



MINTON, TREHARNE & DAVIES LIMITED

*Consulting Scientists, Mariners & Engineers
Analytical & Testing Laboratories
Public Analysts*

PUBLIC STATEMENT

MINTON, TREHARNE & DAVIES DRAFT REPORT, SEPTEMBER 2006

Minton, Treharne & Davies Ltd were instructed by Trafigura's lawyers on 7 September 2006 to assess the potential composition of the slops discharged from the *Probo Koala* in Abidjan in August 2006 and the nature of the chemicals.

I am the managing director of that company and initially I handled this instruction myself. I was responsible for the preparation of the draft report of September 2006.

At the time, very few details of the cargo or the slops on board the *Probo Koala* were available. As a result, I made clear on the opening page of the draft report that:

"This report is prepared on the basis of the limited information currently available to us and accordingly our views may change in due course".

I also made clear at the conclusion that:

"This report was prepared prior to the arrival of documents providing details of events at the discharge port and will be updated in due course".

I had no information on the quantity, composition or concentration of the chemicals involved and I made this clear, as such information directly impacted upon the likely effects of the chemicals, such as hydrogen sulphide, in the environment.

It is clear from its contents that the draft September 2006 report was produced generically and without reference to the underlying specific evidence, which had not become available to me at the time.

The report was never finalised and always remained in draft because on 23 September analytical details as to the composition of the slops became available from the Netherlands Forensic Institute, based upon samples of the slops taken by the Dutch Police in Amsterdam. These analyses clearly indicated that the slops were highly alkaline (pH 14) and, therefore, hydrogen sulphide could simply not have existed in its molecular form in the slops.

In short, the contents of my draft September 2006 report were quickly superseded because of the evidence provided by reliable analyses of the actual slops - a fact which I had flagged up was likely to happen in the body of the draft report itself.

Accordingly, any suggestion that the draft September 2006 report was anything other than an initial desktop study, which remained in draft and which was quickly superseded when we were first provided with reliable facts, would be wholly incorrect.

Subsequently, two colleagues at Minton, Treharne & Davies Ltd took over the handling of this matter and were instructed to act as independent experts in the Abidjan Personal Injury Group Litigation action.

Following their detailed and careful expert investigations, based on the Netherland Forensic Institute analyses, further tests and chemical experiments they formed considered opinions on the nature of the slops and the potential for the environmental release of chemicals in Abidjan. Their opinions were provided in reports served on the parties and their experts in the litigation. Following review of these opinions, in association with 20 different independent experts for both sides in the litigation, the parties agreed the conclusions regarding the composition and the likely effects of the slops that:

“the slops could at worst have caused a range of short term low level flu like symptoms and anxiety”.

It is our opinion that the detailed review and analysis of the evidence and the conclusions reached by the parties reflect the true position regarding the nature and composition of the slops. The information we obtained from the Netherlands Forensic Institute analyses and the detailed expert investigations, tests and chemical experiments we undertook superseded the basis of the draft September 2006 outline report, which subsequently became redundant.

For information, the Minton Treharne & Davies Group provide scientific consultancy, surveying and testing services to a worldwide client base from our offices in the UK, USA and Asia.

Our laboratories provide comprehensive independent facilities in the UK, offering a wide range of analytical testing and inspection services across virtually all industry sectors. Our staff include



Chemists; Chemical, NDT and Marine Engineers; Mariners; Metallurgists; Materials Scientists and Microbiologists with the majority being highly qualified in a wide range of scientific and technical disciplines. Many are notable figures in their industries and sit on the committees of international institutions including ISO, ASNT, BSI and the EI.

We encourage independent audits of our performance. We hold an unusually wide range of accreditations and approvals including UKAS, CAA, NADCAP and are accredited Expert Witnesses under a number of schemes. We are appointed under the governmental scheme as the Public Analysts for a number of regions of the UK.

John Minton - Managing Director

A handwritten signature in black ink, appearing to read 'John Minton', written over a faint horizontal line.

Minton, Treharne & Davies Limited