

1 Thursday, 21 January 2016

2 (10.00 am)

3 Statement by THE CHAIRMAN

4 THE CHAIRMAN: Alexander Litvinenko was born on  
5 4 December 1962, a citizen of the Soviet Union. He died  
6 aged 44 on 23 November 2006 in University College  
7 Hospital London, by then a British citizen. Post-mortem  
8 examination revealed that his death had been caused by  
9 an ingestion of a fatal dose of the radioactive isotope  
10 polonium-210.

11 The circumstances of his death attracted worldwide  
12 interest and concern. They were referred to by the  
13 foreign affairs select committee as "... a miniature  
14 nuclear attack on the streets of London". In July 2007  
15 the then Foreign Secretary observed that "the manner of  
16 Litvinenko's death put many hundreds of other people at  
17 risk". A motion of the United States House of  
18 Representatives dated 1 April 2008 noted that  
19 polonium-210 "could be used to kill large numbers of  
20 people, or spread general panic and hysteria among the  
21 public".

22 In the course of the inquest hearings, it was  
23 submitted on behalf of media organisations that the  
24 issues to which it gave rise "... include allegations of  
25 state-sponsored assassination by radioactive

1 poisoning ..." of a British citizen in London, issues of  
2 the greatest public concern.

3 Over nine years have elapsed since his death; and it  
4 is appropriate that I should explain shortly why it has  
5 taken so long for a full enquiry into his death to be  
6 completed. The inquest into his death was opened by Her  
7 Majesty's Coroner for Inner North London on  
8 30 November 2006 but was adjourned pending the police  
9 investigation into his death and any ensuing criminal  
10 proceedings. The police investigation led to the  
11 conclusion that the fatal dose of polonium-210 was  
12 probably consumed by Mr Litvinenko on 1 November 2006  
13 when in the company of Mr Andrei Lugovoy and  
14 Mr Dmitri Kovtun, Russian nationals, at a hotel in  
15 London. Warrants were in due course issued for their  
16 arrest, and the Crown Prosecution Service sought  
17 unsuccessfully to extradite them from the  
18 Russian Federation to stand trial for murder.

19 On 13 October 2011, the inquest was resumed as it  
20 had become clear by then that there was no realistic  
21 prospect of the suspects facing a criminal trial, and on  
22 7 August 2012 I was appointed to conduct the inquest.

23 In the course of my preparation for the inquest,  
24 I was given access to sensitive government documents  
25 that in my judgment were relevant to the investigation

1 that I was conducting. More particularly, those  
2 documents raised a prima facie case that the Russian  
3 state bore responsibility for Mr Litvinenko's death.  
4 The law does not permit evidence to be taken in what are  
5 known as secret or closed sessions at an inquest. But  
6 the government material was of such sensitivity that it  
7 could not be produced in any form of public or open  
8 hearing.

9 The material was therefore necessarily excluded from  
10 the inquest proceedings under the legal principle known  
11 as public interest immunity. It had always been my view  
12 that the question of possible Russian state  
13 responsibility was one of the most important issues  
14 arising from his death. It was an issue that I had  
15 wanted to investigate at the inquest, but I considered  
16 that I would be failing in my duty to conduct a full and  
17 independent investigation if I did so in the knowledge  
18 that there was relevant government material that I could  
19 not take into account because of public interest  
20 immunity.

21 I therefore wrote to Her Majesty's Government asking  
22 it to exercise the power to establish a public inquiry  
23 to replace the inquest. I did so because under  
24 section 1(1) of the Inquiries Act 2005, that power may  
25 be exercised where it appears to a minister that:

1           "Particular events have caused or are capable of  
2           causing public concern or there is public concern that  
3           particular events may have occurred."

4           The advantage of a public inquiry over an inquest  
5           was that the rules governing an inquiry allow for  
6           sensitive evidence to be heard in closed session.

7           However, the Home Secretary declined my request.  
8           But her refusal to establish a public inquiry was  
9           successfully challenged in the High Court by  
10          Mr Litvinenko's widow, Marina Litvinenko. The judgment  
11          in which the divisional court upheld the challenge was  
12          handed down on 11 February 2014. It required the  
13          Home Secretary to make a further decision as to whether  
14          to establish an inquiry.

15          Thus, on 22 July 2014, almost two years after I had  
16          been appointed to conduct the inquest, the  
17          Home Secretary announced in a written statement laid  
18          before the House of Commons that a public inquiry was to  
19          be held into the death of Alexander Litvinenko under the  
20          Inquiries Act 2005, and in consequence the inquest was  
21          suspended.

22          I was appointed to chair the Inquiry. I was then  
23          a serving judge of the High Court, an office from which  
24          I retired on 19 September 2014, having reached the  
25          compulsory retirement age. But my retirement did not

1 affect my position as chairman of the Inquiry.

2 The terms of reference for the Inquiry, terms upon  
3 which I was consulted, are set out in full in my report  
4 and on the Inquiry website. Paragraph 1 provides as  
5 follows:

6 1. Subject to paragraphs 2 and 3 below, the  
7 chairman is to conduct an investigation into the death  
8 of Alexander Litvinenko in order to:

9 (i) ascertain, in accordance with section 5(1) of  
10 the Coroners and Justice Act 2009, who the deceased was;  
11 how, when and where he came by his death; and the  
12 particulars required by the Births and Deaths  
13 Registration Act 1953 to be registered concerning his  
14 death;

15 (ii) identify, so far as is consistent with  
16 section 2 of the Inquiries Act, where responsibility for  
17 the death lies;

18 (iii) make such recommendations as may be  
19 appropriate.

20 By her letter of appointment, the Home Secretary  
21 invited me to complete the Inquiry by December 2015.

22 I opened the Inquiry on 31 July 2014. The final  
23 open hearing took place a year to the day later on  
24 31 July 2015.

25 On 15 December last, I announced that my report was

1 complete and that in accordance with the protocol agreed  
2 with the Secretary of State, the report would be  
3 delivered to her 48 hours before being tabled by her in  
4 the House of Commons at 9.35 today.

5 It will shortly be published on the Inquiry website.

6 The Inquiry has been completed well within the  
7 budget prepared by the Inquiry secretariat and adopted  
8 by the Home Secretary in setting a budget cap.

9 I conducted open hearings at the Royal Courts of  
10 Justice on 34 days in January, February, March  
11 and July 2015. The open evidence is available to the  
12 public in its entirety on the Inquiry website, the oral  
13 evidence in the form of full daily transcripts. The  
14 witness statements and the documents admitted into  
15 evidence are also available on the website.

16 I also held closed hearings in the course of which  
17 I heard oral evidence and considered documentary  
18 material, the subject of restriction notices.

19 The findings of fact and the conclusions that I have  
20 drawn from the facts are based upon the entirety of the  
21 evidence that I have seen and heard, both open and  
22 closed. They are mine and mine alone. I turn then  
23 shortly to summarise the central findings of fact and my  
24 conclusions as to how, when and where  
25 Alexander Litvinenko came by his death, and as to where

1 responsibility for that death lies.

2 Alexander Litvinenko was born on 4 December 1962 in  
3 the Russian city of Voronezh. He attended military  
4 college graduating in about 1985 as a lieutenant and  
5 served for approximately three years in the forces of  
6 the interior ministry.

7 In 1988, he was recruited to join what was then  
8 still called the KGB, and in 1991 was posted to KGB  
9 headquarters in Moscow.

10 In September 2000, he left Russia in the  
11 circumstances that I consider in detail in part 3 of my  
12 report.

13 On 1 November 2000, he arrived in London with his  
14 wife Marina and his son Anatoly where, in the transit  
15 area of London airport, he approached the first police  
16 officer that he saw and said, "I am a KGB officer and  
17 I'm asking for political asylum".

18 He was granted asylum in due course, and on  
19 13 October 2006, he and his family were granted British  
20 citizenship.

21 41 days later, Alexander Litvinenko died at  
22 University College Hospital, London.

23 The immediate cause of death was a cardiac arrest  
24 from which the medical staff at the hospital were unable  
25 to resuscitate him. But the cardiac arrest was the

1 result of an acute radiation syndrome caused by his  
2 having ingested approximately 4.4 gigabecquerel of  
3 polonium-210. The evidence indicates that there was  
4 more than one intake of polonium-210. The second, and  
5 fatal, ingestion occurred on 1 November 2006, the sixth  
6 anniversary of his arrival in the United Kingdom seeking  
7 asylum. The first, which had been about a hundredth of  
8 the size, had occurred some 14 days earlier.

9 The evidence establishes that Mr Litvinenko ingested  
10 the fatal dose whilst drinking tea from a teapot  
11 contaminated with polonium-210 in the Pine Bar of the  
12 Millennium Hotel in the West End of London in the  
13 afternoon of 1 November in the company of Andrei Lugovoy  
14 and Dmitri Kovtun. I am sure that Mr Lugovoy and  
15 Mr Kovtun placed the polonium-210 into the teapot at the  
16 Pine Bar and did so with the intention of poisoning  
17 Mr Litvinenko.

18 I am also sure that the two men made the earlier  
19 attempt to poison Mr Litvinenko, also using  
20 polonium-210, at a meeting on 16 October 2006.

21 I am sure that Mr Lugovoy and Mr Kovtun knew that  
22 they were using a deadly poison and that they intended  
23 to kill Mr Litvinenko. I do not, however, believe that  
24 they knew precisely what the chemical that they were  
25 handling was or the nature of all its properties.



1           Mr Litvinenko did not, as has been suggested by  
2           Mr Lugovoy and those representing him in the early  
3           stages of the inquest proceedings and by other  
4           commentators, poison himself with polonium-210, either  
5           accidentally or deliberately.

6           The scientific evidence as to the sites of primary  
7           contamination by polonium-210 detailed in part 6 of my  
8           report demonstrates conclusively that  
9           Alexander Litvinenko was poisoned by Andrei Lugovoy and  
10          Dmitri Kovtun.

11          The further suggestion that has been made that  
12          Mr Lugovoy had been the subject of a "set-up" is simply  
13          unsustainable by reference to the objective scientific  
14          evidence. There can be no doubt that  
15          Alexander Litvinenko was poisoned by Mr Lugovoy and  
16          Mr Kovtun.

17          The open evidence upon which I have arrived at that  
18          conclusion is set out in considerable detail in parts 4,  
19          5, 6 and 8 of the report.

20          My finding that Mr Litvinenko was poisoned by  
21          Mr Lugovoy and Mr Kovtun raises a further question.

22          There is no evidence to suggest that either had any  
23          personal reason to kill Mr Litvinenko. All the evidence  
24          points in one direction, namely that when they killed  
25          Mr Litvinenko, they were acting on behalf of someone

1           else. I have concluded that there is a strong  
2           probability that when Mr Lugovoy poisoned Mr Litvinenko,  
3           he did so under the direction of the FSB, the  
4           Federal Security Service of the Russian Federation.

5           I have further concluded that Mr Kovtun was also  
6           acting under FSB direction, possibly indirectly through  
7           Mr Lugovoy, but probably in the knowledge that that was  
8           the body for which he was acting.

9           I have further concluded that the FSB operation to  
10          kill Mr Litvinenko was probably approved by  
11          Mr Patrushev, then head of the FSB, and also by  
12          President Putin.

13          These findings relating to Russian state  
14          responsibility are based on evidence which I heard in  
15          open and closed sessions of the Inquiry. My reasoning  
16          for these conclusions in open is to be found in parts 9  
17          and 10 of the report.

18          That concludes my short summary of the Inquiry's  
19          core findings.

20          I should note at this point that, despite the welter  
21          of public comment and speculation since November 2006,  
22          there has not, until now, been a formal and independent  
23          investigation tasked with enquiring into and making  
24          findings about the circumstances of Mr Litvinenko's  
25          death.

1           Our law requires that all violent or unnatural  
2           deaths are investigated in this way. Had Mr Lugovoy or  
3           Mr Kovtun been put on trial in this country for  
4           Mr Litvinenko's murder, those proceedings may well have  
5           satisfied this requirement. But, for the reasons that  
6           I have explained, there have been no such criminal  
7           proceedings. The requirement for a formal investigation  
8           into Mr Litvinenko's death was therefore outstanding.  
9           With the additional advantage, over and above the  
10          evidence that an inquest or criminal trial would have  
11          been able to consider, of having been able to examine  
12          sensitive evidence in the closed sessions, that is the  
13          function that I have now fulfilled.

14          As I have explained, the inquest into the death of  
15          Alexander Litvinenko was suspended when my Inquiry was  
16          established. I am not currently minded to reopen the  
17          inquest as I have addressed all of the matters that  
18          I would have been obliged to consider as a coroner.

19          Should any of the core participants wish for any  
20          reason to apply to me to reopen the inquest, they should  
21          communicate with the solicitor to the Inquiry within 28  
22          days, and I will make a decision as to whether there is  
23          sufficient reason to do so under paragraph 9(1) of the  
24          schedule of the Coroners and Justice Act 2009.

25          It remains only for me to express my thanks to all

1           who have assisted me in this Inquiry, counsel and  
2           solicitor to the Inquiry, the Inquiry secretariat, the  
3           counsel and solicitors acting for the core participants,  
4           in particular counsel and solicitor acting for Marina  
5           and Anatoly Litvinenko, to the Metropolitan Police who  
6           carried out the original criminal investigation into the  
7           death of Alexander Litvinenko, an investigation  
8           exemplary in its breadth and in its depth, and to all of  
9           those who have facilitated the efficient running of the  
10          proceedings, in particular the teams responsible for the  
11          technical aspects of the Inquiry hearing, including the  
12          simultaneous transcription of the evidence, and the team  
13          of ushers who assisted greatly in the management of the  
14          hearings.

15                 As I have already indicated, my report will shortly  
16          be available on the Inquiry website in its entirety.

17   (10.25 am)

18                                 (The Inquiry concluded)

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