



16 October 2009

### **Eight key facts about the draft Minton report**

In order to dispel further misunderstandings, Trafigura would like to communicate the following facts:

1) In September 2006, Trafigura commissioned Minton, Treharne & Davies Ltd to prepare a draft report, based on purely hypothetical ideas as to what may have happened when the Probo Koala's slops were illegally dumped by a local contractor in Abidjan.

2) All the work related to this draft report was carried out at Minton, Treharne & Davies Ltd's offices. As the report makes clear, no samples of the slops were obtained and no visits were made to the Ivory Coast – the draft report was therefore entirely theoretical.

3) This draft report was never finalised, as its contents were quickly and authoritatively superseded by analyses of the actual slops, prepared by the Netherlands Forensic Institute. The NFI's analyses were subsequently relied upon by Trafigura and Leigh Day & Co and their respective experts during their preparations for the UK group action case, which was settled in September 2009.

4) Trafigura subsequently commissioned Minton, Treharne & Davies Ltd to prepare a new and comprehensive report based on the NFI analyses, supplemented by further tests and experiments. This final report formed a key element of Trafigura's group action defence.

5) On 11 September 2009, Trafigura reluctantly took the step, through its lawyers Carter-Ruck, of seeking an injunction preventing publication of the September 2006 draft Minton report. Trafigura took the view that an incomplete and outdated document had been unlawfully leaked to the media with only one intention in mind – an unfair and improper attempt to undermine Trafigura's (now proven) assertion that the slops did not contain highly injurious waste.

6) It is self-evident that the injunction was designed to prevent misuse in the media of a legally privileged, outdated and incomplete document, which had been obtained unlawfully and leaked to the media. There has never been any intention of preventing any discussion of these matters by MPs or any reports of Parliamentary proceedings.

7) Unsurprisingly, Trafigura had concerns that the leaked report's contents would not be reported in an accurate and balanced manner by some



elements of the press. In particular, the company knew that a few journalists were prepared to make incorrect assumptions about purported levels of hydrogen sulphide contained within the slops, by deliberately, or otherwise, misinterpreting the contents of the draft Minton report. The facts, as outlined in the final Minton report, demonstrate that hydrogen sulphide simply would not have been present in the slops in its molecular form.

8) Following recent media speculation about the draft Minton report, and wishing to conduct its business activities in a clear and transparent manner, Trafigura has reached an agreement with the Guardian newspaper to lift the injunction and the Guardian has made a substantial contribution to Trafigura's costs for the injunction.

This press release, together with accompanying statements from Minton, Treharne & Davies Ltd and Carter-Ruck, collectively provide an accurate and comprehensive account of the issues surrounding the draft Minton report.