

**From:** Scott Adams [<mailto:XXXXX@fmgl.com.au>]  
**Sent:** Thursday, April 07, 2011 10:02 PM  
**To:** XXXXX, XXXXXXXXX  
**Subject:** RE: Abusive and defamatory video  
**Importance:** High

Dear XXXXXXXXX,

Thank you for your prompt reply.

The URL of the video is:

<http://www.vimeo.com/21871850>

I note that the caption below it reads:

Caught red handed – this is a record of a supposed 'native title' meeting staged by the iron ore miner, Fortescue Metals Group (FMG). It shows how FMG, its agents, a lawyer and an opportunist splinter faction tried to **destroy the unity** of the Yindjibarndi people and give **open slather** to FMG for its Solomon Hub project. The video demonstrates the **unscrupulous actions** of a miner trying to bully traditional owners into a land use 'Agreement' that will see massive disturbance of country and will **swindle** several generations of Yindjibarndi people. The fight continues. See [yindjibarndi.org.au/](http://yindjibarndi.org.au/)

Again, statements and words that FMG/ Mr Forrest is party to “destroy[ing] the unity”, “open slather”, “unscrupulous actions”, and a “swindle” are highly defamatory.

Also, given that the 30 minute video is a highly edited version of a 2 hour meeting, with captions added throughout giving the Aboriginal group’s view on things, it is highly misleading.

Christine – please contact me should you wish to discuss. This is a matter we view extremely seriously and request that the video is immediately removed.

I am available at anytime to discuss (please see my contact details below).

Can you also please make sure that this complaint is treated in confidence.

Regards,  
Scott

---

Scott Adams  
Legal Department  
Fortescue Metals Group Ltd  
Level 2, 87 Adelaide Terrace  
East Perth WA 6004

The information in this email and in any attachment is confidential. If you are not the intended recipient, please notify us immediately by telephoning +61 8 6218 8888 and asking for the author or by returning the email. You should not copy it or use it for any other purpose, nor disclose its contents to any other person.

**From:** Xxxx, XXXXXXXX [mailto:XXXXXXXX.Xxx@vimeo.com]

**Sent:** Friday, 8 April 2011 2:54 AM

**To:** Scott Adams

**Subject:** RE: Abusive and defamatory email

Dear Scott,

Could you please provide me with the URL of the video at issue. (should look like: <http://vimeo.com/numberofvideo> ).

Once I receive this, I will look into the matter as soon as possible.

Best Regards,

XXXXXXXX

**From:** Scott Adams [mailto:XXXX@fmgl.com.au]

**Sent:** Thursday, April 07, 2011 6:27 AM

**To:** Abuse-Vimeo

**Subject:** Abusive and defamatory email

**Importance:** High

Dear Sirs,

I act as Legal Counsel for Fortescue Metals Group Ltd ("FMG") (a Western Australian iron ore mining company) and its CEO, Mr Andrew Forrest ("Mr Forrest").

An Aboriginal group called the Yindjibarndi Aboriginal Corporation ("YAC") has posted a video on Vimeo that, amongst other things, is defamatory of FMG and Mr Forrest. The video is a highly edited copy of a meeting between the YAC and FMG/ Mr Forrest.

I understand that the video was posted on or around 3 April 2011 and is titled "FMG's Great Native Title Swindle".

In particular, I note that:

1. in the opening title it states "Twiggy Forrest and FMG's Great Native Title Swindle" (this is clearly defamatory of FMG and Mr Forrest);
2. during the meeting Mr Forrest is called a liar (again, this is clearly defamatory of Mr Forrest);
3. the video is designed to elicit support for the Aboriginal group, at the expense of FMG and Mr Forrest (it incites racial hatred, is threatening and designed to intimidate).

Your Terms & Conditions clearly state that you reserve the right to remove material that is:

- (a) abusive, defamatory or obscene;
- (b) fraudulent, deceptive and misleading;
- (c) offensive or otherwise unacceptable to Vimeo.

Your Content Restrictions reinforce this by stating that Vimeo will not allow videos that "incite hatred, include hate speech, are defamatory or include discriminatory speech ...".

**I request that the video is immediately removed from the Vimeo website.**

Can you please send me a confirmation of this email and advise what action is being taken. I request your full co-operation in this regard. Thank you.

Regards,  
Scott Adams

---

Scott Adams  
Legal Department  
Fortescue Metals Group Ltd  
Level 2, 87 Adelaide Terrace  
East Perth WA 6004

