

Our Ref: Your Ref: UA OTH 47/2018

Your Ref: 26th July 2018

Date:

Road Contractors
Civil Engineers
Mechanical Engineers
Piping and Process
Structural Steel



BEATRIZ BALBIN,
CHIEF, SPECIAL PROCEDURES BRANCH
OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS,
1st Floor, Occidental Plaza
Muthithi Road, Westlands
P.O. BOX 47169 – 00100
NAIROBI

Dear Madam,

We refer to your email dated 25th July, 2018 and wish to respond as follows:

We note that your letter to us has inaccuracies including but not limited to the name of the Chief Executive Officer and also the contract amount.

Whilst we are conscious of the ongoing demolition exercise, we deny any involvement in the same in any shape or form. As of 11.00 am on 26th July, 2018, no machines or equipment belonging to H Young Company (EA) Limited was present in the demolition area and any evidence you have to the contrary is erroneous.

Our company's involvement in the project is merely as contractors who have been employed by the Kenya Urban Roads Authority (KURA), a state agency, to construct the Ngong Road – Kibera – Kungu Karumba – Langata Road (Missing Link No. 12).

A Commentary on the said Guiding Principle 19 of states that leverage is considered to exist where the enterprise has the ability to effect change in the wrongful practices of an entity that causes a harm.

Accordingly, we have no leverage whatsoever as we have no role in the compensation and resettlement of the alleged displaced people. This is in the domain of our employer and the Government of Kenya.

Our company was neither a stakeholder nor a participant in the meetings held between the employer, Kenya Urban Roads Authority, the National Lands Commission and various Human Rights Organizations.

As stated in your letter, the residents of Kibera filed a Nairobi ELC No. 974 of 2016 Abdulmajid Ramadhan & Others vs Kenya Urban Roads Authority (KURA) & 3 Others in 2016. Consequently, an injunction issued that halted all the works on the site until the dispute on

the resettlement was resolved. Our company halted all the works on the disputed site and has not been present since.

On our part, we have not taken any part in the ongoing demolitions as the same are being conducted by the Kenya Police together with the National Youth Service Equipment.

With regard to your queries on steps taken to safeguard the rights of the potentially affected groups we would like to respond to the queries listed respectively, as follows:

1. We deny any allegations of violations of human rights or breaches of the Guiding Principles on Business and Human Rights as alleged in your letter.
2. As contractors we have halted all works until the dispute is resolved or until we are instructed to resume construction works on the site by the employer. We reiterate that as contractors we have no control of the steps taken to remedy or prevent the alleged human rights violations.
3. We reiterate that we were not invited and were not party to the consultations and dialogues initiated by the various stakeholders.
4. We restate that the Company has not been involved in any violations of human rights as we have not taken part in the alleged forced eviction.
5. There has been no interaction between H Young Company (EA) Limited and the Government of Kenya with regard the ongoing demolition and eviction. We restate that as contractors we have no leverage over our employer and hence cannot influence their actions.

In conclusion, we reiterate that as a contractor we have not taken part in the said demolitions or evictions and we are not present at the site at the moment.

However, when instructed by the employer we will enter the area provided that there are no obstructions of any kind or form and we shall proceed with the construction works as instructed.

Yours Faithfully,
FOR: H. YOUNG & COMPANY (E.A) LIMITED


VERONICA NJOKI
COPORATE AFFAIRS OFFICER