

EXHIBIT 66

OPUS 2

INTERNATIONAL

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

Day 1

March 16, 2020

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1 Monday, 16 March 2020 1 a problem at the moment.

2 (10.30 am) 2 MR MILLAR: No.

3 Housekeeping 3 MR JUSTICE WARBY: Wednesday, four days ago, was his last

4 MR TOMLINSON: My Lord, in this matter I appear for the 4 contact with a person who is now showing symptoms?

5 claimant along with Ms Sjøvoll. Mr Millar and 5 MR MILLAR: Yes.

6 Mr Hopkins appear for the defendant. 6 MR JUSTICE WARBY: Yes.

7 MR JUSTICE WARBY: Yes. 7 MR JUSTICE WARBY: Well, at the moment it seems to me that

8 MR TOMLINSON: My Lord, this is the trial, as your Lordship 8 we can go ahead and obviously we'll have to get updates

9 knows, of the claim under the Data Protection Act in 9 on what advice he receives.

10 respect of the processing of inaccurate personal data of 10 MR MILLAR: Yes. I just wanted anybody who wanted to

11 the claimants in a memorandum in which the defendant is 11 express any concern about it to have the opportunity to

12 the data controller. 12 do so.

13 My Lord, a matter has arisen in relation to one of 13 MR JUSTICE WARBY: Yes. Mr Tomlinson?

14 the witnesses and it may be that before we proceed any 14 MR TOMLINSON: My Lord, there's two issues that may arise.

15 further, Mr Millar should explain the position to 15 The first is, if it turns out that Mr Steele does start

16 your Lordship because it may be that some decision or 16 manifesting symptoms tomorrow, for example, then we're

17 direction is required. 17 in a situation where we will have started on the

18 MR JUSTICE WARBY: Yes. 18 evidence and we may be in the unsatisfactory situation

19 MR MILLAR: My Lord, we hope not, but this is very much 19 of not having the defendant's only witness available and

20 a fact of the day, I'm afraid. 20 having to decide how to proceed.

21 One of Mr Steele's co-directors in Orbis is 21 One assumes that unless his symptoms were very

22 displaying all the symptoms of Covid-19 and has done 22 serious, he would still be in a position to give

23 since Friday. He has been self-isolating, has not been 23 evidence by videolink.

24 tested. He's tried to get a test through a private 24 MR JUSTICE WARBY: Well, that's what I was thinking.

25 clinic but it's not an easy thing to achieve at the 25 MR TOMLINSON: Yes. I was wondering whether it may, just as

1 moment.

2 The two of them -- the two directors had a meeting

3 with a third person on Wednesday of last week and the

4 third person is also as of yesterday displaying classic

5 symptoms of Covid-19 and self-isolating.

6 That is the bad news.

7 The good news is that Mr Steele feels fine and

8 doesn't understand that he has to self-isolate because

9 his contact with the co-director preceded that person

10 becoming symptomatic by two days.

11 As a precaution, he's not here this morning, just so

12 that I could raise this with the other side and with

13 your Lordship and with the court, and he is trying to

14 check out the medical advice as to whether he needs to

15 self-isolate. At the moment he doesn't understand that

16 he does. He's keen to come and be here as soon as

17 possible and participate in the trial. But the

18 government's website is not terribly helpful on the

19 point of close contact shortly before the person becomes

20 symptomatic and what your obligations are in that

21 situation.

22 MR JUSTICE WARBY: No. My own understanding is that you

23 don't have to self-isolate unless you have symptoms.

24 That's the latest advice. That obviously may change,

25 but he's voluntarily absent at the moment so there's not

1 a precaution, be sensible to make enquiries as to

2 whether that could be put in place. I see we have

3 a screen in this court. Whether this court is -- one

4 would have thought this court, of all places, would be

5 set up for it, but perhaps not, but it would be most

6 unfortunate if we went part-heard, as it were, with the

7 defendant's key witness not able to give evidence and my

8 witnesses having started their evidence and perhaps not

9 finished.

10 MR JUSTICE WARBY: Yes. Well, I'll make enquiries about the

11 availability of videolink. Obviously there will be

12 a place where we can do that. It may be a case of

13 moving some things around. I don't know whether this is

14 set up, but all the Court of Appeal courts along -- the

15 Criminal Court of Appeal are set up for that.

16 MR TOMLINSON: Yes, they are now set up.

17 MR JUSTICE WARBY: And it probably would be possible to work

18 around the other work in those courts.

19 MR TOMLINSON: My Lord, we have made the enquiries like

20 Mr Millar and it is our understanding that the guidance

21 is: doesn't require self-isolation due to the mere fact

22 of exposure. So that's the position that we are

23 apparently in at the moment, but obviously that may

24 change.

25 MR JUSTICE WARBY: Yes. Have you discussed and agreed,

1 subject to all of this, a trial timetable and other
 2 things that may develop? One realises that there could
 3 be other problems of the same nature with other people,
 4 but --
 5 MR TOMLINSON: My Lord, there is an agreed trial timetable
 6 of a rather rudimentary nature in the bundle. It's in
 7 {A/4/1}.
 8 MR JUSTICE WARBY: Ah.
 9 MR TOMLINSON: I will wait for it to come up. (Pause)
 10 MR JUSTICE WARBY: I have it now.
 11 MR TOMLINSON: I have it, but it doesn't come up on the big
 12 screen at the moment.
 13 MR JUSTICE WARBY: Yes.
 14 MR TOMLINSON: My Lord, as I say, that's a rather
 15 rudimentary trial timetable.
 16 MR JUSTICE WARBY: Yes. So if that's adhered to, then we
 17 have Mr Steele on Wednesday.
 18 MR TOMLINSON: Yes. My Lord, what I was going to say was
 19 your Lordship may remember we discussed at the PTR and
 20 your Lordship expressed the view, and I'm sure that's
 21 entirely right, that we didn't need a full day for
 22 opening. I discussed this with Mr Millar and the
 23 intention is that Mr Fridman will begin his evidence
 24 this afternoon, so the openings will be relatively
 25 short.

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1 MR JUSTICE WARBY: Yes.
 2 MR TOMLINSON: Confined to this morning. There's another
 3 issue which your Lordship may wish to deal with at the
 4 end of the openings, which I'll come to in due course,
 5 but the intention is that we get to Mr Fridman at
 6 lunchtime today and then there's effectively a day and
 7 a half for my witnesses and then Mr Steele to begin and
 8 occupy the whole of Wednesday.
 9 MR JUSTICE WARBY: Good. Right.
 10 MR TOMLINSON: My Lord, there's another matter which perhaps
 11 my friend would like to deal with now, concerning --
 12 just so your Lordship has the picture -- a supplemental
 13 witness statement.
 14 MR MILLAR: My Lord, in preparing to give his evidence over
 15 the weekend, Mr Steele realised that the chronology that
 16 one derives from his current witness statement, relating
 17 to the instructions he received to do the research for
 18 Memo 112 was incorrect. We served a short supplemental
 19 witness statement yesterday, correcting the error. It's
 20 not in the bundle, obviously it is late and we would
 21 need permission to put it in the bundle, but it is very
 22 short. It corrects some dates --
 23 MR JUSTICE WARBY: Right. Well --
 24 MR MILLAR: -- in relation to the two --
 25 MR JUSTICE WARBY: Unless there's opposition, I will always

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1 allow that kind of witness statement because it is
 2 exactly the sort of thing that if you put him in the
 3 witness box and ask him to confirm his witness
 4 statement, he's going to have to say, "No, I can't,
 5 because there are some inaccuracies", and it's much
 6 better to have notice of that in advance.
 7 MR TOMLINSON: My Lord, absolutely, and we don't oppose it.
 8 MR JUSTICE WARBY: Right. Well, I am going to get a bit of
 9 paper. It will be uploaded at some stage, I imagine?
 10 MR TOMLINSON: My Lord, I'm told it is in the bundle but not
 11 as a witness statement. It's at {E/177/1}; in other
 12 words, it's attached to a letter.
 13 MR MILLAR: So Mr Steele's witness statement is at {C/5/1}
 14 so if one was inserting what I've just handed up in the
 15 hard copy bundles, I suppose it would go at the back of
 16 C/5.
 17 MR JUSTICE WARBY: Yes. It would be convenient if it can be
 18 put there, even at the cost of duplication.
 19 MR MILLAR: Yes.
 20 MR JUSTICE WARBY: Because --
 21 MR TOMLINSON: My Lord, I'm sure it will be sensible to have
 22 it in the right and proper place.
 23 MR JUSTICE WARBY: Right. Well, I won't read that just now,
 24 but, thank you.
 25 MR TOMLINSON: My Lord, I'm going to mention the reason

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1 I thought it was appropriate, so I'll say something
 2 about it in opening.
 3 MR JUSTICE WARBY: Yes.
 4 Just in terms of numbers, this is the third?
 5 MR TOMLINSON: My Lord, he --
 6 MR JUSTICE WARBY: Because there was the one that followed
 7 the pre-trial review.
 8 MR TOMLINSON: Yes.
 9 MR JUSTICE WARBY: Then the revised one, which is still the
 10 first, I think.
 11 MR TOMLINSON: Yes, exactly. It is sort of one and a half.
 12 MR JUSTICE WARBY: Yes.
 13 MR TOMLINSON: So this is, perhaps, two.
 14 MR JUSTICE WARBY: Yes.
 15 Opening submissions by MR TOMLINSON
 16 MR TOMLINSON: So, my Lord, as I indicated, the case
 17 concerns the processing of personal data relating to the
 18 claimants in a memorandum prepared by the defendant.
 19 This memorandum, as the court knows, forms part of what
 20 came to be called in the media the Steele dossier, or
 21 the Trump dossier, a document which I think can properly
 22 be described as notorious and received worldwide
 23 publicity because -- or a set of documents that received
 24 worldwide publicity because it made sensational
 25 allegations against the individual who, by that time,

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1 was the President of the United States. It was probably
2 the most high profile political story in the
3 United States since Watergate and, because of this
4 memorandum, these claimants were implicated in
5 allegations concerning Russian-related misconduct in
6 the 2016 presidential election.

7 The true position is that the claimants had nothing
8 whatever to do with any of this, nothing whatever to do
9 with any form of interference in the US presidential
10 election, but because of this memorandum, they have been
11 drawn into the whole story with what the court will
12 appreciate are serious negative consequences.

13 The purpose of this action is to clear their names
14 and correct the public record, so as to establish that
15 this personal data is inaccurate and that the defendants
16 should not have been processing it.

17 My Lord, I know your Lordship has had a very lengthy
18 skeleton from me and a briefer one from Mr Millar. I am
19 not going to go into the full detail of the background,
20 but it is perhaps important, for the sake of public
21 understanding of the case and so your Lordship knows how
22 I stand on some of the issues that have been outlined,
23 for me to give some brief description of the position.
24 There's also, as I mentioned a few moments ago, a case
25 management issue which has arisen over the weekend which

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1 I'll address at the end, if that's convenient.

2 My Lord, the defendant describes itself as
3 a corporate intelligence agency and its selling point is
4 that the people who run it, the two founders, were, more
5 than ten years ago, British intelligence officers; but
6 when it comes down to it, it is simply a private
7 business. They are private investigators. They are
8 consultants whose business is to provide advice to other
9 businesses, agencies, perhaps sometimes to governments.
10 They certainly have no official role of any kind. They
11 simply, like many other courts, are very familiar with
12 this kind of private investigation agency. They carry
13 out due diligence. They carry out investigations. They
14 provide advice. They earn their money in that way.

15 My Lord, it is obviously a perfectly lawful
16 occupation, but it's not one -- sometimes there's
17 something of an attempt by Mr Steele to dress himself up
18 as some kind of -- he describes himself in his witness
19 statement, surprisingly, as a national security
20 professional. My Lord, he's nothing of the kind. What
21 he is is a businessman and a private investigator.

22 The claimants are very well-known international
23 businessmen from Russia. Their company, Alfa Group, is
24 closely associated with them personally. They're always
25 named in connection with it.

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1 My Lord, it is the largest private business in
2 Russia. Like any businessman in any country, they have
3 to have a good relationship with the government of their
4 country and indeed of other countries, but they're
5 not creatures of the Kremlin. They maintain their
6 independence from the government in much the same way as
7 a large business in this country or the United States
8 would do.

9 One of the claimants, Mr Aven, is an internationally
10 renowned economist who for a time was a government
11 minister under President Yeltsin in the 1990s and indeed
12 was very closely involved in the liberalisation of the
13 Russian economy, of the change from communism to
14 capitalism, as it turned out. And President Putin
15 values his views on economics because of his standing as
16 an economist, and he meets with President Putin from
17 time to time and they discuss banking and economics, but
18 he's not a close confidante of the president.

19 The two other claimants have no personal
20 relationship with President Putin at all. Their
21 relationship really extends to this: that they attend
22 meetings of the Russian equivalent of the CBI with --
23 formal meetings where the president and leading
24 industrialists and bankers and so on are present, but
25 they're not confidantes or advisors of the government in

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1 any way.

2 My Lord, that's important because what this
3 memorandum is about is somehow suggesting that they have
4 a much closer and very corrupt relationship with
5 President Putin.

6 So, my Lord, the history of the memorandum is that
7 in May 2016 the defendant -- that's Orbis -- was
8 subcontracted to do some research by another company
9 which describes itself as being in the business of
10 strategic intelligence, called Fusion GPS. This is
11 a company run by two former journalists. They in turn
12 had been instructed by a Washington DC law firm, called
13 Perkins Coie -- I think that's how you pronounce it --
14 on behalf of Hillary Clinton's presidential campaign.
15 That campaign wanted information about Russian efforts
16 to influence the 2016 presidential campaign and any
17 links that might exist between Russia and the then
18 Republican candidate Donald Trump.

19 My Lord, we don't say for a moment that that's an
20 improper unlawful purpose. Permissible campaigns
21 obviously want to find information about their
22 opponents. But that's not a purpose -- as the defendant
23 now surprisingly claims, it doesn't have anything to do
24 with national security or the giving of legal advice.

25 There's actually no evidence at all before the court

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