TRAFIGURA

17 December 2009

BBC APOLOGISES TO TRAFIGURA

The BBC has today apologised in Court to Trafigura, the leading commodities trader, over false allegations made in May of this year on Newsnight and in a related website article. The BBC will broadcast a further apology during this evening's edition of Newsnight and publish the Court statement on its website. As well as apologising, the BBC has agreed to pay £25,000 in damages (which Trafigura will donate to charity), in addition to Trafigura's legal costs.

The Newsnight stories concerned the discharge from the *Probo Koala*, a Trafigura-chartered vessel, in August 2006 of gasoline "slops" in Abidjan in the Ivory Coast in West Africa. The slops were then dumped illegally by an independent company called Compagnie Tommy – a deplorable action which Trafigura did not and could not have foreseen.

The stories stated that Trafigura's actions had caused a number of deaths, miscarriages and serious and long-term injuries in Abidjan in what Newsnight claimed "may be the biggest incident of its kind since….Bhopal."

Faced with such grave, yet wholly false, allegations, Trafigura was left with no alternative but to commence libel proceedings.

The BBC initially attempted to justify its allegations. However, having carried out a detailed further review of the available evidence and of Trafigura's detailed response in its formal Reply, the BBC has today confirmed that the allegations were simply wrong. At no stage did the BBC ever attempt to argue that the stories were defensible as "responsible journalism".

Speaking today, Eric de Turckheim, founder and director of Trafigura, said:

"Trafigura has always maintained that the slops cannot have caused the deaths and serious injuries alleged by the BBC. We informed Newsnight of the detailed evidence before the programme was aired – yet they chose to proceed with their highly-damaging and false assertions. We are pleased the BBC has now acknowledged that it was wrong.

"Trafigura accepts that the *Probo Koala* incident is a matter of public interest. However, there is no public interest in the BBC reporting damaging untruths. Such is the international reach and high-regard of the BBC, we were left with little choice but to bring these proceedings – the only libel claim we have brought anywhere in the world against any media outlet.

“With the benefit of the facts, Mr Justice MacDuff advised the media earlier this year to take note of the evidence and approach their reporting of these matters more responsibly. We hope that, in future, they do.”

NOTE TO EDITORS

In September 2009, personal injury proceedings brought against Trafigura in the English High Court by around 30,000 Ivorians were settled. As part of that settlement, a joint statement was agreed and issued by all the parties and their legal advisers. The question of the effect of the slops had been considered by 20 independent (and in many cases, world-renowned) experts appointed by the parties in what was by far the most detailed analysis anywhere in the world since the *Probo Koala* incident. Those experts were agreed that no link could be established between the slops and deaths, miscarriages, still births or other serious and chronic injuries, and this was recorded in the joint statement. That statement was read in open Court to Mr Justice MacDuff, the Judge who had been due to hear the trial, at a hearing on 23 September 2009. His Lordship endorsed the statement, based on his knowledge of the case, as being “100% truthful”.

In turn, Trafigura’s Reply in these libel proceedings reflected extensive input from the same leading, independent experts instructed by Trafigura. They included experts in pathology, obstetrics, toxicology, oil chemistry, modelling and epidemiology, all of whom expressly approved the analysis set out in the Reply, the conclusions of which have today been accepted by the BBC. The Reply is now a public document and a copy can be provided on request.