



Geneva, 23 May 2020

for immediate release

SMUGGLING OF LIBYAN GASOIL : CRIMINAL COMPLAINT FILED AGAINST SWISS TRADER



On 21 May 2020, TRIAL International filed a criminal complaint (“*dénonciation pénale*”) for complicity in pillage against Kolmar Group AG before the Office of the Attorney General (OAG) of Switzerland. According to a joint report published by TRIAL International and Public Eye on 2 March 2020, the Zug-based trading company **had purchased smuggled gasoil from Libya**. Having analysed the evidence gathered during the investigation, TRIAL International concludes that the Swiss trader may have been complicit in the war crime of pillage. It is now up to the Swiss prosecuting authorities to shed light on the Zugese trader’s actions.

The investigation conducted by TRIAL International and Public Eye **retraced the transnational network of subsidized gasoil smuggling from Libya**. The fuel was diverted from Libyan tanks with the complicity of an armed group, transhipped from Libyan fishing boats to larger vessels chartered by two Maltese businessmen in international waters, and finally transported to Malta. This is where the name of Kolmar Group AG appears: according to the investigation, the Swiss trader purchased more than 50,000 tonnes of gasoil stored in tanks of the Maltese capital between 2014 and 2015. The Swiss company **did not deny having purchased this fuel** when it requested a right of reply to the report, published on 2 April 2020.

NEGLIGENCE OR COMPLICITY?

According to the NGO, which has carried out a legal analysis of the evidence, [extensively provided by C4ADS](#), these purchases could constitute complicity in war crimes.

"There were a significant number of indicators, all of which were in the red, that should have deterred Kolmar from carrying out these transactions. We believe that the evidence gathered warrant an investigation by the Office of the Attorney General to determine whether Kolmar willfully ignored such signals. If so, the company may have been complicit in a war crime", said **Philip Grant**, TRIAL International's Executive Director.

If a company knowingly buys stolen raw materials from a country at war, it may indeed be found guilty of complicity in pillage, a war crime under the Rome Statute of the International Criminal Court as well as under [Swiss criminal law](#).

The gasoil purchased by Kolmar Group AG had been looted by a smuggling network, with the support of an armed group, at a time when Libya was torn apart by armed confrontation between rival factions. But for the endeavour to prove profitable, the network needed international buyers. This is precisely where the Swiss company might have contributed to the pillage, which – if proven – could lead to its criminal liability.

Several individuals involved in the smuggling operation are currently on trial in Italy. In filing a criminal complaint, TRIAL International hopes that the OAG will also shed full light on this case in order to determine whether Kolmar's actions in Malta were in accordance with the law. Whatever the outcome of a potential investigation by the OAG, this case illustrates the need to adopt stricter rules, such as those advocated by the [Responsible Business Initiative](#), to prevent any future involvement of Swiss companies in the financing of armed groups. |

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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