

- Newsnight**
- Recent Reports
- Body Politic
- Newsnight Scotland
- Newsnight at 30
- About Newsnight
- FAQs
- Contact Newsnight

Related BBC sites  
 News  
 BBC TWO  
 BBC News Video and Audio

Page last updated at 10:30 GMT, Thursday, 17 December 2009

E-mail this to a friend    Printable version

## Trafigura v BBC: Statement in open court

IN THE HIGH COURT OF JUSTICE Claim No: HQ09X02050

QUEEN'S BENCH DIVISION

Claim Form Issued 15 May 2009

BETWEEN:

TRAFIGURA LIMITED

Claimant

and

BRITISH BROADCASTING CORPORATION

Defendant

### STATEMENT IN OPEN COURT

Claimant

My Lord, the Claimant is the UK subsidiary of the Trafigura Group, whose principal activity is the trading, supply and distribution of petroleum-related products. The Defendant is the BBC.

On 13 May 2009, the BBC's Newsnight programme broadcast an item concerning Trafigura and also published a related article on its website. These reports focused on the discharging in August 2006 by Trafigura of gasoline waste in Abidjan in the Ivory Coast which was subsequently dumped by a local company. The reports stated that Trafigura's actions had caused deaths, miscarriages, serious injuries and sickness with long-term chronic effects.

In September 2009, a joint statement was agreed and issued by Trafigura and the solicitors representing around 30,000 Ivorian claimants who had brought personal injury proceedings in the English High Court. The statement (which was endorsed by Mr Justice MacDuff, the Judge who had been due to hear the trial, as "100% truthful") recorded that the experts instructed in that case had been unable to identify any link between exposure to the slops and the deaths, miscarriages and chronic and long-term injuries alleged.

Following Trafigura's complaint over Newsnight's story, the BBC carried out a detailed further review of the available evidence and of Trafigura's detailed response in its Reply in these proceedings. The BBC accepts the conclusions reached by the experts in the personal injury action and reflected in the Reply. The BBC therefore acknowledges that the evidence does not establish that Trafigura's "slops" caused any deaths, miscarriages or serious or long-term injuries. Accordingly, the BBC has withdrawn those allegations and has agreed to broadcast an appropriate apology on Newsnight, to join in the making of this Statement in Open Court, and to publish the Statement on its website.

Defendant

My Lord, on behalf of the BBC I accept everything my friend has said. The BBC withdraws the allegation that deaths, miscarriages or serious or long-term injuries were caused by the waste and apologises to Trafigura for having claimed otherwise.

The BBC hopes that by the joining in the making of this Statement it will assist in setting the record straight.

Claimant

My Lord, it only remains for me to request leave that the record be withdrawn.

Carter-Ruck BBC Litigation Department

On behalf of the Claimant On behalf of the BBC

### MOST POPULAR STORIES NOW

MOST SHARED    MOST READ


- 1 Students threaten to unseat MPs
- 2 Google scotches web 'grog' search
- 3 How the West was won
- 4 Cricket earns big testicles title
- 5 'Mystery missile' launches in US
- 6 Bank says inflation to stay high
- 7 Queues for Xbox Kinect UK launch
- 8 How ID database will be destroyed
- 9 Rail crash firms to be prosecuted
- 10 Singapore Airlines in A380 change

Most popular now, in detail


Bookmark with: [Delicious](#) [Digg](#) [reddit](#) [Facebook](#) [StumbleUpon](#) [What are these?](#)

E-mail this to a friend    Printable version


FEATURES, VIEWS, ANALYSIS



**Missing the beat?**  
Why French musicians prefer to rock in English



**Not forever**  
Can mass tourism replace Botswana's fading diamonds?



**Sexual revolution**  
The influence of Lady Chatterley's Lover 50 years on

PRODUCTS & SERVICES



E-mail news



Mobiles



Widgets & Alerts



News feeds



Interactive TV



Podcasts

**BBC** © MMX

The BBC is not responsible for the content of external sites. [Read more.](#)

[BBC Help](#)  
[Accessibility Help](#)  
[Jobs](#)

[About the BBC](#)  
[Contact Us](#)  
[Terms of Use](#)  
[Privacy & Cookies](#)