



**SAMLING PLYWOOD (MIRI) SDN. BHD.**

Registration No. 198401000696 (113217-A)

**TREEONE MEGAPELLET SDN. BHD.**

(formerly known as SAMLING PLYWOOD (BARAMAS) SDN. BHD.)

Registration No. 198701005044 (163715-P)

15<sup>th</sup> September 2022

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To : (1) Ms. Mary Lawlor – Special Rapporteur on the situation of human rights defenders  
(2) Ms. Fernanda Hopenhaym – Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises  
(3) Mr. Jose 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 29<sup>th</sup> 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 *saverivers.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 13<sup>th</sup> 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 ease of reference:

<https://www.samling.com/sites/default/files/content/media-release/pdf/2022/Samling-Group-refutes-online-news-reports.pdf>

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.

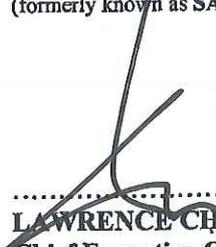
While we appreciate the nature of your responsibility, SAVE Rivers' alleged claim of a SLAPP being directed at them must necessarily be balanced against Samling's rights to safeguard its interests in the face of spurious allegations. The conduct of SAVE Rivers, in all fairness, should be scrutinised 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 Communique, 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.**)

  
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**LAWRENCE CHIA KEE LOONG**  
Chief Executive Officer

  
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**JAMES HO YAM KUAN**  
Chief Operating Officer