

**SUPPLEMENTARY WITNESS STATEMENT
OF LEONID BORISOVICH NEVZLIN**

1 INTRODUCTION

1. On 15 February 2019, I made a written witness statement in connection with the proceedings between HVY¹ and the Russian Federation which are currently pending before the Court of Appeal in The Hague (“**First Witness Statement**”). De Brauw lawyers have informed me of various allegations made against me by the Russian Federation in its written Deed of 25 June 2019 and showed me a number of documents exhibited by the Russian Federation with the said Deed.

2. I am making this supplementary witness statement because those allegations, as well as the explanations provided by the Russian Federation in relation to the above-mentioned documents, are false. I will not respond separately to each and every of the allegations made against me, and to each and every statement made about me by the Russian Federation. This absolutely does not mean that I agree with any of them. In this witness statement, I will focus on those aspects where I believe my testimony will assist the Court of Appeal to understand the documents submitted by the Russian Federation and the reasons why the allegations made by the Russian Federation and the explanations provided by it are nothing more than lies and an attempt to mislead the Court of Appeal. I have carefully examined the content of this witness statement and confirm that everything stated in it is true.

¹ In this supplementary witness statement, I will use the same defined terms as in my First Witness Statement.

2 THE MOST OUTRAGEOUS STATEMENTS MADE BY THE RUSSIAN FEDERATION

3. In the First Witness Statement, I explained what matters most to me at this stage of my life. I said I hope to be able to make a mark on history by supporting and promoting the forces that seek to change Russia for the better. I will repeat again what I stated in the First Witness Statement: what is important to me in this case is upholding the rule of law, setting the record straight and correcting the wrongs caused by the Russian Federation. I have also explained that if I would ultimately receive any funds, I would use significant part of those to support democracy and civil society in Russia. As De Brauw lawyers explained to me, the Russian Federation asserts that my statements regarding the support for civil society and charitable causes, both in and outside of Russia, are nothing but a sham and that my goal is “*trying to obtain approximately US\$ 35 billion (plus interest) via this legal battle*”. These statements are a blatant lie.
4. As I have explained in the First Witness Statement, I am profoundly committed to the development of greater freedom, business transparency, democratic values and civil society in Russia. For those reasons, I have for a long time been supporting and funding political parties, democratically oriented candidates, as well as civil activists, organisations and institutions that fight for the same values as I do. My support is one of the main reasons for my continuing politically motivated persecution by the Russian Federation.²
5. I have been informed by De Brauw lawyers that in its Deed of 25 June 2019, the Russian Federation is mocking my commitment to civil society as a “*PR verbiage*”, relying on the fact that I did not mention the names of the organisations and persons in Russia that I support in the First Witness Statement.

² I have described this in detail in the First Witness Statement, paras. 23-50.

6. This statement is nothing but a cynical slander.
7. The Russian Federation is perfectly aware that as soon as I give names of people I support, they will be targeted for persecution by the Russian authorities and law-enforcement agencies, and as soon as I give names of the organisations I support, these organisations will be shut down, their accounts will be frozen and the people working there will be harassed and probably arrested. The Putin regime's attitude towards civil society in Russia, particularly if it involves organisations supported from abroad, is notorious. The Russian Federation is very keen on routing out any support given by my former partners and me.
8. Unfortunately, there is a vast number of examples of such behaviour by the Russian law-enforcement and investigative authorities in relation to organisations and persons that were only rumoured to have received support from my former partners and me. Below I will set out just a few examples:
 - On 28 February 2017, the Russian law-enforcement authorities searched the flat of Ms Zoya Svetova, a prominent journalist and human rights activist in Russia.³ During the search, the investigators from the Investigative Committee and FSB agents seized Ms Svetova's bank cards, computers, mobile phones and other items.⁴ The search was officially linked to the Russian authorities' criminal investigation into alleged crimes by myself and my former partners.⁵ Remarkably, the search was conducted not only with the goal to find information related to my former partners (Messrs Khodorkovsky, Lebedev, Brudno and Dubov) and me directly, but also with the goal to find information on the financing allegedly provided by the charitable "Khodorkovsky

³ Exhibit 1 (Amnesty International article, '*Russia: 'Deeply alarming' raid targets human rights activist and journalist Zoya Svetova*', 28 February 2017).

⁴ Exhibit 2 (Protocol of search of the residence of Ms Zoya Svetova in Moscow of 28 February 2017).

⁵ Exhibit 2.

Foundation”, as well as the “Palmus Foundation” Fund, the “Corbiere Trust” and the company “Rysaffe Trustee Company (C.I.) Limited”, which according to the Russian authorities may be the source of funding for civil activists.⁶

- The Open Russia organisation, referred to in the First Witness Statement, and activists associated with it, have repeatedly been subjected to raids of their business offices and homes, arrests and other forms of harassment by the Russian authorities.⁷ In 2017, the Russian authorities banned Open Russia as ‘undesirable’ organisation.⁸ More recently, the Russian authorities have even brought criminal charges against Anastasia Shevchenko, a Russian human rights activist and coordinator with “Open Russia”, for her alleged “*repeated participation in the activities of an undesirable organization*”.⁹
- In a press release of 5 October 2017,¹⁰ the Russian Federation’s Investigative Committee stated that it conducted various searches at the homes and offices of persons who allegedly received funding from accounts of organisations that are “*controlled*” by Mr Khodorkovsky, by me, or our former partners. Notably, this press release confirmed that the Russian authorities’ harassment and intimidation of human rights activists in Russia is directly linked to the court proceedings in The Hague.

⁶ Exhibit 2.

⁷ Exhibit 3 (Meduza article, ‘Police search for the Yukos case in ‘Open Russia’ – The Investigative Committee ransacks the offices and employee apartments of Khodorkovsky’s NGO’, 23 December 2015), Exhibit 4 (The Moscow Times article, ‘Police Raid Open Russia’s Offices After Khodorkovsky Live Feed’, 28 February 2019).

⁸ Exhibit 5 (Amnesty International article, ‘Russian authorities ban Khodorkovsky’s organization Open Russia as ‘undesirable’’, 26 April 2017).

⁹ Exhibit 6 (Amnesty International article, ‘Russia: First criminal case under ‘undesirable organizations’ law marks a new level of repression’, 21 January 2019).

¹⁰ Exhibit 7 (The Investigative Committee of the Russian Federation, Statement of 5 October 2017).

9. In light of the facts set out above, I am certainly not able to disclose the names of the institutions and persons that I am supporting for their commitment to civil society and democratic reform in Russia. Disclosing their names would only allow the Russian authorities to continue their unprecedented campaign of harassment and intimidation under the pretext of its allegedly ongoing investigation into the so-called ‘Yukos case’.

3 IN OCTOBER 2003, I RELINQUISHED ALL DIRECT OR INDIRECT OWNERSHIP RIGHTS IN GML AND HVY

10. In October 2003, I relinquished all direct or indirect ownership rights in GML and HVY. I was and am very much aware what this means and have always acted accordingly.
11. De Brauw lawyers informed me that in its Deed of 25 June 2019, the Russian Federation has again made the allegation that I have control over GML and HVY, while referring to documents which allegedly confirm such allegation. The Russian Federation’s assertions in relation to those documents are false and are yet another attempt to mislead the Court of Appeal. Below I will describe and explain each one of those documents in more detail.

***(1) I did not “approve” any GML payments in December 2003
(Exhibit RF-443)***

12. In December 2003 and January 2004, I came to London on a few occasions and held a number of business and personal meetings there. My friends and former partners and I were in an extremely difficult situation at that time: Mr Khodorkovsky and Mr Lebedev had been imprisoned in Russia, and we were witnessing an attack on Yukos, on the persons affiliated with it and on ourselves personally, the ferocity of which went beyond what we could have ever imagined. Our main

concern was to ensure that our friends and other Yukos employees be released, their persecution be stopped and that Yukos itself be saved. Our task was hugely complicated by the fact that, due to the politically motivated persecution by the Russian Federation's authorities, it was not safe for those of us who remained free to travel to Russia.

13. One of the meetings I had during my visit to London in December 2003 was with Mr Stephen Curtis. There may have been other people present during the meeting, but today, almost 16 years later, I do not recall those details.
14. As it was explained to me by De Brauw lawyers, the Russian Federation alleges that during this meeting, I "*approved*" certain payments made by GML. According to the Russian Federation, this "*approval*" of the payments is an evidence of my alleged control of GML. This statement made by the Russian Federation is based on a hand-written note that was allegedly drafted by Mr James Jacobson, an English solicitor, who worked at the time at Mr Curtis' law firm. I have never seen this note before.¹¹
15. The Russian Federation's statement is false. At the time of our meeting in December 2003, Mr Curtis was the sole director of GML. Mr Curtis attempted to gather as much information as possible about the unfolding events surrounding Yukos, as those had had a major effect on GML and heavily affected its assets. Therefore, during the meeting with Mr Curtis in December 2003, the main topic of the discussion was the situation around the politically motivated attack by the Russian Federation on Yukos, my former partners and myself.
16. I do not recall discussing any payments made by GML during the said meeting. It is possible that such payments were mentioned and that I

¹¹ Exhibit RF-443.

responded positively upon hearing this, but I certainly did not give my ‘*approval*’ for these payments, as I was in no position to do so.

17. Even the note itself, which was submitted to the Court of Appeal by the Russian Federation, does not say that I ‘*approved*’ payments. It is stated there distinctly that I ‘*agreed with*’, and not ‘*approved*’ the payments. Moreover, it is clear from the text of the note that by the time of my meeting with Mr Curtis, all payments mentioned there had already been made. If Mr Curtis had considered it necessary to obtain an ‘*approval*’ for these payments, he would have asked for such ‘*approval*’ before making those payments.
18. Also, the note appears to have been drafted rather carelessly. This underlines the fact that it cannot be an evidence of any payments’ ‘*approval*’. The amount of the donation made to the charitable “Khodorkovsky Foundation” was set out in the note as US \$ 500,000. I know that the actual donation was in the amount of US \$ 500,000,000.¹²

(2) *I did not act as a representative of GML at the GML Advisory Board Meeting in December 2003 (Exhibit RF-445)*

19. De Brauw lawyers explained to me that the Russian Federation submitted to the Court of Appeal a document, which it refers to as “*Minutes of the International Advisory Board of GML of 14-15 December 2003*”. Based on this document, the Russian Federation alleges that during a GML Advisory Board meeting in December 2003, I was supposedly described as “*the senior representative*” of GML.¹³
20. I have never seen this document previously. It is not signed, and it is unclear who prepared this document and when. I do remember attending a meeting described in the said document, although I do not remember

¹² The Khodorkovsky Foundation, in accordance with the English legislation, publicly files its audited accounts and the donation of US \$ 500,000,000 is referenced in those accounts: Exhibit 8 (Khodorkovsky Foundation, Accounts for the period ended 31 December 2004), p. 9, note 2.

¹³ Exhibit RF-445.

this meeting in detail due to the time that has passed since it took place. I certainly do not recall having ever been introduced as “*the senior representative*” of GML, which, of course, would have been incorrect.

21. I do recall, however, that during the meeting with the members of the GML Advisory Board in London in December 2003, I informed them about the recent developments in Russia following the arrests of my friends and former partners Messrs Khodorkovsky and Lebedev, and of the political nature of the Russian Federation’s attack on Yukos and on us personally.
22. De Brauw lawyers have further informed me that according to the Russian Federation, this document also records a “*declaration*” by Mr Oleg Pavlov “*that the ownership structure of GML “remain[ed] largely unchanged in practice”, even after the creation of the Guernsey trusts in October 2003*”.
23. This statement is untrue and is made with a view of misleading the Court of Appeal, as clearly follows from the text of this document. Mr Pavlov’s comment was not about the ownership structure of GML, but about the ownership structure of Yukos. Mr Pavlov noted that the ownership structure of Yukos remained largely unchanged in connection with the (then) recent developments related to the Yukos-Sibneft merger. This merger was suddenly put on hold by Mr Abramovich, the owner of Sibneft, shortly before this meeting in London.¹⁴ This comment by Mr Pavlov had nothing to do with GML or the trusts, which are not even mentioned in this document.

(3) *I did not conclude any agreements with Mr Kagalovsky on behalf of GML in January 2004 (Exhibits RF-441 and RF-442)*

24. De Brauw lawyers explained to me that the Russian Federation asserts that I allegedly concluded two agreements with Mr Konstantin

¹⁴ See §10 of my witness statement dated 29 August 2010, that was submitted in the arbitration proceedings.

Kagalovsky on behalf of GML in January 2004.¹⁵ The Russian Federation submitted copies of the Russian originals of two documents accompanied by unofficial and unsigned English translations.

25. The Russian Federation's allegation that I concluded and signed these agreements on behalf of GML, and its suggestion that there was something untoward about the agreements and that these documents are an evidence of some impropriety, are false and have no basis. When I visited London in December 2003 and January 2004, my main concern was how to resolve the situation resulting from the Russian Federation's politically motivated attack on Yukos and persons affiliated with it, including my former partners and myself. As I explained in the First Witness Statement, my expertise is in the field of public relations. Therefore, it was natural that I took the lead on behalf of all my former partners in dealing with those matters. My friends and I believed that keeping the world fully informed about the true nature, extent and the methods of the politically motivated attack on Yukos – which was a direct attack on the rule of law and on personal freedoms in Russia – would increase the chance that the Russian Federation would change course and stop its illegitimate attack. In any event, we thought we needed to have our voice heard as we knew and observed that the Russian Federation spread and intended to continue spreading falsehoods.
26. I recall that during my trip to London in January 2004 I met with Mr Kagalovsky. By the beginning of 2004, apart from remaining a personal friend, Mr Kagalovsky had no connection with either Yukos or GML, or any of its subsidiaries. By then, he had been living in London for a number of years, and, unlike me and my former partners, was able to continue travelling to Russia. Mr Kagalovsky was willing to assist us in our efforts with the media, and also to try to assist resolving the conflict with the Russian authorities by way of negotiations. While I do not recall exact details of agreements concluded with Mr Kagalovsky, I do recall

¹⁵ Exhibits RF-441 and RF-442.

that I entered into agreements with Mr Kagalovsky on behalf of myself and my former business partners, and that I did not conclude any agreements on behalf of GML.

27. De Brauw lawyers explained to me that the Russian Federation attempts to allege the contrary, based on the English translations of the agreements, in which the word '*GML*' appears. The Russian originals of these agreements clearly show that these agreements were not entered into on behalf of '*GML*', but on behalf of '*Group Menatep*'. The two are not the same thing at all. '*Group Menatep*' is the term used for many years by my partners and myself to refer to ourselves – i.e. the group of business partners who had been working together since the late 1980s (Mikhail Khodorkovsky, Mikhail Brudno, Vladimir Dubov, Platon Lebedev, Alexei Golubovich and me).¹⁶ Even when I am talking or writing in Russian, I always prefer to use the English term '*Group Menatep*', as the Russian translation of the word '*group*' ('*группа*'), in my view, has a negative connotation.
28. '*GML*' was the abbreviation my partners and I used in our internal discussions or in discussions with advisors to refer to the company '*Group Menatep Limited*', which was the name of GML until November 2005, when '*Group Menatep Limited*' officially changed its name to '*GML Limited*'. I do not know why the English translations mention the company '*GML*' instead of '*Group Menatep*', as this misrepresents the content of the original Russian text.
29. I did not conclude any agreements with Mr Kagalovsky on behalf of GML, and, accordingly, I could not have ever shared information about such agreements with GML, as these simply do not exist.

¹⁶ Mr Golubovich is no longer part of '*Group Menatep*' as our personal relations with him broke down following his return to Russia and his agreement to cooperate with the Russian authorities against us.

(4) ***I did not authorise Mr Wolf to negotiate a settlement on behalf of GML or the Dutch Yukos Foundations***

30. De Brauw lawyers explained to me that the Russian Federation again alleges that I gave Mr Wolf “*the mandate’ to negotiate on behalf of GML and the ‘stichtingen’*” in 2015. As I have explained previously, this is incorrect. I would like to draw the Court of Appeal’s attention to paragraph 65 of the First Witness Statement, where I set out the correct state of events.

(5) ***I am not entitled to any payments from Veteran Petroleum Trust as a “former employee of Yukos”***

31. It has been drawn to my attention by De Brauw lawyers that the Russian Federation claims that I will allegedly be entitled to a payment from Veteran Petroleum Trust as a “*former employee of Yukos*”. This is yet another misrepresentation of facts by the Russian Federation. The former employees of Yukos who will be entitled to payments from the Veteran Petroleum Trust are those who worked for Yukos in Siberia and the Far North for over 10 years and who signed up to this programme. I was not an employee of Yukos for more than 10 years and did not work in Siberia or the Far North, as I have explained in the First Witness Statement. In addition, I have, of course, never signed up as a participant to this programme.

4 THE RUSSIAN FEDERATION’S ALLEGATIONS IN RELATION TO PAYMENTS TO THE FORMER KEY YUKOS MANAGERS

32. De Brauw lawyers also explained to me that the Russian Federation accuses me of concealing information from the Court of Appeal, as I have not discussed the payments to the former key Yukos managers in the First Witness Statement. I can be very brief on this: I have read the witness statement by my friend and former partner Mr Dubov dated 29 January

2019. This statement contains a detailed explanation of the background to these payments and the agreements, which were the reason for those payments. In addition, I have read the Russian translation of parts of HVY's Deed of 26 February 2019 that deal with this topic.¹⁷ I confirm that, insofar as I am aware, both Mr Dubov's statement and the said Deed correctly reflect the true facts, and there is nothing for me to add on this matter.

5 LAST REMARK

33. De Brauw lawyers explained to me that in its various submissions to the Court of Appeal, the Russian Federation consistently refers to me as "*the Oligarch Nevzlin*". In response to this, I would like to explain to the Court of Appeal that the real oligarchy has been built in the last 16 years by the Putin regime that rules in Russia, starting with the expropriation of Yukos. The true oligarchs are the affiliates of this regime, who use power to get money and money to get more power. This way of dealing does not reflect my values, nor does it reflect those of my former partners. I stand by what I have said before: seeing the rule of law being upheld, setting the record straight in these proceedings and correcting the wrongs caused by the Russian Federation is what matters most to me.

Signed on 21/08/2019

In Herzliya, Israel

/signature/

Leonid Borisovich Nevzlin

¹⁷ HVY's deed of 26 February 2019, paras. 1338-1434.