

George Prokopiou
Dynacom Tankers Management Ltd. (DTM)
Nikis 2, Glifada,
166 75, Greece

RE: Dynacom Tankers Management's business operations in Russia

February 27, 2023

Dear Mr. Prokopiou,

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 Dynacom Tankers Management's (DTM) ongoing business operations and relationships in Russia that may contribute to, or be linked with, human rights harms.

We acknowledge that DTM has policies in place to guide the company toward ethical behaviour. The company's Energy Efficiency Management Policy notes DTM's "social responsibility and targets for continual improvement which complies with international standards and guidelines."¹

We hope that DTM shares its dedication in complying with laws, rules, and regulations with respecting internationally recognised human rights, principles, voluntary and obligatory codes of conduct, the UNGPs, the UN Global Compact, the OECD Guidelines, and the norms of international humanitarian and human rights law.

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 18,000 Ukrainians have been killed and injured and millions more 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

¹ Dynacom Tankers Management, "Energy Efficiency Management Policy," http://www.dynacomtm.com/policy/section_10_energy_efficiency_management_policy.pdf (accessed February 15, 2023).

employees is eligible for military service.² 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.³ Companies may be exposed to financially material risks through operational restrictions, such as limitations of future government contracts.⁴

In response to this unprovoked and unjustified war⁵ many companies have left Russia. According to the Kyiv School of Economics Institute's (KSE) #LeaveRussia [company tracker](#), DTM has decided to stay and continue its operations with Russia.⁶ Since the beginning of the illegal invasion of Ukraine on February 24, 2022, calculations show that Russia's income has dropped but the volume of exports has remained relatively stable despite sanctions.⁷ While many European and American traders, oil companies and maritime service providers have terminated business with Russian shipping entities

² 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).

³ 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).

⁴ 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.idsupra.com/legalnews/do-you-contract-with-state-governments-6537229/> (accessed January 2, 2022).

⁵ 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."

⁶ KSE, Leave Russia, "Dynacom Tankers Management (DTM)," <https://leave-russia.org/dynacom-tankers-management> (accessed February 15, 2023).

⁷ Dmitry Zhdannikov, Chen Aizhu, and Nidhi Verma, "Lost Russian oil revenue is bonanza for shippers and refiners," The Japan Times, February 8, 2023, <https://www.japantimes.co.jp/news/2023/02/08/business/russia-oil-revenue-shippers/> (accessed February 9, 2023).

since the Ukraine invasion, analysis shows Greece's biggest shipowners have increased exposure.⁸ A report from Global Witness confirms this, stating:

“Of the product carried by Western shipping companies, 91% was carried on Greek-owned tankers. After Russian-owned Sovcomflot, tankers owned by the Greek shipowners – Economou Group of Companies, Andreas Martinos & family, Dimitris Prokopiou & family, Diamantis Diamantides & family – were the next top shippers of Russian oil and oil products since February 24th. Tankers owned by these shipowners collectively carried 172 million barrels of oil and oil products.”⁹

In summary, since the start of the invasion, the bulk of Russian exports are handled by Greek shipowners, of which DTM is a significant part.¹⁰ In January 2023, forty per cent of tankers tracked at key Russian oil export ports were owned by Greek companies.¹¹

DTM was identified by Lloyd's List as one of the shipowners most exposed to Russian energy commodities trades, with 31 tankers and 4.4m dwt.¹²

While there is no evidence that DTM is violating sanctions at this point, there are indications that the company might be at risk of breaching them in the future. For example, the Sovereign, a crude oil tanker owned by DTM, sailed from Tua Tuapse, Russia, in December, and was due to arrive in Greece on December 24, when the European Union's measures on Russian oil were due to begin, highlighting a lingering risk for ships of falling foul of EU sanctions.¹³ Moreover, The Karolos tanker, managed by Dynacom, loaded Russian crude at Russia's Ust-Luga port in January and was due to discharge the oil in Sikka, India by February 3.¹⁴ These practices might also potentially raise criminal issues in the future, as well as ethical and moral issues that arise from contributing to the economy of an aggressor state.

As oil is the principal source of income for the Kremlin, shipowners who assist Moscow in earning from it support Russia and its war in Ukraine. In response, the Ukrainian National Agency for Prevention of Corruption (NAPC) has included DTM in the list of international sponsors of the war.¹⁵

⁸ Michelle Wiese Bockmann, “Russian sanctions provide opportunity for Greek shipowners,” *Lloyd's List*, April 29, 2022, <https://lloydslist.maritimeintelligence.informa.com/LL1140633/Russian-sanctions-provide-opportunity-for-Greek-shipowners> (accessed February 9, 2023).

⁹ Global Witness, “One year on: Western companies traded 384 million barrels of Russian oil,” February 24, 2023, <https://www.globalwitness.org/en/campaigns/stop-russian-oil/one-year-western-companies-traded-384-million-barrels-russian-oil/> (accessed February 27, 2023).

¹⁰ Michelle Wiese Bockmann, “Greek-owned ships load last oil from Russia over January,” *Lloyd's List*, January 30, 2023, <https://lloydslist.maritimeintelligence.informa.com/LL1143801/Greek-owned-ships-load-last-oil-from-Russia-over-January> (accessed February 15, 2023).

¹¹ Ibid.

¹² Michelle Wiese Bockmann, “Russia oil and gas bans trigger tanker turmoil,” *Lloyd's List*, March 8, 2022, <https://lloydslist.maritimeintelligence.informa.com/LL1140090/Russia-oil-and-gas-bans-trigger-tanker-turmoil> (accessed February 15, 2023).

¹³ Black Sea News, “Russia's Black Sea crude oil exports to EU countries in December 2022 – early January 2023. The first violations of the embargo,” January 13, 2023, <https://www.blackseanews.net/en/read/199194> (accessed February 15, 2023).

¹⁴ *Reuters*, “Western tankers ramp up Russian oil shipments under price cap,” February 1, 2023, <https://www.reuters.com/business/energy/western-tankers-ramp-up-russian-oil-shipments-under-price-cap-2023-02-01/> (accessed February 15, 2023).

¹⁵ NAPC, War & Sanctions, “International Sponsors of War,” <https://sanctions.nazk.gov.ua/en/boycott/> (accessed February 8, 2023).

The basis for this decision was the information provided by the Economic Security Council of Ukraine, which notes the company's significant contribution to the Russian economy.¹⁶ Likewise, George Prokopiou, the owner of DTM is personally included on the list as a sponsor of war.¹⁷

Due to these developments, we are requesting a clarification from DTM regarding its position on the Russian market. The company's activities risk enabling and financing Russia's violations of IHL and human rights law during the ongoing invasion and occupation of Ukraine and violating DTM's obligations to the UNGPs. It remains to be seen how directly DTM 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 DTM 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.

In consideration of the above points and B4Ukraine's Declaration,¹⁸ we request an urgent dialogue with DTM'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 to schedule a call. We kindly ask for your response by 5:00pm CET, March 13th, 2023.

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

Sincerely,

The B4Ukraine Coalition

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ B4Ukraine, "About," <https://businessforukraine.info/about> (accessed January 2, 2022).