



PRESS RELEASE
Geneva, 29 September 2023

THE SWISS TRADER KOLMAR GROUP AG CLAIMS 1.8 MILLION US DOLLARS FROM PUBLIC EYE AND TRIAL INTERNATIONAL

Geneva, 29 September 2023 - Kolmar Group AG filed a lawsuit with the Zug Cantonal Court for infringement of personal rights against Public Eye and TRIAL International, as well as against two employees of these organisations and an independent journalist, on the 25 September 2023. The lawsuit comes three and a half years after the publication of a joint report revealing the company's involvement in the trade of gasoil from Libya in 2014 and 2015, while the country was in the midst of an armed conflict between different factions. This case is emblematic of the increasing pressures faced by journalists and NGOs investigating sensitive and public interest topics, even in Switzerland.

A staggering 1.8 million US dollars! This is the amount of damages and compensation demanded by the private company Kolmar Group AG from Public Eye and TRIAL International* in a civil action filed on the 25 September 2023, with the Zug Cantonal Court. According to publicly available information, never before has such a large amount been demanded from an NGO in Switzerland on the grounds of an alleged infringement of personal rights. At the heart of this dispute is the report titled "Libyan fuel smuggling: a Swiss trader sailing through troubled waters" (March 2020), the result of over a year of investigation spanning Switzerland, Malta and Sicily. This investigation revealed Kolmar Group AG's involvement in the trade of Libyan gasoil between 2014 and 2015, during the second civil war in Libya. It was possible to trace the routes of three oil tankers from the Libyan coast that unloaded their cargo, on twenty-two occasions, into storage tanks rented by the Zug-based trader in Malta.

According to documents obtained by Public Eye and TRIAL International, these petroleum products originated from a transnational gasoil smuggling network arising from the looting of Libyan state-owned oil refineries. The subsidised fuel, intended for the local population, was diverted from Libyan tanks with the complicity of an armed group, transshipped from Libyan fishing boats to ships chartered by two Maltese businessmen in international waters, and then transported to Malta. In May 2020, a few months after the publication of this investigation, TRIAL International filed a criminal complaint ("dénunciation pénale") with the Office of the Attorney General (OAG), followed shortly thereafter by a communication from the Money Laundering Reporting Office Switzerland (MROS). In November 2020, the OAG opened an investigation against unknown persons for "suspected war crimes involving pillage" (Art. 264g, para. 1, let. C of the Swiss Criminal Code) related to these events.

The civil lawsuit brought By Kolmar group AG is the latest chapter in a battle that has been ongoing for over three years. In late May 2020, just days after TRIAL International filed the criminal complaint with the OAG, the trader, who had never responded to repeated requests from NGOs



PRESS RELEASE
Geneva, 29 September 2023

to comment prior to publication, and had demanded a right of reply immediately after its release, filed a complaint against the authors with the Public Prosecutor's Office of the Canton of Bern, accusing them of "defamation, or even slander". After an initial decision not to proceed, the trader's appeal was accepted for procedural questions. The case is still ongoing.

By now demanding 1.8 million US dollars in civil damages, Kolmar Group AG is significantly increasing the financial pressure. The interested NGOs strongly dispute the allegations made by Kolmar Group AG and will contest them accordingly. This procedure illustrates how courts in Switzerland, too, are increasingly being called upon to judge cases in which plaintiffs seek the removal of publications on topics of public interest. In response to this trend, the Swiss Alliance Against SLAPP (Strategic Lawsuits Against Public Participation) was recently founded to raise awareness about the negative impact of practices that pose extreme dangers to freedom of expression and democracy.

For more information, please contact:

Oliver Classen, Media Director Public Eye

t: +41 44 277 79 06

e: oliver.classen@publiceye.ch

Philip Grant, Executive Director of TRIAL International

t: +41 22 519 03 96

e: media@trialinternational.org

* 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.

*For more than fifty years, the NGO Public Eye has offered a critical analysis of the impact that Switzerland, and its companies, has on economically disadvantaged countries. Through its research and campaigning, Public Eye fights against injustices with a significant link to Switzerland and demands the respect of human rights throughout the world.