

1 MR TOMLINSON: My Lord, I think it is time for the shorthand
 2 writers' break.
 3 MR JUSTICE WARBY: Yes, good time for a break. Ten minutes.
 4 (3:32 pm)
 5 (Short Break)
 6 (3:40 pm)
 7 MR MILLAR: I call Christopher Steele.
 8 SIR CHRISTOPHER STEELE (sworn)
 9 MR JUSTICE WARBY: Thank you, Mr Steele. Do take a seat in
 10 the witness box.
 11 A. Thank you.
 12 Examination-in-chief by MR MILLAR
 13 MR MILLAR: Mr Steele, we have -- you have a bundle of
 14 witness statements there, I think. We have a bundle of
 15 witness statements -- a collection of witness statements
 16 in trial bundle C. At tab 4, and I hope yours
 17 corresponds, is something described as, "Revised first
 18 witness statement of Christopher Steele" (C/4/1), which
 19 runs to 30 pages and has a signature at the end of it
 20 and is dated 9 March 2020 (C/4/30).
 21 A. Yes.
 22 Q. Do you remember signing that witness statement?
 23 A. I do.
 24 Q. Is that your signature?
 25 A. It is.

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1 true to the best of your knowledge and belief?
 2 A. They are.
 3 MR MILLAR: Thank you. You will be cross-examined now.
 4 MR JUSTICE WARBY: Yes, Mr Tomlinson.
 5 Cross-examination by MR TOMLINSON
 6 MR TOMLINSON: Mr Steele, you were a former intelligence
 7 officer working for the British Government between 1987
 8 and 2009, is that correct?
 9 A. I was a Crown servant and I was in the diplomatic
 10 service between those dates.
 11 Q. Mr Steele, on your company's website you describe
 12 yourself as a former intelligence officer. Why won't
 13 you do it in the witness box?
 14 A. I think I describe myself as a former intelligence
 15 professional.
 16 Q. Well, do you want to have a look at your -- it's at
 17 (D/146/71), please.
 18 A. Mm hm.
 19 Q. If we go down to the next page (D/146/72). The next one
 20 (D/146/73). Then we have -- it may be difficult to read
 21 -- two "former British intelligence professionals".
 22 A. That's correct.
 23 Q. What's an intelligence professional, Mr Steele?
 24 A. It's somebody who has worked on intelligence in
 25 government.

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1 But you formally worked for MI6, didn't you?
 2 A. I'm not in a position, my Lordship, to confirm or deny
 3 that.
 4 Q. What inhibition do you say there is on you confirming or
 5 denying it, Mr Steele?
 6 A. The government has a policy of non-statement or otherwise
 7 of intelligence officers who work for the security
 8 services.
 9 Q. Could you now answer the question, please?
 10 A. I just have.
 11 Q. There is no statutory inhibition on you answering that
 12 question, as you know.
 13 A. My understanding is that I'm not permitted to answer
 14 that question.
 15 Q. On what basis does that understanding rest, Mr Steele?
 16 A. The policy of the government is to not allow or otherwise
 17 intelligence officers who have worked for the security
 18 services.
 19 Q. You see, your former boss, Sir John Scarlett, in his
 20 online biography has described his whole career at MI6
 21 and ending up as the head at the time I think you were
 22 working there. Do you know that?
 23 A. There is an exception for the chief of MI6 only, in my
 24 understanding.
 25 Q. Well, Mr Steele, your whole business is trading on your

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1 former role as an MI6 officer, isn't it? That's what
 2 your business is about?
 3 A. It's not. It's trading on my expertise on Russia and my
 4 partners' expertise on other parts of the world.
 5 Q. Gained when you worked for MI6?
 6 A. It doesn't say anything about MI6 on our website or our
 7 other material.
 8 Q. You say in your witness statement you have had 22 years'
 9 experience working in the field. What do you mean by
 10 that?
 11 A. It means working abroad and outside of London.
 12 basically.
 13 Q. You worked for -- you lived in Moscow for three years
 14 from 1990 to 1993, correct?
 15 A. Correct.
 16 Q. I think you were the second secretary, Chancery, at the
 17 British Embassy at that time?
 18 A. I was third secretary and then became second secretary
 19 during the posting.
 20 Q. Was that the last time you lived in Russia?
 21 A. Lived in Russia, Mr Steele?
 22 Q. Lived in Russia, Mr Steele?
 23 A. Yes, that was the last time I lived in Russia, yes.
 24 Q. 1993?
 25 A. Yes.

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1 Q. 27 years ago?
 2 A. Mm hm.
 3 Q. From 1993 to 1998 you were based in London doing
 4 a training job, weren't you?
 5 A. I'm not permitted to answer that question.
 6 Q. You ran the intelligence officers' new entry course in
 7 Hampshire for five years?
 8 A. I'm not permitted to answer that question, I'm afraid.
 9 your Lordship.
 10 Q. That's not working in the field, is it, Mr -- oh, this
 11 is outside London, is that why it's in the field?
 12 A. As I've said, I'm not permitted to answer that question.
 13 your Lordship.
 14 Q. What field were you working in between those years?
 15 A. I cannot answer that question.
 16 Q. You then worked in the British Embassy in Paris.
 17 A. I did.
 18 Q. Were you working on Russia and CIS matters there?
 19 A. Again, I am not permitted to discuss that.
 20 your Lordship.
 21 Q. The reality is, your 22 years working in the field
 22 involved at least nine years working on completely
 23 different matters from Russia and the CIS, didn't it?
 24 A. Again, I cannot answer that question, your Lordship.
 25 Q. Well, in due course, Mr Steele, we'll seek -- I'll seek

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1 a ruling from his Lordship, because there's no
 2 inhibition whatever on you answering those questions.
 3 I suggest.
 4 A. I disagree.
 5 Q. But you can't tell me what it is, apart from government
 6 policy?
 7 A. I have been told at the point when I left government
 8 service and during government service that I'm not
 9 permitted to discuss the specifics of my role in
 10 government or my jobs in government outside of
 11 government, your Lordship.
 12 Q. What was your final grade in the civil service,
 13 Mr Steele?
 14 A. Senior management assistant.
 15 Q. Was that grade 7?
 16 A. No, it's the equivalent of councillor. So it depends
 17 how you grade it.
 18 Q. You weren't part of the senior civil service?
 19 A. I was senior management system of the civil service.
 20 Q. When was the last time you visited Russia?
 21 A. I can only say, my Lordship, that I haven't visited
 22 Russia since I left government service in 2009.
 23 Q. So that's 11 years ago?
 24 A. That's correct.
 25 Q. You set up your current business with Mr Burrows

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1 In 2009. Then, according to your witness statement,
 2 since then you have worked as -- your words --
 3 a national security professional. Is that your
 4 evidence?
 5 A. That has been one of my roles, yes.
 6 Q. Well, that's not -- you say in your witness statement,
 7 paragraph 4 (C/4/21):
 8 "... since then as a national security
 9 professional."
 10 A. That's correct.
 11 Q. Well, you don't have any official function of any kind,
 12 do you?
 13 A. No, but I have worked as a contractor for the FBI and
 14 for parts of the British Government over that period.
 15 Q. According to your web site, you provide strategic
 16 advice, mount intelligence gathering operations and
 17 conduct complex often cross-border, investigations: is
 18 that correct?
 19 A. That's correct.
 20 Q. Corporate intelligence?
 21 A. Amongst other things, yes.
 22 Q. I mean, you're a private investigator: that's your
 23 job, isn't it?
 24 A. I'm a private investigator who has government clients.
 25 Q. You're not a national security professional at all?

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1 A. The government clients task us on national security
 2 issues, my Lordship.
 3 Q. One of your selling points is that you have a network of
 4 sources: is that right?
 5 A. Yes.
 6 Q. But those are sources that don't come from your time at
 7 M&G, correct?
 8 A. They don't come from my time as a Crown servant,
 9 your Lordship.
 10 Q. So those are sources that you have developed since 2009?
 11 A. That is correct.
 12 Q. So your Russian sources are developed at a time when you
 13 have not actually visited the country?
 14 A. That is correct.
 15 Q. So you have not been in a position to go to Russia to
 16 meet sources in Russia or to check out they are who they
 17 say they are?
 18 A. I have not personally been to Russia. It doesn't mean
 19 I have been unable to meet Russian sources or to recruit
 20 Russian sources outside of Russia.
 21 Q. But you haven't been able personally to go to Russia to
 22 cultivate sources, you have to rely on other people.
 23 correct?
 24 A. No, because Russians travel outside of Russia.
 25 Q. So the Russians you deal with are ones who you meet in

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1 Q. Well, you don't mention any reliance on their memories
 2 in your witness statement.
 3 A. That's true, but obviously with my colleagues and so on
 4 we discussed these matters.
 5 Q. So if someone else has contemporaneous records, you're
 6 not in a position to disagree with them because you
 7 don't have your own?
 8 A. That is correct.
 9 Q. We're now talking about events of three and a half years
 10 ago.
 11 A. Indeed we are.
 12 Q. So let's begin with your engagement with -- the
 13 engagement of Orbis by Fusion. How did that take place?
 14 A. For this particular project?
 15 Q. Yes.
 16 A. I had a conversation with one of the directors of
 17 Fusion, Glenn Simpson, at Heathrow Airport in May 2016
 18 and that was followed up by a phone call from him,
 19 probably a week later, engaging us on this project.
 20 Q. So when you say at paragraph 14 of your witness
 21 statement: (C/4/3)
 22 "Orbis was engaged via a telephone instruction
 23 communicated by one of Fusion's founders, Mr Glenn
 24 Simpson, to me in late May 2016."
 25 That post-dates the meeting at Carluccio's at

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1 Q. More terms of the contract?
 2 A. Not that I can think of particularly.
 3 Q. You mentioned a Washington law firm.
 4 A. Yes.
 5 Q. When did you learn the identity of that law firm?
 6 A. In late July 2016, although I can't say the exact date.
 7 Q. But you knew that that law firm wasn't the ultimate
 8 client?
 9 A. I -- yes, I did know there was a client -- the law firm
 10 itself had a client. That's right.
 11 Q. I mean, had you worked for Perkins Cole before on the
 12 obtaining of intelligence in relation to political
 13 matters?
 14 A. No.
 15 Q. Directly or indirectly through Fusion?
 16 A. No.
 17 Q. Did you know that what they did was obtain reports in
 18 a privileged setting which they then used for
 19 campaigning purposes?
 20 A. When I found --
 21 Q. For their clients?
 22 A. Obviously at the outset I didn't know it was
 23 Perkins Cole. When I found out it was Perkins Cole,
 24 I looked up obviously the website of the company prior
 25 to meeting them and ascertained their role, or likely

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1 role.
 2 Q. They effectively work as the legal arm of the Democratic
 3 Party, do you know that?
 4 A. Once I had read their website and met them, yes.
 5 Q. And they gather -- they instruct investigators to obtain
 6 material about political opponents in a privileged
 7 setting so it can then be used for campaigning by the
 8 Democratic Party. Did you know that?
 9 A. That was not how it was represented to me.
 10 Q. How was it represented to you?
 11 A. They wanted to obtain information and they wanted to
 12 monitor irregularities in the election campaign.
 13 Q. Where do you deal with that in your witness statement?
 14 A. It's not in there.
 15 Q. Is that -- so that's another of those -- you have
 16 remembered, three and a half years after the event, you
 17 have remembered another relevant fact. Is that the
 18 position, Mr Steele?
 19 A. I didn't record in my witness statement, your Lordship,
 20 every single thing that was said to me at every moment
 21 during this contract, this project.
 22 Q. But you did recall in your witness statement that you
 23 had looked at the website and formed the view that they
 24 were going to use this information for the purposes of
 25 legal advice?

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1 A. I established that Mark Elias was one of the foremost
 2 election litigators in the United States.
 3 Q. When did you establish that, Mr Steele?
 4 A. By looking at the web --
 5 Q. Where? When did you establish it?
 6 A. Well, in late July when I became aware that Perkins Cole
 7 was the client of Fusion.
 8 Q. But you didn't meet Mr Elias at that time?
 9 A. Mr Elias was in an adjacent room the first time
 10 I visited Perkins Cole, on 29 July, I believe, 2016.
 11 Q. When did you first remember that?
 12 A. It's always been the case.
 13 Q. It's not in your witness statement. It's not in your
 14 first witness statement, is it?
 15 A. It has always been the case that he was in an adjacent
 16 room.
 17 Q. Let me ask you the question again.
 18 A. Yes.
 19 Q. It's not in your first witness statement, is it?
 20 A. It's not in my first witness statement.
 21 Q. According to your first witness statement, you first met
 22 Mr Elias in September, correct?
 23 A. Direct --
 24 Q. 11 September?
 25 A. Directly met him, yes. Not -- in fact, it's

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1 22 September, the first time I physically met him in
 2 person.
 3 Q. And in that witness statement you say that he gave you
 4 his business card?
 5 A. That's true, yes.
 6 Q. Then you looked him up on the internet?
 7 A. No, I had already looked him up on the internet. I had
 8 taken a look at all the firm's website.
 9 Q. So -- well, let's look at your witness statement about
 10 this. I think it is paragraph 19 (C/4/4). This is your
 11 original evidence about meeting Mr Elias:
 12 "He ... told me that he was a partner of
 13 Perkins Cole and his business card made reference to the
 14 same. In light of the context --"
 15 Sorry, yes, the third line, it says:
 16 "... I subsequently ascertained from the firm's
 17 website was chair of its Political Law Practice --"
 18 So that's wrong, is it? It's not subsequent to your
 19 meeting with Mr Elias?
 20 A. As soon as -- as soon as I found out that Perkins Cole
 21 were the ultimate client -- sorry, not the ultimate
 22 client -- Fusion's client, I looked at their website.
 23 Q. So what's this evidence doing here in paragraph 19? Can
 24 you explain that?
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 2 in your witness statement.
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 4 we discussed these matters.
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 24 you explain that?
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1 and he gave me his card. I obviously then looked at him
 2 in particular on the website.
 3 Q. So you're saying you looked at him on the website twice?
 4 A. I looked -- initially, when I found out Perkins Cole
 5 were the client. I obviously looked at the website, and
 6 then I subsequently revisited their website after that
 7 several times, and in particular after I met Mr. Elias
 8 I looked again at his entry.
 9 Q. So you say in your witness statement, at paragraph 16
 10 [C/4/], that you satisfied yourself as to the
 11 trustworthiness of both Fusion and Perkins Cole. Now,
 12 you had worked with Fusion for some years by this stage?
 13 A. Yes.
 14 Q. So presumably you trusted them?
 15 A. Correct.
 16 Q. How did you satisfy yourself of the trustworthiness of
 17 Perkins Cole, Mr. Steele?
 18 A. Through Fusion and the fact that Fusion had previously
 19 worked with Perkins Cole.
 20 Q. So you thought that was -- is that how you would work
 21 out whether someone is trustworthy or not?
 22 A. I also asked -- sorry, the answer is yes, but I also
 23 answered -- sorry, I also asked a couple of my legal
 24 clients in the UK who were aware of Perkins Cole as to
 25 whether they were a decent, respectable law firm.

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1 Q. You don't mention that in your witness statement.
 2 A. Not everything is in my -- I don't, no, but not
 3 everything is in the witness statement.
 4 Q. You say in that paragraph 16, that you didn't ask
 5 Fusion about the identity of its ultimate client.
 6 A. Mm-hmm.
 7 Q. And I think -- is it your evidence you never asked about
 8 the identity of the ultimate client?
 9 A. I was told at one point who the ultimate client was.
 10 later on, I don't think I pressed them with a question.
 11 Q. I mean, in fact, we know that you knew the identity of
 12 the ultimate client by early July 2016, don't we?
 13 A. I was not aware of the ultimate client in the sense that
 14 the DNC I believe, was the ultimate client. I presumed
 15 it was the Clinton campaign, and Glenn Simpson had
 16 indicated that, but I was not aware of the technicality
 17 of it being the DNC that was actually the client of
 18 Perkins Cole.
 19 Q. So, just tell me, in early July, who were you -- who did
 20 you think the ultimate client was?
 21 A. I thought it was the campaign, but I didn't know
 22 technically who it was.
 23 Q. You knew it was the leadership of the Clinton
 24 presidential campaign, didn't you?
 25 A. I believed it was the campaign, yes.

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1 Q. The leadership of the Clinton campaign?
 2 A. Fine, the leadership of the campaign.
 3 Q. And you also understood that Hillary Clinton herself was
 4 aware of what you were doing?
 5 A. I think Glenn had mentioned it, but I wasn't clear.
 6 Q. You see, you know what I'm referring to, Mr. Steele,
 7 don't you? Your own note of your meeting --
 8 A. Yes.
 9 Q. -- at [D/551/1].
 10 A. With the FBI, yeah, yes.
 11 Q. Where you say, you recall, yourself -- I mean, it's your
 12 note so we assume it is accurate.
 13 A. Yes.
 14 Q. In paragraph 3:
 15 "... we explained that Glenn Simpson, GP&Fusion was
 16 our commissioner but the ultimate client were the
 17 leadership of the Clinton presidential campaign and that
 18 we understood the candidate herself was aware of the
 19 reporting at least, if not us ..."
 20 A. Yeah.
 21 Q. So a political campaign had commissioned research into
 22 its opponent. You had no idea as to whether or not that
 23 was going to be used for political campaigning purposes,
 24 legal purposes or some other purpose, did you?
 25 A. I wasn't certain, although there were no indications

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1 that it was going to be used for campaigning purposes.
 2 Q. And there were no indications it was going to be used
 3 for legal purposes either, were there, Mr. Steele?
 4 A. At that stage, given that I didn't know who the
 5 Perkins Cole firm were, no, but, later, when I met them,
 6 it became clear to me that our reporting wasn't
 7 your Lordship, being used in the campaign itself.
 8 Q. How did that become clear?
 9 A. Because they never deployed any of it in the campaign.
 10 Q. No, they went -- they hawked it round every journalist
 11 in Washington, Mr. Steele, didn't they?
 12 A. Perkins Cole?
 13 Q. No, Fusion, at Perkins Cole's request, gave your
 14 material to a whole host of journalists, didn't they?
 15 A. Could you -- when you say you gave my material, could you
 16 expand on that?
 17 Q. Well, you attended -- when you went to Washington on
 18 21 September, there was a whole range of meetings
 19 arranged by Mr. Simpson with you and journalists, wasn't
 20 there?
 21 A. Yes, there was.
 22 Q. And you gave presentations -- you didn't -- I'm not
 23 suggesting you gave physical copies of your memorandum,
 24 but you gave presentations to the journalists about your
 25 findings in your reports, didn't you?

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1 A. I discussed the issues that were in the reports with
 2 a select group of journalists off the record, that's
 3 correct.
 4 Q. Mr. Steele, if you want to bandy words, you gave
 5 presentations, but the point of this was to tell
 6 journalists what you had found about candidate Trump and
 7 his doings in Russia, wasn't it?
 8 A. It was to discuss the issues that came out of the
 9 reporting. It wasn't to share the reporting with
 10 journalists.
 11 Q. You think that that's a legal -- that's for the purpose
 12 of legal proceedings, do you? Is that your evidence?
 13 A. I don't know the answer to that.
 14 Q. Well, the answer is obvious, isn't it, Mr. Steele? That
 15 was for the purpose of political campaigning. It was to
 16 try and get this stuff into the public domain to the
 17 detriment of candidate Trump, wasn't it?
 18 A. It was to try and get the journalist to investigate the
 19 issues, is how I would put it, your Lordship.
 20 Q. It wasn't intended to benefit candidate Trump, was it?
 21 A. It wasn't intended to reflect well on him?
 22 A. No.
 23 Q. It was intended to reflect badly on him, wasn't it?
 24 A. It depends whether it is true or not, whether the
 25 material was correct, whether it was accurate.

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1 Q. Well, I assume you believed it was accurate?
 2 A. Yes, I did.
 3 Q. So if you believed it was accurate, and you were
 4 presenting it to journalists, you were doing that for
 5 the purpose of damaging candidate Trump, weren't you?
 6 A. I don't agree with that. I think, your Lordship, that
 7 is too simplistic. I was airing the issues which had
 8 arisen out of our work.
 9 Q. Mr. Steele, let me make it clear: I'm not suggesting you
 10 were antagonistic to towards candidate Trump. You
 11 understand me, I'm not even suggesting that in doing
 12 this work you were trying to -- I'm not suggesting you
 13 were trying to promote some kind of anti-Trump agenda.
 14 What I am suggesting is that you knew that this material
 15 was being used for political purposes, namely to advance
 16 the interests of the Clinton campaign.
 17 A. That may have been one of the purposes, and only in the
 18 extent that the information, the leads, were correct.
 19 Q. Well, you were being presented as a serious and
 20 experienced former intelligence officer whose research
 21 could be trusted and you were being presented to all
 22 these journalists as someone who was worth listening to,
 23 weren't you?
 24 A. That's true.
 25 Q. Mr. Simpson wasn't saying, "Here's my old friend

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1 Christopher Steele, he's a bit of a fanstist and he's
 2 made up quite a lot of stuff, but maybe you want to
 3 investigate as well," was he?
 4 A. No, he was presenting me as somebody who was a serious
 5 professional.
 6 Q. Yes. This was therefore being used for political
 7 campaigning purposes, it's obvious, isn't it,
 8 Mr. Steele?
 9 A. I think that's too crude a way of putting it.
 10 Q. How many reports did you produce for the Clinton
 11 presidential campaign?
 12 A. Within the bounds of the contract?
 13 Q. Yes.
 14 A. 16, I believe.
 15 Q. You see, the numbers run from 80 to 166. So there
 16 appear to be 70 missing reports in that sequence. What
 17 are they about?
 18 A. Within Ochs every report, no matter which project it is
 19 being produced on, is given a consecutive number. So
 20 there is no significance in -- the numbers that are
 21 missing, if you like, are numbers that refer to reports
 22 that were going into other project work.
 23 Q. Are you sure that these are the only reports?
 24 A. There were 16 memos produced subject to the contract.
 25 There was a note at the end of November that referred to

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1 Mr. Romney becoming Secretary of State, and there was
 2 a December memorandum that was produced, I think
 3 13 December, which was after the contract had expired.
 4 Q. What about number 87?
 5 A. I wouldn't know offhand sorry, which --
 6 Q. You see, number 87 isn't in the reports published by
 7 BuzzFeed, but it appears to be one you gave to the FBI.
 8 If you look at your --
 9 A. Could you expand on that? Because I'm not --
 10 Q. Yes, if you look at your note at [D/551/1], I think it
 11 is still up now. If we have a list here, we were
 12 presented with reports 2016/88, 2016/89 --
 13 A. Oh, yes.
 14 Q. -- 86 and 80?
 15 A. Yeah, yeah, yeah.
 16 Q. Now --
 17 A. Can I explain that?
 18 Q. Yes.
 19 A. They are pursuant to different work for the FBI. They
 20 are not relevant to -- that report was not concerning
 21 the Trump-Russia issue. It was some other issue, as was
 22 88, presumably.
 23 Q. Well, all the other numbers are in the reports published
 24 by BuzzFeed, but 87 isn't.
 25 A. Could I explain again, just to be clear, your Lordship,

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1 that we were working on a number of projects for the FBI
 2 at that time which were separate and independent of the
 3 Trump-Russia work we were doing for Fusion, and so I was
 4 sharing -- the reports there are the Orbis reports which
 5 refer to these other projects.
 6 Q. So there were only 16 that were produced; that's your
 7 evidence?
 8 A. There were 16 that were produced subject to the
 9 contract.
 10 Q. And then --
 11 A. Then there was a memo --
 12 Q. And then the -- yes, and then a later one?
 13 A. Then there was a further one, yeah.
 14 Q. Yes.
 15 A. So 17 plus a memo, 16 within the contract.
 16 Q. It is fair to say that your memoranda were mostly
 17 single-source reporting?
 18 A. That's fair, yes.
 19 Q. And up to a point, were uncorroborated intelligence?
 20 A. Up to a point, yes.
 21 Q. You understand I'm quoting your words to you, Mr Steele?
 22 A. Yes, yes.
 23 Q. And you say that they were informed by background
 24 research in your judgments as intelligence professional?
 25 A. Yes.

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171

1 Q. But that they were raw intelligence?
 2 A. I'm not sure they were raw intelligence, because raw
 3 intelligence is the transcript, my Lord, of a debrief of
 4 a source, and so they were informed by other knowledge.
 5 For example -- if I can give an example -- the meeting
 6 between -- reported between Mr Putin and Mr Yanukovich,
 7 the former Ukrainian president, near Volgograd was
 8 something we had checked the movements of those two
 9 before we issued the report.
 10 Q. I mean, the definition of raw intelligence, as
 11 I understand it, is something that is passed directly
 12 from a source, so it has not been analysed.
 13 A. It hasn't been analysed at all so it would be pretty
 14 much a transcript, your Lordship, of a debriefing.
 15 Q. You say in your witness statement that you asked trusted
 16 intermediaries to debrief trusted Russian sub-sources
 17 who have had personal knowledge or direct access to the
 18 relevant information. Is that --
 19 A. Mm-hmm.
 20 Q. That's at paragraph 28. (C/4/6)
 21 A. Yes.
 22 Q. Is that a correct description of the position?
 23 A. That's -- yes.
 24 Q. You assess that the sources were trustworthy, yes?
 25 A. Mm-hmm.

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1 sub-sources?
 2 A. Usually by the nature of -- the nature and length of
 3 their relationship with the source, your Lordship, but
 4 also on the basis of their reporting track record.
 5 Q. So --
 6 A. On other projects, in other words.
 7 Q. -- you rely on the source to tell you how good the
 8 sub-source is?
 9 A. Only partly. The source will obviously describe their
 10 relationship with the sub-source and hopefully be,
 11 your Lordship, objective as possible about that, because
 12 it reflects on them too, and then they will be judged on
 13 the basis of other source reporting and the track record
 14 of their own reporting.
 15 Q. The sub-sources were Russian, correct?
 16 A. They were --
 17 Q. I think that was your evidence?
 18 A. Yes, yes. That -- I think -- I have a slight problem of
 19 jigsaw identification here, your Lordship, but what
 20 I can say is that the vast majority of them are Russian.
 21 Q. And are they located in Russia or in London or in
 22 Europe, Western Europe?
 23 A. Located?
 24 Q. Well, do they live in Russia -- live and work in Russia
 25 or do they live and work elsewhere?

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175

1 A. The majority of them live and work in Russia.
 2 Q. And do you actually meet your sub-sources?
 3 A. Sometimes yes, sometimes no.
 4 Q. I mean, there's some that you have never met?
 5 A. Correct.
 6 Q. And some that you meet when they are visiting from
 7 Russia, correct?
 8 A. Yes.
 9 Q. You say in your witness statement that these Russian
 10 sub-sources would have personal knowledge or direct
 11 access to information?
 12 A. Yes.
 13 Q. What do you mean by "would have"?
 14 A. By --
 15 Q. Do you mean they did have?
 16 A. Yes. But also, I think, your Lordship, I'm implying
 17 there that judging by their official positions or their
 18 job or their relationship with the intelligence -- That's
 19 the point.
 20 Q. But you don't actually know whether they actually do
 21 have access; you just assume that they have access?
 22 A. Again, your Lordship, I have to be slightly careful here
 23 with jigsaw identification, but in the case of some of
 24 them I can see from the open source record that they
 25 would have access to the relevant information.

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176

1 Q. So in some cases you know they have access and in other
 2 cases you just assume they have access?
 3 A. I don't assume. I am told they have access and then
 4 it's tested.
 5 Q. Well, it may or may not be tested, because it may be
 6 something that you can't obtain any other corroboration
 7 for so you have to rely on them being accurate,
 8 Mr Steele.
 9 A. That is correct, but a rare situation, your Lordship.
 10 Q. I mean, they may have direct knowledge or they may just
 11 be repeating rumours to you that they have heard;
 12 correct?
 13 A. It's possible.
 14 MR TOMLINSON: My Lord, I am about to move on to a wholly
 15 new topic. I'm very happy to do it but I'm in
 16 your Lordship's hands.
 17 MR JUSTICE WARBY: I think that is probably a good point to
 18 stop. It's between 4:15 and 4:30 and we're keeping up
 19 to schedule.
 20 MR TOMLINSON: My Lord, there's absolutely no doubt whatever
 21 that this witness will be finished tomorrow.
 22 MR JUSTICE WARBY: Yes, Right. Well, 10:30 tomorrow then.
 23 Now, you're still in the witness box. You have
 24 heard me say -- you may not have heard me say because
 25 you weren't here yesterday, but while you are giving

1	mind was to, when we finish the evidence, then adjourn and reconvene at some convenient time on Thursday with the benefit of written submissions.	1	MR MIKHAIL FRIDMAN (continued)	1204 1270.13	02:15:07 09:27.14	72:18 74:10 116:10	122:11 120:16 125:5	137:19	attest (2) 18:29 99:14
2	MR JUSTICE VABBY: Yes. We'll plan on that basis.	2	Cross-examination by MR MILLAR (continued) 1	152:17 174:20.20	16:01 20:22 131:13	156:24 132:2 137:9	156:24 132:2 137:9	attest (2) 4:49 7:3	attest (2) 28:16
3	MR MILLAR: I am general.	3	MR PETER AVEN (affirmed)	18:19 18:19	11:15	151:22 22:23 163:3	171:22 173:4 174:16	32:14 36:7 29:14	attest (10) 1:16
4	(The court adjourned until 10.30 am on Wednesday, 18 March 2020)	4	Examination-in-chief by MR TOMLINSON 19	64:19 84:8	67:3 78:1 166:13	74:20 76:20 81:5	72:12 72:6 129:25	60:21 61:9 61:6 92:8	64:12 72:25 106:4
5		5	Cross-examination by MR MILLAR 21	25:11.4 146:11	151:23 155:10	101:1 103:24 130:14	132:2 155:10 132:2	94:21.21 102:5	104:21 102:5 62:2
6		6	MR GERMANY KHAN (affirmed)	71:18 74:8	20:18 30:17 41:7.12	132:3 155:12.13	132:3 155:12.13	114:18 115:23 112:2	attest (2) 39:23 62:2
7		7	Examination-in-chief by MR TOMLINSON 84	84:24 85:1 87:7	42:5 45:3 94:21 100:17	134:15 135:20 138:20	134:15 135:20 138:20	122:30.12 124:10	attest (2) 10:23
8		8	Cross-examination by MR MILLAR 85	142:14 119:20	101:19 142:24 166:6	157:5 162:25	172:17	attest (2) 138:4 151:5	attest (2) 44:15 50:2
9		9	Cross-examination by MR MILLAR 84	132:24	156:11.21	71:5	172:17	attest (2) 51:4 143:5	attest (2) 42:14 100:8
10		10	Application	120:17	156:11.21	131:6,13	131:6,13	attest (2) 115:24	attest (1) 11:26
11		11	Submissions by MR MILLAR 97	175:1.2.3	156:11.21 167:17	100:15	100:15	attest (2) 102:11	attest (2) 157:25
12		12	Submissions by MR TOMLINSON 130	120:17	156:11.21 167:17	100:15	100:15	attest (2) 102:11	attest (2) 157:25
13		13	Submissions in reply by MR MILLAR 142	141:15 141:12 166:15	156:11.21 167:17	100:15	100:15	attest (2) 102:11	attest (2) 157:25
14		14	SIR CHRISTOPHER STEELE (sworn) 145	90:11 152:11.15 152:21	156:11.21 167:17	100:15	100:15	attest (2) 102:11	attest (2) 157:25
15		15	Examination-in-chief by MR MILLAR 145	80:19 91:4 91:8	156:11.21 167:17	100:15	100:15	attest (2) 102:11	attest (2) 157:25
16		16	Cross-examination by MR TOMLINSON 147	11:9.10 12:0	156:11.21 167:17	100:15	100:15	attest (2) 102:11	attest (2) 157:25
17		17		175:7	156:11.21 167:17	100:15	100:15	attest (2) 102:11	attest (2) 157:25
18		18		42:24 44:20 94:16	156:11.21 167:17	100:15	100:15	attest (2) 102:11	attest (2) 157:25
19		19		127:1 142:20 154:8.12	156:11.21 167:17	100:15	100:15	attest (2) 102:11	attest (2) 157:25
20		20		34:7	156:11.21 167:17	100:15	100:15	attest (2) 102:11	attest (2) 157:25
21		21		13:15	156:11.21 167:17	100:15	100:15	attest (2) 102:11	attest (2) 157:25
22		22		163:12 162:25 166:1.3	156:11.21 167:17	100:15	100:15	attest (2) 102:11	attest (2) 157:25
23		23		175:7	156:11.21 167:17	100:15	100:15	attest (2) 102:11	attest (2) 157:25
24		24		42:24 44:20 94:16	156:11.21 167:17	100:15	100:15	attest (2) 102:11	attest (2) 157:25
25		25		127:1 142:20 154:8.12	156:11.21 167:17	100:15	100:15	attest (2) 102:11	attest (2) 157:25

OPUS 2 INTERNATIONAL

Petr Aven, Mikhail Fridman and German Khan v Orbis Business Intelligence Limited

Day 3

March 18, 2020

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Day 3

1 10 A. Mm hm.

2 11 Q. In the first two versions of your witness statement,

3 12 signed by a statement of truth, you said that those

4 13 instructions were given on 11 September 2016, didn't

5 14 you?

6 15 A. Yes.

7 16 Q. And that was wrong?

8 17 A. It was wrong.

9 18 Q. You said -- you now say that these instructions were

10 19 given at the July meeting, the July meeting you had

11 20 previously mentioned with Mr Sussman?

12 21 A. That's not the case. I was given the instruction

13 22 sometime after that meeting by Mr Simpson.

14 23 Q. Very well. And so at the July -- according to you, at

15 24 the July meeting Mr Sussman mentioned to you the

16 25 connection between the server at Alfa Group and the

1 1 Q. -- by an article in Share, I'm not sure if it is

2 2 a magazine or a website, but whatever it is -- I think

3 3 it may be a magazine.

4 4 A. Possibly both. By Mr Peer.

5 5 Q. Possibly both. By Mr Peer.

6 6 A. Mm hm.

7 7 Q. He described it -- are you familiar with this article?

8 8 A. Yes, I am.

9 9 Q. He described how a computer scientist, using the

10 10 pseudonym Tea Leaves, had found some connections in late

11 11 July.

12 12 A. Mm hm.

13 13 Q. Do you remember that?

14 14 A. Yes, I do.

15 15 Q. Look at the second page, please (D/76/2). The bottom

16 16 paragraph:

17 17 "In late July, one of those scientists -- who asked

18 18 to be referred to as Tea Leaves -- found what looked

19 19 like malware emanating from Russia. The destination

20 20 domain had Trump in its name ..."

21 21 Then if you go over the page (D/76/3)

22 22 "More data was needed, so he began carefully keeping

23 23 logs of the "Trump server's DNS activity."

24 24 Do you see that?

25 25 A. Yes.

1

3

1 1 server at Trump Tower. Is that still your evidence,

2 2 Mr Steele?

3 3 A. That is my recollection, yes.

4 4 Q. You then say that Mr Simpson instructed you to produce

5 5 Memorandum 112 soon after that meeting?

6 6 A. Yes.

7 7 Q. But you can't remember when?

8 8 A. I have no record of it.

9 9 Q. You have no record of anything, have you?

10 10 A. I haven't got any records relating to the creation of

11 11 112.

12 12 Q. Or indeed any of the other memoranda?

13 13 A. No, they were wiped in early January 2017.

14 14 Q. Yes. Yes. You see, I suggest that you're wrong about

15 15 your recollection that the server link was mentioned to

16 16 you in July 2016. Do you think that might be correct?

17 17 A. I think it's possible, but I don't think it's correct.

18 18 Q. You see, do you know when the -- the first time this

19 19 allegation was made public?

20 20 A. I think it was in October.

21 21 Q. On 31 October, wasn't it?

22 22 A. Mm hm.

23 23 Q. Can we have a look at (D/76/1), please. This was the

24 24 first time that this was put into the public domain --

25 25 A. Mm hm.

1 1 Q. So Mr Tea Leaves, who was at least one of the sources of

2 2 this story, didn't actually know there was a connection

3 3 in late July, did he?

4 4 A. I think he did.

5 5 Q. No, no, it says here, clearly, he first became

6 6 suspicious in late July, then he began carefully keeping

7 7 logs and so on. It was then some research took place

8 8 over a period. That's what the article outlines.

9 9 A. Mm hm.

10 10 Q. But in late July all he had seen was suspicious server

11 11 activity.

12 12 A. I believe he passed that information on to the Fusion

13 13 client in late July, if it was him that passed it on.

14 14 They were in possession of that information in

15 15 late July.

16 16 Q. Well, that's what you say, Mr Steele, but your

17 17 recollection has already been proved to be wrong once

18 18 and I'm suggesting it is wrong again. Do you understand

19 19 me?

20 20 A. I do understand that, but there is a logic to this.

21 21 My Lord, if I may. There are some things I'm clearer

22 22 about in my mind from that period than others, and what

23 23 I'm very clear is that the first person that ever

24 24 mentioned the Trump server issue, Alfa server issue, was

25 25 Mr Sussman. I only ever met Mr Sussman twice, and the

2

4

1 instruction to produce 1112 was absolutely definitely

2 linked to the server issue.

3 Therefore, it has to have been the case that it was

4 mentioned to me in late July.

5 Q. You see, you're also familiar with the subsequent long

6 article in the New Yorker about the history of this

7 allegation, aren't you?

8 A. Yes.

9 Q. That's at (D/121/1). This is another computer scientist

10 with a pseudonym, this time called Max. If we look at

11 page 4 of this (D/121/4), it is in August 2016 that Max

12 decides to reveal the data he and his colleagues had

13 assembled. Do you see, that's the penultimate matter

14 graph.

15 A. I do.

16 Q. So Max goes to the New York Times, Mr Eric Litchblau,

17 in August 2016?

18 A. Yes.

19 Q. The New York Times then subsequently go to the FBI in

20 late September 2016. Do you remember that? If you go

21 over the page to page 5, (D/121/5)

22 A. Yeah, they went to the FBI at that time, The New York

23 Times.

24 Q. It is the middle paragraph.

25 "At the meeting in late September, 2016,

5

1 a roomful ..."

2 And so on.

3 You see, according to your first recollection,

4 Mr Sussman told you that the FBI had been informed

5 in July.

6 A. That's right, yes.

7 Q. But there's absolutely no evidence, is there, that the

8 FBI -- anywhere else -- that the FBI were informed

9 in July, apart from your recollection?

10 A. I don't know who the source -- original source that

11 Mr Sussman had for the story. I'm not -- It seems there

12 are several sources here of this story and I'm not sure

13 where Mr Sussman's intelligence came from.

14 Q. You see, you're very familiar, I know, Mr Steele, with

15 the material -- the background to this. There's not

16 a shred of evidence anywhere that anybody was aware of

17 this supposed server connection in late July, is there?

18 A. Well, that's what I was -- my recollection is that

19 that's what I was told in late July.

20 Q. Well, all we know for certain is that you must have been

21 instructed to produce the memorandum at some date before

22 14 September 2016.

23 A. Correct.

24 Q. So what did you do then, when you got that instruction?

25 What was your next move?

6

1 A. I gave a briefing question to my source.

2 Q. Did you -- do you have a range of possible sources? Did

3 you think, is this a job for source 1, is this a job for

4 source 2, is this a job for source 3, or is there only

5 one person you go to?

6 A. No, usually several, depending on all sorts of

7 circumstances which are operational, for example, if

8 somebody is travelling, is able to meet a certain

9 sub-source and so on.

10 Q. So you chose a particular source on that occasion?

11 A. That's right, yes.

12 Q. And that source was a Russian?

13 A. Yes.

14 Q. You hesitate, but you described him in the memo as

15 a trusted comparator of a Russian Government official?

16 A. Correct, yes.

17 Q. Where was that source living at the time?

18 A. I'd rather not answer that question, your Lordship,

19 because it is part of the issue of jigsaw

20 identification.

21 Q. Mr Steele, I know that you had a career in intelligence

22 and your instinct is to be secret, but you can't

23 possibly identify someone by saying what country they

24 are living in, can you?

25 MR JUSTICE WARBY: You didn't actually ask what country.

7

1 You said where.

2 So we have established --

3 MR TOMLINSON: I'm so sorry, your Lordship is absolutely

4 right.

5 What country were they living in, Mr Steele?

6 I wasn't asking for their address.

7 A. Your Lordship, would you care to comment on that

8 question in terms of this jigsaw --

9 MR JUSTICE WARBY: Well, it's not for me to comment. If you

10 want to say that giving the answer would risk

11 identification of the source and that you object to

12 answering the question on that basis, then that's what

13 you should say, and then we'll get another question.

14 A. Okay. Yes, I do object to that because of travel and

15 identification issues.

16 MR TOMLINSON: So the FBI has a total rundown on everybody

17 who travels around Europe and can work out from that who

18 your source might be?

19 A. From passenger manifest, yes.

20 Q. Mr Steele, that's just not realistic, is it?

21 A. It is realistic, I'm afraid.

22 MR TOMLINSON: My Lord, that's a question I would ask

23 your Lordship to direct the witness to answer.

24 MR JUSTICE WARBY: Well, shall we round them up as a list

25 and see later on?

8

1 MR TOMLINSON: I'll ask Mr Stevill to keep a list.

2 MR JUSTICE WARBY: Yes.

3 MR TOMLINSON: Was this person the source for any of the

4 other memoranda in the so-called dossier?

5 A. Yes.

6 Q. How many of them? All of them?

7 A. Most of them.

8 Q. Most of them. How long had you had them on reclaimer?

9 A. On reclaimer or on the payroll? It's a slightly

10 different issue.

11 Q. Sorry, what's the distinction? I wasn't aware there was

12 one.

13 A. If you pay someone a retainer, you pay them a monthly

14 amount of money regardless of their work

15 Q. Right.

16 A. And if you pay them according to what they produce for

17 a project or a particular report, it's a sort of

18 one-off, or series of one-off payments.

19 Q. In your witness statement you only refer to the first as

20 people being paid a regular sum of \$3,000 to \$5,000.

21 A. Yes, at that time.

22 Q. At that time.

23 A. We're going back in history.

24 Q. I see. I see. So how long had they been either on the

25 payroll or on reclaimer?

9

1 A. Yes, I would say about six years.

2 Q. What kind of business or occupation did this source work

3 in?

4 A. I would rather not answer that, my Lord. If we could

5 put that on the a list.

6 Q. You see, is this -- if this is a source who moves in

7 anti-Putin émigré circles, if I can put it that way,

8 that obviously casts a substantial light on the sort of

9 information they are going to provide to you, doesn't

10 it?

11 A. It would if they did.

12 Q. And did they?

13 A. But our sources are not involved in anti-Putin émigré

14 activity.

15 Q. Well, that wasn't my description, if they moved in

16 anti-Putin émigré circles, it's a different point.

17 A. They don't do that either.

18 Q. You say in your third witness statement that you have

19 concerns about their safety. Is this someone who has

20 been subject to any threats?

21 A. That's a difficult question, my Lord, to answer.

22 I believe their family has been monitored.

23 Q. Their family has been monitored. This source is still

24 alive, we're talking about a living person here.

25 correct?

10

1 A. We are.

2 Q. Is this the source that the Inspector General's report

3 designates as Person 1?

4 A. Person 1?

5 Q. Person 1, your primary sub-source. The terms are used

6 in a confusing way --

7 A. I'm sorry, I think --

8 Q. -- but I think by sub-source they mean source in your

9 terms?

10 A. Yeah, I think there are two -- two separate people

11 they're referring to here, if I might say, my Lord.

12 I think there's a Person 1 and a principal sub-source.

13 Q. There's a Person 1 and a primary sub-source?

14 A. Yes.

15 Q. Is this person Person 1? Is the source you're talking

16 about here Person 1?

17 A. No.

18 Q. Is there -- are they the primary sub-source?

19 A. Yes.

20 Q. The Person 1 you described as a boaster and an egotist

21 who engaged in embellishment, correct?

22 A. I didn't make a categorical statement of that sort.

23 I said he was somebody who possibly embellished.

24 Q. But you said he was a boaster and an egotist?

25 A. Yeah, that doesn't mean he's a bad source though.

11

1 Q. Doesn't he?

2 A. Many sources have big egos, I'm afraid.

3 Q. Was the primary sub-source that we're referring to

4 here -- that's the source in this case --

5 A. Yes.

6 Q. -- was that person a boaster and an egotist as well?

7 A. No.

8 Q. So how did you communicate with this source, initially?

9 We're talking after Mr Simpson has called you up and

10 said, "I want you to look into the links between Alfa

11 and Putin". How do you communicate with the source?

12 A. Both by encrypted communications and in person.

13 Q. So you actually have a meeting with them before they're

14 commissioned, as it were, as part of the commissioning

15 process, is that right?

16 A. Usually, yes.

17 Q. Not usually. In this case?

18 A. Yes.

19 Q. Did you identify at that stage a suitable sub-source or

20 did you leave that to the source?

21 A. It's a slightly more complicated situation than that

22 because obviously the source has a number of sub-sources

23 and a number of potential sub-sources to report on

24 a particular issue. And so we obviously discuss

25 sub-sources who might be able to comment on an issue and

1 A. We are.

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3 designates as Person 1?

4 A. Person 1?

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14 A. Yes.

15 Q. Is this person Person 1? Is the source you're talking

16 about here Person 1?

17 A. No.

18 Q. Is there -- are they the primary sub-source?

19 A. Yes.

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19 Q. Did you identify at that stage a suitable sub-source or

20 did you leave that to the source?

21 A. It's a slightly more complicated situation than that

22 because obviously the source has a number of sub-sources

23 and a number of potential sub-sources to report on

24 a particular issue. And so we obviously discuss

25 sub-sources who might be able to comment on an issue and

1 It's up to the source then to see who they can meet and
 2 who is useful on a particular topic. To use their
 3 judgment, essentially.
 4 Q. So, on this occasion, you discussed a number of
 5 potential sub-sources; is that your evidence?
 6 A. Yes, there were a number of sub-sources who potentially
 7 could have contributed to this, or did to the project,
 8 and potentially to this specific issue.
 9 Q. But your source aligned on a sub-source who was a top
 10 level Russian Government official?
 11 A. Yes.
 12 Q. Who was in the Kremlin?
 13 A. Yes. My Lord, may I make a comment about the term,
 14 "the Kremlin", because for Russianists, it isn't just
 15 who works physically within the walls of the Kremlin.
 16 It is a reference to the leadership of the country and
 17 the number of government ministries and other bodies
 18 that take part in the high organs of state.
 19 Q. So this person might be the government minister in
 20 Novosibirsk, you meant?
 21 A. No, that would not be the Kremlin.
 22 Q. Well, they would be a top level government official if
 23 they were the --
 24 A. No, I don't think they would be.
 25 Q. Well, you said the term "the Kremlin" referred to the

13

1 top level of government?
 2 A. Yes.
 3 Q. If someone is in charge of the third city of Russia,
 4 then they're obviously a top level government official,
 5 aren't they?
 6 A. I don't -- I wouldn't use that term, no.
 7 Q. I see. So "in the Kremlin" -- by "in the Kremlin" you
 8 don't mean that they're physically within the confines
 9 of that building in Moscow?
 10 A. Indeed, because I think even the presidential
 11 administration is not physically in the walls of the
 12 Kremlin.
 13 Q. But you mean that they're at the centre of
 14 Russian Government?
 15 A. At the peak of the vertical of power, yes.
 16 Q. Was this person the sub-source for any other of the
 17 memoranda?
 18 A. Yes.
 19 Q. Which ones?
 20 A. I would say parts of them, rather than all of them --
 21 all of the reports. So they contributed parts of the
 22 other report.
 23 Q. Shall we go through them and identify which ones that
 24 they contributed to.
 25 A. I can think of a couple but I would rather -- again,

14

1 my Lord, I have a problem with that, because I think it
 2 pertains to jigsaw identification of the sub-source.
 3 Q. But it also helps us to assess whether they provided
 4 accurate information, doesn't it?
 5 A. It's part of that -- could be part of that process.
 6 This sub-source, of course, had worked for us for
 7 several years.
 8 Q. I mean, we know that certain things in your memoranda
 9 were undoubtedly inaccurate: even on your assessment,
 10 they were inaccurate?
 11 A. I wouldn't admit to that.
 12 Q. The Miami consulate, for example, the non-existent Miami
 13 consulate that was running cyber activities?
 14 A. There was a Miami consular general -- Miami consul
 15 general, sorry, at the time, so these are minor points
 16 of detail. If I might say, my Lord, no intelligence
 17 report I've ever seen has been 100% correct.
 18 Q. How do you know that?
 19 A. Well, that is my assessment when we've assessed things.
 20 Q. So which bit of Memorandum 112 is not correct? You say
 21 that no memorandum is ever 100% correct so -- I thought
 22 you were maintaining that this one was 100% correct?
 23 A. The only thing in Memorandum 112 that appears not to be
 24 100% correct is the timing of Governor's time with Alia
 25 and the period when Vladimir Putin was Deputy Mayor of

15

1 St. Petersburg
 2 Q. Is that your evidence, that's the only thing that's
 3 incorrect, Mr Steele?
 4 A. Yes.
 5 Q. Well, I'll come back to that.
 6 The sub-source, is that someone you have ever met?
 7 A. Again, I'd rather not answer that, my Lord, for
 8 identification reasons.
 9 Q. How long have you had dealings with them?
 10 A. Several years.
 11 Q. How many is that? Two?
 12 A. Three or four.
 13 Q. Two?
 14 A. Well, it depends whether you are talking from 2016 or
 15 from this --
 16 Q. No, of course, I'm talking about 2016.
 17 A. Okay. So I would say three years.
 18 Q. What did you know about that sub-source's connections in
 19 the Russian Government?
 20 A. A lot.
 21 Q. A lot?
 22 A. Mm.
 23 Q. On what basis? Where did your information come from?
 24 A. Well, both from the source and from open source
 25 information.

16

1 Q. You say you're concerned about their safety?
 2 A. Indeed.
 3 Q. Have they been subject to threats?
 4 A. I don't know.
 5 Q. I now want to ask you about the specific steps you took
 6 to ensure the reliability of this memorandum.
 7 A. Mm-hmm.
 8 Q. If you look at page 31 of your first -- or your revised
 9 statement (C/4/7). It will pop up in a moment.
 10 A. Which number, sorry?
 11 Q. Paragraph 31.
 12 A. Yeah.
 13 Q. It says -- there's a little free-floating
 14 subparagraph under paragraph 31.
 15 A. Yes.
 16 Q. It says:
 17 "Instead, I took the following steps to ensure as
 18 far as possible the reliability of the content of the
 19 memorandum in the Dossier - including CR112"
 20 A. Yeah.
 21 Q. Is that your evidence?
 22 A. Yes.
 23 Q. I don't want to take a false point, Mr Steele. Is your
 24 evidence that the steps you then outline are, unless you
 25 specifically say to the contrary, steps that you took in

17

1 relation to CR112?
 2 A. Yes.
 3 Q. So at paragraph 33 --
 4 A. Mm-hmm.
 5 Q. -- you say:
 6 "Normally, sources would transit through London and
 7 onto other destinations out of the country. On their
 8 transit out of London, I would meet with them face to
 9 face to brief them on the intelligence I was seeking."
 10 Did that happen in this case?
 11 A. That is my evidence. So, yes --
 12 Q. It did happen in this case?
 13 A. Yes.
 14 Q. You say at paragraph 34 --
 15 A. Mm-hmm.
 16 Q. -- that the contact between the source and the
 17 sub-source was made from a country outside -- I'm sorry,
 18 Paragraph 34: the source reported back to you: you took
 19 manuscript notes but did not keep them. Was that
 20 correct?
 21 A. I kept them for as long as it took to write the memo.
 22 Q. You say, again, at paragraph 34:
 23 "... the source and the sub-source had a very good
 24 reporting record."
 25 A. Correct.

18

1 Q. What do you mean by that?
 2 A. What I mean is that they had contributed to a number of
 3 Odis projects over the years and the things that they
 4 had reported on had either been corroborated by other
 5 sources or had turned out to be the case from open
 6 source and events on the ground.
 7 Q. Was the contact between the sub-source and the source
 8 made from a country outside the UK?
 9 A. Yes.
 10 Q. Which country was that, in the case of Memorandum 112?
 11 A. Can you elaborate on what you mean by the contact that
 12 was made between them? Are you talking about their
 13 meeting, or are you talking about their original --
 14 initial contact, by other means?
 15 Q. I'm talking about what you say at paragraph 30 of
 16 your --
 17 A. Direct or indirect?
 18 Q. Paragraph 30 of your witness statement.
 19 A. Right. I didn't see that.
 20 Q. If we go back to the previous page (C/4/6).
 21 A. Yes.
 22 Q. The last sentence:
 23 "Contract between the sub-source and the source was
 24 made from a country outside the UK."
 25 A. Yeah.

19

1 Q. Are you referring there to the initial contact, or the
 2 contact for the purposes of this memorandum?
 3 A. The memorandum.
 4 Q. So which country was that?
 5 A. Russia.
 6 Q. You then have a briefing with your source when the
 7 source has been in contact with the sub-source, correct?
 8 A. Debriefing, I think, better term. Briefing before --
 9 Q. Debriefing.
 10 A. -- debriefing after.
 11 Q. Let me get the terminology right. Was that in London?
 12 A. Yes.
 13 Q. Was that in person or by telephone?
 14 A. In person.
 15 Q. What did the source tell you about the meeting -- about
 16 the circumstances of their meeting with the sub-source,
 17 about gifts and favours?
 18 A. Nothing specific about gifts and favours, other than
 19 they had met directly.
 20 Q. The reason I ask you is because that's what you describe
 21 as happening in paragraph 29 (C/4/6).
 22 A. Yeah, I mean, gifts and favours might mean buying
 23 a bottle of wine or something like that.
 24 Q. It just says:
 25 "During the course of my briefings with the sources

20

1 following their meeting with a sub-source ...
 2 I see you use the inaccurate term "briefings" as
 3 well, but never mind.
 4 "During the course of my briefings with the sources
 5 following their meeting with a sub-source, I would ask
 6 about the circumstances of the meetings ... whether any
 7 modest gifts had been given ... the value of the
 8 dinner ... [and whether they] had asked the source for
 9 any favours in exchange for the intelligence."
 10 A. Yes.
 11 Q. Did you ask that in this case?
 12 A. I did, yes.
 13 Q. What was the answer?
 14 A. I think they shared a bottle of wine.
 15 Q. Now in terms of your verifiatory steps, at
 16 paragraph 32 [04/7] you say:
 17 "I assessed the intelligence I received having
 18 regard to what I know of the source and sub-sources and
 19 their roles ... I asked other about their individual
 20 source or sub-source and their story, and
 21 I cross-referenced the information ... against open
 22 source data where possible."
 23 Did you do that in this case?
 24 A. I -- yes, I did.
 25 Q. You see, there's nothing about that in your witness
 21

1 describing.
 2 Q. Well, let's have a look at it.
 3 A. We're getting down into the weeds here.
 4 Q. Let's have a look at the -- see what was said on behalf
 5 of Orbis in the further information. I think it's
 6 response 8 in [A/12/1] -- no, sorry, response 8 is
 7 something different. Give me a moment. Response 15
 8 [A/12/10].
 9 Sorry, it's response 21 [A/12/12].
 10 A. Sorry, you're on 21 now?
 11 Q. It should be the bottom of A/12/12. Full details of
 12 the -- this is the steps that were supposed to have been
 13 taken to constitute reasonable care.
 14 ... had regard to the nature of the allegations on
 15 which it was instructed to report [etc] ... the roles
 16 and status ... all steps reasonably required ...
 17 considering public domain material (see above) and the
 18 input of intelligence sources, the reliability of ...
 19 the Defendant ... using its knowledge and experience."
 20 A. Sorry, where are we again?
 21 Q. Sorry, we're now going over the page to --
 22 A. We are on 21, at the top of -- before 22?
 23 Q. Yes, and we're now going over the page to [A/12/13].
 24 Sorry, forgive me.
 25 A. Yeah, so -- Yeah.
 23

1 Q. You see, it doesn't say there that you did any specific
 2 research into Mr Govornov for example, does it?
 3 A. But we did open source work, some open source research
 4 on it, along the lines I've described.
 5 Q. I'll come to your research on Mr Govornov in a few
 6 minutes, Mr Steele, but I just want to -- so your
 7 evidence is this: the source comes back from Russia, he
 8 says, "I have had a bottle of wine with the sub-source
 9 and this is what he's told me", and you make a note?
 10 A. A detailed note, yes.
 11 Q. How long is that meeting?
 12 A. That meeting -- that meeting lasts probably a couple of
 13 hours. Which -- sorry, which meeting? The meeting --
 14 Q. The meeting --
 15 A. Sorry.
 16 Q. The debriefing meeting, as you don't call it.
 17 A. The debriefing meeting with the source?
 18 Q. Yes.
 19 A. A couple of hours.
 20 Q. You make a handwritten note and then you type it up?
 21 A. Yes, probably a couple -- well, type up the note or type
 22 up the report?
 23 Q. Well, type up the report.
 24 A. Yes.
 25 Q. The report -- the note becomes the report in some sense,
 24

1 doesn't it?
 2 A. It does, yes.
 3 Q. And who does that?
 4 A. Me.
 5 Q. So you then produce -- and in between the taking of the
 6 handwritten note and typing up the report, you now say
 7 that you do an internet search on Mr Govornov, you look
 8 at meetings of the Russian Union of Industrialists. Is
 9 there anything else you do?
 10 A. I think they were the only two things we looked at.
 11 If I might say, it's not always me that does the
 12 open source search. Sometimes one of my colleagues does
 13 it, because they're far more able technologically than
 14 I am. In this case -- but in this case I think I did
 15 it.
 16 Q. You say in paragraph 34 of your witness statement at
 17 [04/7] --
 18 A. Mm-hmm.
 19 Q. -- the last paragraph
 20 "The source and sub-source were established
 21 connections of mine. I trusted them and knew that they
 22 were in a position to report to me accurately."
 23 What does that mean?
 24 A. That the sub-source, by definition of their job, would
 25 have known of the information --
 25

1 Q. But that doesn't mean --
 2 A. You would have expected them to have known the
 3 information.
 4 Q. But that doesn't mean that they're going to tell you it
 5 accurately, does it?
 6 A. Not by definition, no.
 7 Q. I mean, they might give you an accurate account of what
 8 they know or they might not?
 9 A. That's absolutely true. I think that, however, when you
 10 assess information, you assess whether you think that
 11 the person giving it to you has access to that
 12 information by definition of their job or relatives or
 13 whatever.
 14 Q. So --
 15 A. It's one of the factors of assessment.
 16 Q. -- what you mean by "in a position to report accurately"
 17 is: potentially had access to the information on which
 18 they were reporting. Is that the position?
 19 A. More than potentially. I think, you would expect them to
 20 have it.
 21 Q. So did your sub-source have personal knowledge of the
 22 dealings between Mr Aven, Mr Fridman and Mr Putin in the
 23 1990s?
 24 A. Could you define what "personal knowledge" means?
 25 Q. Well, something that they didn't pick up second- or
 26

1 third-hand, in other words, they were there. If you're
 2 reporting on what happened and you have personal
 3 knowledge, you must in some sense have been there, part
 4 of the organisation on one side or the other?
 5 A. I don't think they were there in the 1990s, but that
 6 doesn't mean that they hadn't talked to people who were
 7 there. It doesn't mean that they had either, does it?
 8 A. No.
 9 Q. In relation to that allegation, that was something
 10 that was second-hand, third-hand, fourth-hand, you
 11 didn't know?
 12 A. Not for certain, no.
 13 Q. Well, you didn't know for uncertain either, did you,
 14 Mr Steele?
 15 A. No.
 16 Q. I mean, if I tell you something that happened in British
 17 politics in the 1990s, you don't know whether I was
 18 there, or whether I've heard it from someone who was
 19 there, or whether I have heard it from fourth-hand,
 20 fifth-hand, or whether I've just read it on the
 21 internet. You have no idea.
 22 A. But I would ask you.
 23 Q. But you couldn't ask him because you're not in touch
 24 with -- him or her, you're not in touch with your
 25 sub-source so you can't ask them?
 27

1 A. No, it's the job of the source do that.
 2 Q. And did the source?
 3 A. On that specific point, no.
 4 Q. Did the -- so far as you are aware, did the sub-source
 5 know enough about Mr Putin's diary to know when he was
 6 meeting Mr Fridman directly?
 7 A. I would say possibly.
 8 Q. But did you know one way or the other whether they
 9 actually did?
 10 A. I would have expected that they could have known, given
 11 their position.
 12 Q. Did you ask your source whether they'd asked the
 13 sub-source whether they knew that directly or whether
 14 they had heard that from somewhere else?
 15 A. The source said that the sub-source was clear that that
 16 was the case.
 17 Q. Clear that Mr Fridman had recently met Mr Putin
 18 directly?
 19 A. Yes.
 20 Q. And the source then said to the sub-source, "How do you
 21 know that", did they?
 22 A. I imagine so, yes.
 23 Q. Sorry, you imagine so?
 24 A. Yes.
 25 Q. So you don't know one way or the other?
 28

1 A. I don't know one way or the other.
 2 Q. I mean, the sub-source might have said, "I met a man in
 3 a bar who told me that he had a friend who knew someone
 4 who said that Fridman had met Putin recently."
 5 A. Well, that wasn't the case.
 6 Q. How do you know?
 7 A. Because that's not how this sub-source and source work.
 8 Q. How do you know?
 9 A. That is what I'm told by the source.
 10 Q. Did you --
 11 A. Who I trust.
 12 Q. Did the sub-source have any, so far as you are aware,
 13 any personal knowledge about significant favours being
 14 done by President Putin for the claimants or Alita?
 15 A. I would say yes.
 16 Q. You hesitate.
 17 A. I hesitate because I'm concerned about getting into
 18 potential identification of the sub-source.
 19 Q. You see, to know about significant favours and informal
 20 advice, you must have very direct knowledge. I mean, if
 21 not in the room, you must be a close friend of either --
 22 of one of the two people involved, mustn't you?
 23 A. I'm not sure a friend, but certainly you would have to
 24 be proximate to them.
 25 Q. So did you say to your source, "Well, that's very

1 A. Yes, I said, "Does this sub-source have direct access to
 2 this information?"
 3 Q. And the source said, "Yes?"
 4 A. Yes.
 5 Q. And you then said to the source, "Well, did you quiz
 6 them about that? Did you check that actually this isn't
 7 just hearsay and gossip?"
 8 A. I had -- no, because I had never seen hearsay or gossip
 9 from this sub-source before.
 10 Q. Well, you wouldn't have known, would you, Mr Steele,
 11 because what you're dealing with is things which are at
 12 least second-hand and probably fourth- or fifth-hand,
 13 done in a country which you don't have any access to.
 14 A. Not fourth- or fifth-hand.
 15 Q. You don't know whether it is fourth- or fifth-hand, do
 16 you?
 17 A. Not in a particular instance, but as a matter of modus
 18 operandi, it's not fourth- or fifth-hand.
 19 Q. Mr Steele, you say that, but you actually don't know one
 20 way or the other, do you?
 21 A. I am making a judgment --
 22 Q. Yes.
 23 A. -- based on my knowledge of the source and the
 24 sub-source.
 25 Q. Yes, yes, you make --

1 A. Add the sub-source's job.
 2 Q. Yes, you make a judgment, but you don't know whether
 3 what you're being fed is hearsay, gossip and rumour, or
 4 whether it is something -- you know, whether it is
 5 someone who was actually in the room when Mr Putin was
 6 having his meetings with Mr Aven or someone else, do
 7 you?
 8 A. That's correct.
 9 Q. Your primary sub-source, which is the person I think
 10 we're talking about now, as your source, told the FBI
 11 you had misstated and exaggerated your statements in
 12 multiple sections of your reports, didn't they?
 13 A. I'm not sure that they did say that. Your Lordship, the
 14 OIG report, which is what Mr Tomlinson is referring to,
 15 has already been revised by the Department of Justice in
 16 terms of his interviewing of this primary sub-source,
 17 and completely changed the nature of the interview that
 18 he gave to them in January 2017.
 19 Q. I mean, we have the latest version in the bundle. Look
 20 at (D/131/225), please.
 21 A. Yes, is that right or --
 22 Q. Do you have that?
 23 A. I have page 187.
 24 Q. Yes, sorry, when I say 225, it is the electronic bundle
 25 number. Don't worry about the page numbers. They are

30

32

1 obviously different.
 2 A. Is that the revised version?
 3 Q. It is the revised version. It is the latest version.
 4 A. Sorry, the amended version?
 5 Q. Yes, this is the -- we have put in the latest published
 6 version of this report:
 7 "During the FBI's January interview, at which Case
 8 Agent 1, the Supervisory Intel Analyst, and
 9 representatives of NSD were present, the Primary
 10 Sub-source told the FBI that he/she had not seen
 11 Steele's reports until they became public that month,
 12 and that he/she made statements indicating that Steele
 13 misstated or exaggerated the Primary Sub-source's
 14 statements in multiple sections of the reporting."
 15 Do you see that?
 16 A. I see it, yes.
 17 Q. So your primary sub-source is telling -- which we're
 18 talking about the individual in this case -- that you
 19 have misstated or exaggerated what they told you?
 20 A. That's what's reported there.
 21 Q. Look at page --
 22 A. As I say, I have doubts about the detail of that
 23 interview because it has already been amended and
 24 revised once by the Department of Justice. I think the
 25 amendments are in the bundle, the trial bundle, at the

1 beginning of the report, and --
 2 Q. Well, let's just go -- we'll go back to see them. We'll
 3 go back to page -- let me get the page. I'm not sure --
 4 is it page -- it's not page 1. (D/131/1)
 5 A. I think it's in the bundle --
 6 Q. If you go to the next page I think maybe it's there.
 7 (D/131/2)
 8 A. I think it's in the bundle -- this is it, yeah, this is
 9 it. Point 3 or 3.
 10 Q. That's not about page 187, is it?
 11 A. It's about the interview with the primary sub-source
 12 that took place in January 2017.
 13 Q. It's about Person 1, I think.
 14 A. No, it's not.
 15 Q. But it doesn't -- Mr Steele, it doesn't bite in any way
 16 on what I'm quoting to you, which is that your source
 17 from this case is telling you that -- is telling the
 18 Department of Justice that you have misstated and
 19 exaggerated their statements.
 20 A. With respect, I think it does purport to it because it
 21 is showing that the account of that interview that was
 22 put in the OIG report to begin with is actually wrong
 23 and inaccurate.
 24 Q. But not in respect of this part.
 25 A. Well, certainly in respect of some very important parts,

1 so probably in respect of this part.
 2 Q. 226, please (D/131/226):
 3 "The Primary Sub-source was questioned again by the
 4 FBI beginning in March 2017 ..."
 5 A. Mm-hmm.
 6 Q. "The Washington Field Office agent ... who conducted
 7 the interview and others after it told the OIG that the
 8 Primary Sub-source felt that the tenor of Steele's
 9 reports was far more conclusive than was justified.
 10 The Primary Sub-source also stated that he/she never
 11 expected Steele to put the Primary Sub-source's
 12 statements in reports or present them as facts.
 13 According to WFO Agent 1, the Primary Sub-source said
 14 he/she made it clear to Steele that he/she had no proof
 15 to support the statements from his/her sub-sources and
 16 that 'it was just talk' ... the Primary Sub-source
 17 explained that his/her information came from word of
 18 mouth and hearsay'; 'conversation that [he/she] had with
 19 friends over beers' ...
 20 That's the kind of quality of information we're
 21 dealing with, Mr Steele, isn't it?
 22 A. No, I don't accept that.
 23 Q. Well, this is what your source is telling an official
 24 US Government inquiry, isn't it?
 25 A. As reported in this report.

1 Q. So you think that the US Inspector General's office has
 2 got it wrong and you are right: is that the position?
 3 A. Well, we know they have Mr Tomlinson, because they have
 4 already had to amend their account of that interview.
 5 Significantly, I would argue.
 6 Q. Not in this respect, Mr Steele.
 7 A. Well, we'll see.
 8 Can I add one other point, your Lordship, that on
 9 that point, although we had engaged with the
 10 Inspector General's team for six months, that was
 11 unredacted from the report at the last minute and we
 12 were not given the ability to answer it by the
 13 Inspector General's team, which is something we
 14 complained about in public afterwards.
 15 Q. If you go down to page 230, please (D/131/230).
 16 A. Ah, yeah, 192.
 17 Q. That's 192.
 18 A. Yeah.
 19 Q. So in the penultimate paragraph, the interview with:
 20 "Steele -- made statements that conflicted with
 21 explanations from two of his sub-sources about their
 22 access to Russian officials ... Steele explained that
 23 the Primary Sub-source had direct access to a particular
 24 former senior Russian government official and that they
 25 had been 'speaking for a while'. The Primary Sub-source

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36

1 told the FBI, however, that he/she had never met or
 2 spoken with the official .
 3 Do you see that?
 4 A. Yes.
 5 Q. -- the Primary Sub-source revealed that [you] did not
 6 have good insight into how many degrees of separation
 7 existed between the Primary Sub-sources' sub-sources and
 8 the persons quoted in the reporting, and that it could
 9 have been multiple layers of hearsay upon hearsay."
 10 [D/131/226].
 11 A. I don't accept that.
 12 Q. I mean, in the original version of your witness
 13 statement you relied on the nice things they said about
 14 you in this report to indicate what a truthful person
 15 you were, didn't you?
 16 A. They had obviously had significant interaction with us
 17 over a period of six months, including two days of
 18 voluntary interviews in London, from which they were
 19 able to draw their own conclusions about me as
 20 a professional; but they clearly got quite a lot wrong
 21 in this report, I would argue.
 22 Q. So the bits you agree with they got right, and the bits
 23 you disagree with they got wrong; is that your evidence?
 24 A. I don't know what else they got wrong. All I know is
 25 that they got some of it wrong.

37

1 Q. Look at page 226, again, please. [D/131/226].
 2 A. Mm hm.
 3 Q. -- in contrast to the impression left from [you]
 4 reports, [that] sub-sources did not have direct access to
 5 the persons they were reporting on."
 6 That's the second paragraph.
 7 A. Sorry, the sub-source -- the source? The source didn't
 8 have, or the sub-source?
 9 Q. That's the second paragraph.
 10 For example, the Primary Sub-source stated to
 11 WHO Agent I that, in contrast to the impression left
 12 from the election reports, his/hers sub-sources [that's
 13 primary sub-sources, what we're calling here the
 14 sub-source] did not have direct access to the persons
 15 they were reporting on."
 16 A. I think it depends which ones we're talking about. It
 17 relies on specifics. In the case of this particular
 18 memorandum they did.
 19 Q. So you got it wrong in the other memoranda but not in
 20 this one; is that your evidence?
 21 A. I don't think I got it wrong. I think we described the
 22 sources in different ways.
 23 Q. I mean, you put out a press release criticising the
 24 Attorney General and said that you --
 25 A. Excuse me, not the Attorney General. The Inspector

1 General.
 2 Q. Inspector General.
 3 A. Yes, sorry.
 4 Q. And saying that you didn't have the opportunity to
 5 respond.
 6 A. Correct.
 7 Q. Let's look at that. That's at [D/133/1]. This was put
 8 out on your behalf by a firm of lawyers in Washington.
 9 A. Yes, just to say, your Lordship, that Bob Weisberg from
 10 that firm had been involved in the interviews we had in
 11 London. He flew over. So he was present throughout the
 12 interviews we had with the Inspector General's team and
 13 did significant work with them back in Washington
 14 thereafter.
 15 Q. If we -- I think we need to go over the page to page 2
 16 [D/133/2]. Yes, sorry, forgive me, we need to go back
 17 to page 1 to get the complete sentence [D/133/1]:
 18 "That Orbis been given the opportunity to respond in
 19 a private session, the statements by the Primary
 20 Sub-Source would be put in a very different light."
 21 A. Yes.
 22 Q. "The Primary Sub-Source's debridings by Orbis were
 23 methodously documented and recorded."
 24 A. At the time.
 25 Q. But none of these documents exist, so they have all been
 1 destroyed.
 2 A. At the time, Mr Tomlinson, when we wrote the report
 3 Q. But you say it was methodous, but nobody is in
 4 a position to check that because the records don't
 5 exist.
 6 A. They no longer exist, but that is my assertion, indeed,
 7 my assertion under oath.
 8 Q. Well, you believe them to be methodous, Mr Steele. I'm
 9 sure that's right. But the person you were talking to
 10 effectively says you got it all wrong.
 11 A. No, they don't. I don't think that's true.
 12 MR JUSTICE VABRY: Sorry, the bit that you were quoting,
 13 Mr Tomlinson, where was that from?
 14 MR TOMLINSON: It's the bottom of point 1 in this press
 15 release and over the pages the last two sentences of
 16 point 1. [D/133/1-2]
 17 MR JUSTICE VABRY: Oh, I see.
 18 A. Yes.
 19 MR TOMLINSON: When you make statements of fact about Orbis'
 20 business in a formal setting, do you always check that
 21 they're correct, Mr Steele?
 22 A. I'm not sure what you're asking.
 23 Q. Well, in witness statements and statements to official
 24 investigations and so on, do you check that, before you
 25 state something as a fact, it is correct?

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1 A. To the best of our knowledge.
 2 Q. I just want to look at some examples, please. Look at
 3 paragraph 36 of your witness statement [C/4/8]. This is
 4 a point that was put in cross-examination by Mr Millar.
 5 I think, yesterday, concerning a company called Pamplona
 6 Capital Management and its permission to take a stake in
 7 the insurer Chancery.
 8 A. Yes.
 9 Q. Here, in paragraph 36, you say, stating apparently as
 10 a fact, that:
 11 "... the Russian ambassador -- attended the offices
 12 of the FSA in order to attempt to induce the FSA to
 13 reverse their decision to refuse to grant Pamplona
 14 Capital Management, which was owned by Alfa Group..."
 15 Do you see that?
 16 A. That's what I was told by the FSA official.
 17 Q. Well, you state it as a fact, Mr -- you state as a fact
 18 Pamplona Investment Capital Management was owned by
 19 Alfa Group, don't you?
 20 A. Yes.
 21 Q. A two-minute search on the Companies House website would
 22 reveal to you that Pamplona Capital Management is in
 23 fact owned by an individual called Alexander Kaxater and
 24 is not owned by Alfa Group at all.
 25 A. But the point that was told me by the official was that

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1 It was Alfa Group that were lobbying for this takeover.
 2 Q. No, but the point I'm making to you is you state as
 3 a fact:
 4 "... Pamplona Capital Management, which was owned by
 5 Alfa Group..."
 6 Which is wrong. It isn't a fact. It is false.
 7 A. Okay.
 8 Q. It's careless at the very least, Mr Steele, isn't it?
 9 A. It is in that instance.
 10 Q. Let's take another example. Look at paragraph 111 of
 11 this statement [C/4/26]. This is a paragraph which was
 12 struck out as irrelevant, legally irrelevant, but I want
 13 to ask you some questions about it because this is
 14 something you were prepared to put in a witness
 15 statement, signed by a statement of truth:
 16 "While I am aware that the Claimants have complained
 17 outside of these proceedings that they had no
 18 involvement in efforts to influence the 2016
 19 US Presidential election, Alfa Group in fact owns
 20 SOL Group, a subsidiary of which is Cambridge Analytica,
 21 which was engaged on behalf of President Trump's
 22 campaign and responsible for harvesting the personal
 23 data of Facebook users..."
 24 Etc. etc. You then go to the trouble of exhibiting
 25 the Information Commissioner's office notice finding

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1 Alfa Group -- finding a breach.
 2 "If the Claimants suffer from a taint of association
 3 between their businesses and influence on the election
 4 of President Trump, that taint seems to me to arise
 5 regardless of CR112"
 6 Do you see that?
 7 A. Yes.
 8 Q. This is an attempt to smear the claimants, by linking
 9 them to Cambridge Analytica, isn't it, Mr Steele?
 10 A. No, it links them to -- what was it -- SL -- SL Group,
 11 whatever.
 12 Q. You see, Alfa Group has nothing whatever to do with SOL.
 13 That is simply an internet conspiracy theory that's been
 14 put about by wild disinformation individuals. There's
 15 no -- there's absolutely no truth in that whatever,
 16 Mr Steele.
 17 A. That there's no link between Alfa and SOL?
 18 Q. None at all?
 19 A. If you say so.
 20 Q. Well -- but you were prepared to go into a witness
 21 statement, attaching the claimants on that basis, on
 22 the -- basically on the basis of a piece of false online
 23 disinformation. That's not responsible conduct, is it,
 24 Mr Steele?
 25 A. If it's wrong, I would apologise for it.

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1 Why did you put it in your witness statement at all?
 2 A. Because I understood it to be true.
 3 Q. But you didn't say, "I understand this to be true"; you
 4 state it as a fact, don't you?
 5 A. Yes.
 6 MR JUSTICE VABRY: I'm not sure how I'm supposed to
 7 determine, on the basis of those questions, what to make
 8 of all this.
 9 MR TOMLINSON: Well, Mr Steele has --
 10 MR JUSTICE VABRY: You have put it to him. There's no
 11 evidence before me yet -- or I haven't been shown it --
 12 that what's stated here is derived from a bit of
 13 internet conspiracy theory.
 14 MR TOMLINSON: My Lord, there isn't, but Mr Steele has
 15 accepted he has no personal knowledge of this and he's
 16 accepting on the basis of the question I put to him that
 17 this is -- this is -- he has no knowledge of its
 18 accuracy.
 19 A. But, Mr Tomlinson, I haven't seen any evidence, as you
 20 say, of that. That's your contention.
 21 Q. Well, have you seen any evidence that --
 22 A. That's your contention.
 23 Q. -- to support -- you're the one who makes the statement
 24 in a witness statement with a statement of truth. Have
 25 you seen any evidence to support this allegation?

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1 A. I have read about it.
 2 Q. Where?
 3 A. I can't remember.
 4 Q. Let me take another example. Do you remember you met
 5 State Department officials on 11 October 2016?
 6 A. Yes.
 7 Q. Look at [D/71/1], please. This is the
 8 State Department's note. This is what you told them
 9 about the things that were going on, you told them about
 10 your investigations. At the bottom of the page, you're
 11 reported as telling them:
 12 "Peter Aven of Alfa Bank has been the conduit for
 13 secret communications between the Kremlin and Manafort;
 14 messages are encrypted via Tor software and run between
 15 a hidden server managed by Alfa Bank (see separate paper
 16 on this channel)."
 17 You told the State Department as a fact that that
 18 was the position, correct?
 19 A. I told them that it was the reporting that we had from,
 20 I believe, Mr Simpson at the time.
 21 Q. So when they received it as a statement of fact, they have
 22 got it wrong as well, have they?
 23 A. This -- again, this note by, I think, Kathleen Kowalec,
 24 if I'm not mistaken --
 25 Q. Yes.

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1 A. -- contains some fairly odd things. Like, for example,
 2 implying that Vladislav Surkov is one of my sources.
 3 which seems bizarre in the extreme. So I'm not saying
 4 I didn't say that. I remember that Mr Simpson told me
 5 that, but, again, there are problems with this write-up.
 6 Q. You accept that there's absolutely no truth in that
 7 statement at all?
 8 A. I don't -- no, I don't accept there's no truth in it.
 9 I accept it's what was reported to me in good faith by
 10 Mr Simpson.
 11 Q. How do you know it was in good faith?
 12 A. I've worked with him for many years.
 13 Q. I see.
 14 Let's look at another example, the
 15 Inspector General's report at [D/131/155]. This deals
 16 with a meeting that you had with Bruce Ohr, who I think
 17 worked for the Department of Justice?
 18 A. Still does, I think.
 19 Q. Still does, and features heavily in this report.
 20 At 259 --
 21 A. Mm hm.
 22 Q. Footnote 259:
 23 "... according to an FBI FD-302 I think that's one
 24 of them, as it were, internal memorandum, that Steele
 25 had told Ohr that the Alfa Bank server was a link to the

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1 Trump campaign and that Person 1's Russel/American
 2 organisation in the US had used the Alfa Bank server two
 3 weeks prior."
 4 Did you tell him that?
 5 A. I don't think I did. I mean, I had two breakfast
 6 meetings with Bruce Ohr. I suspect that it was
 7 Glenn Simpson that told him that, not me.
 8 Q. Well --
 9 A. I remember the two breakfast meetings quite distinctly
 10 and they did not get into the details of the project at
 11 all.
 12 Q. But, you see, Person 1 is your source.
 13 A. No, I don't think that's true. I think Person 1 is
 14 possibly Paul Manafort, but I'm not sure because I don't
 15 believe it's my information.
 16 Q. I see. So you think that the FBI have misrecorded that;
 17 is that the position?
 18 A. I think Bruce Ohr has misreported it, which is not the
 19 same thing. Or misremembered it.
 20 Q. Yes. Bruce -- counsel at the Department of Justice has
 21 given inaccurate information to the FBI?
 22 A. Well, I don't recall -- I'm under oath here -- that
 23 either that was my information or that I ever discussed
 24 that issue with Bruce Ohr.
 25 Q. Very well.

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1 A. In fact, I'm pretty sure I didn't, because I was careful
 2 not to discuss the details of memoranda with him.
 3 Q. I mean, it is an extraordinary allegation, whoever has
 4 made it, whether it is you or Mr Simpson, that the
 5 source's Russian-American organisation has used the
 6 Alfa Bank server?
 7 A. As I have said, it's not my information.
 8 Q. You know nothing about this allegation, is that the --
 9 A. No, I believe it is Mr Simpson, Mr Simpson had
 10 a meeting with Bruce Ohr, I believe in December
 11 or November 2016. This is not emanated from us. We
 12 never produced any intelligence on the actual -- if you
 13 like, the technical aspects of this issue.
 14 Q. Well, it appears that one of your sources has told
 15 someone that their organisation has used the Alfa Bank
 16 server?
 17 A. No, not one of my sources, Mr Tomlinson. I think one of
 18 Mr Simpson's.
 19 Q. One of Mr Simpson's sources?
 20 A. I think so. That's my understanding of this.
 21 Q. Very well.
 22 Let's now look at Memorandum 112, please [A/1/1].
 23 I suggest to you, Mr Steele, this is a hastily prepared,
 24 slapdash document that's right, isn't it?
 25 A. It's not a slapdash document, it's a fair reflection of

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1 what my experienced source reported to me.
 2 Q. Because you can't even spell the name correctly of an
 3 organisation that you claim to have extensive knowledge
 4 of, you misspell it throughout.
 5 A. That's a Russianist issue, where the letter, circle with
 6 a line through it, is usually -- can be transcribed as
 7 PH or as F, your Lordship, and has been, I think, in
 8 many cases.
 9 Q. It's not a good start on it being a careful document is
 10 it, that you can't spell the name of the company you are
 11 writing about correctly?
 12 A. It's regrettable, but, as I say, if you look at the
 13 translation of the word "Alfa" from Russian into
 14 English, your Lordship, many times you will find it is
 15 translated as PH. The letter "F" in Russian is usually
 16 transcribed as PH.
 17 Q. Mr Governor is mentioned on two occasions. He features
 18 quite heavily in this memorandum, doesn't he?
 19 A. He certainly features.
 20 Q. Firstly, in the second bullet point of the summary.
 21 A. Yes.
 22 Q. Then in paragraph -- effectively the whole of
 23 paragraph 2, yes?
 24 A. Yes, yes.
 25 Q. In your witness statement -- I don't want to turn it up.

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1 unless you disagree -- you say that in relation to the
 2 statements about Mr Governor:
 3 "I have seen nothing to suggest it was factually
 4 incorrect."
 5 Is that still your evidence?
 6 A. At that time, yes.
 7 Q. The time that you produced your witness statements, in
 8 other words, two weeks ago?
 9 A. Yeah, I think that's right, yes.
 10 Q. Are you sure about that, Mr Steele? I'm giving you the
 11 opportunity for you now to correct your mistakes.
 12 A. No, I am saying what my position is, that the
 13 documentation, there is -- I think there's documentation
 14 in the bundle about this, so that's probably relevant,
 15 but I was certainly not aware of it at the time.
 16 Q. No, no, I'm not asking you that. In your own witness
 17 statement you say:
 18 "I have seen nothing to suggest that this is
 19 factually incorrect."
 20 A. Yes.
 21 Q. That's not true, is it, Mr Steele?
 22 A. No, I hadn't seen, at that time.
 23 Q. No, no. This is your witness statement --
 24 A. Are we talking about now or when I signed the witness
 25 statement or what?

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1 Q. When you signed the witness statement --
 2 A. Yes.
 3 Q. -- that's what you said?
 4 A. Yes.
 5 Q. That's not true, is it?
 6 A. I hadn't read it.
 7 Q. You hadn't read what, the witness statement?
 8 A. No, I had read the witness statement.
 9 Q. You hadn't read your own memorandum?
 10 A. I had read my own memorandum, I think there are
 11 documents in the bundle that relate to Mr Governor's
 12 employment with Alfa.
 13 MR JUSTICE WARBY: I think what counsel is putting to you is
 14 that when you signed that statement in your witness
 15 statement you had seen things that contradicted what was
 16 in the memoranda.
 17 MR TOMLINSON: Yes.
 18 A. I had seen an assertion by your side that that was the
 19 case.
 20 MR TOMLINSON: Had you not read the disclosure in the case?
 21 A. I'm not sure I had read everything.
 22 Q. You see, Mr Governor's employment record was disclosed.
 23 A. Mm hm.
 24 Q. Which showed that large parts of this are obviously
 25 incorrect.

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1 A. I don't think it shows large parts are incorrect;
 2 I think it shows there is a problem of chronology in
 3 terms of Mr Governor's employment with Alfa in the 1990s
 4 and the time when President Putin was the Deputy Mayor
 5 of St Petersburg.
 6 Q. Well, I'll go through it, Mr Steele, and give you the
 7 opportunity.
 8 A. Mm.
 9 Q. The first -- second bullet point:
 10 "Key intermediary in Putin-Alfa relationship
 11 identified as Oleg Governor, currently Head of
 12 a Presidential Administration department..."
 13 A. Yes.
 14 Q. That statement is incorrect. He's not head of --
 15 In 2016 he was not the head of a presidential
 16 administration department, indeed he has never been the
 17 head of a presidential administration department.
 18 A. He was responsible for relations with CIS countries,
 19 which I think was a department. I mean, again, it
 20 depends how you -- which word in Russian are we talking
 21 about here?
 22 Q. -- throughout the 1990s the Alfa executive who
 23 delivered illicit cash directly to Putin.
 24 So that means from 1991 to 1999, that's untrue,
 25 isn't it?

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1 A. I'm reporting what the source said to us.

2 Q. Mr Steele, I am not asking you about what the source

3 said to you. I'm asking you about your assertion, in

4 evidence:

5 "I have seen nothing to suggest it was factually

6 incorrect."

7 A. Which was factually incorrect?

8 Q. This -- the statement about Mr Governor.

9 A. I have -- which statements, sorry, to be precise?

10 Q. The statement that he was delivering illicit cash on

11 behalf of Mr Aven and Mr Fridman.

12 A. I've not seen anything to suggest that's untrue.

13 Q. Right. Let's go down to paragraph 2. The last two

14 lines of paragraph 2:

15 "... during the 1990s Governor had been Head of

16 Government Relations at Alpha Group ..."

17 A. Mm hum.

18 Q. False.

19 A. I think he was deputy head. So, yes, he wasn't head.

20 Q. He wasn't head of government -- he was never head of

21 government relations at Alfa Group and during the 1990s

22 he was a manager in the government relations department

23 He subsequently became the deputy head.

24 A. He was deputy head in the 1990s though.

25 Q. So you say that that's accurate, do you, Mr Steele?

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1 A. Mm hum.

2 Q. -- on the Kremlin website, which responds to a search on

3 his name.

4 A. Yes.

5 Q. We see from 1993 to 1995 he worked in various companies

6 in Moscow, 1995, he was a manager's assistant, project

7 manager, then specialist. In Basprom, 1997 to 2000,

8 deputy head -- manager, deputy head of the

9 GR department, vice-president of Alfa Bank.

10 A. Yes.

11 Q. Yes?

12 A. Yes.

13 Q. If you had done an internet search, you would have

14 immediately realised that your statement was wrong.

15 wouldn't you?

16 A. Well, we did do an internet search. We were looking at,

17 I remember -- I do remember specifically that he had

18 accompanied Putin to the funeral of Karimov of

19 Uzbekistan in his government capacity at that time.

20 That was the one thing that I remember checking and

21 checking our open source.

22 Q. So you checked that he had gone to Karimov's funeral,

23 but you didn't check that he was in St. Petersburg at the

24 time that he was supposed to be handing over illicit

25 cash?

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1 A. All I remember is what came up in the open source check

2 that we did.

3 Q. You see going back to (A/1/1) --

4 A. I was looking at his current job, his current role.

5 Q. The state -- if -- assuming in your favour, Mr Steele,

6 that you have faithfully transcribed what your source

7 has told you --

8 A. Yes.

9 Q. And the source has said, "Christopher, I have

10 discovered --" or Mr Steele, Sir, however he addresses

11 you, "I have discovered that in the -- my sub-source

12 tells me that in the 1990s Oleg Governor used to hand

13 over illicit cash on behalf of Aven and Fridman to

14 Vladimir Putin when he was Deputy Mayor of

15 St. Petersburg."

16 Is that -- he said to you something like that?

17 A. Not just when he was Deputy Mayor of St. Petersburg.

18 I think it's during the 1990s.

19 Q. Oh, I see. So go to the second page of this memorandum

20 (A/1/2). So you have inaccurately recorded what your

21 source has told, you have you?

22 A. No, I --

23 Q. You're now saying it was during the 1990s, not just when

24 he was Deputy Mayor of St. Petersburg --

25 A. I think it --

1 Q. -- so afterwards?

2 A. I think it says, if you go back to the summary (A/1/1),

3 I think it refers to the 1990s, doesn't it?

4 Q. I think, Mr Steele, the summary is supposed to be

5 summarising what it says in the memorandum, not

6 introducing new facts.

7 A. It is what I was told by the source.

8 Q. So your source says this to you, "Mr Steele, Mr Putin

9 was getting illicit cash from Aven and Fridman in the

10 1990s when he was Deputy Mayor of St. Petersburg", and

11 you say to him, "Well, what does your source know

12 about -- what does your own sub-source know about

13 this?" and he says, "Trust me, he is a high-ranking

14 official, he knows all these things".

15 A conversation something like that took place?

16 A. Sure, but that doesn't rule out that people occasionally

17 get things wrong.

18 Q. And then --

19 A. Sources get things wrong.

20 Q. Yes, indeed. Then you do a check and you discover that

21 Mr Governor, actually, there is no cross-over in time.

22 So a rational person, Mr Steele, then thinks, "Perhaps

23 my source has got it wrong?"

24 A. I never saw the cross-over problem at the time. At

25 the --

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1 Q. Because you didn't do the searches you claim to have

2 done.

3 A. No, I did certain searches and I said what we had

4 searched on. We had searched on his current role and

5 the fact that he had gone with Putin to Karimov's

6 funeral in Uzbekistan.

7 Q. Isn't it an absolutely elementary thing to do,

8 Mr Steele, someone tells you something which includes

9 checkable historical facts. You can check those

10 historical facts to see whether the other things they

11 are telling you might be true or not?

12 A. It's a reasonable assertion, yes.

13 Q. And you didn't do it?

14 A. No, we did an open source search. We just didn't come

15 across the document that you referred to --

16 What I don't understand, Mr Steele, is how in this court

17 you can assert, "I have seen nothing to suggest that

18 this was factually inaccurate", when the actual facts

19 that are given to you by your source are obviously

20 false?

21 A. I don't agree that the facts given to me by the source

22 are false. I agree that one of the points made is

23 false.

24 Q. No, the point you have recorded, assuming you were

25 accurately recording it, is that your source told you

1 this happened when Putin was Deputy Mayor of

2 St. Petersburg, correct?

3 A. Well, it says throughout the 1990s so it would include

4 the time when he was Deputy Mayor of St. Petersburg.

5 MR JUSTICE WARBY: Is that a convenient moment?

6 MR TOMLINSON: I was -- my Lord, I had my eye on the time

7 and I'll stop.

8 MR JUSTICE WARBY: Good. Right. We'll take a ten-minute

9 break.

10 As I said before, don't talk to anyone about the

11 case, even if you were tempted.

12 A. Yes.

13 (11:46 am)

14 (Short Break)

15 (11:57 am)

16 MR JUSTICE WARBY: Before you continue, Mr Tomlinson can

17 I just mention something which I think you're both aware

18 of, that there's been a request by a journalist for

19 access to Mr Steele's witness statement. It may be

20 a convenient moment just to deal with that.

21 The rule is that, unless the court otherwise

22 directs, a witness statement is available for inspection

23 during the course of the trial, unless -- is open to

24 inspection during the course of the trial, unless the

25 court otherwise directs. So unless anyone asks for

1 a direction that the witness statement is not to be open

2 to inspection, then it is. The mechanism for that is

3 another matter. I think this case is on the CE-File

4 system, is it not? It would be before all cases

5 automatically went on, but I think they have all been

6 migrated on to the CE-File.

7 Perhaps I can just say that my understanding is that

8 under the Civil Procedure Rules, anyone who wishes has

9 a right of inspection of that witness statement and

10 should apply to Queen's Bench listing or go on CE-File

11 in the usual way to obtain a copy.

12 MR TOMLINSON: My Lord, I am sure that that's entirely

13 right. I have to say that I have always taken the

14 view -- two things: first of all, a witness statement

15 stands as the witness's evidence in-chief, so it is --

16 in the old days you would hear -- someone in court would

17 hear it all, and so having a witness statement is just

18 a short way of dealing with it.

19 Secondly, although perhaps it deprives Her Majesty's

20 Court Services of a small fee, in general it is probably

21 more convenient for a journalist just to be given

22 a paper copy in court if one is available.

23 MR JUSTICE WARBY: Yes, I am not concerned with being the

24 overseer of collection of fees if a party is willing to

25 disclose it, but I don't think the rule requires a party

1 to provide a copy if they don't wish to. The right is
 2 to obtain inspection I think from the court records, so
 3 that's the point that I was seeking to make. Sometimes
 4 parties prefer not to volunteer documents, even if they
 5 are available for inspection, but that's a matter for
 6 Mr Steele and Obispo.
 7 MR MILLAR: All of the above I think is correct.
 8 MR JUSTICE WARBY: Good. Right.
 9 MR TOMLINSON: Mr Steele I now want to ask you just very
 10 briefly about the use of the word "illicit" in
 11 paragraph 2 of the memorandum. [A/1/1] Is that a word
 12 that was used -- is that your word or is that the word
 13 of your source?
 14 A. I imagine it's the word of the source, to the best of my
 15 recollection.
 16 Q. And is it your evidence that, really, by "illicit" in
 17 this context, you simply mean patronage payments of an
 18 informal nature as opposed to anything illegal?
 19 A. Yes -- well, it's not clear. It's the word "illicit". It
 20 means it's not money, I think, your Lordship, which has
 21 passed through formal accounting procedure.
 22 Q. I think it is suggested on behalf -- it has been
 23 suggested on behalf of Obispo that really -- I put it in
 24 summary, but in St Petersburg in the 1990s things were
 25 very different and it was quite common for money to

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1 MR JUSTICE WARBY: Yes.
 2 A. -- were in English.
 3 MR TOMLINSON: You see Mr Steele the position is, if this
 4 is really fairly run-of-the-mill and standard behaviour
 5 for Russia in 1990, why does it feature so heavily in
 6 your memorandum? Why is it of any significance at all?
 7 A. Because it establishes a -- perhaps reportedly
 8 establishes a link between Mr Putin and the plaintiffs.
 9 Q. But there was -- everybody knew that there was a link
 10 between Mr Aven and President Putin. Had you done a few
 11 more internet searches, you would have found that out.
 12 A. But not involving Mr Governor, I think.
 13 Q. Well, there's no link involving Mr Governor whatever.
 14 That's purely made up, Mr Steele, as you know.
 15 A. No, I don't know that.
 16 Q. Well, the only evidence you have to the contrary is what
 17 the -- is the incorrect statements made to you by your
 18 source.
 19 A. No, Mr Governor was working for Alita in the late 1990s
 20 and went on to work for Mr Putin.
 21 Q. Correct. Probably along with many tens or hundreds of
 22 other people.
 23 A. Not --
 24 Q. But that's nothing to do with illicit cash.
 25 A. Not at that level.

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1 Q. But do you see the point I'm making that what I'm
 2 suggesting to you is the prominence you give to this
 3 allegation shows you regard it as a serious one?
 4 A. It's providing background to a relationship between
 5 Mr Putin and the plaintiffs.
 6 Q. Is that your evidence, it is simply a matter of
 7 background showing the relationship? Is that your
 8 evidence to his Lordship?
 9 A. The question we were asked by Mr Simpson and his client
 10 was: what links were there between the Alita Group and
 11 Mr Putin.
 12 Q. So do you still abide by your evidence -- this is at
 13 paragraph 96, I think it is, of your statement [C/A/24]:
 14 "I therefore considered (and consider) ..."
 15 So that's the present tense when the statement was
 16 signed:
 17 "... sentence 4 ..."
 18 Which is the sentence to do with using Mr Governor as
 19 a "driver" and "bag carrier" to deliver large amounts of
 20 illicit cash to President Putin when he was Deputy Mayor
 21 of St Petersburg?
 22 "... to be a fair, accurate and well-founded
 23 assessment ..."
 24 Is that still your evidence, Mr Steele? It'll give
 25 you the final opportunity to admit that you got it

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1 wrong.
 2 A. I got one aspect of it -- we got -- well, not I got it
 3 wrong. It is the source and the sub-source who were
 4 reporting this to me, and obviously how it was
 5 reflected, but I concede that one aspect of this is
 6 wrong which is that Mr Putin's tenure in St Petersburg
 7 did not overlap with Mr Governor's formal tenure within
 8 Alita.
 9 Q. And that's as far as you're prepared to go in support
 10 of -- in withdrawing this allegation, is it, Mr Steele?
 11 A. Yes.
 12 Q. You say that the intended audience -- paragraph 89 so
 13 the previous page [C/4/23]. The intended audience for
 14 CR112 would interpret the -- you don't believe the
 15 intended audience would interpret the sentence as an
 16 allegation of criminality?
 17 A. Yes.
 18 Q. Who do you mean by the intended audience?
 19 A. The people I disclosed it to.
 20 Q. No, no. You didn't intend -- when you produced it, you
 21 didn't intend to disclose it to Mr Strobe Halborg and
 22 all those other people later on?
 23 A. No, to the FBI and to the client of Fusion.
 24 Q. So the intended audience was -- you didn't write it for
 25 the FBI, you wrote it for your client.

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1 Q. Let's not argue about which particular Democratic Party
 2 institution it was. You know it was some Democratic
 3 Party institution, correct?
 4 A. I knew -- yes.
 5 Q. So are you saying -- is it your evidence that
 6 a Democratic Party institution, whoever it was, would
 7 understand the nuances of patronage payments in
 8 St Petersburg in the 1990s? Is that your evidence?
 9 A. I believe that the Perkins Cole lawyers would have known
 10 that, the clients would have known that. I have no
 11 evidence that they passed this on to anyone beyond that.
 12 Q. That wasn't my question, Mr Steele.
 13 A. What was your question?
 14 Q. You say that the intended audience would interpret --
 15 would not -- you're talking about how the intended
 16 audience would interpret this memorandum.
 17 A. Yes.
 18 Q. And I'm saying to you that the intended audience was the
 19 person who was paying your bills, namely the ultimate
 20 client?
 21 A. I disagree with that. The intended audience was the
 22 Perkins Cole client and the FBI.
 23 Q. So when you produced the memorandum, your client, who is
 24 paying your bills, is not your intended audience: is
 25 that the position?

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1 A. No, the client is -- the client actually was Fusion but
 2 their client was Perkins Cole, not the DNC or Hillary
 3 for America.
 4 Q. Can we go back to the memorandum at [A/1/1] --
 5 Sorry, just to put on that point, if I may,
 6 your Lordship, Fusion would have very much the
 7 sophisticated understanding of this issue in Russia in
 8 the 1990s. So they're one of the filters that this
 9 stuff went back to the Perkins Cole ultimate client.
 10 Q. But they could and indeed did hand this out to all kinds
 11 of people, as we know?
 12 A. Not -- not to my understanding at the time, no.
 13 Q. We'll come back to that.
 14 You also say that Mr Fridman had recently met
 15 directly with Putin in Russia.
 16 A. Mm hm.
 17 Q. Is your evidence -- and you said -- I think you said
 18 earlier to his Lordship that you did a Google search and
 19 discovered that he had been at a meeting of the Congress
 20 of Russian Union Industrialists. Is it your evidence
 21 that you meant by saying he had recently met Putin
 22 directly in Russia that six months earlier he had been
 23 to a meeting of the Congress of Russian -- the Russian
 24 Union of Industrialists and Entrepreneurs?
 25 A. No, that's not my evidence. My evidence is that what

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1 was reported to me by the source appeared to be
 2 credible, given that open source record.
 3 Q. So the fact he had been to a plenary session of the
 4 Russian equivalent of the CBI was evidence that he had
 5 met Putin directly, is that what you're saying?
 6 A. No, it meant that he was at meetings which were
 7 involving Mr Putin.
 8 And you used the word "recent"?
 9 Q. "Recently" and "directly" were the words you used,
 10 Mr Steele. Not me. You used them.
 11 A. Yes, I believe that to be true.
 12 Q. And --
 13 A. Certainly what was reported to us by the source and
 14 sub-source.
 15 Q. The truth is that, like all -- I think you have now
 16 accepted all your reports, this memorandum contains
 17 a number of serious inaccuracies, doesn't it, Mr Steele?
 18 A. I think it contains one inaccuracy.
 19 Q. So, despite the evidence of the claimants in this court,
 20 you prefer the multiple hearsay evidence from your
 21 sub-source to what they say, is that what you're saying?
 22 A. I had faith, your Lordship, in my source and sub-source
 23 to report the situation as they understood it to me,
 24 faithfully and truthfully.
 25 Q. I want to now ask you about some of the -- your claim

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1 that the disclosure of this memorandum was required for
 2 national security purposes.
 3 A. Mm-hmm.
 4 Q. I have already referred you to your company's formal
 5 legal further information of 1 August 2018. That's
 6 (A/12/3). Sorry, that's the bit I want to look at, but
 7 it begins at (A/12/1). That's signed as true on your
 8 behalf -- on behalf of Orbis by your solicitor.
 9 A. Right.
 10 Q. You have seen this document before?
 11 A. I have, yes.
 12 Q. And do you say that it's true?
 13 A. Yes.
 14 Q. So if we look at the bottom, "Under paragraph 2",
 15 "The disclosures referred to ... were required for
 16 the purpose of safeguarding the national security ..."
 17 That's the statement that Orbis makes.
 18 A. Yes.
 19 Q. And the request is, at 8:
 20 "State, so that the Claimants may understand the
 21 nature of the Defendant's case, the factual basis on
 22 which it is alleged that the [memorandum disclosures
 23 are] required for the purposes of safeguarding the
 24 national security ..."
 25 Turn over the page. And so on.

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1 Your response is that there were allegations of
 2 Russian interference, including links between
 3 individuals associated with the Trump campaign, Russian
 4 operators with links to the Kremlin.
 5 A. Mm-hmm.
 6 Q. Any such interference would be likely to constitute
 7 a serious threat to democracy and national security in
 8 the US, and so on?
 9 A. Yes.
 10 Q. Yes?
 11 A. Yes.
 12 Q. You then say -- your company says:
 13 "Memorandum 112 was concerned with such links."
 14 That is to say links between individuals associated
 15 with the Trump campaign and Russian operatives?
 16 A. Yes.
 17 Q. That's not true, is it?
 18 A. It is, because it arose out of the tasking that came
 19 from the Trump Tower-Alpha server issue.
 20 Q. Mr Steele, let me just ask you the question again. It
 21 is a matter of ordinary English:
 22 "Memorandum 112 was concerned with such links."
 23 It was not, was it?
 24 A. It was a background context to such links. I don't know
 25 how you would describe "concerned", your Lordship, but

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1 to me, that is "link"
 2 Q. Then you -- the next answer -- unfortunately the
 3 subparagraphs aren't numbered, but the next answer seeks
 4 to explain why links between the claimants and the
 5 Russian President were material to the allegations
 6 outlined above, yes?
 7 A. Yes.
 8 Q. And then it suggests -- it says that:
 9 "Internet traffic data suggested that a computer
 10 server of an entity in which the Claimants have an
 11 interest, Alfa Bank, had been communicating with
 12 a computer server linked to the Trump Organisation."
 13 A. Yes.
 14 Q. So far, so good. Do you still maintain that the next
 15 three -- four sentences have any relevance to this case?
 16 I'll give you the opportunity to -- just read them.
 17 A. Which ones, sir?
 18 Q. The next ones:
 19 "Alfa Bank instructed an individual,
 20 Mr Brian Benzekowski, to investigate the allegations ..."
 21 All if we go over the page (A/12/5). Do you accept
 22 that all this material about Mr Benzekowski has nothing
 23 whatever to do with the case? If you do, then we can
 24 move on.
 25 A. It was just pointing out that Mr Benzekowski had

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1 Investigated this at the same time that he was involved
 2 in the Trump transition. That's all.
 3 Q. Yes, but this was six months later.
 4 A. Sure.
 5 Q. Mr Benzekowski was a partner in Kirkland and Ellis,
 6 which was a firm of lawyers which had been instructed to
 7 look at this. It has nothing whatever to do with your
 8 preparation of the memorandum, has it?
 9 A. No, it hasn't, no.
 10 Q. No. Thank you.
 11 Then it says:
 12 "Memoranda including Memorandum 112 were requested
 13 from the Defendant by individuals with official
 14 responsibilities ..."
 15 Etc. for the safeguarding.
 16 A. Yes.
 17 Q. Is that true, Mr Steele?
 18 A. Yes.
 19 Q. Just tell me, who are the individuals who requested it
 20 from you? Requested this memorandum from you?
 21 A. The FBI, who requested all our memoranda -- or
 22 memoranda --
 23 Q. Yes, well, I'll come on to the FBI.
 24 A. Sure, yeah.
 25 Q. Just put them to one side.

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1 A. And the senior British national security official, who we
 2 dealt with.
 3 Q. You approached him?
 4 A. Yes, but he -- I approached him. We had a conversation
 5 and he then requested that I provided him with all our
 6 memoranda.
 7 Q. So you tout your memorandum to one of your former
 8 colleagues, "That's not him requesting the memoranda
 9 from you."
 10 A. No. He specifically requested all our memoranda in hard
 11 copy.
 12 Q. After you had gone to him and said --
 13 A. Sure.
 14 Q. -- excuse me --
 15 A. There's an issue -- I'd like to --
 16 Q. -- whatever it is, Sir Humphrey? "Excuse me,
 17 Sir Humphrey, I have these memoranda which show
 18 extraordinary things about President Trump and Russia",
 19 and he says, "Give me a copy?"
 20 A. Yes. He says, "Can you --"
 21 Q. So that's at your investigation, not his?
 22 A. No, it's at his request.
 23 Q. You sought a meeting with the State Department as part
 24 of a wider effort to disseminate these memoranda to
 25 people in Washington, didn't you?

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1 A. No, I didn't. They sought a meeting with me.
 2 Q. Can you look at (D/131/154), please. Look at the second
 3 paragraph.
 4 A. Mm-hmm.
 5 Q. "We asked Kwanick [that's the person who produced the
 6 note] about the meeting with Steele. She stated that
 7 Nuland did not ask to meet Steele and that Nuland
 8 requested she attend the meeting because Nuland did not
 9 want to devote time to it. It was Kwanick's
 10 understanding that Steele sought the meeting with Nuland
 11 as part of a wider effort to disseminate his election
 12 report findings to persons in Washington, DC. She
 13 stated that during the meeting Steele expressed
 14 frustration that the FBI had not acted on his reporting
 15 and explained that when he first offered information to
 16 the FBI he found a lack of interest."
 17 A. The meeting was set up by a State Department official
 18 called John Weiner.
 19 Q. At your request?
 20 A. No, at his request -- his suggestion. He invited us in
 21 to meet, as I understood it, at her request, Assistant
 22 Secretary of State Nuland.
 23 Q. As a result of your contact with the State Department,
 24 then Strobe Talbot got in touch with you and said he
 25 had heard about your memoranda and he wanted to show it

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1 to other people?
 2 A. I think Strobe Talbot had got in touch with us much
 3 earlier than that. I remember taking a phone call from
 4 him, your Lordship, earlier in the summer, in which he
 5 said that he was aware that I had -- he spoke in fairly
 6 cryptic terms, but he was aware that we had material of
 7 relevance to the US election.
 8 A little bit of background if I may, your Lordship
 9 on that.
 10 Both National Security Advisor at the time,
 11 Susan Rice, and Assistant Secretary of State,
 12 Victoria Nuland, who were the key policymakers on
 13 Russia, had been colleagues of Mr Talbot, and I had --
 14 although he didn't state it explicitly, one or either or
 15 both of them had briefed him on the work we had been
 16 doing.
 17 Q. He had been out of government for 15 years, Mr Talbot
 18 had been the Deputy Secretary of State in 2001.
 19 A. He was a Russian expert. He was consulted, I believe,
 20 by both National Security Advisor Rice and Assistant
 21 Secretary Nuland, both of whom had worked with him in
 22 the Brookings Institution, your Lordship, before they
 23 entered government under President Obama.
 24 Q. Look at paragraph 53 of your witness statement at
 25 (C/4/12), please. I mean, what you say there is:

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1 "I -- provided a copy -- to Strobe Talbort in
 2 early November 2016."
 3 A. Yes.
 4 Q. You then talk about his history and so on.
 5 A. Mm-hmm.
 6 Q. Mr. Talbort approached me and I understood that he had
 7 been speaking with John Kerry ... and
 8 Victoria Nuland ..."
 9 A. Yeah.
 10 Q. So, on the face of it, it looks like you are saying he
 11 approached you in November?
 12 A. No, he -- well, he -- no, he approached me originally in
 13 I think it was August and then I contacted him in
 14 early November after I had spoken to Sir Andrew Wood --
 15 in fact, with Sir Andrew Wood.
 16 Q. Where does that appear in your witness statement?
 17 A. So, what we're saying is that he contacted me originally
 18 earlier in the summer, I contacted him. He then --
 19 Q. Sorry, where does it say that? Sorry, show me that
 20 paragraph, Mr. Steele.
 21 A. What do we say here -- Yes. He approached me. So
 22 that's absolutely right. So he called me in my office
 23 in, I think, August, saying that he was severe, he had
 24 heard from colleagues, that we had been working on the
 25 election and we had interesting information on it and

1 "Well, okay, give me a copy?"
 2 A. No, I disagree with that. I think they were all
 3 requested by these people. In fact, it was Sir Andrew's
 4 idea to approach Mr. Kramer.
 5 Q. You having approached Sir Andrew?
 6 A. Well, I had confided in Sir Andrew earlier in the
 7 summer. But it was his proposal. He brought to me the
 8 fact that he was going to this conference in
 9 Nova Scotia. Senator McCain he knew was going to be
 10 there, along with Mr. Kramer, your Lordship, and his
 11 proposal was that he would speak to Mr. Kramer at the
 12 conference and, hopefully, Senator McCain.
 13 Q. I mean the position, Mr. Steele, you had absolutely no
 14 idea how widely these memoranda were going to be
 15 circulated, did you?
 16 A. My understanding was that the memoranda were not
 17 circulating at all amongst -- outside of government, if
 18 you like.
 19 Q. I mean, Fusion could disclose, or Fusion's client,
 20 ultimate client, could disclose the memoranda to whoever
 21 they wanted, couldn't they?
 22 A. I don't know what the terms of their confidentiality and
 23 privilege agreement was with Fusion, but I would doubt
 24 that's the case, not least because, in my understanding,
 25 what I was told by Fusion, your Lordship, was that they

1 didn't actually give the memoranda to Perkins Cole.
 2 They just briefed them on them orally. And in fact
 3 I was at one of the briefings where that happened.
 4 Q. I mean, look at [C/4/9], please. You say, in
 5 paragraph 40 at the bottom:
 6 "Fusion understood that they were not permitted to
 7 give copies of the pre-election reports -- that they
 8 received from us, whether hard or digital copies, to
 9 anyone else without our consent."
 10 A. Yes.
 11 Q. That wasn't a term of your contract with them, was it?
 12 A. It was a term of my -- our confidentiality agreement
 13 with Mr. Simpson that was signed in 2020 and was still
 14 extant at -- still is extant.
 15 Q. That was a personal agreement between Orbis and
 16 Mr. Simpson. Nothing to do with Fusion.
 17 A. Mr. Simpson is the majority owner and the director of
 18 Fusion and therefore it would apply to -- in this case,
 19 Q. You understood that Fusion could disclose the memoranda
 20 to its client if appropriate, correct?
 21 A. I think if appropriate and if they asked us permission.
 22 Q. Well, look at paragraph 57, please [C/4/13]:
 23 "... intended for a very limited audience, namely
 24 Fusion (and its client, if appropriate) ..."
 25 A. Yes.

1 Q. So they could disclose it to their client?
 2 A. No, only if they consulted us beforehand.
 3 Q. I mean the fact that --
 4 A. That's taken -- sorry, Mr. Tomlinson. That's taken as
 5 read under the terms of engagement and the
 6 confidentiality agreement we had signed with Mr. Simpson.
 7 Q. The fact is that Fusion controlled what was done with
 8 the information in these reports; isn't that right?
 9 A. I'm not sure what the legal status of that is, but the
 10 understanding was that they had to consult with us on
 11 every time that they deployed these things.
 12 Q. You see, Mr. Steele --
 13 A. How they deployed them.
 14 Q. -- I say that because that's your own statement to the
 15 public in your press release. If you look at [D/133/1],
 16 A. Yeah.
 17 Q. I think it's over the page [D/133/2], Point 2:
 18 "Fusion paid for the work, owned the intellectual
 19 property, and controlled what was done with the
 20 information in the reports."
 21 A. Mm-hmm.
 22 Q. They didn't require your consent. On your own public
 23 statements they controlled the intellectual property and
 24 what was done with the information.
 25 A. They owned the intellectual property, they were able to

1 brief from it to their client, but they were still
 2 covered by the -- this confidentiality agreement that we
 3 had signed with them in 2010.
 4 Q. Well, let's just look at that, please. It's at
 5 [D/32/1].
 6 A. Mm-hmm.
 7 Q. It's a formal undertaking from Glenn Simpson personally
 8 relating to the termination of his work with Orbis
 9 Business Intelligence and associated companies, and it
 10 is about disclosing trade secrets.
 11 A. And an obligation of confidence to any third party
 12 during or after my engagement.
 13 Q. And it refers to confidential reports and research taken
 14 by or on behalf of either.
 15 A. Mm-hmm.
 16 Q. It has no -- on the face of it, no bearing at all on
 17 research taken by or on behalf of Perkins Cole or the
 18 Democratic National Committee.
 19 A. Our client was Fusion.
 20 Q. Oh, you're a subcontractor?
 21 A. No, our client was Fusion.
 22 Q. You have said repeatedly that this memorandum was
 23 disclosed to the FBI.
 24 A. Mm-hmm.
 25 Q. Can you look at [C/4/9], please. Paragraph 43, about

1 halfway down that paragraph, you say you met with the
 2 FBI in July.
 3 A. Yeah.
 4 Q. And you agreed to provide:
 5 "... all the information gathered to that date and
 6 continued to pass on these reports to the FBI through to
 7 October 2016. This included CR112, which was likely
 8 disclosed to the FBI within a few days of it being
 9 shared with Fusion ..."
 10 A. Mm-hmm.
 11 Q. So when you say "likely", that means you don't remember?
 12 A. No, likely within a few days. We don't have, because
 13 our records were wiped, conclusive proof that that
 14 memorandum was sent to our contact. It's a mystery to
 15 me, because it's not just this report, but three others,
 16 my Lord, all of which are important to the
 17 investigation -- it's not as if they're marginal
 18 reports; one of them concerns meeting between
 19 President Putin and ex-president Yanukovich of Ukraine
 20 about Mr. Manafort -- do not seem to have arrived at FBI
 21 headquarters.
 22 In fact, as background to this, your Lordship, also,
 23 even the report that I gave to my FBI contact in early
 24 July 2016 does not seem to have reached the headquarters
 25 investigation team until at least 19 September.

1 Q. That's because he had doubts about your credibility.
 2 Mr. Steele?
 3 A. No, I don't believe that's true. I mean --
 4 Q. It's clear from the Horowitz report --
 5 A. No --
 6 Q. -- that the reason he was taking, as we lawyers say,
 7 instructions to find out what to do with this material?
 8 A. That doesn't imply that he had doubts about my
 9 reliability. I would argue the opposite, given that we
 10 had been working with him for three years.
 11 Q. Look at [D/131/139], please. So I'm sure you're
 12 familiar with this. Footnote 231:
 13 "The following are reports with select highlights
 14 that Steele did not furnish to the FBI ..."
 15 A. Yeah.
 16 Q. Then if we go over the page to [D/131/140], in that
 17 footnote one of them is Report 112?
 18 A. Yes.
 19 Q. Then if we look at 155 [D/131/155], Footnote 259 deals
 20 with Report 112, and it says:
 21 "The Crossfire Hurricane team received Report 112 on
 22 or about November 6, 2016, from a Mother Jones
 23 journalist through then FBI General Counsel
 24 James Baker."
 25 Q. Do you see that?

1 A. I see it, yes.

2 Q. Did you give that memorandum to Mother Jones?

3 A. No, I didn't.

4 Q. Someone must have done, mustn't they?

5 A. According to this, yes, but not us, and I had no

6 knowledge of that at the time.

7 Q. You spoke to Mother Jones?

8 A. I did.

9 Q. You read to them from your reports?

10 A. No, I didn't read to them from my reports.

11 Q. They appear to quote your reports?

12 A. They appear to, yes.

13 Q. But that's --

14 A. And I never read my report to them and I certainly

15 didn't give my reports, your Lordship, to Mother Jones.

16 The only contact I had was one Skype call on, I think,

17 31 October.

18 Q. Look at page 213, please [D/131/213], Footnote 319:

19 "These were the Steele Reports ..."

20 And then it lists the report -- the numbers of your

21 reports.

22 A. Mm hm.

23 Q. "FBI records show that the FBI had not previously

24 received [and it lists various reports, including 112]

25 from Steele."

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1 Q. Yes, but not this one?

2 A. Yeah, I would agree -- I would argue it was.

3 Q. You say that this was at the heart of the investigation?

4 A. Well, the Alfa -- Trump Tower-Alfa Bank server story,

5 they were investigating.

6 Q. Which isn't mentioned in the report?

7 A. No, but it's relevant -- this is relevant to that.

8 Q. In your witness statement you say -- look at [C/4/9],

9 please, paragraph 43. You're talking about the FBI

10 requesting them to provide the reports.

11 A. Yes.

12 Q. And we have looked at this paragraph before.

13 A. Mm hm.

14 Q. The content included likely -- I took you to the words

15 "likely disclosed":

16 "The content of CR112 was subsequently discussed

17 with the FBI, and they considered it relevant to their

18 investigation work."

19 The reference there is to [D/71/7], if we can turn

20 that up. That's not a meeting with the FBI at all.

21 A. No, but my understanding is that the FBI and the

22 State Department were discussing this information, this

23 dossier from the get-go and that my understanding was

24 that even for the July meeting, your Lordship, when the

25 FBI officer came to London to meet me, he had cleared

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1 his lines with Victoria Nuland, the Assistant Secretary

2 of State, before he did that.

3 Q. Well, one thing we can agree on, Mr Steele, I think, is

4 that this note provides no support whatever for the

5 statement in your witness statement that the FBI

6 considered CR112 relevant to their work, correct?

7 A. I don't accept that, as I have said, your Lordship,

8 Q. Which part of this note supports that statement,

9 Mr Steele?

10 A. I don't know whether the note does, but what I'm saying

11 is it was clear to me at the time that the

12 State Department and FBI were co-ordinating and

13 discussing the dossier and its implications.

14 Q. Well, you, in your witness statement, refer to this

15 document as evidence that the FBI considered this

16 Memorandum 112 relevant to their investigatory work.

17 That's false?

18 A. I don't think it is false.

19 Q. It's false. This document does not evidence it, does

20 it?

21 A. That document doesn't provide evidence, but at the

22 meeting I had with Kathy Kwaniec, your Lordship, it was

23 very clear that FBI and State Department were both

24 consulting each other and discussing the whole issue of

25 engagement with us and our investigation.

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1 MR JUSTICE WARBY: So your evidence is that you accept that

2 this document doesn't support this view, but you

3 maintain that, as a result of a meeting you had with

4 Kathy Kwaniec --

5 A. Yes.

6 MR JUSTICE WARBY: -- it was clear to you that the FBI and

7 State Department had been discussing Memorandum 112 and

8 its implications?

9 A. And before actually. As I said, your Lordship, even the

10 first meeting I had with my contact -- our contact that

11 came into London on July 5, I think it was, had had to

12 seek permission from Victoria Nuland at the

13 State Department to come to London and engage.

14 MR TOMLINSON: Mr Steele, you're confusing two entirely

15 distinct things:

16 First of all, there's the question of whether the

17 State Department and the FBI were interested in your

18 supposed revelations about the connections between

19 candidate Trump and Russia.

20 A. Mm hm.

21 Q. I am not disputing that they were so interested. Do you

22 understand?

23 A. Sure.

24 Q. The second thing is: were they interested in

25 memorandum -- which is a completely different thing, did

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1 they consider Memorandum 112 relevant to their

2 investigatory work? Do you understand me?

3 A. My understanding was that Kathy Kwaniec, who raised

4 I think the Alfa issue with us in this meeting

5 in October, had been closely co-ordinating with the FBI

6 and the FBI knew that we were having the meeting and so

7 on and so forth and that they were jointly working on

8 this material.

9 Q. So is the answer to my question that the FBI did not

10 consider 112 relevant to their investigatory work?

11 A. I don't agree with that.

12 Q. Because we know that the FBI, putting it neutrally, had

13 no record whatever of having received this memorandum

14 from you, correct?

15 A. Yes.

16 Q. There's no mention of the memorandum in this note with

17 the State Department, correct?

18 A. Well, there's no reference to the memorandum, but the

19 issue was discussed with them.

20 Q. No, no. The issue in the memorandum is the issue of the

21 supposed close connections between the claimants --

22 A. Yes.

23 Q. -- and President Putin.

24 A. Yes.

25 Q. There's no evidence that that issue was discussed with

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1 either the FBI or Kathy Kwaniec, is there?

2 A. Not from the writer, but there was also the discussions

3 I had with John Weiner, who was involved in this

4 meeting, in which these things were definitely

5 discussed.

6 Q. That's something else that doesn't appear in your

7 witness statement?

8 A. John Weiner was at the meeting with Kathy Kwaniec.

9 Q. Something else that does not appear in your witness

10 statement, correct, Mr Steele?

11 A. And not does the meeting with Kathy Kwaniec, I don't

12 think.

13 Q. Well, it does, but misidentified as a meeting with the

14 FBI.

15 A. It was Kathy Kwaniec, acting on FBI instructions.

16 Q. You understand that that's not what is said in the

17 Inspector General's report about it?

18 A. It may not be but that was my understanding at the time

19 was that there was close co-ordination between

20 Victoria Nuland and Kathy Kwaniec and the FBI on these

21 issues.

22 Q. You appear to have misled the State Department about the

23 nature of your instruction. If you look at the first

24 paragraph [D/71/1]. (Pause)

25 A. In what regard?

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1 Q. Well, that's not accurate, is it?

2 A. What isn't accurate?

3 Q. "... undertook the investigation ..." at the behest of an

4 institution, he declined to identify that had been

5 hacked.

6 That's not true?

7 A. Well, Perkins Cole's client was the DNC.

8 Q. You didn't know that?

9 A. I had assumed it was the Democratic Party and the

10 campaign. In fact, John Podesta's emails had been

11 hacked as well.

12 Q. "The Institution approached them based on the

13 recommendation of Glenn Simpson and Peter Frisch ..."

14 That's not true?

15 A. That seems very muddled to me.

16 Q. And then there's this, you see, Mr Steele, this really

17 gives the game away as to the purpose of all this:

18 "... is keen to see this information come to light

19 prior to November 8."

20 What was happening on 8 November?

21 A. There's the US election.

22 Q. Precisely. You told the State Department that your

23 client was keen to see this information come to light

24 before the election, correct?

25 A. I'm not sure.

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1 Q. Do you think the State Department has made it up?
 2 A. I think there are errors in this account, as I have said
 3 before, from Kathy Kevaler and I don't have a lot of
 4 confidence in some of the detail in her account.
 5 Q. You see, that's the truth, isn't it? Your client --
 6 your ultimate client -- as you have said, it's the
 7 Democratic Party institution and you assumed it might be
 8 the Democratic National Committee -- was keen to have
 9 this information come to light prior to the date of the
 10 US presidential election, but perfectly understandably?
 11 A. But why would I be taking it to the State Department
 12 then, if that were the case?
 13 Q. Because you were hoping that the State Department --
 14 nobody was listening to you, Mr Steele, so you were
 15 hoping that the State Department might take some public
 16 action which would bring this information into the
 17 public domain.
 18 A. I don't agree. You say no one was listening to me. The
 19 FBI had sent four agents to a European capital to meet
 20 me in October and to fully debrief me on things that we
 21 had been --
 22 Q. Yes, to ask you whether you could actually provide some
 23 proper evidence, which you were unable to do?
 24 A. No, it was far more than that, involving things like
 25 offering to pay for the resettlement of our sub-sources

1 the memoranda and the information, your Lordship, into
 2 the public domain.
 3 Q. Well, Mr Steele -- I'm sorry, Mr Steele, the position is
 4 that you and Mr Simpson, on the instructions of the
 5 client, conducted a number of media briefings, trying to
 6 get this material into the public domain?
 7 A. No, we were briefing them on the general outlines of the
 8 material for further investigation. We were not saying,
 9 "Here's a memo. Can you please put it in the public
 10 domain".
 11 Q. That wasn't my question.
 12 A. We were giving them background briefings off the record.
 13 Q. Well, you knew they were going to be published because
 14 they were published in Yahoo News and Mother Jones?
 15 A. I didn't know it was going to be published.
 16 Q. Once it had been in Yahoo News, you must have realised
 17 the next time you gave a briefing it was likely to come
 18 out?
 19 A. It was certainly -- well, it was possible, but it was
 20 supposed to be off the record.
 21 Q. Just look at 70.1, please --
 22 A. If I can come back to that, your Lordship. My
 23 understanding of the Yahoo News article relied upon
 24 a source within the Department of Justice.
 25 MR JUSTICE WARBY: I am just trying to understand what

1 you're doing talking to journalists when you don't
 2 intend publication. That's what they do.
 3 A. Yes, I would differentiate, your Lordship, between
 4 publication of the memos and raising issues that came
 5 from the memos with journalists off the record. There
 6 was no way intention for any of the memos to be
 7 either handed to a journalist, shown to a journalist or
 8 published by a journalist.
 9 MR TOMLINSON: I'll come on to that question in a moment.
 10 No, the FBI were actually trying to get us to pump and
 11 pressure our network of sources to produce more
 12 information and even to go as far as offering to
 13 resettle, which is a large undertaking, our sub-sources,
 14 your Lordship, from Bosnia.
 15 Q. When you met the FBI in October, you told them that the
 16 ultimate clients were people seeking to prevent
 17 Donald Trump from becoming president?
 18 A. Yes. Well, obviously if you're an election opponent,
 19 that is what you are trying to do.
 20 Q. So, in other words, to use the information for
 21 a political purpose?
 22 A. No, I don't agree with that.
 23 Q. I see. Preventing Donald Trump becoming president is
 24 not a political purpose, is that your evidence?
 25 A. There is no evidence that the client ever used any of

1 Donald Trump becoming president) sufficed".
 2 A. Mm hm.
 3 Q. Yes?
 4 A. Yeah.
 5 Q. That was the purpose of your work, to prevent
 6 Donald Trump from becoming president?
 7 A. By definition, an opposing candidate in their campaign
 8 was seeking to win an election.
 9 Q. Yes, thank you.
 10 You attended -- I think we have already discussed
 11 that you attended meetings with journalists and then
 12 with -- we discussed it yesterday. Also I think you
 13 attended meetings with news networks as well.
 14 Q. I think NBC, CNN?
 15 A. I think NBC, CNN?
 16 A. NBC, no, not NBC and not --
 17 Q. Well, Mr Simpson gave evidence about all this to the
 18 Senate Judiciary Committee. It's probably not necessary
 19 to go through it, but Mr Simpson himself accepted that
 20 one of the purposes of the gathering of the information
 21 was that it might be useful to the press. Do you agree
 22 with that?
 23 A. I think the general outlines and the lead information,
 24 possibly, yes. One of the purposes, not the only
 25 purpose.

1 Q. You ensured -- I don't think you actually gave the
 2 memoranda to Mr Kramer, but you arranged for Fusion to
 3 give copies to him?
 4 A. That's right. At his request, and at Senator McCain's
 5 request.
 6 Q. But he was a private individual. He had the memoranda
 7 and you didn't place him under any constraint as to the
 8 uses he could put them to, did you?
 9 A. We possibly should have done, but he was coming
 10 your Lordship, as the emissary of Senator McCain, as
 11 explicitly said to Sir Andrew Wood in Halifax.
 12 Nova Scotia.
 13 Q. He provided a copy to the Washington Post, didn't he?
 14 A. So it would appear from his witness statement in the
 15 Florida Buzzfeed case, yes.
 16 Q. And he told you he had done it?
 17 A. No, he didn't.
 18 Q. Look at (D/110/15), please. This is what you're
 19 referring to. It's his deposition in a case I can now
 20 use the name correctly, Mr Gohar's Buzzfeed.
 21 A. Yes, in Florida.
 22 Q. He's given evidence there under oath. If you look at
 23 page 55, line 20:
 24 "And did Mr Steele know that you were going to be
 25 providing a [copy] of the Memo to The Washington Post?"

1 "Answer: Yes."
 2 Do you see that?
 3 A. Yes, I disagree with that. I knew he was talking to
 4 the Washington Post. I did not know he was going to
 5 provide copies of the memos to the Washington Post and
 6 your Lordship, would not have agreed to that.
 7 Q. Then you telephoned him around Christmas on
 8 Christmas Day --
 9 A. Christmas Eve, I think.
 10 Q. I think he thinks it's Christmas Day, but I'm sure it
 11 doesn't matter.
 12 A. I think, again, another mistake in his deposition, I'm
 13 afraid.
 14 Q. I think he says around Christmas, you specifically
 15 asked him to meet with Mr Ken Bensinger, if that's how
 16 you pronounce his name at Buzzfeed, didn't you?
 17 A. Yeah. He had told me that Mr Bensinger was pestering
 18 him and was demanding to see him and meet him. And
 19 I simply suggested that he should meet Mr Bensinger,
 20 find out what he was -- where he was coming from, what
 21 he might know and report back to me.
 22 Q. If you look just at the next page, page (D/110/16),
 23 Page 58 of the transcript, line 8 onwards.
 24 A. Right.
 25 Q. "You said that Mr Steele ask that you meet with someone

1 at Buzzfeed, is that correct?
 2 "Answer: That is correct.
 3 "Question: Did he specify an individual at Buzzfeed?
 4 "Answer: He did.
 5 "Question: And who was that individual?
 6 "Answer: Ken Bensinger.
 7 "Question: And did you meet with Mr Bensinger?
 8 "Answer: I did."
 9 A. Yeah.
 10 Q. If you look on the next page, page 60 -- sorry, page 59,
 11 line 10:
 12 "When did Mr Steele make this suggestion to you?
 13 "Answer: It was either Christmas Day -- excuse me,
 14 Christmas Day or right around there, right around that
 15 holiday."
 16 "Question: Was this in a telephone conversation?
 17 Then if you look at line 18 onwards:
 18 "The indicated -- Mr Bensinger had been in touch
 19 with him -- he vouches for Mr Bensinger saying that he
 20 had worked with him and Buzzfeed in the FIFA
 21 investigation. ... was very trustworthy and
 22 professional. ..."
 23 And he couldn't talk to him in London.
 24 A. Mm hm.
 25 Q. Had you worked with Mr Bensinger on the FIFA

1 Investigation?
 2 A. He was writing a book, your Lordship, on FISA and had
 3 approached me the previous summer, 2016, and then had
 4 travelled through London, I think, the previous summer,
 5 as part of his research and I had agreed to help him
 6 with his research on FISA.
 7 Q. So Mr Kramer has that right?
 8 A. Well, what right, sorry?
 9 Q. That you told him that Mr Bensingger had -- you had
 10 worked with Mr Bensingger in relation to FISA?
 11 A. Yes.
 12 Q. So you were -- is it your evidence that Mr Kramer asked
 13 you to meet Mr Bensingger, rather than the other way
 14 around?
 15 A. He brought it to my attention that Mr Bensingger was
 16 pestering him and demanding a meeting.
 17 Q. And you told him it was a good idea?
 18 A. I said, "I think you need to see what he's -- where he's
 19 coming from, what he knows, what he's doing".
 20 Q. And it's obvious, Mr Steele, isn't it, that if you are
 21 meeting with a serious journalist and you are telling
 22 them very serious allegations, they are going to say to
 23 you, "Do you have any documents to back this up?"
 24 A. I wasn't expecting him to be discussing the
 25 investigation or the memos with Mr Bensingger.

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1 Q. Why not?
 2 A. I simply expected him to find out what Mr Bensingger,
 3 where he was coming from, what he was doing, what he
 4 knew, what he wanted to know and to report back,
 5 your Lordship, afterwards, because I was worried that he
 6 might know something about the investigation.
 7 Q. Why were you suddenly so coy about it? You had been
 8 briefing journalists for months. Why are you suddenly
 9 coy about Mr Bensingger briefing Mr Kramer?
 10 A. Because I suspect -- I feared that Mr Bensingger knew
 11 about the memoranda and the dossier and so on and was
 12 trying to find out more about them.
 13 Q. Well, as a proper journalist that is exactly what you
 14 would expect him to do, isn't it?
 15 A. I don't know how he knew about it though in the first
 16 place.
 17 Q. But everybody knew about them because you had been
 18 briefing about -- you and Mr Simpson had been briefing
 19 any journalist who would listen to you for months on
 20 end, hadn't you, Mr Steele?
 21 A. We had briefed a small number of journalists off the
 22 record about the general themes, your Lordship, in the
 23 memoranda.
 24 Q. You didn't say to Mr Kramer, "Well, don't show him the
 25 memoranda. Don't give him copies", did you?

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1 the next phase?
 2 MR MILLAR: Five questions.
 3 MR JUSTICE VABRY: We'll deal with that 2 o'clock.
 4 (1:00 pm)
 5 (The luncheon adjournment)
 6 (2:00 pm)
 7 Procedural discussion
 8 MR JUSTICE VABRY: Yes, well, for the record, I think there
 9 are things that we all know that probably should be said
 10 now.
 11 Since we parted, I learn, Mr Steele has been told
 12 that his wife is unwell with Covid-19.
 13 MR MILLAR: It's not that clear-cut. She was taken to
 14 hospital after he left her this morning. She was taken
 15 in an ambulance to Frimley Park Hospital.
 16 MR CHRISTOPHER STEELE: I can't hear this.
 17 MR MILLAR: She was taken in an ambulance to Frimley Park
 18 Hospital with breathing difficulties. She is, as
 19 I understood it from my client, in isolation, has been
 20 tested for Covid-19. There is no test result yet, but
 21 she remains in isolation.
 22 MR JUSTICE VABRY: Right. And Mr Steele himself has been
 23 advised about this? Not legally advised but medically
 24 advised, is that right?
 25 MR MILLAR: No. He's been advised by the court that the

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1 appropriate procedure -- the RfJ procedure --
 2 MR JUSTICE VABRY: Ah.
 3 MR MILLAR: He was initially advised -- we were advised, my
 4 junior was advised -- that he was supposed to leave the
 5 court.
 6 MR JUSTICE VABRY: Right.
 7 MR MILLAR: Step 1 in the protocol. I don't know on what
 8 basis that is said, so we said --
 9 MR CHRISTOPHER STEELE: I can't hear this feed, I'm afraid.
 10 MR MILLAR: So we said that Mr Steele is in the middle of
 11 giving evidence, technically he has to be discharged by
 12 the judge if he is going to leave the building, and
 13 there was then supposed to be an arrangement which would
 14 have a conference room or something that he could sit
 15 in, but that never materialised, so your Lordship kindly
 16 offered --
 17 MR JUSTICE VABRY: At the moment he is in court 75, which is
 18 right next door. Can you hear me now, Mr Steele?
 19 MR CHRISTOPHER STEELE: I can't hear you, I'm sorry.
 20 MR JUSTICE VABRY: Right.
 21 MR TOMLINSON: My Lord, there seems to be some confusion
 22 because your Lordship will remember on the first day
 23 Mr Steele had had some close exposure, namely to his
 24 business partner, who had shown symptoms and was
 25 self-isolating. I think both sides looked into the

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1 guidance and the guidance said that if you're exposed to
 2 someone but you're showing no symptoms, you don't have
 3 to self-isolate.
 4 Now, my Lord, as far as I understand it, the
 5 guidance hasn't changed. So although Mr -- poor
 6 Mr Steele has had the unfortunate experience of (a)
 7 being exposed to his business partner, who is showing
 8 symptoms, and then (b) his wife showing symptoms at the
 9 moment, as he has no symptoms, there's no need for any
 10 isolation steps to be taken.
 11 MR JUSTICE VABRY: Well, that wasn't my understanding.
 12 I thought that the point was about the time at which you
 13 had exposure, in other words whether the person to whom
 14 you were exposed themselves had symptoms at the time you
 15 were in their company.
 16 MR TOMLINSON: When I -- I don't have it here, but we --
 17 because of this issue arising -- I may have it here --
 18 on Monday, we actually -- I think I do have it here, the
 19 guidance produced by the government. The
 20 government's -- I think Mr Millar made the point to
 21 your Lordship on Monday morning that the guidance says
 22 that if you --
 23 Ah, well, it may have -- we're just checking now
 24 whether it has changed, but certainly as of Monday the
 25 guidance was you only had to self-isolate if you were

1 situation. It is probably sensible for me to not take up
 2 any more time in relation to that.
 3 MR JUSTICE WARBY: Mr Miller?
 4 MR MILLAR: I wouldn't say any of the questions I was going
 5 to ask in re-examination are central to the case. So
 6 I'm happy to adopt that position.
 7 MR JUSTICE WARBY: Yes. Well, what I think I'll do is
 8 I will release Mr Steele, unless there's an
 9 application -- I am sending a shuffling head from behind
 10 you, Mr Tomlinson.
 11 MS SPOVOLI: Oh, sorry. I was saying --
 12 MR JUSTICE WARBY: It wasn't out of disagreement with what
 13 I was saying. That's reassuring.
 14 MR TOMLINSON: No, the point was that Ms Spivoli was simply
 15 concerned that Mr Steele couldn't hear what
 16 your Lordship was saying.
 17 MR CHRISTOPHER STEELE: Yes, I can't.
 18 MR JUSTICE WARBY: Well, I'll get the court clerk to tell
 19 you in a moment.
 20 He won't have long to wait. I will release him and
 21 I will give a short ruling on what I would have said.
 22 what I provisionally would have said on the four
 23 questions, but I think we can deal with that separately
 24 because he can go.
 25 MR TOMLINSON: Yes.

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1 So, Mr Steele, the court clerk will -- you are going
 2 to be released and the court clerk will come and let you
 3 go formally in one minute's time.
 4 MR CHRISTOPHER STEELE: Okay. Thank you.
 5 Thank you, your Lordship.
 6 MR MILLAR: He obviously is very concerned.
 7 MR TOMLINSON: Yes, we all are.
 8 MR JUSTICE WARBY: Yes. One of the factors that has led me
 9 to slightly prompt you to not press on further is the
 10 obvious and natural distress that Mr Steele must be
 11 feeling --
 12 MR TOMLINSON: My Lord, absolutely so.
 13 MR JUSTICE WARBY: -- at learning this somewhat incomplete
 14 version of what his wife's current position is.
 15 MR TOMLINSON: No, it is obviously something that he will
 16 want to go and deal with as soon as he possible can.
 17 MR JUSTICE WARBY: Let's just wait until the clerk returns,
 18 having made sure that that's happened.
 19 (Pause)
 20 Now, Mr Tomlinson, I know the clerk is not back.
 21 what I'd like to hear from you are what the four
 22 questions are that you would have asked and, in relation
 23 to what I think is the first one, which is details of
 24 that part of Mr Steele's career which you suggested was
 25 spent training, how you say it should be approached.

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1 because you made the point to him that there was no
 2 lawful basis on which he could withhold that
 3 information. If there are any other questions?
 4 MR TOMLINSON: My Lord, subject to your Lordship's views,
 5 I'm not sure that it is necessary to pursue any of this
 6 now because as Mr Miller said in relation to his
 7 re-examination, I don't think any of it is
 8 case-changing.
 9 The position, as I understand it, under the Official
 10 Secrets Act, is that that covers only the disclosure of
 11 information about national security matters, not
 12 information about Civil Service careers in whatever
 13 department. And there were some questions about this
 14 sources. But, my Lord, as I'm not going to put the
 15 questions to the witness now, I am not asking
 16 your Lordship to make any ruling about any of them.
 17 MR JUSTICE WARBY: Well, the only reason I was -- well, two
 18 reasons really why I had it in mind to rule on it now.
 19 One is it is fresh in my mind and it gets part of the
 20 reasoning process out of the way, and the other is in
 21 case it was going to be suggested later on that the
 22 refusal to answer the question had some implications for
 23 the way in which I should approach the evidence.
 24 If I rule now, or having heard any further argument,
 25 or determined later, that the question was not

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1 sufficiently important to the pursuit of justice in the
 2 case to justify the intrusion into confidentiality that
 3 it would involve, then you couldn't invite me to draw
 4 any adverse inferences from his refusal to answer it,
 5 but if I took another view, you might.
 6 MR TOMLINSON: My Lord, in relation to that, his -- I am not
 7 going to ask you to draw any adverse inferences from
 8 his, I would say, unjustified refusal to give a proper
 9 explanation as to his Civil Service career. In relation
 10 to his sources, I will say, generally, not in respect of
 11 those four questions that he refused to answer, but
 12 I will say generally that bearing in mind -- and this is
 13 a point your Lordship made yesterday, and I apologise
 14 for misrepresenting the way that Mr Miller put it in
 15 submissions yesterday. Your Lordship said in the
 16 absence of an established privilege, the position is
 17 somewhat different from the position that we find in --
 18 the familiar position in relation to journalists. I am
 19 entitled to say if someone is trying to show that they
 20 have taken reasonable care, the fact that they don't
 21 give details that would back that up about the nature of
 22 their sources is a factor the court can take into
 23 account, but that's as far as I'm going to go. I'm not
 24 going to say, and, in particular, the fact he refused to
 25 say -- as he did -- what country his source was located

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1 In is an additional factor that the court should take
 2 into asked.
 3 So, my Lord, in relation to those, I'm not proposing
 4 to put any forensic weight on the failure to answer any
 5 of those specific questions. Subject to anything
 6 your Lordship says, I don't think it would be certainly
 7 from my point of view, necessary for your Lordship to
 8 rule on any of those issues.
 9 MR JUSTICE WARBY: Mr Miller, do you disagree with that,
 10 given what has been said?
 11 MR MILLAR: No, I think my learned friend is entitled to
 12 say, by way of comment, whatever he wants to say about
 13 the question -- each question and answer. We have them
 14 on the record. He can comment on that. The judicial
 15 role then will be as it always is, to decide what value
 16 that argument and that comment has in the greater scheme
 17 of things.
 18 MR JUSTICE WARBY: Right. Well, then, I don't need to say
 19 anything about it now.
 20 Housekeeping
 21 What remains is just to agree the case management
 22 for the next stage, which at the moment is we start at
 23 10 o'clock tomorrow. Is that agreed?
 24 MR TOMLINSON: My Lord, I'm not sure it was agreed.
 25 MR MILLAR: I think it was an indication from the court last

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1 week.
 2 MR JUSTICE WARBY: Yes. My clerk indicated that I need to
 3 be away by 4.00.
 4 MR TOMLINSON: Ah.
 5 MR JUSTICE WARBY: Therefore --
 6 MR TOMLINSON: I had -- that had passed me by or popped out
 7 of my mind.
 8 My Lord, obviously there are two questions. The
 9 first is when written closing submissions should be
 10 lodged and then the second is when we commence oral
 11 argument about those written closing submissions.
 12 MR JUSTICE WARBY: Right. So what --
 13 MR MILLAR: And the third question is whether we cap the
 14 time for those oral submissions.
 15 MR JUSTICE WARBY: Yes. We have a four-day time estimate.
 16 I don't see any reason not to stick to that.
 17 MR TOMLINSON: No.
 18 MR JUSTICE WARBY: In fact, there's every reason to stick to
 19 it in the usual way.
 20 So what's your proposal?
 21 MR TOMLINSON: Sorry, there's another question that arises
 22 as to -- in terms of order of closing, whether we stick
 23 to the old version, if I can put it that way, chairman
 24 goes last, or whether we stick to the modern version,
 25 which is chairman goes first and has a right of reply?

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1 I am --
 2 MR JUSTICE WARBY: I am accustomed to the old version.
 3 MR MILLAR: You are accustomed to the old version?
 4 MR JUSTICE WARBY: Yes, but I don't really mind.
 5 MR MILLAR: I have had both.
 6 MR TOMLINSON: Exactly, so I mean.
 7 MR JUSTICE WARBY: Usually, I mean the old version is if
 8 the defendant calls evidence, the chairman goes the last
 9 word. That's the --
 10 MR TOMLINSON: Yes, that's the rule from jury trials going
 11 back to --
 12 MR MILLAR: I am happy to go first, if we are knocking the
 13 issue around and asking what people's positions are.
 14 I'm happy to go first.
 15 MR TOMLINSON: I'm happy to do it either way, but whatever
 16 your Lordship would find most helpful.
 17 MR MILLAR: Yes.
 18 MR JUSTICE WARBY: I think I would like Mr Tomlinson to go
 19 first, please, and then you have a right of reply.
 20 MR TOMLINSON: Yes.
 21 MR MILLAR: Yes.
 22 MR TOMLINSON: Then we need a timetable for that.
 23 MR JUSTICE WARBY: Yes. Well, that gives us five hours in
 24 the usual way, doesn't it, with some breaks to take out
 25 of that? Let's say that gives us four and a half hours

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1 In total.
 2 MR TOMLINSON: Two hours each and half an hour reply.
 3 MR JUSTICE WARBY: Two hours each and half an hour for
 4 reply.
 5 MR MILLAR: Yes, that's fine.
 6 MR JUSTICE WARBY: So we'll start at 10.00. The gullotine
 7 will come down at midday and Mr Miller will have an hour
 8 before and an hour after lunch or -- then we'll have to
 9 make an allowance for the ten or 15 minutes of break in
 10 the morning or the afternoon, and we'll finish with half
 11 an hour, starting at 3.30 for you, Mr Tomlinson.
 12 MR TOMLINSON: I was going to say, yes, if we -- if we --
 13 MR JUSTICE WARBY: I was not allowing for the breaks.
 14 MR TOMLINSON: Yes. So, in other words, finish at 12.30, if
 15 the breaks are 15 minutes each or ten.
 16 MR JUSTICE WARBY: Yes, we'll look for a convenient moment
 17 to ensure that the shorthand writers don't get
 18 exhausted.
 19 MR MILLAR: I can work within a little less than two hours,
 20 I'm sure.
 21 MR JUSTICE WARBY: Yes.
 22 As far as written closings are concerned, I'm not
 23 going to impose a timetable. The sooner you get them to
 24 me the sooner I'll read them, but there's always
 25 a balance to be struck between speed and quality.

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