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JUSTICE INITIATIVE**

PRESS RELEASE

Geneva, Berlin, New York, 3 June 2019

For immediate release

GERMAN AND BELGIAN PROSECUTORS URGED TO SHED LIGHT ON EXPORTS OF DUAL-USE GOODS TO SYRIA

Three groups working on accountability for atrocity crimes – the Syrian Archive, TRIAL International, and the Open Society Justice Initiative – have filed criminal complaints with prosecutors in Antwerp, Hamburg and Essen. They have asked the authorities to clarify the role of three European companies in a 2014 shipment to Syria of chemical components that can be used to produce both pharmaceuticals and chemical weapons. Two months ago, the organizations informed the Belgian and German customs authorities, who replied that they were not aware of these exports. They therefore decided to take the case to the next level.

The complaints cite export documents and investigative work indicating that the three companies – BASF Antwerpen NV, Sasol Germany GmbH, and Brenntag AG (and its Swiss subsidiary) — may have been involved in the shipping of quantities of the chemicals isopropanol and diethylamine, which were delivered to Syria via Switzerland in 2014.

“It is time to have these transactions investigated,” says [Montse Ferrer](#), corporate responsibility coordinator at TRIAL International. “There is sufficient evidence for an investigation to be conducted – and we hope the prosecutors will clarify why dual-use components manufactured by European companies ended up in Syria.”

Both products are used in the production of pharmaceuticals. But isopropanol can also be used in the production of sarin, a deadly chemical agent that has been used by the Syrian government against civilians. Diethylamine is also used in the production of VX, a highly toxic nerve agent that has been found in Syria’s chemical weapons stockpiles.

At the time, both chemicals were on a list of restricted dual-use materials under European Union sanctions that required prior approval for export directly or indirectly to Syria. The EU’s sanction regime also applies to the actions of EU citizens outside the EU’s territory. The groups have asked prosecutors to investigate whether the European companies circumvented such sanctions.

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The complaints note that the relevant Belgian export agency stated that it did not receive any authorization requests for the export of diethylamine from Belgium with Syria as final destination, and the German export agency said they did not provide authorization for any such shipments during the period in question.

Details of the isopropanol shipment from Switzerland were first reported in Switzerland last year, with the State Secretariat for Economic Affairs (SECO) saying in April 2018 that the shipment was legal under Swiss law. SECO added that the client was “a private Syrian pharmaceutical firm” and that there was “no indication that it had links to the Syrian government at the time, nor today.”

TRIAL International is a non-governmental organization fighting impunity for international crimes and supporting victims in their quest for justice. TRIAL International takes an innovative approach to the law, paving the way to justice for survivors of unspeakable sufferings. The organization provides legal assistance, litigates cases, develops local capacity and pushes the human rights agenda forward.

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A BUYER WITH CLOSE TIES TO SYRIA'S GOVERNMENT

Subsequently, three Swiss newspapers, *Le Matin Dimanche*, *Sonntagszeitung*, and *Tribune de Genève*, reported further details of the sales, including that the customer was Mediterranean Pharmaceutical Industries (MPI), a Syrian company with close links to the Syrian government.

MPI was licensed to manufacture Voltaren, an over-the-counter anti-inflammatory that uses the two chemicals, by a subsidiary of Novartis, the Swiss pharmaceutical company. All of the companies say their actions were in accordance with existing sanctions regulations. Novartis in particular states that the due diligence they conducted on MPI "indicated no red flags."

Yet the investigation by the three NGOs shows that, in 2014, MPI was headed by Abdul Rahman Attar, now deceased, who was a prominent Syrian businessman with close ties to senior figures in the Syrian government. At the time of the export, it was known that Mr. Attar was suspected of attempting to facilitate evasion of U.S. sanctions. "Attar had close business relationships with Cham Holdings, a company that was sanctioned in Switzerland and the European Union since 2012, and in the United States and Canada since 2011," said Hadi al Khatib, director of Syrian Archive.

PROHIBITED BUT WIDESPREAD CHEMICALS

The United Nations launched its investigation on the possible use of chemical weapons in Syria in April 2013, after first reports of chemical weapons use appeared in December 2012.

The shipment of 5,000 kg of Isopropanol came after the Organization for the Prohibition of Chemical Weapons announced in May 2014 that Syria had destroyed its stock of 120 metric tons of isopropanol.

In April 2017, nearly 100 people were killed and more than 200 injured in a chemical attack at Khan Shaykun using sarin produced with isopropanol. |