

United Nations Human Rights Office of the High Commission
Ms Federica Donati
Officer-in-charge
Special Procedures Branch
OHCHR

18 September 2024

By email: ohchr-registry@un.org

Your reference: AL OTH 120/2024

RE: JOINT COMMUNICATIONS FROM SPECIAL PROCEDURES

Dear Ms Federica Donati

Thank you for your letter dated 12 September 2024 (reference AL OTH 120/2024) addressed to Nicholas Holdings Limited.

Hyphen Hydrogen Energy (Pty) Ltd (“**Hyphen**”) and its shareholders ENERTRAG Hyphen Holdings GmbH (“**ENERTRAG**”) and Nicholas Holdings Africa Limited (“**NHAL**”), control their shareholding in Hyphen via Hyphen International Holdings Limited (“**HIHL**”) and this letter is being sent in response to your letters that you indicate you sent to both of the shareholders separately and to Hyphen (which additional letters we have yet to receive).

Firstly, I would like to confirm that Hyphen and its shareholders are acutely aware of the historical significance of Shark Island and the atrocities that took place there in the early 1900s when Shark Island was used as a concentration camp. Representatives from Hyphen and its shareholders have visited the Shark Island site many times in order to try to better understand the historical significance and history of the site. In addition, Hyphen’s staff and shareholder representatives have also separately visited grave sites in and around the town of Lüderitz believed to contain the remains of victims of these atrocities to further enhance our understanding of other culturally significant sites linked to Shark Island. Hyphen has further recruited two community relationship managers in Lüderitz to further advise Hyphen on the historical significance of this Shark Island the atrocities that took place, amongst their other duties. One of our two community relationship managers has a very close working relationship with [REDACTED], the current deputy Mayor of the town of Lüderitz, who is a direct descendent of Kaptein [REDACTED], leader of the !Aman tribe of Namas from Bethanien. Kaptein [REDACTED] was the leader of the Nama people during the genocide and passed away on 16 February 1907 in the concentration camp on Shark Island. Through this direct relationship and engagement Hyphen has been able to gain

greater insight into the history of Shark Island and the atrocities that took place. We truly believe that it is incumbent upon us to understand, to the fullest extent possible, the history of the area in which the project is located in order to be able to identify all potential impacts that the project could potentially have on the local community in which the project is located.

Reading your letter, there does however appear to be some misunderstanding as to i) who is proposing to undertake which developments, ii) where these developments are located and iii) the purpose of such proposed developments. I am therefore pleased that you will be directing letters to both the Namibian Ports Authority ("**Namport**") and the Government of the Republic of Namibia ("**GRN**") who we believe are best placed to answer the questions in your letter. We would be pleased to provide you with their contact details should you require them.

Given the above misunderstanding, we think that it is useful for HIHL to try and provide some additional factual information to you in the interim to help guide your engagements with Namport and GRN in these subsequent discussions.

The expansion of the existing port of Lüderitz, called Robert Harbour, is being proposed by Namport, not by Hyphen. It is Hyphen's understanding that the expansion is being proposed as Robert Harbour has reached full operational capacity and the expansion proposed is to cater to service the projected growth in existing and future trade volumes through the port, including the emerging oil and gas industry. For the sake of clarity, Hyphen can confirm that it will not, and has never contemplated, the use Robert Harbour for the export of ammonia.

It is Hyphen's understanding that Namport is still in the process of conducting its environmental and social impact assessment ("**ESIA**") for the proposed Robert Harbour expansion, which is a matter of public record. The ESIA process includes the undertaking of archaeological and heritage risk assessments as well as mandatory public engagements, all of which are set out in Namibia's environmental legislation. Namport is best placed to provide you with information as to the current status of these studies specifically and the broader ESIA process generally.

For the avoidance of doubt, the proposed development by Hyphen is located across the bay from the existing port of Robert Harbour, some 2km from Shark Island, at a location called Angra Point, with the proposed location for the larger onshore port and chemical production complex located further to the west of Angra Point. In order to assist you in your orientation, I enclose below a Google Earth image which identifies the locations of the town of Lüderitz, Robert Harbour, Shark Island and the proposed new port and industrial complex at Angra Point.



We trust that you will find our response to be helpful and please do not hesitate to contact me should you have any further queries.

Sincerely yours,



Marco Raffinetti
Director

