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Boris Berezovsky Awarded £150,000 Libel Damages

At the High Court in London today, Mr Justice Eady gave judgment in favour of Mr Berezovsky in a claim for libel against the Russian State Television and Radio Broadcasting Company ("VGTRK") and Vladimir Terluk, awarding him £150,000 in damages.

Mr Berezovsky, who was granted political asylum in the United Kingdom in September 2003, sued over allegations broadcast on 1 April 2007 on the RTR satellite channel on its weekly news programme *Vesti Nedeli*. The programme featured an interview with a man named "Pyotr", who, though attempts were made to disguise his identity, the Judge found to be Mr Terluk, who has lived in the UK since 1999.

The "*cornerstone message of the programme*" as a whole was to accuse Mr Berezovsky of the murder in London in November 2006 of Alexander Litvinenko. The motive was said to be that Mr Litvinenko was a witness to a conspiracy in 2003 to avoid Mr Berezovsky's extradition and to obtain his political asylum by procuring false evidence from Mr Terluk that there was an FSB plot to kill Mr Berezovsky. It was said on the programme that Mr Berezovsky had been party to threats to Mr Terluk's life.

In his Judgment, Eady J said "*I can say unequivocally that there is no evidence before me that Mr Berezovsky had any part in the murder of Mr Litvinenko. Nor, for that matter, do I see any basis for reasonable grounds to suspect him of it*".

The Judge rejected Mr Terluk's claim that the alleged plot to procure from him false evidence, was true, stating "*I am driven to conclude that the central allegation that is directly attributable to Mr Terluk in the programme is false*".

He further concluded "*I see no evidence at all of any risk to Mr Terluk's safety and welfare originating with Mr Berezovsky or his entourage*".

In awarding damages in Mr Berezovsky's favour, the Judge took into consideration the fact that the allegation "*was calculated to put at risk Mr Berezovsky's refugee status and leave to remain in the United Kingdom*".

SRA No. 44769

Mr Berezovsky said today:

"I have no doubt that, in making this programme, the purpose of RTR and the Russian authorities was to undermine my asylum status in the UK and to put the investigation of Sasha Litvinenko's murder on the wrong track. I am pleased that the court, through its judgment, has unequivocally demolished RTR's claims. I trust the conclusions of the British investigators that the trail leads to Russia and I hope that one day justice will prevail."

NOTES

- Judgment in default was granted in December 2008 against both Defendants but was set aside (as against Mr Terluk only) in July 2009. VGTRK did not enter a Defence to the claim and did not appear at the trial.
- Mr Terluk did not have legal representation but had assistance from the Russian State General Prosecutor's Office, both before and during the trial.
- Both Defendants are jointly liable for the award of damages. The court cannot make separate awards of damages against individual Defendants. Although the First Defendant is responsible in law for the content of the programme as a whole, the Second Defendant was not found to be personally responsible for the allegation of murder. The Judge stated that his award of damages would have been higher if he had found Mr Terluk responsible for "the equally unfounded allegation that he [Mr Berezovsky] was responsible for the death of Mr Litvinenko".
- The programme was aired in this jurisdiction on the free to view satellite channel RTR Planeta. The Judge found "*the likelihood is that the viewers of the programme in the jurisdiction will have been measured in the thousands*"
- Mr Berezovsky was granted refugee status and indefinite leave to remain in the UK on 10 September 2003 on the grounds that he had a well-founded fear of political persecution in Russia.

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