

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

Claim Form issued 15 May 2009

BEFORE MR JUSTICE EADY

B E T W E E N:

TRAFIGURA LIMITED

Claimant

and

BRITISH BROADCASTING CORPORATION

Defendant

STATEMENT IN OPEN COURT

Solicitor-Advocate for the Claimant (Adam Tudor, Carter-Ruck)

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 were 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 Accordingly, the BBC has withdrawn those allegations and has agreed to broadcast an appropriate apology on Newsnight, to join in the making of this Statement in Open Court, and to publish the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.

Solicitor for the Defendant (David Attfield, BBC Litigation Department)

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.

Solicitor-Advocate for the Claimant

My Lord, it only remains for me to request leave that the record be withdrawn.

17 December 2009