

# AMNESTY INTERNATIONAL

## TIMELINE

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### Toxic waste dumping in Côte d'Ivoire

#### 2005

**December 2005** - Internal emails between senior Trafigura executives discuss the purchase of a large consignment of an unrefined gasoline called coker naphtha. There are two processes by which the coker naphtha could be refined: one is mercaptan oxidation (known as the "Merox process"), and another is caustic washing. Trafigura chose the cheaper refining method of caustic washing which results in the by-product of toxic waste which needs to be disposed of.

#### 2006 - the year of toxic dumping

**January – March 2006** - Trafigura starts to buy cargoes of coker naphtha and three caustic washings are carried out: in the UAE, at the premises of the Fujairah Refinery Company Ltd and at La Skhirra, Tunisia, at the premises of TANKMED.

**March – April 2006** – After gases leak from TANKMED causing breathing difficulties for employees, Tunisian authorities suspend the caustic washing operations at TANKMED.

**April 2006** - Trafigura approaches at least four locations in Europe seeking to offload the waste: Gibraltar, Italy, Malta and France. None are able to take the waste.

#### April-June 2006

Three shipments of coker naphtha are washed on board the *Probo Koala* in different locations in the Mediterranean.

**July 2006** - The ship, *Probo Koala*, arrives in Amsterdam and begins to offload the waste on to an APS (Amsterdam Port Services) barge.

**3-5 July 2006** – Following reports of a troubling smell from the dock, the waste is analysed in the Netherlands revealing a much higher chemical oxygen demand (COD – one measure of the potential for a material or waste to cause pollution) than anticipated which requires more specialized treatment. APS increases its quote for dealing with the waste. Trafigura rejects the quote and reloads the waste on board the *Probo Koala*.

**10, 15 and 16 August 2006** - Several attempts are made to dispose of the waste in Nigeria. All are unsuccessful.

**15 August 2006** - Trafigura is contacted by the Dutch police, trying to track what has happened to the waste. They inform Trafigura that it should be disposed of as chemical waste. They ask to see discharge records.

**17 August 2006** - Trafigura emails Puma Energy, its Ivorian subsidiary, to inform it of the imminent arrival of the *Probo Koala* and to request that Puma arranges for the waste to be discharged at Abidjan.

**18 August 2006** - Compagnie Tommy is appointed by Trafigura to discharge the waste in Akouédo, an open-air dumpsite in the city that has no capacity to deal with the waste.

**19 August 2006** - The *Probo Koala* arrives in Abidjan. The waste is offloaded and dumped at the Akouédo site and at locations across the city, by truck drivers hired by Compagnie Tommy.

**20 August 2006** - The people of Abidjan wake up to an appalling smell, and thousands experience physical symptoms, including headaches, vomiting, diarrhoea, skin irritations, breathing difficulties and bleeding noses.

**22 August 2006** - The Ivorian environmental agency, CIAPOL, tries to prevent the departure of the *Probo Koala* so that investigations can take place. They are unsuccessful.

**22 August 2006** - The Dutch authorities request a discharge report, including an invoice, for the waste. Trafigura executives in London ask Compagnie Tommy to modify its invoice for the disposal job to show a much higher price.

**28 August 2006** - The Ivorian President sets up an Inter-Ministerial Committee to co-ordinate and manage the emergency response.

**15 September 2006** - The Ivorian government establishes national and international commissions of inquiry on the waste dumping to identify responsibilities and failings.

**17 September 2006** - The decontamination process begins in Abidjan. Tredi, a French company, is appointed to undertake the clean-up.

**26 September 2006** - Greenpeace activists blockade the *Probo Koala* in Estonia; the Estonian authorities decide to investigate. Greenpeace files a report with the Dutch Public Prosecutor, requesting a criminal investigation into the dumping.

**28 September 2006** - Claude Dauphin, Trafigura's Chairman, admits during a police interview in Abidjan that Trafigura is responsible for the events: "It is the Trafigura Company and, to a certain extent, Trafigura executive Monsieur Marrero, who are entirely responsible for these actions."

**End October 2006** - The emergency medical response finishes.

**10 November 2006** - A civil claim is filed by 30,000 Ivorians in the High Court of England and Wales against Trafigura for damages for personal injury.

**21 November 2006** - The National Commission of Enquiry publishes its report.

## **2007 – Settlement and Reports**

**31 January 2007** - Over **100,000** people are registered as having sought medical consultation between 20 August 2006 and 31 January 2007.

**13 February 2007** - Trafigura and the state of Côte d'Ivoire reach a settlement. Trafigura agrees to pay CFA95 billion (approximately US\$195 million).<sup>i</sup>

**19 February 2007** - The International Commission of Inquiry on the waste dumping publishes its report.

**February 2007** - Tredi's decontamination work stops although the clean-up is not yet complete.

**June 2007** - The government of Côte d'Ivoire starts to distribute compensation.

**July 2007** - Canadian company, Biogénie, is appointed to undertake further decontamination.

### **2008 - Sentences**

**April 2008** - Trafigura states that the decontamination work is complete.

**22 October 2008** - Salomon Ugborogbo (head of Compagnie Tommy) and Essoin Kouao (WAIBS agent) are sentenced to 20 years and five years in prison respectively.

### **2009 - Compensation**

**May 2009** - Trafigura sues the BBC for defamation following the broadcasting of a Newsnight programme on the role played by Trafigura in the toxic waste dumping scandal.

**3 September 2009** - The UN Special Rapporteur on Toxic Waste and Human Rights publishes his report.

**September 2009** - New evidence emerges demonstrating that senior managers of Trafigura knew the waste was hazardous before it was dumped in Abidjan, and that they were aware that taking such waste out of Europe was illegal. Greenpeace files a legal complaint in the Netherlands calling for the prosecution of Trafigura for dumping.

**16 September 2009** - The UK civil claim is settled out of court a few weeks before the case is due to go to trial. Trafigura reaches a settlement - agrees to pay 30,000 victims the sum of US\$45 million but does not admit any liability.

**October 2009** - In Abidjan, as the UK compensation money is being distributed to claimants, a group calling itself the National Coordination of Toxic Waste Victims of Côte d'Ivoire (CNVDT-CI) falsely claims to represent them and tries to secure control of the compensation fund.

**17 December 2009** - The BBC broadcasts an apology to Trafigura following a settlement between the BBC and Trafigura in libel proceedings.

### **2010**

**14 May 2010** - Greenpeace files a request with the Dutch prosecutor to call for an investigation into allegations made by several Ivorian truck drivers that they received money from Trafigura in return for making false statements

**23 July 2010** - The Dutch court hands down a guilty verdict against Trafigura Beheer BV, a London-based executive, and the captain of the *Probo Koala* at the time of the dumping. Trafigura and the Public Prosecutor appeal.

### **2011**

**14 April 2011** - The Court of Appeal in The Hague decides that Trafigura will not be prosecuted in the Netherlands for dumping the waste in Côte d'Ivoire.

**7 July 2011** - The Court of Appeal in The Hague annuls the guilty verdict of 23 July 2010 against the Trafigura's London-based executive. The Public Prosecutor appeals.

**23 December 2011** - The Dutch Court of Appeal upholds the €1 million fine and guilty verdict against Trafigura Beheer BV for failing to disclose the harmful character of the waste and for illegally exporting the waste to Côte d'Ivoire.

## 2012

**30 January 2012** - The Dutch Court of Appeal decides that Trafigura's Chairman can be prosecuted for illegal export of the waste. Trafigura appeals this decision.

**20 April 2012** - The High Court of the Netherlands rejects Trafigura's appeal against the decision of the Dutch public prosecutor to make a technical report on the waste available to UK lawyers acting for victims of the waste dumping.

**May 2012** - Côte d'Ivoire's Minister of African Integration, Adama Bictogo is sacked by the President over alleged role in misappropriation of some of the UK compensation money.

**June 2012** - The Dutch public prosecutor decides not to start a criminal investigation into allegations of witness tampering brought forward by Greenpeace based on testimony of Ivorian truck drivers. The court says it does not have jurisdiction.

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<sup>1</sup> This figure has been converted to the US\$ equivalent of the actual amounts paid based on historic currency calculations, taken from a number of different sources, and are approximate values.