



Annual General Meeting of 15-05-2024
Orrön Energy AB

27 March 2024

Proposal

A shareholder proposes to bar Anders Kriström and his company Ernst & Young AB from serving as the company's auditor due to his failure to identify false and misleading entries in the Company's reports regarding the probability of the claim of the Swedish Prosecution Authority that a corporate fine of MSEK 3.0 and forfeiture of economic benefits of MSEK 2,381 will be imposed.

Explanation

Anders Kriström has assessed and approved the Company's false and misleading assertion that the fine and forfeiture claim is a contingent liability and therefore no provision has to be recognized. By doing so, he endorsed the Company's deceitful presentation of its financial position that constitutes a breach of the Annual Accounts Act.

The charges against the Company's former Chair Ian Lundin and former CEO Alex Schneiter for aiding and abetting war crimes includes claims against the Company for a corporate fine of MSEK 3 and forfeiture of economic benefits of MSEK 2,381. This is a key audit matter. The Company denies any grounds for allegations of wrongdoing by any of its former representatives and sees no circumstance in which a corporate fine or forfeiture could become payable. No supporting facts or arguments are provided for this position, which is demonstrably false and misleading.

International Accounting Standard 37 about Provisions, Contingent Liabilities and Contingent Assets determines that liabilities can be treated as contingent if an outflow is not probable. The Auditor assessed probability through meetings with the company's General Counsel, and a review of internal documented positions regarding the legal case as well as letters received by the Company's lawyers and the war crimes suspects. The Auditor has no expertise or experience in assessing the probability of a conviction for international crimes. The Auditor did not spend an acceptable amount of time on a key audit matter. The Auditor ignores that the probable amount can be estimated reliably. And lastly, the Auditor exclusively relied on sources from within the Company or dependent on the Company, who are directly involved in the legal case and have an interest in misrepresenting the probability of a conviction. Consequently, the Auditor's opinion that the annual accounts have been prepared in accordance with the Annual Accounts Act is based on an inadequate assessment effort.

The Auditor's belief that that there is no case law from similarly settled court cases in Sweden is questionable. Furthermore, it is an invalid reason for disregarding the prospects of a conviction. The Auditor ignores that the Swedish Prosecution Authority has a robust record of successfully prosecuting universal jurisdiction cases.



Since 2006, the Swedish Prosecution Authority has brought 17 cases of crimes against international law to court. The one against Orrön Energy is ongoing, the other 16 have been adjudicated. One case was acquitted and 15 out of 16 ended with a conviction.ⁱ Clearly, the International Crimes Department of the Swedish Prosecution Authority has no habit of bringing charges without merit and convictions are highly probable. The incumbent case has been extremely well investigated and the charges are backed-up with 80.000 pages of written evidence and 93 witness statements.

Against this background, the Company's assertion that there are no grounds for allegations of wrongdoing is demonstrably false. The circumstance in which a corporate fine and forfeiture could become payable – a conviction of Ian Lundin and Alex Schneiter for aiding and abetting war crimes – is clear and far from improbable. To state otherwise and to appraise the Prosecutor's claim as a contingent liability is misleading. Consequently, the audited financial reports have been prepared in breach of the law and the required accounting standards, and do not reflect the Company's results.

Egbert Wesselink
Shareholder In Orrön Energy
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ⁱ List of prosecutions for violations the Law of Nations, grave crimes, by Sweden

1. International crimes, serious crimes in the former Yugoslavia Stockholm District Court, Section 13, B 4084-04 (conviction), judgement 2006-12-18.
2. International law offences, serious crimes in the former Yugoslavia Stockholm District Court, Division 4, B 382-10 (conviction), judgment of 8 April 2011.
3. International law offences, serious crimes in the former Yugoslavia Stockholm District Court, Division 4, B 5373-10 (conviction), judgment 2012-01-20; Svea Court of Appeal, Division 4, B 1248-12 (acquittal), judgment 2012-12-19.
4. Genocide and international law offences, serious crime in Rwanda Stockholm District Court, Division 4, B 18271-11 (conviction), judgment 2013-06-20; Svea Court of Appeal, Division 8, B 6659-13 (conviction), judgment 2014-06-19.
5. Aggravated assault and international law offences in Syria Södertörn District Court, Division 2, B 13656-14 (conviction), judgment 2015-02-26; Södertörn District Court, Division 3, B 2639-16 (conviction/acquittal), judgment 2016-05-11; Svea Court of Appeal, Division 4, B 4770-16 (conviction), judgment 2016-08-05.
6. Genocide and international law offences, serious crime in Rwanda Stockholm District Court, Division 4, B 12882-14 (conviction), judgment 2016-05-16; Svea Court of Appeal, Division 7, B 4951-16 (conviction), judgment 2017-02-15.
7. International law crime, serious crime in Syria, Stockholm District Court, Division 4, B 3787-16 (conviction), judgement 2017-02-16; Svea Court of Appeal, Division 1, B 2259-17 (conviction), judgement 2017-05-31
8. War crime in Iraq, Blekinge District Court, B 569-16 (conviction), judgement 2016-12-06; Court of Appeal of Skåne and Blekinge, Division 2, Section 21, B 3187-16 (conviction), judgement 2017-04-11.
- 9 International law offences in Syria Södertörn District Court, Division 4, B 11191-17 (conviction), judgement 2017-09-25.

10. Genocide and genocide, serious crime in Rwanda, Stockholm District Court, Division 4, B 13688-16 (conviction), judgement 2018-06-27; Svea Court of Appeal, Division 3, B 6814-18 (conviction), judgement 2019-04-29.

11 War crime in Iraq, Örebro District Court, Division 3, B 1662-18 (conviction), judgement 2019-02-19; Göta Court of Appeal, Division 2, Division 25, B 939-19 (conviction), judgement 2019-09-24; and Supreme Court B 5595-19 (conviction), judgement 2021-05-05 NJA 2021 p. 303.

12. International law offences, serious offences and serious war crimes in Syria, Stockholm District Court, Division 4, B 20218-20 (conviction), judgment 2022-03-04.

13. International law offences, serious crime and murder in Iran, Stockholm District Court, Division 4, B 15255-19, (conviction) judgment 2022-07-14

14. International law offences in Syria, Blekinge District Court, B 2759-21, (conviction) judgment 2023-01-04, judgment of the Court of Appeal of Skåne and Blekinge, B 461-23 (conviction) judgment 2023-06-08.

15. War crime in Syria, Gothenburg District Court B 7721-21, B 4663-22 judgement (conviction) 2023-03-29

16. International law offences and murder in Iran 1988, Stockholm District Court, B 15255-19, judgment (conviction) 2022-07-14, Svea Court of Appeal B 9704-22, judgment (conviction) 2023-12-19.