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Report slams failure to prevent toxic waste dumping in West Africa

Trafigura, the multinational company behind the 2006 dumping of toxic waste in Abidjan, Côte d'Ivoire, resulting in over 100,000 people seeking medical assistance, must be criminally investigated in the UK, Amnesty International and Greenpeace International conclude in a major new report released today.

The Toxic Truth is the result of a three-year investigation and provides an in-depth examination of the tragic litany of failures that created a medical, political and environmental disaster. It details how existing laws aimed to prevent such tragedies were flouted, with several governments failing to halt the progress of the Probo Koala and its toxic cargo towards Abidjan.

The report further challenges the legality of a settlement in Côte d'Ivoire that allowed Trafigura to evade prosecution for its role in the dumping of the toxic waste. Through interviews with both the victims of the toxic dumping and medical experts who treated them the report sheds new light on the devastating impact it has had.

"Six years have passed since this horrible tragedy was allowed to happen," says Salil Shetty, Amnesty International's Secretary General. "It's time that Trafigura was made to face full legal accountability for what happened. People in Abidjan were failed not just by their own government but by governments in Europe who did not enforce their own laws. Victims are still waiting for justice and there are no guarantees that this kind of corporate crime will not happen again".

"This is a story of corporate crime, human rights abuse and governments' failure to protect people and the environment. It is a story that exposes how systems for enforcing international law have failed to keep up with companies that operate transnationally, and how one company has been able to take full advantage of legal uncertainties and jurisdictional loopholes, with devastating consequences," said Greenpeace International Executive Director Kumi Naidoo. "It is not too late for justice to be served, for the people of Abidjan to be given full information about what was dumped and for Trafigura to pay for its crimes. Only then can we hope to avoid any repetition of this kind of disaster."

The waste was originally brought to the Netherlands, but Trafigura turned down the option to have it properly treated there because it thought the price quoted was too high. Despite concerns about the waste, the Dutch authorities let it leave the Netherlands – a serious violation of Dutch legal obligations.

In 2007, an out of court settlement was reached with the government of Côte d'Ivoire granting Trafigura immunity from prosecution. In a civil claim in the UK, brought on behalf of some of the victims, Trafigura reached another settlement with no admission of liability. A Dutch court found the company guilty of illegally exporting the waste from the Netherlands but the prosecution refused to consider the subsequent events in Abidjan or their impact on human health.

"We don't know the facts," says Genevieve Diallo, who lives near the one of the dump-sites in Abidjan. "Those responsible need to be punished. Those who are really guilty have not been punished."

The report further sets out comprehensive recommendations on how the international community can ensure such a tragedy is not repeated. This includes clear guidelines on how to ensure that companies operating transnationally cannot evade full accountability for abuses of human rights and the environment.

The UK government must begin a criminal investigation into Trafigura's role in the dumping as the UK arm of the Trafigura corporate group took many key decisions that led to the disaster.

The Ivorian Government needs to ensure the victims receive full compensation. Further, it must reassess the legality of the agreement it made that gave Trafigura sweeping immunity from prosecution in Côte d'Ivoire.

The waste dumped in Abidjan is defined as hazardous under the Basel Convention – which controls transboundary movements of hazardous wastes and their disposal – making its export without consent a criminal offence.

The report is launched as parties to the Basel Convention meet in Geneva providing an opportunity to ensure that toxic waste resulting from industrial process on board ships can never be dumped in poorer countries again.

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1. Trafigura was asked to respond to the allegations made in the report. Trafigura answered that: "we believe the

report contains significant inaccuracies and misrepresentations. The report oversimplifies difficult legal issues, analyses them based on ill-founded assumptions and draws selective conclusions which do not adequately reflect the complexity of the situation or the legal processes. Courts in five jurisdictions have reviewed different aspects of the incident and decisions and settlements have been made. It is simply wrong to suggest that the issues have not had the right judicial scrutiny.”

Trafigura has not specified to Amnesty International and Greenpeace International what these inaccuracies, misrepresentations and oversimplifications were.

Insert Contact Details

Copies of the report, executive summary and fact sheets are available in English and French, along with infographics, still photographs and a slide show.