

Dr. Jörg Hoffmann  
CEO AUMA Group  
AUMA Riester GmbH & Co. KG  
Aumastraße 1,  
79379 Müllheim  
Germany

RE: AUMA Group's business operations in Russia

March 6, 2023

Dear Dr. Hoffmann,

We write to you as [B4Ukraine](#), a coalition of Ukrainian and international civil society organizations working to curtail the financial resources enabling the Russian invasion of Ukraine. We expect companies to demonstrate opposition to Russia's war of aggression, public support for the people, democracy, and territorial integrity of Ukraine, and alignment with the UN Guiding Principles on Business and Human Rights (UNGPs). At stake is not only the sovereignty and territorial integrity of a democratic Ukraine, but also the continuity of the rules-based international order and the prosperity of the global economy.

We request an urgent dialogue regarding potential inconsistencies between AUMA Group's (AUMA) stated policies on human rights and the company's ongoing business operations and relationships in Russia that may contribute to, or be linked with, human rights harms.

We acknowledge that AUMA has policies in place to guide the company toward ethical behaviour. According to AUMA's Modern Slavery Statement, the company is "committed to the highest standards of corporate responsibility with respect to [its] business partners, customers and the general public."<sup>1</sup> According to the company:

"We base our manufacturing and purchasing strategy on principles which are consistent with our ethical, social and ecological responsibilities. AUMA Riester is committed to avoiding and, where necessary, combating all forms of modern slavery and human trafficking both within the company and along the supply chain. We have implemented processes aimed at ensuring that human rights are also respected along the supply chain."<sup>2</sup>

It has been over one year since Russia invaded Ukraine and the devastating impacts continue to shock the global conscience and shake the global economy. Russia is violating international humanitarian law (IHL), including war crimes and crimes against humanity, through attacks on civilians and civilian infrastructure (e.g., mass executions, sexual violence, torture, and forcible transfer of civilians). More than 21,580 Ukrainians have been killed and injured and millions more

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<sup>1</sup> AUMA Riester, "Modern Slavery Statement," January 2023, [https://www.auma.com/fileadmin/user\\_upload/pdf/company/Statement\\_AUMA\\_MSA\\_EN\\_202301.pdf](https://www.auma.com/fileadmin/user_upload/pdf/company/Statement_AUMA_MSA_EN_202301.pdf) (accessed February 28, 2023).

<sup>2</sup> Ibid.

have been forced to flee their homes, creating one of the largest humanitarian and refugee crises of modern times.

On September 21, President Vladimir Putin escalated the war by announcing a “partial mobilisation” of the Russian population. The accompanying legislation ([Article 9 of Federal Law No. 31-FZ](#)) mandates all organisations, including the 1,500 international companies that are currently operating on a full or limited scale in Russia, to conduct military registration of the staff if at least one of the employees is eligible for military service.<sup>3</sup> They must also assist with delivering the military summons to their employees, ensure the delivery of equipment to assembly points or military units, and provide information, buildings, communications, land plots, transport, and other material means of support to the war effort.

This legislation entails new and significant legal risks for companies remaining in Russia, including potential civil and criminal liability under comprehensive sanctions regimes and recent international jurisprudence holding corporations and their officers responsible for human rights abuses abroad.<sup>4</sup> Companies may be exposed to financially material risks through operational restrictions, such as limitations of future government contracts.<sup>5</sup>

Additionally, the Ukrainian government’s National Agency on Corruption Prevention (NACP) is creating a list of “foreign companies that, despite the international recognition of Russia as the aggressor state and the introduced sanctions restrictions, continue to cooperate with it.”<sup>6</sup> These companies are recognised as international sponsors of war. So far there are 15 companies on the list, but the NACP notes that it will be expanded with “international companies that provide the public

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<sup>3</sup> Federal Law No. 31-FZ of February 26, 1997 "On mobilization training and mobilization in the Russian Federation" (as amended), <https://base.garant.ru/136945/> (accessed January 2, 2022).

<sup>4</sup> International companies remaining in Russia are now at a greater risk of violating sanctions regimes as implementation of the legislation will likely involve transacting with sanctioned individuals or entities. Furthermore, new domestic civil and criminal cases against companies involved in violations of international law demonstrate the risk of significant liability for facilitating state-sponsored human rights abuses abroad (e.g., Lafarge case, Lundin case, Castel Group indictment, Nevsun holding, and Dassault Aviation, Thales, and MBDA France criminal complaint.) Victoria Riello and Larissa Furtwengler, “Corporate Criminal Liability for International Crimes: France and Sweden Are Poised To Take Historic Steps Forward,” September 6, 2021, <https://www.justsecurity.org/78097/corporate-criminal-liability-for-human-rights-violations-france-and-sweden-are-poised-to-take-historic-steps-forward/> (accessed January 2, 2022); The Sentry, “Breaking: France Opens War Crimes Inquiry Focused on Iconic Food and Beverage Conglomerate,” July 1, 2022, <https://thesentry.org/2022/07/01/7216/breaking-france-opens-war-crimes-inquiry-focused-iconic-food-beverage-conglomerate/> (accessed January 2, 2022); Rfi, “French technology firm charged over Libya cyber-spying,” July 2, 2022, <https://www.rfi.fr/en/business-and-tech/20210701-french-tech-firm-charged-over-libya-cyber-spying> (accessed January 2, 2022); Preston Lim, “Canadian Supreme Court Allows Corporate Liability for International Law Violations,” Lawfare, March 12, 2022, <https://www.lawfareblog.com/canadian-supreme-court-allows-corporate-liability-international-law-violations> (accessed January 2, 2022); Sherpa, “Aiding and abetting war crimes in Yemen: Criminal complaint submitted against French arms companies,” June 2, 2022, <https://www.asso-sherpa.org/aiding-and-abetting-war-crimes-in-yemen-criminal-complaint-submitted-against-french-arms-companies> (accessed January 2, 2022).

<sup>5</sup> Venable LLP, “Do You Contract with State Governments? If So, Beware of Emerging State Sanctions’ Obligations Related to Russia and Belarus,” *JD Supra*, June 3, 2022, <https://www.jdsupra.com/legalnews/do-you-contract-with-state-governments-6537229/> (accessed January 2, 2022).

<sup>6</sup> NACP, “International Sponsors of War,” <https://sanctions.nazk.gov.ua/en/boycott/> (accessed February 6, 2023).

and private sector with goods and services of critical purpose, as well as [those that] contribute to the Russian budget.”<sup>7</sup>

In response to this unprovoked and unjustified war<sup>8</sup> many companies have left Russia. According to the Kyiv School of Economics Institute's (KSE) #LeaveRussia [company tracker](#), AUMA has decided to stay and continue its operations in Russia.<sup>9</sup>

Since the start of the invasion, AUMA has not released any statement condemning the aggression, nor its intent to practise heightened human rights due diligence in light of the ongoing war in Ukraine. AUMA still lists the contacts of its Russian subsidiaries on the company webpages.<sup>10</sup> Further, AUMA has a long-standing business relationship with Russia, providing actuation technology to Russian oil refineries.<sup>11</sup> Our research shows that the shipments continued throughout 2022, after the war started.<sup>12</sup> Russian customs data demonstrates that AUMA’s shipments to the country increased in May (with shipments amounting up to \$7 million), November (up to \$3 million), and December (up to \$6 million) 2022, compared to the same periods in 2021.<sup>13</sup>

Due to these apparent inconsistencies, we are requesting a clarification from AUMA on whether it intends to continue trading with the Russian market. Given the well-documented and critical importance of oil revenues to the Russian state, these activities risk enabling and financing Russia’s violations of IHL and human rights law during the ongoing invasion and occupation of Ukraine and violating AUMA’s commitment to abiding by the UNGPs. It remains to be seen how directly AUMA will be impacted by the partial mobilisation and the heightened legal, regulatory, operational, and financial risks associated with companies being required to provide direct support to the internationally sanctioned Russian military.

We seek to understand how AUMA has conducted and continues to conduct heightened human rights due diligence and how the findings of such a process has resulted in these continued business activities and relationships. As noted by the UNGPs:

...the more severe the abuse, the more quickly the enterprise will need to see change before it takes a decision on whether it should end the relationship. In any case, for as long as the abuse continues and the enterprise remains in the relationship, it should be able to demonstrate its own ongoing efforts to mitigate the impact and be prepared to accept any consequences – reputational, financial or legal – of the continuing connection.

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<sup>7</sup> NACP, “Companies from the NACP list of “International Sponsors of War” are now in the World-check database, used worldwide for reviewing counterparties,” September 7, 2022, <https://nazk.gov.ua/en/news/companies-from-the-nacp-list-of-international-sponsors-of-war-are-now-in-the-world-check-database-used-worldwide-for-reviewing-counterparties/?hilit=sponsor+of+war> (accessed February 6, 2023).

<sup>8</sup> The UN General Assembly condemned Russia’s “aggression against Ukraine” and demanded that Moscow “unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders.”

<sup>9</sup> KSE, Leave Russia, “AUMA Riester GmbH,” <https://leave-russia.org/auma-riester-gmbh> (accessed February 28, 2023).

<sup>10</sup> AUMA, “Contact – Russia,” <https://www.auma.com/contact/> (accessed February 28, 2023).

<sup>11</sup> AUMA, “Russian refinery adopts new AUMA actuation technology,” <https://www.auma.com/en/company/news/newsdetail/news/russian-refinery-adopts-new-auma-actuation-technology/> (accessed February 28, 2023).

<sup>12</sup> Squeezing Putin, “AUMA Riester,” <https://squeezingputin.com/?search=auma%20riester> (accessed February 28, 2023).

<sup>13</sup> Squeezing Putin, “Supporting Resources - AUMA Exports into Russia,” <https://squeezingputin.com/support.html#AUMA5Mar23> (accessed March 6, 2023).

In consideration of the above points and B4Ukraine's Declaration,<sup>14</sup> we request an urgent dialogue with AUMA's relevant senior management and staff to discuss the company's ongoing activities and relationships in Russia, associated risks to the people of Ukraine and the company, and potential steps to prevent/mitigate these risks. Please contact B4Ukraine at [contact@b4ukraine.org](mailto:contact@b4ukraine.org) to schedule a call. We kindly ask for your response by 5:00pm CET, March 20th, 2023.

Please do not hesitate to get in touch if you require any further information.

Sincerely,

The B4Ukraine Coalition

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<sup>14</sup> B4Ukraine, "About," <https://businessforukraine.info/about> (accessed January 2, 2022).