



Inquest into the death of Alexander Perepilichnyy

Coroner: His Honour Judge Nicholas Hilliard QC

RULINGS FOLLOWING PRE-INQUEST REVIEW HEARING ON 13 MARCH 2017

- 1) Following submissions made to me at the pre inquest review hearing on 13th March 2017 I have made a number of directions as to further investigations, evidence and procedural matters to take place before the inquest is scheduled to begin on 5th June 2017. I now set out my reasons for these directions, a copy of which is appended.
- 2) I have not yet determined the issues arising as a result of the material over which public interest immunity has been claimed. In particular, I have not determined its impact on whether, and if so how, this inquest can properly proceed. This has been the subject of further written submissions as recently as 4th April 2017. The following directions are handed down in the interest of expediency and do not presuppose the outcome of my deliberations.

Expert Evidence

- 3) I have given a number of directions as to what further expert evidence should be obtained in advance of the inquest. Those directions are designed to assist me in considering the existing expert evidence and in obtaining further expert analysis to assist my investigation. In two respects I need to say a little more about my reasoning.
- 4) First, it appears to me that I should investigate whether it is feasible for an independent expert in (liquid chromatography) mass spectrometry to consider the technical aspects of the findings of Professor Simmonds and Dr Kite and add to their analysis.
- 5) Both the Insurers and Surrey Police have submitted that I am likely to be assisted by further expert analysis of the mass spectrometry evidence. I anticipate that, if such a technical review is possible, it will help me to understand what more, if anything, can be deduced about the compound reported to have been found in Mr Perepilichnyy's stomach contents and its relationship to the toxic compounds derived from *Gelsemium*. I have directed that I will investigate the feasibility of obtaining such an opinion because preliminary investigations by the solicitor to the inquest suggest that further useful analysis outside of the work already done by Kew may not be available. I will also investigate whether any further tests can feasibly be undertaken to identify the substances found in Mr Perepilichnyy's alimentary system and the gastric contents in his lungs.

- 6) I do not see the need for an independent toxicologist in addition to this and given the experts already being called to give evidence, not least Professor Ferner, Dr Rice and Dr Perry. I will of course keep under review whether there are any gaps in the expert evidence following the Joint Meetings that I have directed should take place.
- 7) Second, I am considering the need to call Mr Raymond Fysh to give evidence at this stage. Whilst he played a role in producing the Operation Daphne elimination of poisons criteria and assessing certain poisons against that criteria, it may be that the existing experts will be able to deal with those points covered in his reports. I will review this following the Joint Meetings.

Lay Witnesses

- 8) I have directed that a further witness statement should be taken from Mrs Perepilichnaya. The statement provided by her in these proceedings does not deal with a number of issues which are relevant to my investigation. I am aware from the Surrey Police Family Liaison Officers (“FLOs”) that she has further relevant evidence to give to the inquest. In those circumstances, I would be greatly assisted by a more detailed witness statement.
- 9) I will consider the need to take a statement from Mr Perepilichnyy’s daughter once I have received Mrs Perepilichnaya’s statement.
- 10) I have also directed that witness statements be taken from Mr Perepilichnyy’s brothers-in-law Mr RishatIsmagilov and Mr RuslanGurskyy with a view to calling them to give evidence. I will review this once I have their statements.
- 11) The documentary evidence produced by the Surrey Police FLOs about their contact with Mrs Perepilichnaya addresses a number of issues that are relevant to this investigation, in particular: background information about Mr Perepilichnyy, concerns about his security, threats to his safety, and the food that he ate in the hours preceding his death. In light of my decision to seek a further statement from Mrs Perepilichnaya, in which she can address those issues directly herself, I do not consider it necessary for the FLOs to be called to give evidence. However, I will of course review that decision once I have received Mrs Perepilichnaya’s statement.
- 12) Mr Sazonov, Mr Barrington, Ms Clark-O’Connell and Ms Lenon were involved in Surrey Police’s examination of Mr Perepilichnyy’s mobile phones and computer. Again, insofar as that examination is relevant to my investigation, it can be addressed by D/Supt Pollard and I do not consider it to be proportionate or necessary to call the four individuals to give evidence. However, it may be necessary to revisit this decision once I have heard D/Supt Pollard’s evidence.
- 13) Ms Leadbetter is a police analyst who prepared a number of reports, including about Mr Perepilichnyy’s phone usage and recent travel. Again, insofar as that examination is relevant to my investigation, it can be addressed by D/Supt Pollard and I do not consider it to be proportionate or necessary to call Ms Leadbetter to give evidence. However, it may be necessary to revisit this decision once I have heard D/Supt Pollard’s evidence.

- 14) Similarly the log at D4 produced by PC Ellen Smith can be addressed by D/Supt Pollard in the first instance if necessary.
- 15) I do consider that I will be assisted by hearing from DC Burden, the officer in charge of the investigation until D/Supt Pollard took over. He should be able to assist directly with the investigative steps taken before that date, not least on the day that Mr Perepilichnyy was found collapsed in the road. That will include the identification of possible further witnesses, raised by Hermitage Capital Management in their written submissions to me.
- 16) I have also directed that two paramedics from the South East Coast Ambulance Services should attend to give evidence. The condition in which Mr Perepilichnyy was found in the road and his response to CPR will potentially be relevant to the experts' views on the cause of death.
- 17) Hermitage Capital Management have submitted to me that a number of potential witnesses should be traced and statements taken from them. Dealing with the two witnesses who are said to have seen Mr Perepilichnyy running up the hill and out of breath, it appears likely that they are in fact Mr and Mrs Elias. I will ask Surrey Police to confirm this. If correct, then no further steps are necessary, as Mr Elias is already giving evidence. If such confirmation is not forthcoming, then I will ask what steps, if any, can be taken to trace the witnesses.
- 18) I will write to Surrey Police asking what steps, if any, can be taken to trace the female on her mobile in the stretch of road where Mr Perepilichnyy was found and the female in the long Oxford white shirt in her 50s who was said to be walking nearby.
- 19) As to the female near the Deceased's feet referred to by Liam Walsh, I do not propose to take any further steps in respect of this issue. The evidence as a whole indicates that the woman identified by Hermitage is Iris da Silva, who has provided a statement to Surrey Police. There is nothing to suggest that there was any other woman present. Nor am I persuaded that, even if there was, such a person could give additional relevant evidence beyond that of Mr Walsh, Mr St Clair-Ford and Ms Da Silva.
- 20) As to a boy who saw the Deceased before his death there is reference in the Surrey Police documents to the presence of a boy at the scene after Mr Perepilichnyy's collapse. However, he does not appear to have seen Mr Perepilichnyy prior to his collapse. Nor was he involved in the subsequent attempts at resuscitation. Several other witnesses are being called who can give direct evidence about these issues. I am not persuaded that this boy could provide any relevant evidence.
- 21) As to the man said to have been present at the house at the time of Mr Perepilichnyy's death, the man referred to in the document cited by Hermitage was said to have been present after his death and is described as his daughter's godfather. I will ask Mrs Perepilichnyy to confirm the identity of this man, also described as "Valery/Valerie".
- 22) I will ensure that enquiries are made of Mr Perepilichnyy's bank manager. He or she may have relevant evidence to give about why he had taken out life insurance policies.

Other Matters

- 23) Direction 16 deals with further evidence as to the accurate translation of certain passages in the Russian Skype messages and the STI will ensure that the translator is aware of the family's concern that they stick to considering the accuracy of the translated passages.
- 24) Direction 17 is self-explanatory.
- 25) As to direction 18, I have been asked to conduct a number of further investigations into Mr Perepilichnyy's communication and electronic devices which I am considering. In the first instance I have directed that certain enquiries be made of Mrs Perepilichnaya and Surrey Police. I have also asked that Mrs Perepilichnaya confirm to me whether or not she found any material relevant to this inquest in her husband's documents.
- 26) Hermitage Capital Management have asked for analysis of the disclosed visitor and incident log from Mr Perepilichnyy's gated community. Unless any names on that log are recognisable to the IPs or to the police, and are identified to me, I do not consider that it is necessary or practicable for me to conduct my own investigations of the names on this log.
- 27) It has also been submitted that I should ask the French Authorities whether certain individuals were present in France on or around the time of Mr Perepilichnyy's death. I am aware that the previous coroner rejected a similar request on the basis that it was not proportionate to do so, in part because he had already made requests to UKBA for information on whether certain named individuals were present in the UK. I do not consider that it is necessary to make this request or that, even if the French Authorities answered positively in respect of one or more of these individuals, any reasonable inferences could be drawn which will assist me in determining how AP came by his death.
- 28) I have also been requested to ask the Swiss Authorities what information was provided to Mr Vladen Stepanov concerning a "personal confrontation" with Mr Perepilichnyy's evidence. I do not consider that this is necessary or proportionate. It is clear from the documents provided to me by Surrey Police that Mr Stepanov was aware that a personal confrontation was planned and that his statements did not correspond to that of Mr Perepilichnyy. The witness statement of Mr Browder also deals with what Mr Stepanov knew about Mr Perepilichnyy's connection with the Swiss proceedings and in particular an advertisement that he is said to have taken out in a Russian newspaper May 2011. It is therefore not necessary or proportionate for me to ask the Swiss authorities for further details of what they told Mr Stepanov in relation to the planned personal confrontation.
- 29) Finally, I am considering with the STI how best to manage the documents and bundles in this case. He has recently been appointed and is at the early stage of reading into the case. He will liaise the IPs in due course to ensure that a suitable system of document management and bundling is adopted. If necessary, I will give further directions.

HHJ Nicholas Hilliard QC
Judge-Coroner for the County of Surrey
7th April 2017