

REPUBLIC OF ZAMBIA  
WRIT OF SUMMONS  
(for issue from the Principal Registry)

2025/HP/0291

In The High Court for Zambia  
At The Principal Registry  
Holden at Lusaka  
(Civil Jurisdiction)

Between:

Panthera Ventures Limited

And

Sino-Metals Leach Zambia Limited

Defendant



To: Sino-Metals Leach Zambia Limited of No. 32 Enos Chomba Road, Parklands, Kitwe

You are commanded in the President's name that within 21 days after the service of this writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in an action at the suit of Panthera Ventures Limited and take notice that in default of your so doing the Plaintiff may proceed therein, and judgment may be given in your absence.

WITNESSETH the Honourable Justice Dr Mumba Malila S.C. the Chief Justice of Zambia.

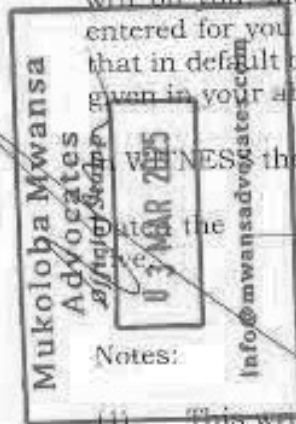
at the day of February in the year of our Lord Two Thousand and Twenty-

Memorandum to be subscribed on the Writ



Notes:

- (1) This writ is to be served within twelve calendar months from the date thereof or, if renewed, within six calendar months from the date of the last renewal, including the day of such date and onwards.
- (2) The defendant (or defendants) may appear hereto by entering an appearance (Or appearances) either personally or by solicitor at the Principal Registry, High Court for Zambia, Lusaka.
- (3) A defendant appearing personally may, if he desires, enter his appearance by post and the appropriate forms may be obtained from any High Court Registry or from any Subordinate Court office. The forms, when completed, should be sent in triplicate by registered letter addressed to "The Registrar, P.O. Box RW67, Ridgeway, Lusaka", so as to reach him within the time stated above.



Endorsements to be made on the Writ before issue thereof

And the Plaintiff claims:

1. An Order for the Defendant to cease all activities that result in the discharge of pollutants and contaminants into the environment;
2. An Order for the Defendant to shut down all operations at the tailings containment facility TD15F until comprehensive repairs and upgrades are completed to prevent future leaks;
3. An Order for the Defendant to suspend all effluent discharge into the Mwambashi River and any other water bodies until the effluent meets the water quality standards set by the Zambia Environmental Management Agency (ZEMA);
4. An Order the Defendant to cease all airborne emissions of pollutants and install air pollution control equipment to ensure compliance with air quality standards;
5. An Order for the Defendant to identify and cease the activities or sources contributing to soil and water contamination, ensuring that no further pollutants are discharged into the environment;
6. An Order for the Defendant to implement soil remediation measures, including the removal of contaminated soil and the introduction of clean soil to restore agricultural productivity;
7. An Order for the Defendant to purify the contaminated water in the Mwambashi River and adjacent water bodies, ensuring that the water meets the water quality standards set by ZEMA;
8. An Order for the Defendant to reforest and replant the affected areas with native vegetation to restore the natural habitat and prevent soil erosion;
9. An Order for the Defendant install air pollution control equipment to reduce emissions and ensure compliance with air quality standards;
10. An Order for the Defendant to provide all information relating to its licences with ZEMA, as well as all interim and subsequent reports relating to your compliance with the issues stated above.
11. An Order for the Defendant to provide compensation and/or a compensation plan for medical expenses incurred by affected residents due to pollution-related health issues, including respiratory illnesses and skin conditions;
12. An Order for the Defendant to provide to compensate farmers and/or provide a compensation plan for the loss of crops, livestock, and income resulting from soil contamination and water pollution;

13. An Order for the Defendant to compensate property owners and/or provide a compensation plan for the decrease in property values caused by the environmental degradation;
14. An Order for the Defendant to establish a community development fund to support local infrastructure projects, health care, and education initiatives in the affected area;
15. An order for the Defendant to provide a detailed compensation plan for the affected communities, outlining the specific measures and amounts of compensation to be provided for each individual. This plan should include: (i) the names and contact details of affected individuals, (ii) a breakdown of compensation amounts for each category of relief sought, and (iii) the total amount demanded per individual;
16. Damages;
17. Interest; and
18. Costs.

(Signed):

This writ was issued by Mukoloba Mwansa Advocates whose address for service is at Stand No. 06/18/4586 Chilumbulu Road, Across Lewanika Mall, Phone: +26097876764/+260973278045, E-mail: info@mukolobamwansadvocates.com, Lusaka, Zambia, Advocates for said Plaintiff whose address is at 7<sup>th</sup> Floor Godfrey House, Longolongo Road, Lusaka, e-mail: panthera@gmail.com

*Endorsement to be made within THREE days after service*

This writ was served by me at \_\_\_\_\_ on the defendant \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2025  
Endorsed the \_\_\_\_\_ day of \_\_\_\_\_, 2025  
(Signed)  
(Address)

\*Here insert both actual and postal address.

\*Mention the city or town and also the name of the street and number of the house of the plaintiff's residence, if any.

In The High Court for Zambia  
At The Principal Registry  
Holden at Lusaka  
(Civil Jurisdiction)

2025/HP/0291

Between:

Panthera Ventures Limited

And

Sino-Metals Leach Zambia Limited



Plaintiff

Defendant

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### Statement of Claim

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1. The Plaintiff is a company incorporated in the Republic of Zambia with its registered office at Lusaka.
2. The Defendant is a company incorporated in the Republic of Zambia with its registered office in Kitwe.
3. The Plaintiff has started this case to hold the Defendant responsible for environmental damage. This action aims to protect the affected community and future generations.
4. This action is premised, *inter alia*, on Section 4 of Environmental Management Act, 2011 (the 'Act'), which guarantees the right to a clean, safe, and healthy environment to all individuals, including the Plaintiff who are entitled to seek redress for any infringement of this right.
5. On or about Tuesday, 18th February 2025, the Water Resources Management Authority (WARMA) received reports of pollution in the Mwambashi River caused by the Defendant.
6. It was discovered that the pollution was due to a failure of the tailings containment facility TD15F, releasing acidic waste with heavy metals into the river.
7. The discharged material consisted of about 75% leach residue, mostly acidic material after copper extraction.
8. The pollution in the Mwambashi River has caused significant environmental damage, including high levels of heavy metals like copper, manganese, and zinc, affecting the main source of water in Kalulushi and causing a water shortage in Kitwe and Kalulushi.
9. The acidic waste from the tailings dam has destroyed crops in several farming fields, making the soil unsuitable for agriculture.

10. The incident has damaged maize and groundnut fields, killed fish and negatively impacted the community's health and well-being.

11. Nkana Water Supply and Sanitation Company (NWSSC) had to take several steps in response to the pollution, including shutting down the water supply, deploying water bowzers, and assessing contamination levels.

12. The Plaintiff will demonstrate that it is in the public interest to protect the following groups:

- (i) Residents of Kitwe, Kalulushi, and surrounding areas: These individuals have been affected by water pollution, crop destruction, and health impacts;
- (ii) Farmers: Those whose crops have been destroyed and whose soil has become unsuitable for agriculture need compensation and support for soil remediation;
- (iii) Property Owners: Individuals who have experienced a decrease in property values due to environmental degradation;
- (iv) Members of the Public: Those requiring medical compensation and support;
- (v) Future Generations: Ensuring the protection of the environment to provide them with a clean and safe habitat; and
- (vii) The Broader Community: The entire community will benefit from environmental restoration, improved water quality, air quality control measures, and reforestation efforts.

Each of these groups has a vested interest in addressing the environmental damage and ensuring proper remediation and compensation.

13. In the light of the above, the Plaintiff will show that the Defendant violated the Act by not maintaining the tailings containment facility thus causing foreseeable environmental harm.

14. The accident was caused by the breach of statutory duty of the defendants, their servants or agents.

15. Particulars of Breach of Statutory Duty

15.1 Section 4: The right to a clean, safe, and healthy environment;

15.2 Section 32: Prohibition of discharges into the environment;

15.3 Section 46: Prohibition of water pollution;

15.4 Further or in the alternative, the accident was caused by the negligence of the defendants, their servants or agents.



16. Particulars of Negligence

16.1 Failure to maintain the tailings containment facility, resulting in environmental pollution and harm.

16.2 In the circumstances, providing an unsafe environment generally and particularly to community at large including personal injury and economic loss.

17. By the reason of the foregoing the Plaintiff has suffered loss

18. And the Plaintiff claims:

18.1 An Order for the Defendant to cease all activities that result in the discharge of pollutants and contaminants into the environment;

18.2 An Order for the Defendant to shut down all operations at the tailings containment facility TD15F until comprehensive repairs and upgrades are completed to prevent future leaks;

18.3 An Order for the Defendant to suspend all effluent discharge into the Mwambashi River and any other water bodies until the effluent meets the water quality standards set by the Zambia Environmental Management Agency (ZEMA);

18.4 An Order the Defendant to cease all airborne emissions of pollutants and install air pollution control equipment to ensure compliance with air quality standards;

18.5 An Order for the Defendant to identify and cease the activities or sources contributing to soil and water contamination, ensuring that no further pollutants are discharged into the environment;

18.5 An Order for the Defendant to implement soil remediation measures, including the removal of contaminated soil and the introduction of clean soil to restore agricultural productivity;

18.7 An Order for the Defendant to purify the contaminated water in the Mwambashi River and adjacent water bodies, ensuring that the water meets the water quality standards set by ZEMA;

18.8 An Order for the Defendant to reforest and replant the affected areas with native vegetation to restore the natural habitat and prevent soil erosion;

18.9 An Order for the Defendant install air pollution control equipment to reduce emissions and ensure compliance with air quality standards;

18.10 An Order for the Defendant to provide all information relating to its licences with ZEMA, as well as all interim and subsequent reports relating to your compliance with the issues stated above.

- 18.11 An Order for the Defendant to provide compensation and/or a compensation plan for medical expenses incurred by affected residents due to pollution-related health issues, including respiratory illnesses and skin conditions;
- 18.12 An Order for the Defendant to provide to compensate farmers and/or provide a compensation plan for the loss of crops, livestock, and income resulting from soil contamination and water pollution;
- 18.13 An Order for the Defendant to compensate property owners and/or provide a compensation plan for the decrease in property values caused by the environmental degradation;
- 18.14 An Order for the Defendant to establish a community development fund to support local infrastructure projects, health care, and education initiatives in the affected area;
- 18.5 An order for the Defendant to provide a detailed compensation plan for the affected communities, outlining the specific measures and amounts of compensation to be provided for each individual. This plan should include: (i) the names and contact details of affected individuals, (ii) a breakdown of compensation amounts for each category of relief sought, and (iii) the total amount demanded per individual;

18.6 Damages;

18.7 Interest; and

18.8 Costs.

Dated at Lusaka the \_\_\_\_\_ day of \_\_\_\_\_ 2025

Per: Mukoloba Mwansa Advocates  
Stand No. 06/18/4586 Chilumbulu Road  
Across Lewanika Mall  
Phone: +26097876764/+260973278045  
E-mail: info@mwansadvocates.com  
Lusaka, Zambia

Advocates for the Plaintiff

To: The Defendant  
Sino-Metals Leach Zambia Limited  
Registration Number 120040057192  
No. 32 Enos Chomba Road  
Parklands  
olipahn@gmail.com  
Kitwe, Zambia