

1. Janna A Malevskaya
2. Claimant
3. First
4. "JAM1"
5. March 2008

IN THE HIGH COURT OF JUSTICE

Claim No. 2006 Folio 1218

QUEEN'S BENCH DIVISION

COMMERCIAL COURT

B E T W E E N:

MICHAEL CHERNEY

Claimant

- and -

OLEG DERIPASKA

Defendant

**WITNESS STATEMENT OF
JANNA ANATOLYEVNA MALEVSKAYA**

I, JANNA ANATOLYEVNA MALEVSKAYA, of Apartment 68, 25 Ostrojenka Street, Moscow, Russia will say as follows:

- 1 I make this witness statement on behalf of the Claimant and do so from facts and matters within my own knowledge, save where otherwise indicated. The matters to which I refer as being within my own knowledge are true and, those in respect of which I rely on information that is not within my own knowledge, are true to the best of my knowledge and belief.
- 2 There is now produced and shown to me a bundle marked "JAM1" which contains copies of the documents to which I refer in the course of this witness statement. Page references in brackets are to the page numbers in JAM1.

3 I have provided my evidence via interpreters to the Claimant's solicitors who then prepared my statement in English which has been translated into Russian for me to approve and sign.

Contact with Mr Cherney and Mr Deripaska

4 I am the widow of Mr Anton Malevsky. I first met Mr Cherney in about 1994 in Geneva where my husband and I were then living. I believe, from what my husband told me, that that he had known Mr Cherney from about 1992.

5 Later in 1994 my husband and I moved to Israel where my daughter was born. As a family we developed a friendship with Mr Cherney's family and we frequently met socially, played tennis together and went on holiday together.

6 I first met Mr Deripaska in about 1995 (although, again, I believe from what Anton told me that Anton knew him before that). Between 1995 and 1997 I met Mr Deripaska on several occasions. My husband and I often met him when he came to Israel to visit Mr Cherney. For example Mr Deripaska was invited as a friend of the family to attend my daughter's birthday in Tel Aviv on 9 August 1997.

7 In late 1997 my husband and I moved to Moscow. While we looked for a permanent home, I went with my children to stay with my mother as this was close to a kindergarten and more convenient for child care arrangements. My husband, at Mr Deripaska's invitation, moved to a house owned by Mr Deripaska (located on the same estate as the house where Mr Deripaska lived) which was closer to the centre of Moscow and more convenient for business purposes. Of course, during this period I was always moving back and forth between my mother's house and where my husband was staying. Accordingly, while these arrangements lasted, for about a six month period I was constantly seeing Mr Deripaska, certainly at least three times a week. During this period my husband and Mr Deripaska spent a lot of time together, everything from lunches, dinners and attending social events together to playing pool together in the evening, often with me and Mr Deripaska's then girlfriend present too.

- 8 After my husband and I established our own home in Moscow, although I personally saw Mr Deripaska less frequently, we still continued to meet as friends on birthdays or on holidays. For example Mr Deripaska attended my husband's 33rd birthday on 26 February 2000. I also met Mr Deripaska about three times in Anton's office. My husband was frequently on the phone to Mr Deripaska.
- 9 Following the death of my husband in 2001, I have spent much time away from Russia and probably have seen Mr Deripaska about three or four times since. The last time I saw Mr Deripaska was about a year ago at a large birthday party in Moscow. Mr Deripaska spent about 20-30 minutes at the table at which I was sitting and he then spent the rest of the evening at the adjoining table where Mr Sergei Popov was seated (who was a common friend of both Mr Deripaska and my husband).
- 10 I have been informed by Dechert LLP that in evidence to a Swiss Magistrate, Mr Deripaska stated that he only knew my husband from what he had seen in the press. As will be apparent, this is completely untrue.

Allegations against my husband

- 11 I am astonished and angry that Mr Deripaska should not only deny his friendship with my husband but also accuse him of involvement in organised crime. The allegations are completely false and seem just to be a cynical repetition of baseless rumours circulated by business rivals (Mr Deripaska has himself been the victim of such rumours). Contrary to the impression which Mr Deripaska seeks to give, my husband gave distinguished service to Russia. Indeed he had an award from President Gorbachev recognising his bravery in military service in Afghanistan, was awarded the Red Star Medal (the third highest military award which can be bestowed) along with other medals and was recognised by President Yeltsin for his contribution to the Russian economy. Copies of the relevant awards and records of the awards are attached at pages 1-12 of "JAM1".

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed:
Janna Anatolyevna Malevskaya

Date: