Thank you for your research query touching on the allegations against Kakuzi PLC.

We wish to clarify that the objective of filing the High Court Petition was to compel the respondents to produce the evidence they publicly stated they had on Human Rights violations to the Court. This petition came as a last resort after the respondents had ignored our written requests to avail this same information to the authorities or ourselves. The purport of the petition was to therefore seek that the stated evidence is brought into the public domain to allow the authorities to place the alleged perpetrators before the criminal justice system. Justice will only be served when the communities we work and live within are protected against criminal behaviour.

It is against this background that the respondents claimed that the action taken was a SLAPP. A SLAPP is intended to impede justice and silence voices when allegations such as these emerge. Our petition was not a SLAPP and in no way did it impede justice. We made the decision to withdraw the petition in good faith as our intention was the direct opposite of what SLAPP’s are intended to achieve.
The company filed a withdrawal of the case at the High Court in favour of an independent mediation process. The mediation proposal was to have an independent panel that would guide the parties in having evidence of these allegations provided to the investigative authorities. Regrettably, the respondents have declined the mediation proposal.

Whilst we hope that one day the evidence to secure convictions against any person who has committed these alleged criminal acts will come to light, we believe our responsibilities are much wider. To this end, we have been working in conjunction with internationally recognised Human Rights experts to develop an Operational level Grievance Mechanism (OGM) which is fully aligned to the United Nations Guiding Principles on Business and Human Rights. We favoured the development of an OGM as it is highly focused on accessing remedy and safeguarding victims of Human Rights violations that are caused by, contributed to or directly linked to the impacts of our business and business relationships in a credible, sensitive, timely and effective manner.

We have also established an Independent Human Rights Advisory Committee to the Board of Kakuzi. We are honoured that a former Attorney General of Kenya, Professor Githu Muigai SC has agreed to Chair this committee. This committee advises the Board on the effectiveness of the Company’s OGM, working practices, policies and procedures and the overall integration and implementation of Human Rights standards across our operations.

We believe that this is how progressive businesses respond when faced with such allegations.

Ends