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ØKOKRIM
Director Trond Eirik Schea
Postboks 8193 Dep
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Basel, 4th October 2012

Dear Director,

We are writing to you to draw your attention to a corruption complaint lodged against a Norwegian, Torstein Dale Sjøtveit, in Sarawak, Malaysia. We would like to ask you whether the following incidents, which form the ground for the complaint in Malaysia, are also liable to prosecution in Norway. If so, we would like to ask ØKOKRIM to start an investigation into the described case.

A group of natives lodged the complaint against Torstein Dale Sjøtveit at the Malaysian Anti-Corruption Commission's office in Miri in early September. Torstein Dale Sjøtveit has been CEO of Sarawak Energy Berhad, the state-owned power supplier in Sarawak, since 2009. In his current role, he is responsible for the realization of several controversial dams in the interior of Sarawak.

The natives accuse Torstein Dale Sjøtveit of abusing his position to favour companies linked to the family of the Chief Minister of Sarawak, Taib Mahmud. As Sarawak Energy Berhad is state-owned, Taib Mahmud is Torstein Dale Sjøtveit's employer. The complaint is based on three documented cases mainly linked to the Murum dam, the first dam now under construction out of a series planned by Sarawak Energy:

- In November 2010, Sarawak Energy granted a MYR 99 mio. (USD 31.8 mio.) power transmission line contract to Universal Cable, of which Taib's son Abu Bekir Taib holds big shares.
- In 2010, Sarawak Energy sold parts of its profitable manufacturing subsidiary, Sawarja Timur, to the same company, namely Universal Cable.
- In January 2012, three Malaysian banks issued Islamic bonds worth MYR 2.5 billion (USD 803 mio.) on behalf of Sarawak Energy. One of these banks was Kenanga Investment bank, of which Taib's family members are the dominant shareholders.

Before becoming the CEO of Sarawak Energy in Malaysia, Torstein Dale Sjøtveit was President and CEO of one of Europe's biggest shipbuilding groups, STX Europe AS (formerly "Aker Yards"). He also worked for Norsk Hydro during 27 years with his final

position as President of Aluminium Metal.

The full complaint and the related documents are open to your examination and attached to this letter.

We would like to add here, that the construction works on the mentioned Murum dam, are currently blocked by hundreds of natives asking the Sarawak government and Torstein Dale Sjøtveit to respect their rights.

They decided to block the access road to the Murum dam, when they heard about the conditions for their resettlement as lined out in the recently-leaked Murum Resettlement Action Plan. Although the document itself claims to be publicly available, it has never been made public or shown to the affected people. And this at a stage where Murum dam enters its final construction phase with the impoundment planned to start in early 2013.

The procedure of Sarawak Energy and the Sarawak state-government concerning the planning and the construction of the Murum dam as well as the resettlement goes against international standards such as the UN Declaration on the Rights of Indigenous Peoples or the standards of the International Finance Corporation. The following list should give an excerpt of how Sarawak's state-government and Sarawak Energy, under the lead of Torstein Dale Sjøtveit, have neglected the rights of the affected people at Murum:

- No consent or consultation of the affected communities in the forefront of the planning and construction of the dam
- No public disclosure of the Social and Environmental Impact Assessment and the Resettlement Action Plan
- The Social and Environmental Impact Assessment and Resettlement Action Plan were developed after the construction works of the dam had already started
- No proper information of the people on their upcoming resettlement and compensation payments
- No fair compensation: monthly allowance after resettlement falls below poverty level, new farmland already covered with oil palms, no access to forest...

Two attached articles of Sarawak report support these issues.

We are aware that international standards on resettlement and planning of big projects are not legally binding and therefore not triable. However, Torstein Dale Sjøtveit's involvement in corrupt practices in the context of Murum dam seem to be triable from our perspective. Therefore, we would like to ask you whether ØKOKRIM has any means under Norwegian law to start an investigation into this case.

Thank you very much for your consideration.

Yours sincerely,



Dr. Lukas Straumann
Executive Director
Bruno Manser Fund



Annina Aeberli
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Bruno Manser Fund