

Cali, 01 de agosto de 2021

Ms. Federica Donati
Official in charge
Special Procedures Subdivision
OACDH

Ref: AL OTH 71/2022

Dear Ms Donati,

We acknowledge receipt of the joint communication of the Special Procedures dated 22 July 2022. Please direct all future communications regarding this matter to me.

We would be grateful if you could please forward this email to Ms Lawlor, Ms Hopenhaym and Mr Cali Tzay.

We write seeking clarification on a number of points.

1. We would be grateful if the Special Procedures could confirm the date by which a response to the joint communication is required. We assume it is 60 days from the date of the joint communication (i.e. by 20 September 2022), but we would be grateful for your confirmation.
2. We would also be grateful if the Special Procedures could provide details about the process once our response has been received and the anticipated timing for any future engagement with the Special Procedures in respect of this matter.
3. It is not clear from the joint communication who made the request for intervention to the Special Procedures and whom they purport to represent. Are the Special Procedures able to provide any details about the complainant?
4. In order to respond fully to the allegations in the joint communication, it would be helpful if we could have sight of the request for intervention. Are the Special Procedures able to provide a copy?
5. At page 4 of the joint communication, the Special Procedures express their "*concern at the alleged wider negative human rights and environmental impacts related to land use in the department of Cauca by the company Smurfit-Kappa and its subsidiary Cartón de Colombia S.A.*". However, no substantive detail about these allegations is provided. In order to

respond fully to these allegations, could the Special Procedures set out their specific concerns and what the allegations are in more detail please?

6. Page 3 of the joint communication refers to the Colombian state's responses to communications [COL 9/2021](#) and [COL 3/2022](#). We have been unable to locate these responses. Could the Special Procedures please provide copies?
7. Page 5 of the joint communication states that a letter on the same matter has also been sent to the Government of Colombia, the Government of Ireland and representatives of Smurfit Kappa. Are the Special Procedures able to provide a copy of those letter(s)? We note that we are unaware of any communications from the Special Procedures to Smurfit Kappa representatives other than myself and [REDACTED]
8. Page 5 of the joint communication also refers to a press release that the Special Procedures intends to issue in respect of this matter. Could the Special Procedures confirm when they intend to issue this press release – will it be before we have had an opportunity to respond to the joint communication? Will we have an opportunity to review and comment on the draft press release?

We look forward to receiving your responses to our queries.

Kind regards,

A handwritten signature in black ink, appearing to read 'Alvaro Jose Henao R.' with a period at the end.

Alvaro Jose Henao R.

CEO

Smurfit Kappa Central Cluster

Colombia, Ecuador, Perú, Central America and the Caribbean