

Steinar Vigdel Kolnes (Solar Harvest)

Fra: Fassine Fofana <fassine.fofana@gmail.com>
Sendt: 4. oktober 2009 20:11
Til: Steinar Kolnes
Emne: Re: Biofuel vs. Statoil

Thank you

Will keep you posted on progress

Regards

Fassine Fofana

2009/10/4 Steinar Kolnes <steinar@solarharvest.eu>

Dear Mr. Fofana,

- 1) During the time we was doing the investigation (until 23. Feb) we was under an extreme pressure, and the report as you see is not even finished. Kluge collected whatever that was available at the time. There are still a lot of questions unanswered in the report since the investigation company was not willing to release more information.
- 2) There is one person in Statoil that is the responsible person for the whole integrity department at Statoil. His name is Michael Price. He is maybe the most arrogant person on this planet. His contact details is attached. You can contact him, and even say hello from me ☺
- 3) We reported this the local Serious Fraud Office (SFO) but we really need to be hands on for anything to move forward. I am having a meeting tomorrow, and will see if there is any progress on the matter.

Finally, the sole responsibility lays on Statoil, they hired this “London based investigation company”, they forwarded the information, and I even think they leaked to the press. Finally, they did not clear out the case after it was released to the press, but instead passively confirmed the accusations in media. They also pointed to the investigation company, but kept their name confidential. But doing so they also have to take the legal consequences.

Steinar Kolnes

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Fra: Fassine Fofana [mailto:fassine.fofana@gmail.com]

Sendt: 4. oktober 2009 15:20

Til: Steinar Kolnes

Kopi: Arne Helvig

Emne: Re: Biofuel vs. Statoil

Dear Mr Kolnes

Thanks again for the deeper background information on this

Some additional points

- 1) I take your point about your CEO trying to reach me. I believe he and his co-authors of the JIR could have tried harder. After all I leave and work in London on broad day light. My activities are well known. I am making that point (amongst others) in a letter I am sending to report authors on Monday. I would appear they were concerned about clearing the Norwegian Executives and leaving me in the dock.
- 2) I will instruct my lawyers to specifically request the names of the CEO of Statoil and/or the people in the organisation who told your CEO that I was the "Middle Man". I intend to initiate legal action against them.
- 3) I am going to initiate a process in Ghana as well. Maybe you have already covered all this ground, but I want to find out for myself how my name came to be associated with this business.

I will keep you posted

Best Regards

Fassine Fofana

2009/10/4 Steinar Kolnes <steinar@solarharvest.eu>

Mr. Fofana,

We are as you really puzzled, but the reality is clear these accusation killed our company.

We first heard your name mentioned by Statoil approx. mid. December 2008. However they never wrote the name, but just communicated it over the phone. The story was then that you should have been involved in facilitating a bribery. A mining company was also mentioned.

We did search in our organization to find out if someone knew you. But since we had no full name (and even if we had) there was no one that knew the name.

We then reported back to Statoil: no finding.

It looked like Statoil accepted this and there was no further questions.

They went on with the due diligence until mid. Jan 2009. We also had a trip to Ghana, and they was very happy about what they saw.

On the 29. Jan. 2009 we did the final work, the lawyers for both parties was participating, and we shake hands as partners.

The only thing left, was the final signatures on the finished documents. The formalities was set to be handled on a board meeting on 4. Feb. However this was the 4. Meeting on the board, and all the 3 meetings before was positive.

What happen next was quite odd. The day after (30. Jan), our CEO Johan Fredrik Dahle was invited to Statoil's integrity department.

At this meeting he was served the "Quote-A". And they also confirmed that Fassine Fofana was the person named Mr. XX (the name that was mentioned more than a month before).

The new thing was that one of Perennials board members should have been the person that have quoted the so called Quote-A.

Our first reaction to this was maybe a little bit odd, but we was thinking this was a way to test our company How we will act if we was faced with false corruption accusations, more or less like a Fire drill.

The Quote-A was also written in a way where it could fit almost any situation, and the information in Quote-A contained absolutely now

information except of describing a situation where bribery had been paid. Unfortunate, we soon realized that the accusation was real.

Immediately all board members of Perennial signed a letter where they denied that they had anything to do with the quote-A. They also denied to have any knowledge of the person in the letter mentioned as "Fafana".

Perennial sent this letter to Statoil, but just got a very short and laconic replay; "This is the response we expected" and no board-member name was released.

I then started a search to match your full name: Fassine Fofana with each individual boardmember of Perennial. It then turned out, that you and Trygve Refvem had a common history in EER.

I then confronted Perennial with this findings, and Refvem confirmed that he had met you once. But because your name was misspelled on first time he got the question, he confirmed negative.

It was important to find out the last time you two met, and I think Refvem's answer to that could not be later than 2006 (so in fact it could also be 2005). In any case at least a year before Perennial was established. He also confirmed that he had not been in Ghana since 2003 (as a consultant for a pipeline project).

I know and also witnessed that our CEO Johan Fredrik Dahle contacted EER and left messages for you to call him back. So I know that we did some serious attempts to get in touch of you.

I also think this missing inputs is one of the reason why your name is not cleared out in the report, except for the fact that this could not have happened on behalf of Perennial or any company in the BioFuel Group.

I have so far 4 possible explanations why this came up:

- BioFuel AS, BioFuel Africa Ltd. has been mixed with another "biofuel" company. I know there was one called Africa Biofuel. However, since you have not been involved in any case, I see this as least likely.
- Someone really wants to hurt our business. But except from some upset Ghanaians, I don't find any person that both know you and Trygve for this "cooked up story".
- Someone was given a "success fee" if they were able to dig up some dirt about our company.
- Statoil themselves wanted an exit if they wanted to get out from the very tight termsheet we signed with them.

But for your information, we had a quite upset Ghanaian: Bakary Nyari who have written a number of negative articles about our operations in Ghana stating that we have cut several thousands of forest which is not true.

But he has been reused by ActionAid, CICOL, FoodSpan and a number of other NGO's.

In addition he has been in contact with Anas Aremeyaw Anas an "under cover" journalist that I met once when he was working for the Norwegian TV2.

I was also hinted by one of my sources here in Ghana, that Anas Aremeyaw Anas was hired by Kroll to check out the corruption.
Kroll has denied that they have ever investigated BioFuel but I am not sure I believe them.

Anyway, we are going to sue Statoil in Norway. Since Statoil is also listed on NYSE, we could also file our case in US.

I believe that NYSE could be a better place to get a real redress. Norway may just give you symbolic compensation.

It is also a "unwritten" policy in Norway to avoid inflated redress by granting low or no compensation to discourage people to "sue for everything".

After all, the Norwegian state owns Statoil, and you have strong networks where judges know executives in Statoil and even in the government.

However, due to cost, and at first stage to place the responsibility we, the three founders will run the case home in Norway. Then when the responsibility have been clarified maybe turn to US for action for damages. For you, I think US will be the best place to start, but your lawyers may have other suggestions.

Anyway, I hope we can stay in touch and exchange information.

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-----Opprinnelig melding-----

Fra: Fassine Fofana [mailto:fassine.fofana@gmail.com]

Sendt: 3. oktober 2009 14:56

Til: Steinar Kolnes
Kopi: ffofana@carbon-red.com; Arne Helvig
Emne: Re: Biofuel vs. Statoil

Dear Mr Kolnes

I am puzzled

1) As promised I spoke this morning with Olav Eimstad. He was the founding Chairman of EER and indicated to me this morning that he was a schoolmate of Trygve Refrem. He also confirmed to me that my first recollection was right. I met Trygve in May 2005 at an EER board meeting in the London Marriott. Olav was the first person to tell me months ago that somebody wanted to talk to me about a biofuel issue in Ghana if I would speak to the person. I said yes. The person never called. Instead I received an email from a gentleman in Ghana. Olav gave me Trygve cellphone number today as I wanted to know from Trygve why he would make such a statement about me, not having ever had any dealing with him

2) I take your point about someone wanting to hurt me and the other entities you mention. Why would somebody/anybody put me ,Trygve, Perenneial and/or Biofuel in he same boat. We have nothing in common (maybe a common ennemy?) and I do not know anything about their activities.

3) The italian paper was brought to my attention a while back by a friend. We decided that it was light and so full of hearsay and unsubstantiated statements (Trygve was an advisor to the board of EER on which sits Fofana who is well connected in Africa..Those are facts(though Trygve was no longer an advisor to the board when I joined) that prove no wrongdoing..} that we decided not to give it any serious hearing.

4) Thank you for sending me the JIR report.I wish they had spoken to me as part of their enquiry since the 'Fofana-matter" seems to be at the center of their report. They have clearead all the Norwegians (rightly or wrongly involved) in this business and believe the focus should be on me (point 9. Focus on Fofana) with the insulting qualification of "Middle Man". Apart from being current Chairman of EER , I run multibillion dollar projects across the continent .I am no MiddleMan for anybody.The report has two glaring contradictions:
-Under 2.5 /2 Names the report says thay Trygve "has openly and transparently informed the board of Perrenial of his meetingS with Mr Fofana"

- Under 5.2 Timings Tgryve make the same statement I made to you yesterday: "Trygve has only met me once at EER board meeting in London". My recollection was that the meeting took place in 2005. He says in 2006. In any case before his involvement with Bifofuel in 2007 Something has to give. If Trygve has only met me once (which I maintain) and which the report confirms under 5.2 Timings, before he was involved with your project, he could have "openly and transparently informed the board about his meetings with me" presumably to discuss the project.

Now that I have this report, I will forward to my legal team in London
and we will decide on our next steps shortly
Thank you for the information

Regards

Fassine Fofana

On Saturday, October 3, 2009, Steinar Kolnes <steinar@solarharvest.eu>
wrote:

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> Fassine
> Fofana,
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> From
> what I know from Trygve, he was as you, is fully unaware of these
accusations
> before we got the presented by StatoilHydro.
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> I
> never believe that he have quoted what he is accused to have quoted in
Quote-A.
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> The
> quote makes no sense either.
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> Someone
> has release the full investigation report on Wikileaks:
http://wikileaks.org/wiki/Corruption_in_Norway%2C_Ghana_or_both%3F_Statoil_v._BioFuel_and_the_Kroll_Inc._private_intelligence_report%2C_Feb_2009
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> Statoil
> (former StatoilHydro) has not been very helpful either, denying us access
to
> relevant information, therefore we the three founders are taking Statoil
to
> court in Norway.
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> As
> a possible lead, I have seen an quite early link between you and Refvem on
an Italian
> web site: in
> “Valori Anno 9 numero 8 Aprilie 2009.” Ref. also:
http://www.valori.it/_modules/datadyn/download/20052009145743Valori_68.pdf
>
> They
> also refers to www.ibi-world.com
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> We
> don't know who have undertaken the investigation on behalf of Statoil.
> Rumors says Kroll Inc., but Kroll has denied and Statoil will not tell its
>> source.
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> I
> personally think this case goes further than just chopping money, it seems
for
> me that someone really wants to hurt You, Refvem, Perennial Energy AS
and/or BioFuel
> AS.
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> Since
> I cannot come up with “enemies” that would go that far to destroy a
>> business and individuals.
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> Anything that can shed light on this is welcome, and I think you
>> share the same opinion.
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> Fra: Fassine Fofana
> [mailto:fassine.fofana@gmail.com]
> Sendt: 3. oktober 2009 01:14
> Til: Steinar Kolnes

> Kopi: ffofana@carbon-red.com <javascript:_e({}, 'cvml',
'ffofana@carbon-red.com');>; Arne Helvig

> Emne: Re: Biofuel vs. Statoil
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> Dear Mr Kolnes

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> Please refer to the attached mail. After sending it to you i
> discussed the matter with one of my colleagues on the EER board.

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> For what is worth he voiced the following

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> 1) I have never met met Trygve , certainly not at EER
> meeting. The gentlemen I met at that EER meeting in may 2005 was another
> Norwegian businessman (I will clarify this when i
> speak over the week-end to our former Chairman who is a friend of Trygve
and who

> was the first to mention this case to me)

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> 2) My colleague also believes
> that this is scam and that Trygve may have fallen victim of a typical 419
scam
> and that he was trapped by someone pretending to be me

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> I can make no comments about the
> second observation. If your lawyers and those of Statoil can organise a
> meeting
> a confrontation between Trygve and myself in London I will attend
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> 2009/10/2 Fassine Fofana <fassine.fofana@gmail.com<javascript:_e({},
'cvml', 'fassine.fofana@gmail.com');>>
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> Dear Mr Kolnes
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> Thank you for your mail.

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> I am writing this response without prejudice .

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> I have heard bits of this story before but never in those
> details. I am not aware of the specific accusations from Statoil that you
are
> reporting here.

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> I answered to the first query a gentleman put to me from
> Ghana because I thought it was so outlandish

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> I did not answer the second mail I received (from you?)
> because I felt it was necessary to feed into a fabrication.

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> This is the first time that I hear that I am some Mr XX in

> country YY and that such statement came from Mr Tryge Refrem whom I have
> only met only once at an EER board meeting and lunch in London in may
2005.Never
> before , never after, to my knowledge.

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> If there is a statement from Statoil that I am party to this
> transaction I would like to join in any libel case that you are
undertaking

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> Regards

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> Fassine Fofana

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> 2009/10/2 Steinar Kolnes <steinar@solarharvest.eu>

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> Fassine Fofana,
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> I have seen your name on some reports where you are accused
> by Statoil to have been involved in a bribery situation.
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> Are you aware of these accusations and do you know what
> could be the background for it.
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> The whole case is build on the following statement, called
> Quote-A:
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> "Mr XX is the man we use in order to maintain
> confidential contacts to the Governments of the area.
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> If we have been sure that is was possible to start our
> project in country YY only with the contact we got from the Tribe we met,
> this
> was because Mr. XX brought us to a meeting with a member of a Commission
> that
> has the target to deregulate the whole licensing system in country YY.
>
> That man, I don't remember his name but he had
> eyeglasses, assure us that with a little bit of money everything would be
> alright.
>
> Mr XX asked us a sum, we paid it in an envelop, the man
> had a broad smile and said that we can consider us as his friends.
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> Then Mr XX asked for 10% of that sum and we paid it in
> despite of the fact that it was a very high fee, but we have been happy
> because

> we could start immediately with our work. This is the reason why I accepted to

> work with Mr XX in some other projects: he's a very (reputable) man in

> "various countries in the region", has a lot of connections and

> could be very relevant for our company in the near future".

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> The person who should have made this quote is a former

> board member of Perennial BioEnergy AS in Norway, mr Trygve refvem.

>

> According to Statoil , Mr XX should have been you.

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> We are going to file a lawsuit against Statoil in the next

> two weeks.

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> If you have information that could enlight some of these

> things pls. let me know. I also think it is in your interest to clear your

> name.

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> Rgs

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> Steinar Kolnes

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> Biofuel
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