15th September 2022

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To: (1) Ms. Mary Lawlor – Special Rapporteur on the situation of human rights defenders
(2) Ms. Fernanda Hopenhayn – Chair-Rapporteur of the Working Group on the issue of human
rights and transnational corporations and other business enterprises
(3) Mr. José Francisco Cali Tzay – Special Rapporteur on the rights of indigenous peoples
(4) [Redacted] - Chief Special Procedures Branch
C/o United Nations Human Rights Special Procedures
Palais Des Nations, 1211 Geneva 10, Switzerland

Dear Sirs,

JOINT COMMUNICATION FROM SPECIAL PROCEDURES

We refer to your letter to us dated 29th August 2022.

We regret to note the contents of your letter to us based purely on the information presumably received from
SAVE Rivers.

It may be appropriate for us to provide the correct context in which we have had to commence legal
proceedings against the individuals responsible for and/or have control over the contents of and publications
of certain articles on the website known as saverrivers.org (“the SAVE Rivers website”) in respect of Samling
and its group of companies. These articles alleged, amongst others, that the certification issued by the
Malaysian Timber Certification Council (MTCC) in favour of Samling was allegedly done without
compliance with due processes and thereby allegedly in violation of the rights of the indigenous
communities. If you have had the opportunity to consider the articles, you will no doubt appreciate the
allegations cast most negative aspersions on Samling and in fact do, as the allegations severely impacted
our business and commercial relationships.

SAVE Rivers will not be in a position to dispute that such articles were made without first verifying their
authenticity and without contacting Samling for explanation or clarification. Notwithstanding that, Samling
attempted to broach the matter with SAVE Rivers for clarification, but to no avail. The governing body in
question, MTCC, subsequently issued a clarification dated 13th August 2020 and titled “Commentary:
Processes involved in Granting Certification Under the MTCS”, clarifying that Samling had indeed
satisfactorily fulfilled the requisite certification requirements. Notwithstanding that, SAVE Rivers persisted
with their allegations, essentially compelling Samling to demand for the publications of such allegations to
cease, again to no avail, and eventually Samling has had to file a claim when the one year statutory limitation
period applicable in the State of Sarawak was about to set in.
Samling has since issued a statement on its website clarifying the matter. We insert the link below for your case of reference:


In the circumstances, we must strenuously deny the allegation that Samling’s claim is intended to be or amounts to a strategic lawsuit against public participation, also known as SLAPP, as alleged. We deeply respect the rights of the indigenous community and have always work harmoniously with the community in our operational areas. Our Corporate Social Responsibility (CSR) record in our operational areas speak for itself and we believe the community stand with us and support our work. We note the reference to a similar letter being sent our Government and we should take this opportunity to add that we have not received a request of this nature from our Government. In this regard please do let us know as to whom you have directed your request to, to enable us to extend a copy of our response. Rest assured that if and when called upon by our Government, we are ever ready for consultation.

While we appreciate the nature of your responsibility, SAVE Rivers’ alleged claim of a SLAPP being directed at them must necessarily be balanced against Samling’s rights to safeguard its interests in the face of spurious allegations. The conduct of SAVE Rivers, in all fairness, should be scrutinised too. It is not surprising to us that SAVE Rivers has again resorted to strategic manoeuvres to pressure us to drop the claim. This is the second of such attempts. When SAVE Rivers and its team requested for extension of time to respond to Samling’s demand, Samling remained conciliatory and acceded to their request for time. It was at this time that a complaint was supposedly lodged by another organisation on behalf of SAVE Rivers with MTCC, as a tactical pressure. In that regard, please furnish us the details or letter containing the information received by you mentioned in paragraph 2 of your Joint Communiqué, which were not made known to us by SAVE Rivers until we received your letter.

The timing of the current complaint by SAVE Rivers is curious, to say the least, as the hearing of the claim is fast approaching. In the circumstances, we trust you will appreciate that save for the above and what has been publicly made available, including information made available by MTCC, for strategic reasons, we are unfortunately not in a position to provide you with further information. We intend to vigorously defend our reputation and will be adducing the relevant evidence in Court.

Meanwhile, as you will appreciate, we will have to reserve all our rights.

Thank you.

Yours faithfully

for SAMLING PLYWOOD (MIRI) SDN. BHD.
TREEONE MEGAPELLET SDN. BHD.
(formerly known as SAMLING PLYWOOD (BARAMAS) SDN. BHD.)

[Signature]

Chief Executive Officer

[Signature]

Chief Operating Officer