

Cristiano Amon  
Chief Executive Officer  
5775 Morehouse Drive  
San Diego, CA 92121

CC: Qualcomm Executive Team and Board of Directors

January 23, 2023

RE: Qualcomm business operations in Russia

Dear Mr. Amon,

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. In the spirit of respect for the fundamental rights of all people, the rules-based international order, and a prosperous global economy, we expect companies to demonstrate public support for the people, democracy, and territorial integrity of Ukraine, opposition to Russia's war of aggression, and alignment with the UN Guiding Principles on Business and Human Rights (UNGPs).

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

We acknowledge Qualcomm's stated commitment to human rights. According to the company's Human Rights Statement (2021), Qualcomm recognises that "we have a responsibility to uphold and sustain ethical conduct across our value chain. Our commitment to respect and promote human rights is a key aspect of this responsibility."<sup>1</sup> Qualcomm states that it adheres to the articles "enshrined in the Universal Declaration of Human Rights...the United Nations (UN) Guiding Principles on Business and Human Rights and the UN Global Compact Principles." Notably, adhering to the UN Global Compact commits Qualcomm to abide by fundamental principles on human rights, including that "Businesses should support and respect the protection of internationally proclaimed human rights...[and] make sure that they are not complicit in human rights abuses."<sup>2</sup>

It has been almost nine months 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, 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

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<sup>1</sup> Qualcomm, "Human rights Statement", <https://www.qualcomm.com/content/dam/qcomm-martech/dm-assets/documents/qualcomm-human-rights-statement.pdf> (accessed January 5, 2023).

<sup>2</sup> United Nations Global Compact, "The Ten Principles of the UN Global Compact," <https://www.unglobalcompact.org/what-is-gc/mission/principles> (accessed January 5, 2023).

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 more than 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>

In response to this unprovoked and unjustified war<sup>6</sup> many companies have left Russia. According to the Kyiv School of Economics Institute's [#LeaveRussia company tracker](#), Qualcomm has taken steps to withdraw from the Russian market.

However, according to a report from the Ukrainian Directorate of Intelligence released in November 2022, Qualcomm continues to manufacture components that are compatible with

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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 November 14, 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,” *Just Security*, 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 November 14, 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 November 14, 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 November 14, 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 November 14, 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 November 14, 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 November 14, 2022).

<sup>6</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.”

GLONASS, the Russian satellite navigation system.<sup>7</sup> GLONASS is used to guide both Russian missiles and drones, and manufacturing components compatible with the system may facilitate their ongoing use.

These activities in Russia risk enabling and financing Russia's violations of IHL and human rights law during the ongoing invasion and occupation of Ukraine and violating Qualcomm's human rights commitments. It remains to be seen how directly Qualcomm 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 the status of Qualcomm's exposure to Russia and how Qualcomm has conducted and continues to conduct heightened human rights due diligence, per its stated policy and the UNGPs concerning due diligence in conflict-affected areas, 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](#), we request an urgent dialogue with Qualcomm'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 meeting. We kindly ask for your response by 5:00pm CET, February 6th, 2023.

Sincerely,

The B4Ukraine Coalition

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<sup>7</sup> Defence Intelligence of Ukraine, "Foreign Companies Help Guide Russian Missiles to Ukraine - Defence Intelligence of the Ministry of Defence of Ukraine," November 25, 2022, <https://gur.gov.ua/en/content/inozemni-kompanii-dopomahaiut-skerovuvat-rosiiski-rakety-na-ukrainu.html> (accessed January 5, 2023).

Cristiano Amon  
Chief Executive Officer  
5775 Morehouse Drive  
San Diego, CA 92121

CC: Qualcomm Executive Team and Board of Directors

January 11, 2023

RE: Qualcomm business operations in Russia

Dear Cristiano Amon,

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, to discuss Qualcomm's exposure to the Russian invasion of Ukraine.

According to the Kyiv School of Economics Institute's #LeaveRussia [company tracker](#), Qualcomm has taken steps to withdraw from the Russian market. However, according to a report from the Ukrainian Directorate of Intelligence released in November 2022, Qualcomm continues to manufacture components that are compatible with GLONASS, the Russian satellite navigation system.<sup>1</sup> GLONASS is used to guide both Russian missiles and drones, and manufacturing components compatible with the system facilitates their ongoing use in the war against Ukraine.

We note Qualcomm's stated commitment to human rights. It has expressed its "responsibility to uphold and sustain ethical conduct across our value chain. Our commitment to respect and promote human rights is a key aspect of this responsibility."<sup>2</sup> Qualcomm states that it adheres to the articles "enshrined in the Universal Declaration of Human Rights...the United Nations (UN) Guiding Principles on Business and Human Rights and the UN Global Compact Principles." This commits Qualcomm to abide by fundamental principles on human rights, including that "Businesses should support and respect the protection of internationally proclaimed human rights...[and] make sure that they are not complicit in human rights abuses."<sup>3</sup>

We are concerned however that Qualcomm's current business operations risk enabling and financing Russia's violations of IHL and human rights law during the ongoing invasion and occupation of Ukraine, and in doing so, violating Qualcomm's human rights commitments.

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<sup>1</sup> Defence Intelligence of Ukraine, "Foreign Companies Help Guide Russian Missiles to Ukraine - Defence Intelligence of the Ministry of Defence of Ukraine," November 25, 2022, <https://gur.gov.ua/en/content/inozemni-kompanii-dopomahaiut-skerovuvat-rosiiski-rakety-na-ukrainu.html>

<sup>2</sup> Qualcomm, "Human rights Statement," <https://www.qualcomm.com/content/dam/qcomm-martech/dm-assets/documents/qualcomm-human-rights-statement.pdf> (accessed January 5, 2023).

<sup>3</sup> United Nations Global Compact, "The Ten Principles of the UN Global Compact," <https://www.unglobalcompact.org/what-is-gc/mission/principles> (accessed January 5, 2023).

B4Ukraine has an extensive network of supply chain and due diligence specialists who would be well suited to assisting you in resolving this exposure to Russia's invasion. We understand that you will be represented at Davos later this month, and we would very much welcome the opportunity to discuss the matter with you and explore proactively remedying the situation.

Please contact B4Ukraine at [contact@b4ukraine.org](mailto:contact@b4ukraine.org) to schedule a meeting at the event. We kindly ask for your response by 5:00pm CET, January 15th, 2023.

Sincerely,

The B4Ukraine Coalition