had regard, in particular, to the matters set out in s19(4) of the Act, considers it to be conducive to the Inquiry fulfilling its terms of reference and/or necessary in the public interest that such restrictions should be imposed.
- 9 Save with the written consent of the Minister, no person, other than the Core Inquiry Team, HMG advisers and any relevant witness, may attend any hearing of the Inquiry at which any of the Schedule material is to be considered or referred to, or at which there is, in the judgment of the Chairman, any significant risk of reference being made to such material.
- 10 Hearings at which such material may be considered or referred to, and which are subject to such restrictions, are to be referred to as "closed hearings".
- 11 The Minister may give consent, in accordance with paragraph 8 above, to the attendance at a closed hearing of persons other than those identified in paragraph 9, where the person concerned is a legal representative of the witness, the Chairman indicates in writing that the attendance of the person is necessary, and arrangements are in place which the Minister considers adequate to ensure that the public interest in preventing the disclosure of the Schedule material is not damaged.
- 12 No person shall produce or show to any witness any of the Schedule material, or ask any questions which tend to reveal the existence or content of such material, otherwise than in accordance with a procedure formulated by the Core Inquiry Team and agreed in writing by the Minister.
- 13 The Chairman shall ensure that no transcript of the evidence given at a closed hearing is made available to any person other than the Minister, members of the Core Inquiry Team or HMG advisers.

- 14 The Chairman shall ensure that no reference is made to the substance of the evidence given at a closed hearing of the Inquiry in any open ruling, judgment or report arising out of the Inquiry, or otherwise.

### Amendments to this Restriction Notice

- 15 By letter to the Chairman under this paragraph the Minister may remove from the scope of this Notice any document or information referred to in the Schedule.
- 16 The Chairman may invite the Minister to amend this Restriction Notice at any time upon providing the Minister with a draft of the proposed amendment and written reasons for it.
- 17 The Minister may amend this Restriction Notice at any time.

9 March 2015

## RESTRICTION NOTICE No. 4

### Introduction

- 1 This Restriction Notice is made under section 19 of the Inquiries Act 2005 ("the Act").
- 2 For the purposes of this Restriction Notice, references to:
  - a. "the Inquiry" are references to the "Alexander Litvinenko Inquiry";
  - b. "the Chairman" is a reference to the person appointed by the Minister to chair the Inquiry under section 4 of the Act, namely Sir Robert Owen;
  - c. "the Minister" is a reference to the Secretary of State for the Home Department and, after the setting up of the Inquiry, to such other Government officials as are nominated by the Minister;
  - d. "Core Inquiry Team" is a reference to the Chairman, counsel to the Inquiry, the solicitor to the Inquiry and such other persons as are agreed between the Minister and the Chairman and identified as such in writing;
  - e. "HMG advisers" is a reference to counsel and solicitors, instructed on behalf of Her Majesty's Government, and such other Government officials as are nominated by the Minister;
  - f. "relevant witnesses" are references to witnesses whom the Chairman directs should be called to give evidence in a closed hearing as described in paragraphs 9 to 12 below; and
  - g. "open rulings, judgments or reports" are references to rulings, judgments or reports produced by the Chairman in the course, or at the conclusion, of the Inquiry which may be released to the public without risking harm to the public interest.
  - h. "Closed hearings" are hearings of the Inquiry to which paragraphs 9 to 14 below apply.
- 3 This Restriction Notice is to be read as imposing no restriction on the disclosure of any document or information:
  - a. between members of the Core Inquiry Team for purposes connected with the Inquiry; or
  - b. to the Minister or HMG advisers.

### Restrictions on the Disclosure or Publication of Evidence or Documents given, produced or provided to the Inquiry

- 4 The restrictions referred to at paragraphs 5 and 7 below are imposed:
  - (i) as being required by the rule of law known as public interest immunity; and/or
  - (ii) because the Minister, acting in accordance with section 19(3)(b) of the Act and having had regard, in particular, to the matters set out in s19(4) of the Act,

considers it to be conducive to the Inquiry fulfilling its terms of reference and/or necessary in the public interest that such restrictions should be imposed.

- 5 Otherwise than as is permitted by this Notice, no person, whether a member of the Core Inquiry Team or otherwise, may disclose or publish to any other person the Schedule to this Notice or any of the information contained in the documents identified in the Schedule to this Notice ("the Schedule material").
- 6 HMG advisers may disclose the contents of parts of the material referred to in the Schedule to this Notice to such other individuals and for such purposes as are identified in writing by the Minister to the Chairman.
- 7 Save with the written agreement of the Minister, no reference shall be made by the Chairman to the Schedule material in any open ruling, judgment or report arising out of the Inquiry, or otherwise, unless it has been removed from the scope of this Notice by means of a letter under paragraph 15 below.

### Restrictions on Attendance at the Inquiry or part of the Inquiry

- 8 The restrictions referred to at paragraphs 9, 12, 13 and 14 below are imposed:
  - (i) as being required by the rule of law known as public interest immunity; and/or
  - (ii) because the Minister, acting in accordance with section 19(3)(b) of the Act and having had regard, in particular, to the matters set out in s19(4) of the Act, considers it to be conducive to the Inquiry fulfilling its terms of reference and/or necessary in the public interest that such restrictions should be imposed.
- 9 Save with the written consent of the Minister, no person, other than the Core Inquiry Team, HMG advisers and any relevant witness, may attend any hearing of the Inquiry at which any of the Schedule material is to be considered or referred to, or at which there is, in the judgment of the Chairman, any significant risk of reference being made to such material.
- 10 Hearings at which such material may be considered or referred to, and which are subject to such restrictions, are to be referred to as "closed hearings".
- 11 The Minister may give consent, in accordance with paragraph 8 above, to the attendance at a closed hearing of persons other than those identified in paragraph 9, where the person concerned is a legal representative of the witness, the Chairman indicates in writing that the attendance of the person is necessary, and arrangements are in place which the Minister considers adequate to ensure that the public interest in preventing the disclosure of the Schedule material is not damaged.
- 12 No person shall produce or show to any witness any of the Schedule material, or ask any questions which tend to reveal the existence or content of such material, otherwise than in accordance with a procedure formulated by the Core Inquiry Team and agreed in writing by the Minister.
- 13 The Chairman shall ensure that no transcript of the evidence given at a closed hearing is made available to any person other than the Minister, members of the Core Inquiry Team or HMG advisers.

- 14 The Chairman shall ensure that no reference is made to the substance of the evidence given at a closed hearing of the Inquiry in any open ruling, judgment or report arising out of the Inquiry, or otherwise.

### Amendments to this Restriction Notice

- 15 By letter to the Chairman under this paragraph the Minister may remove from the scope of this Notice any document or information referred to in the Schedule.
- 16 The Chairman may invite the Minister to amend this Restriction Notice at any time upon providing the Minister with a draft of the proposed amendment and written reasons for it.
- 17 The Minister may amend this Restriction Notice at any time.

29 June 2015

# RESTRICTION ORDER

## Witness Anonymity and Screening

- 1 There shall be no disclosure or publication of any information that identifies or tends to identify the individuals referred to in paragraph 2 below, who were the subject of anonymity orders made in the course of the Litvinenko inquest, and they shall continue to be referred to using the initials listed in paragraph 2.
- 2 The individuals in question are:
  - a. A3
  - b. C2
  - c. C3
  - d. D3
  - e. D6
  - f. D7
- 3 In the event that A3 is required to attend and give evidence at the public hearing of the Inquiry, his physical appearance will be concealed from the public, the media and core participants, but not from the Chairman, Counsel to the Inquiry or Counsel for the core participants.
- 4 Until further order, there shall be no disclosure or publication of any information that identifies or tends to identify the individuals referred to in the inquest proceedings as D1, D2 and C1 as the individuals who were previously referred to in that way; this is to ensure that until further order there shall be no reference to the fact that they had applied for anonymity. For the avoidance of doubt, this order does not prevent the disclosure or publication of the identities of those individuals in the absence of any link to their previous pseudonyms.

This Order is made under section 19(1) of the Inquiries Act 2005 and binds all members of the public, including Core Participants.

In the case of public authorities, the restrictions specified in this Order take effect subject to the terms of section 20(6) of the Inquiries Act 2005.

Any person affected by this Order may apply in accordance with section 20 of the Inquiries Act 2005 to vary its terms.

**Sir Robert Owen**

9 October 2014

## **RESTRICTION ORDER**

### **Witness Anonymity and Screening**

- 1 There shall be no disclosure or publication of any information that identifies or tends to identify the individual referred to in these proceedings as A1. In the event that A1 is required to attend and give evidence at the public hearing of the Inquiry, her physical appearance will be concealed from the public, the media and core participants, but not from the Chairman, Counsel to the Inquiry or Counsel for the core participants.
- 2 In the event that the individuals referred to in these proceedings as C2, C3, D3, D6 and D7 are required to attend and give evidence at the public hearing of the Inquiry, their physical appearance will be concealed from the public, the media and core participants, but not from the Chairman, Counsel to the Inquiry or Counsel for the core participants.

This Order is made under section 19(1) of the Inquiries Act 2005 and binds all members of the public, including Core Participants.

In the case of public authorities, the restrictions specified in this Order take effect subject to the terms of section 20(6) of the Inquiries Act 2005.

Any person affected by this Order may apply in accordance with section 20 of the Inquiries Act 2005 to vary its terms.

**Sir Robert Owen**

14 November 2014

## RESTRICTION ORDER

### Witness Anonymity and Screening

- 1 There shall be no disclosure or publication of any information that identifies or tends to identify the individual who will be referred to henceforth in these proceedings as D9. D9's identity is stated in the Annex to this Order, which will be served on core participants only. In the event that D9 is required to attend and give evidence at the public hearing of the Inquiry, his physical appearance will be concealed from the public, the media and core participants, but not from the Chairman, Counsel to the Inquiry, Counsel for the core participants or security cleared inquiry staff.
- 2 The screening orders dated 9 October 2014 (made in relation to A3) and 14 November 2014 (made in relation to A1 and also in relation to C2, C3, D3, D6 and D7) are varied so that in the event the said individuals give evidence, their physical appearance will not be concealed from security cleared inquiry staff.

This Order is made under section 19(1) of the Inquiries Act 2005 and binds all members of the public, including Core Participants.

In the case of public authorities, the restrictions specified in this Order take effect subject to the terms of section 20(6) of the Inquiries Act 2005.

Any person affected by this Order may apply in accordance with section 20 of the Inquiries Act 2005 to vary its terms.

**Sir Robert Owen**

27 November 2014

## **RESTRICTION ORDER**

### **Witness Anonymity and Screening**

The screening orders dated 9 October 2014 (made in relation to A3), 14 November 2014 (made in relation to A1 and also in relation to C2, C3, D3, D6 and D7) and 27 November 2014 (made in relation to D9) are varied so that in the event that the said individuals give evidence, their physical appearance need not be concealed from any other person whom the Chairman directs.

This Order is made under section 19(1) of the Inquiries Act 2005 and binds all members of the public, including Core Participants.

In the case of public authorities, the restrictions specified in this Order take effect subject to the terms of section 20(6) of the Inquiries Act 2005.

Any person affected by this Order may apply in accordance with section 20 of the Inquiries Act 2005 to vary its terms.

**Sir Robert Owen**

28 January 2015

## RESTRICTION ORDER

### Evidence of Witness G

Further to an application for anonymity received from Witness G, I made a provisional ruling in favour of granting him this by means of a Restriction Order. That provisional ruling is dated 25 September 2015 and was provided to Core Participants and media representatives on that date so that they might make submissions upon it. I received no such submissions and I now make the following order for the reasons set out in the provisional ruling.

- 1 There shall be no disclosure or publication of any information that identifies or tends to identify Witness G.
- 2 Other than with the express written permission of the Chairman, there shall be no disclosure or publication of the further evidence given by Witness G referred to in the provisional ruling.

This Order is made under section 19(1) of the Inquiries Act 2005 and binds all members of the public, including Core Participants.

In the case of public authorities, the restrictions specified in this Order take effect subject to the terms of section 20(6) of the Inquiries Act 2005.

Any person affected by this Order may apply in accordance with section 20 of the Inquiries Act 2005 to vary its terms.

**Sir Robert Owen**

9 October 2015



## Appendix 8: Key documents

Reference	Description
(Analytical documents)	
<a href="#">INQ017934</a>	Radiation schedules
<a href="#">INQ017809</a>	Telephone call schedules
<a href="#">INQ020044</a>	Telephone call data 31 October – 3 November 2006
<a href="#">INQ017900</a>	3D model images showing contamination at the itsu restaurant, Piccadilly
<a href="#">INQ017906</a>	3D model images showing contamination at the Millennium Hotel, room 382
<a href="#">INQ017911</a>	3D model images showing contamination at the Pine Bar, Millennium Hotel
<a href="#">INQ017917</a>	3D model images showing contamination at the Sheraton Hotel, room 848
<a href="#">INQ017922</a>	3D model images showing contamination at 4th floor, 25 Grosvenor Street
<a href="#">INQ017926</a>	3D model images showing contamination at the Best Western Hotel, room 107
<a href="#">INQ017931</a>	3D model images showing contamination at the Best Western Hotel, room 308
<a href="#">INQ018235</a>	Maps showing locations of interest
<a href="#">INQ018243</a>	Maps showing the movements of Alexander Litvinenko on November 2006
<a href="#">INQ018252</a>	Maps showing the movements of Andrey Lugovoy and Dmitri Kovtun on 1 November 2006
(Expert reports, pathology, medical and scientific evidence)	
<a href="#">INQ019031</a>	Expert report by Professor Ray Bull, 4 December 2014
<a href="#">INQ019146</a>	Expert report by Professor Robert Service, 8 January 2015
<a href="#">INQ020316</a>	Supplemental report by Professor Robert Service, 4 March 2015
<a href="#">INQ020998</a>	Corrections to report by Professor Robert Service, 19 March 2015
<a href="#">BLK000001</a>	Coroner's Interim Certificate of the Fact of Death, 9 February 2007
<a href="#">INQ003002</a>	Witness statement of Dr Nathaniel Cary, 20 July 2007
<a href="#">INQ003187</a>	Witness statement of Dr Benjamin Swift, 2 October 2007
<a href="#">INQ015541</a>	GP medical notes of Alexander Litvinenko
<a href="#">INQ006741</a>	Barnet Hospital medical file of Alexander Litvinenko
<a href="#">INQ006652</a>	University College London Hospitals medical notes of Alexander Litvinenko
<a href="#">INQ007478</a>	Witness statement of A1, 18 January 2007

<a href="#">INQ007516</a>	Witness statement of A1, 18 April 2007
<a href="#">INQ007523</a>	Witness statement of A1, 4 May 2007
<a href="#">INQ016403</a>	Witness statement of A1, 26 June 2013
<a href="#">INQ022423</a>	Witness statement of A1, 26 September 2015
<a href="#">INQ020222</a>	Autoradiograph of one strand of hair
<a href="#">INQ017269</a>	HPA joint paper titled <i>Polonium 210 as a poison</i> , 6 March 2007
<a href="#">INQ014961</a>	HPA joint report titled <i>Mr Litvinenko: Estimated radiation doses and expected health effects following intake of Polonium-210</i> , 26 April 2007
<a href="#">INQ016745</a>	PHE joint report titled <i>The evidence for the use of Polonium-210 to poison Mr Litvinenko</i> , 5 February 2014
<b>(Evidence of Alexander and Marina Litvinenko)</b>	
<a href="#">INQ002076</a>	Interview of Alexander Litvinenko, 18 November 2006 (1 of 18)
<a href="#">INQ002433</a>	Interview of Alexander Litvinenko, 18 November 2006 (2 of 18)
<a href="#">INQ002450</a>	Interview of Alexander Litvinenko, 18 November 2006 (3 of 18)
<a href="#">INQ002470</a>	Interview of Alexander Litvinenko, 18 November 2006 (4 of 18)
<a href="#">INQ016528</a>	Interview of Alexander Litvinenko, 18 November 2006 (5 of 18)
<a href="#">INQ016538</a>	Interview of Alexander Litvinenko, 18 November 2006 (6 of 18)
<a href="#">INQ016549</a>	Interview of Alexander Litvinenko, 18 November 2006 (7 of 18)
<a href="#">INQ016559</a>	Interview of Alexander Litvinenko, 18 November 2006 (8 of 18)
<a href="#">INQ016570</a>	Interview of Alexander Litvinenko, 18 November 2006 (9 of 18)
<a href="#">INQ016582</a>	Interview of Alexander Litvinenko, 19 November 2006 (10 of 18)
<a href="#">INQ016593</a>	Interview of Alexander Litvinenko, 19 November 2006 (11 of 18)
<a href="#">INQ016604</a>	Interview of Alexander Litvinenko, 19 November 2006 (12 of 18)
<a href="#">INQ016615</a>	Interview of Alexander Litvinenko, 19 November 2006 (13 of 18)
<a href="#">INQ016627</a>	Interview of Alexander Litvinenko, 20 November 2006 (14 of 18)
<a href="#">INQ016638</a>	Interview of Alexander Litvinenko, 20 November 2006 (15 of 18)
<a href="#">INQ016642</a>	Interview of Alexander Litvinenko, 20 November 2006 (16 of 18)
<a href="#">INQ016652</a>	Interview of Alexander Litvinenko, 20 November 2006 (17 of 18)
<a href="#">INQ016661</a>	Interview of Alexander Litvinenko, 20 November 2006 (18 of 18)
<a href="#">INQ017399</a>	Statement by Alexander Litvinenko, 21 November 2006
<a href="#">INQ019299</a>	Photograph of Alexander Litvinenko in his hospital bed
<a href="#">INQ017734</a>	Witness statement of Marina Litvinenko, 27 March 2013

(Evidence of Andrey Lugovoy and Dmitri Kovtun)	
<a href="#">INQ013787</a>	Security report by DC Spencer Scott at Gatwick Airport, 16 October 2006
<a href="#">INQ002058</a>	Declaration by Andrey Lugovoy, 23 November 2006
<a href="#">INQ002696</a>	Declaration by Dmitri Kovtun, 23 November 2006
<a href="#">INQ001886</a>	Transcript of the press conference of Andrey Lugovoy and Dmitri Kovtun, 31 May 2007
<a href="#">INQ001788</a>	Witness statement of Andrey Lugovoy in the <i>Terluk</i> case, 4 March 2011
<a href="#">INQ001842</a>	Witness statement of Andrey Lugovoy in the <i>Terluk</i> case, 26 October 2011
<a href="#">INQ021208</a>	Witness statement of Dmitri Kovtun, 2 June 2015



## Appendix 9: List of witnesses

Surname	Forename	Title	Called/ Read	Hearing day
A1			Called	2; 20
C2			Called	24
D3			Read	30
D6			Called	30
D7			Read	30
Abdul	Yaragi	Mr	Called	17
Andrade	Noberto	Mr	Called	16
Attew	Dean	Mr	Called	13
Barlow	David	Mr	Called	23
Baxter	Nicholas	Mr	Read	17
Bell	Timothy	Lord	Called	6
Berezovsky	Boris	Mr	Read	25
Black	Stuart	Dr	Called	19
Bonetti	Bruno	Mr	Called	12
Bukovsky	Vladimir	Mr	Called	26
Bull	Ray	Professor	Called	21
Burgess	Bruce	Mr	Called	21
Burgess	Tristam	Mr	Called	21
Cary	Nathaniel	Dr	Called	2
Cole	Julia	Ms	Read	17
Cotlick	Michael	Mr	Called	25
Cunningham	Duncan	Mr	Called	16
Davison	Dariya	Mrs	Called	14
Dombey	Norman	Professor	Called	23
Down	James	Dr	Read	18
Evans	Garym	Mr	Called	7
Felshtinsky	Yuri	Mr	Called	23
Fitzgerald	Paul	Mr	Called	8
Gent	Nicholas	Dr	Called	19
Glushkov	Nikolai	Mr	Called	17
Goldfarb	Alex	Mr	Called	5; 26; 27
Gorokov	Nikolay	Mr	Called	13

Guzzanti	Paolo	Mr	Called	29
Harrison	John	Dr	Called	19
Hatjiosif	Rebecca	Dr	Read	2
Henry	John	Professor	Read	18
Hohne	Inna	Ms	Read	32
Holmes	John	Mr	Called	7
Hunter	Keith	Mr	Called	11
Hyatt	Brent	DI	Called	4; 5
Jolly	Mike	DCI	Called	32
Knuckey	Cliff	Mr	Read	7
Kovtun	Dmitri	Mr	Read	32
Krgo	Goran	Mr	Called	9
Limarev	Evgheniy	Mr	Called	15
Litvinenko	Anatoly	Mr	Called	4
Litvinenko	Marina	Mrs	Called	3; 4
Litvinenko	Maxim	Mr	Read	32
Litvinenko	Walter	Mr	Read	32
Mascall	Craig	DI	Called	2; 8; 9; 11; 12; 13; 16; 17; 22; 23; 24; 29; 30
Menzies	George	Mr	Called	6
Michenina	Valentina	Mrs	Called	18
Moughton	Nigel	Mr	Called	8
Nathwani	Amit	Professor	Called	18
Nicholson	David	Mr	Called	23
Patarkatsishvili	Arkady (Badri)	Mr	Read	12
Prikazchikov	Yuri	Mr	Called	17
Quirke	Daniel	Mr	Called	11
Reilly	Tim	Mr	Called	10
Rondoni	Giuliana	Ms	Called	10
Scaramella	Mario	Mr	Called	15; 27
Schofield	Emma	Ms	Read	17
Scott	Spencer	DC	Called	9
Service	Robert	Professor	Called	28
Shadrin	Alexander	Dr	Called	14
Shvets	Yuri	Mr	Called	24

Slater	Alan	Mr	Called	22
Svetlichnaya	Julia	Dr	Called	25
Swift	Benjamin	Dr	Called	2
Tabunov	Alexander	Mr	Called	13
Tarpey	Brian	Mr	Called	22
Timmons	Clive	Mr	Called	22
Tregubova	Elena	Ms	Read	29
Trout	Gemma	Ms	Called	18
Valuev	Alexey	Mr	Read	11
Virchis	Andres	Dr	Called	18
Voronkov	Vladimir	Mr	Called	16
Voronoff	Vladimir	Mr	Called	14
Wall	Elenora	Dr	Read	32
Wall	Marina	Ms	Read	32
Zakayev	Akhmed	Mr	Called	26



## **Appendix 10: List of Inquiry staff and counsel**

### **Counsel to the Inquiry**

Lead Counsel to the Inquiry	Robin Tam QC
Counsel to the Inquiry	Hugh Davies OBE QC
Counsel to the Inquiry	Andrew O'Connor QC

### **Solicitor to the Inquiry**

Solicitor to the Inquiry	Martin Smith
Assistant Solicitor	Abigail Scholefield
Paralegal	Amy Nicholls

### **Secretariat**

Secretary to the Inquiry	Lee Hughes CBE
Deputy Secretary	Frances Currie
Press Officer	Mike Wicksteed



## **Appendix 11: List of core participants and legal representatives**

### **Marina Litvinenko and Anatoly Litvinenko**

Counsel Ben Emmerson QC and Adam Straw

Solicitor Elena Tsirlina (Blokh Solicitors)

### **The Commissioner of Police of the Metropolis**

Counsel Richard Horwell QC and Saba Naqshbandi

Solicitor Jenny Leonard and Prit Mandair (Directorate of Legal Services)

### **Secretary of State for the Home Department**

Counsel Neil Garnham QC, Melanie Cumberland and Robert Wastell

Solicitor Paul Bishop and Catherine Turtle (Government Legal Department)

### **AWE plc**

Counsel David Evans QC and Alasdair Henderson

Solicitor Simon Ramsden (Government Legal Department)

### **Dmitri Kovtun**

Counsel *none appointed*

Solicitor *none appointed*

In addition, the following were designated interested persons in the inquest proceedings which preceded the Inquiry but did not participate in the Inquiry itself.

## Boris Berezovsky

Counsel                   Hugo Keith QC

Solicitor                Lucy Middleton (Carter Ruck)

## Andrey Lugovoy

Counsel                Tim Owen QC and Alison Macdonald

Solicitor               Yuri Botiuk ( Pinsent Masons LLP)

## Investigative Committee of the Russian Federation

Counsel                Patrick Gibbs QC and Claire Dobbin

Solicitor               Louis Castellani and Melanie Hart (Harbottle & Lewis LLP)

## Appendix 12: Closed appendices

